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EUROPEAN SOCIAL CHARTER

8th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF AUSTRIA

Article 1, 9, 10, 15, 18, 20 and 25

for the period 01/01/2015 - 31/12/2018

Report registered by the Secretariat on

14 February 2020

CYCLE 2020

REVISED EUROPEAN SOCIAL CHARTER

8th NATIONAL REPORT

in accordance with Article C of the Revised European Social Charter and Article 21 of the European Social Charter on measures taken to give effect to
Articles 1, 9, 10, 15, 18, 20 and 25
for the period from 1 January 2015 to 31 December 2018

submitted by

THE FEDERAL GOVERNMENT OF AUSTRIA

The ratification instrument of the Revised European Social Charter was deposited on
20 May 2011

Austria has accepted the Articles of the thematic group “Employment, training and equal opportunities” with the exception of Articles 15 § 2, 18 § 3 and 24.

In accordance with Article C of the Revised European Social Charter and Article 23 of the European Social Charter, copies of this report have been communicated to:

the Austrian Trade Union Federation (*Österreichischer Gewerkschaftsbund*)

the Austrian Federal Chamber of Labour (*Bundesarbeitskammer*)

the Austrian Federal Economic Chamber (*Wirtschaftskammer Österreich*)

the Federation of Austrian Industry (*Vereinigung der Österreichischen Industrie*)

the Presidential Conference of Austrian Chambers of Agriculture (*Präsidentenkonferenz der Landwirtschaftskammern Österreichs*)

Council of Austrian Chambers of Agricultural Labour (*Österreichischer Landarbeiterkammertag*)

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As requested by the Committee, this report is limited to specific and targeted questions raised in the Appendix of the email of 27 May 2019. In addition, the report contains replies to conclusions of non-conformity. Where the situation was found to be in conformity in the previous cycle and where no major changes have occurred, this report does not provide additional information.

ARTICLE 1 - THE RIGHT TO WORK

Paragraph 1 - Policy of full employment

Reference is made to previous reporting, which the Committee found to be in conformity with Article 1§1 of the Charter. In addition, the following information is provided:

In response to the Committee's request in the Appendix of the email of 27 May 2019 for information on labour market policy measures specifically designed to support specific groups or communities, such as: young people who have not yet entered the labour market, persons in geographical areas and communities with distinct levels of underemployment (quality) or unemployment (quantity) or experiencing severe or chronic unemployment as well as migrants and refugees, the following information is provided:

With regard to young people, reference is made to the “Basic Information Report, Reporting Year 2016/2017 - Labour Market Policy - Institutions, Procedures, Measures” as well as to the “Youth and Work in Austria report (reporting year 2016/2017)”. With regard to persons from migrant background, reference is made to the “Basic Information Report, Reporting Year 2016/2017 - Labour Market Policy - Institutions, Procedures, Measures “.



Basic information
report 2016_2017_La



Youth and Work in
Austria_2016_2017.p

With regard to persons in geographical areas and communities with distinct levels of underemployment or unemployment or experiencing severe or chronic unemployment, two summaries showing unemployment rates by Austrian state (*Land*) and by labour market district (regional geographical districts) are provided below. Austria's labour market policy displays no pronounced regional component, and consequently no action at regional level is currently required.

Unemployment, employment and unemployment rates by Austrian state

Date: 2018

Unemployed persons (according to Austrian Public Employment Service - AMS) and dependently employed persons (according to the Austrian Main Association of Austrian Social Security Institutions - HV) as of the reference date: Unemployment rate as percentage

		Women			Men			Total		
		Number	Absolute change from previous year	Percentage change from previous year	Number	Absolute change from previous year	Percentage change from previous year	Number	Absolute change from previous year	Percentage change from previous year
Unemployment	Burgenland	4,009	-316	-7.3%	4,742	-543	-10.3%	8,751	-859	-8.9%
	Carinthia	9,888	-1,003	-9.2%	11,769	-1,193	-9.2%	21,658	-2,196	-9.2%
	Lower Austria	23,482	-1,778	-7.0%	28,996	-3,742	-11.4%	52,478	-5,521	-9.5%
	Upper Austria	15,856	-1,416	-8.2%	19,302	-3,100	-13.8%	35,157	-4,516	-11.4%
	Salzburg	6,114	-198	-3.1%	7,409	-573	-7.2%	13,523	-771	-5.4%
	Styria	15,178	-2,052	-11.9%	19,858	-3,102	-13.5%	35,036	-5,153	-12.8%
	Tyrol	8,319	-1,300	-13.5%	9,193	-1,532	-14.3%	17,512	-2,831	-13.9%
	Vorarlberg	4,480	-97	-2.1%	5,012	-371	-6.9%	9,492	-467	-4.7%
	Vienna	49,941	-1,725	-3.3%	68,560	-3,829	-5.3%	118,501	-5,554	-4.5%
	Austria	137,266	-9,884	-6.7%	174,841	-17,984	-9.3%	312.107	-27,868	-8.2%

Dependently employed persons	Burgenland	49,334	1,087	2.3%	55,255	779	1.4%	104,589	1,866	1.8%
	Carinthia	101,578	1,680	1.7%	112,439	1,984	1.8%	214,017	3,664	1.7%
	Lower Austria	277,602	4,992	1.8%	342,585	7,980	2.4%	620,186	12,972	2.1%
	Upper Austria	298,512	6,085	2.1%	367,183	9,493	2,7%	665,696	15,579	2.4%
	Salzburg	123,197	2,002	1.7%	136,157	2,988	2,2%	259,354	4,990	2,0%
	Styria	240,194	5,881	2.5%	283,676	9,511	3.5%	523,870	15.391	3.0%
	Tyrol	160,046	4,114	2.6%	178,912	4,082	2.3%	338,958	8,196	2.5%
	Vorarlberg	77,159	1,925	2.6%	89,126	2,017	2.3%	166.284	3,941	2.4%
	Vienna	413,707	7,969	2,0%	434,823	11,619	2,7%	848,530	19,589	2.4%
	Austria	1,741,328	35,735	2.1%	2,000,156	50,453	2.6%	3,741,484	86,188	2.4%
Unemployment rate	Burgenland	7.5%	-0.7%	-8.6%	7.9%	-0.9%	-10.6%	7.7%	-0.8%	-9.7%
	Carinthia	8.9%	-1.0%	-9.8%	9,5%	-1.0%	-9.8%	9.2%	-1.0%	-9.8%
	Lower Austria	7.8%	-0.7%	-8.0%	7.8%	-1.1%	-12.4%	7.8%	-0.9%	-10.5%
	Upper Austria	5.0%	-0.5%	-9.6%	5.0%	-0.9%	-15.3%	5.0%	-0.7%	-12.8%
	Salzburg	4.7%	-0.2%	-4.5%	5.2%	-0.5%	-8.7%	5.0%	-0.4%	-6.9%
	Styria	5.9%	-0.9%	-13.2%	6.5%	-1.2%	-15.3%	6,3%	-1.1%	-14.4%
	Tyrol	4.9%	-0.9%	-15.0%	4.9%	-0.9%	-15.4%	4.9%	-0.9%	-15.2%
	Vorarlberg	5.5%	-0.2%	-4.3%	5.3%	-0.5%	-8.5%	5.4%	-0.4%	-6.6%

	Vienna	10.8%	-0.5%	-4.6%	13.6%	-1.0%	-6.8%	12.3%	-0.8%	-5.9%
	Austria	7.3%	-0.6%	-8.0%	8.0%	-1.0%	10.7%	7.7%	-0.8%	-9.5%

Dependently employed persons according to the Main Association of Austrian Social Security Institutions (HV)

Unemployment rate: Unemployed persons as a percentage of the labour force (unemployed persons + dependently employed persons)

For 2008 no change from the previous year can be shown due to a modified method of compiling employment statistics.

NOTE: Averages may contain rounding differences.

AL083/ Würfel: amb\gu000

Unemployment rate by labour market district

Date: 2018

Unemployment rate as percentage	Women		Men		Total	
	Number	Absolute change from previous year	Number	Absolute change from previous year	Number	Absolute change from previous year
101-Eisenstadt	5.9%	-0.5%	6.2%	-0.5%	6.1%	-0,5%
102-Mattersburg	6.7%	-0.5%	7.2%	-0.7%	7.0%	-0.6%
103-Neusiedl am See	6.5%	-0.2%	6.4%	-0.4%	6.5%	-0.3%
104-Oberpullendorf	6.7%	-0.9%	7.1%	-0.8%	7.0%	-0.9%
105-Oberwart	8.2%	-1.0%	8.9%	-1.3%	8.6%	-1.1%
106-Stegersbach	8.9%	-0.4%	8.5%	-1.3%	8.7%	-0.9%
107-Jennersdorf	5.1%	-1.5%	6.0%	-1.8%	5.6%	-1.7%
201-Feldkirchen	6.9%	-0.6%	8.4%	-0.6%	7.7%	-0.6%
202-Hermagor	6.2%	-0.4%	6.2%	0.2%	6.2%	-0.1%
203-Klagenfurt	8.7%	-0.9%	10.6%	-1.0%	9.7%	-0.9%
204-Spittal/Drau	10.7%	-1.3%	9.7%	-1.0%	10.1%	-1.1%
205-St. Veit/Glan	7.0%	-1.2%	8.1%	-1.2%	7.5%	-1.2%
206-Villach	10.1%	-0.9%	9.9%	-1.2%	10.0%	-1.1%
207-Völkermarkt	9,5%	-0.8%	9.9%	-0.7%	9.7%	-0.7%
208-Wolfsberg	6.8%	-1.1%	6.4%	-1.1%	6.6%	-1.1%
301-Amstetten	4.4%	-0.6%	4,3 %	-0.9%	4,3%	-0.8%
303-Baden	/0	/0	/0	/0	/0	/0
304-Baden new	8.6%	-0.9%	9.9%	-1.0%	9.3%	-0.9%
305-Berndorf - St. Veit	/0	/0	/0	/0	/0	/0
306-Bruck/Leitha	7.1%	-0.2%	6.9%	-0.7%	7.0%	-0.5%
308-Gänserndorf	8.6%	-0.3%	8.8%	-0.9%	8.7%	-0.6%
311-Gmünd	8.2%	-1.0%	9.1%	-1.1%	8.7%	-1.1%
312-Hollabrunn	6.1%	-0.5%	6.9%	-0.9%	6.5%	-0.7%
313-Horn	4.6%	-0.4%	5.5%	-0.9%	5.1%	-0.7%
314-Korneuburg	5.9%	-0.3%	6,3%	-1.0%	6.1%	-0.7%

315-Krems	6.4%	-0.3%	7.2%	-0.9%	6.8%	-0.6%
316-Lilienfeld	6.6%	-0.7%	7.1%	-1.7%	6.8%	-1.2%
317-Meld	3.9%	-0.3%	4.7%	-0.6%	4,3%	-0.5%
319-Mistelbach	6.1%	-0.5%	6.9%	-0.9%	6.6%	-0.7%
321-Mödling	6.5%	-0.7%	7.3%	-1.1%	6.9%	-0.9%
323-Neunkirchen	8.8%	-0.4%	9.3%	-1.1%	9.0%	-0.8%
326-St. Pölten	7.1%	-0.8%	8.5%	-1.0%	7.9%	-0.9%
328-Scheibbs	3.2%	-0.3%	4.2%	-0.7%	3,8%	-0.5%
329-Schwechat	7.3%	-0.8%	7.7%	-1.2%	7.5%	-1.0%
331-Tulln	5.1%	-0.7%	5.8%	-0.8%	5.5%	-0.7%
332-Waidhofen/Thaya	5.8%	-0.6%	6.6%	-0.8%	6.2%	-0.7%
333-Waidhofen/Ybbs	3.3%	-0.6%	3.5%	-1.0%	3,4%	-0.8%
334-Wr. Neustadt	10.0%	-0.9%	9,5%	-1.7%	9.7%	-1.3%
335-Zwettl	4.4%	0.7%	5.9%	-0.8%	5.2%	-0.8%
401-Braunau	5.6%	-0.5%	5.2%	-0.6%	5.4%	-0.6%
402-Eferding	3.5%	0.1%	3.3%	-0.5%	3,4%	-0.3%
403-Freistadt	4.0%	-0.5%	3.6%	-0.4%	3,8%	-0.5%
404-Gmunden	4.1%	-0.6%	4,3%	-0.9%	4.2%	-0.8%
406-Grieskirchen	3.6%	-0.6%	3,8%	-0.7%	3,7%	-0.6%
407-Kirchdorf/Krems	4.2%	-0.7%	4.1%	-0.5%	4.1%	-0.6%
409-Linz new	6,3%	-0.8%	7.1%	-1.4%	6.8%	-1.1%
411-Perg	4.0%	-0.2%	3.6%	-0.5%	3,8%	-0.3%
412-Ried im Innkreis	4.0%	-0.7%	4,3%	-0.5%	4.1%	-0.6%
413-Rohrbach	2.5%	-0.2%	2,9%	-0.4%	2,7%	-0.3%
414-Schärding	4,3%	-0.7%	4.9%	-1.0%	4.7%	-0.8%
415-Steyr	7.0%	-0.9%	7.3%	-1.2%	7.2%	-1.1%
418-Vöcklabruck	4.8%	-0.6%	4.4%	-0.9%	4.6%	-0.8%
419-Wels	6.9%	-0.3%	6.9%	-1.1%	6.9%	-0.7%
421-Traun	5.6%	-0.4%	5.5%	-1.0%	5.6%	-0.7%
501-Bischofshofen	5.6%	-0.1%	5.0%	-0.3%	5.3%	-0.2%
503-Hallein	4.1%	-0.3%	4.4%	-0.6%	4,3%	-0.4%

504-Salzburg	4.8%	-0.3%	6.0%	-0.6%	5.4%	-0.4%
505-Tamsweg	5.4%	-0.6%	5.2%	-0.4%	5.3%	-0.5%
506-Zell am See	5.6%	-0.3%	5.5%	-0.5%	5.5%	-0.4%
601-Bruck/Mur	6.0%	-0.9%	6.6%	-0.9%	6,3%	-0.9%
603-Deutschlandsberg	5.3%	-0.7%	6.2%	-0.8%	5.8%	-0.8%
604-Feldbach	4.8%	-0.8%	6.4%	-1.0%	5,7%	-0.9%
605-Fürstenfeld	/0	/0	/0	/0	/0	/0
606-Gleisdorf	3,8%	-0.9%	4.2%	-0.9%	4.0%	-0.9%
607-Graz	7.0%	-1.1%	8.5%	-1.6 %	7.8%	-1.4%
609-Hartberg	5,7%	-0.8%	5.9%	-0.9%	5.8%	-0.8%
610-Judenburg	6.8%	-0.7%	6.8%	-0.9%	6.8%	-0.8%
611-Murau	4.2%	-0.8%	5.6%	-1.0%	5.0%	-1.0%
613-Knittelfeld	7.5%	-0.3%	6.7%	-0.8%	7.1%	-0.6%
614-Leibnitz	6,3%	-1.1%	6,3%	-1.3%	6,3%	-1.2%
615-Mureck	/0	/0	/0	/0	/0	/0
616-Leoben	6.7%	-0.6%	6,3%	-0.7%	6.4%	-0.6%
618-Liezen	5.8%	-0.4%	5.3%	-0.8%	5.5%	-0.6%
620-Gröbming	/0	/0	/0	/0	/0	/0
621-Mürzzuschlag	5.8%	-1.0%	4.8%	-1.1%	5.2%	-1.0%
622-Voitsberg	4.7%	-1.2%	5.2%	-1.7%	5.0%	-1.5%
623-Weiz	3.0%	-0.8%	4.1%	-0.7%	3.6%	-0.7%
701-Imst	4.9%	-1.1%	5.1%	-0.9%	5.0%	-1.0%
702-Innsbruck	4,3%	-0.8%	5.3%	-1.0%	4.8%	-0.9%
704-Kitzbühel	4.4%	-0.9%	4.6%	-0.9%	4.5%	-0.9%
705-Kufstein	4.7%	-0.7%	4.4%	-0.7%	4.6%	-0.7%

706-Landeck	9.0%	-0.9%	6.4%	-0.9%	7.6%	-0.9%
707-Lienz	8.0%	-1.9%	6.6%	-1.5%	7.2%	-1.7%
708-Reutte	4.7%	-0.9%	3,4%	-0.6%	4.0%	-0.8%
709-Schwaz	5.1%	-0.7%	4.0%	-0.8%	4.5%	-0.7%
801-Bludenz	5.5%	0.1%	5.0%	-0.1%	5.2%	0.0%
802-Bregenz	5.8%	-0.3%	5.8%	-0.5%	5.8%	-0.4%
804-Dornbirn	6.1%	-0.4%	5.9%	-0.8%	6.0%	-0.6%
805-Feldkirchen	5.1%	-0.2%	5.5%	-0.6%	5.3%	-0.4%

Dependently employed persons as reported by the Main Association of Austrian Social Security Institutions (HV) and sorted by place of residence

Unemployment rate: Unemployed persons as a percentage of the labour force (unemployed persons + dependently employed persons)

Changes in unemployment rate are given in percentage points

AL180 / Würfel: amb\gu000

In response to the Committee's request in the Appendix of the email of 27 May 2019 for statistical information on the overall impact of employment policy during the reference period: economic growth indicators, unemployment rates broken down by gender, age and duration, public expenditure on passive and active labour market measures as a share of GDP, number of participants in active measures (training), activation rate (participants/unemployed ratio), the following information is provided:

The ELIS information system (Economic and Labour Market Information System)

The ELIS information system provides standardised tables on the current state of the labour market and the economy and overviews of the trends in benefit receipts and the financial situation of unemployment insurance. It also offers key labour market figures and a separate collection of data in the field of foreign citizens on the Austrian labour market.

Selected labour market statistics relating to specific topics in connection with the additional question are provided below; the data has been published in the Economic and Labour Market Information System ELIS (www.dnet.at/elis) by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection:

Labour market data and funding by the Public Employment Service (AMS)

- **General labour market data – summary and economic indicators, forecasts, job vacancies and employment entry/unemployment exit avenues**
 - Employment multipliers in Austria:
https://www.dnet.at/elis/Tabellen/amd_beschäftigungsmultiplikatoren.xlsx
 - Eurostat: International comparison of real GDP growth:
https://www.dnet.at/elis/Tabellen/int_wirtschaft_wachstum.xlsx

- Eurostat: International comparison of per capita GDP
https://www.dnet.at/elis/Tabellen/int_wirtschaft_bip_kopf.xlsx
- Comparison of labour market forecasts for 2019 and 2020:
https://www.dnet.at/elis/Tabellen/amd_akt_prognose.xlsx
- Economic indicators:
https://www.dnet.at/elis/Tabellen/amd_zeitreihe_bip.xlsx
- Current status of the labour market as of July 2019:
https://www.dnet.at/elis/Tabellen/amd_amlage_monat.pdf
- Job vacancies:
https://www.dnet.at/elis/Tabellen/amd_zeitreihe_os.xlsx
- Employment policy impact on economic growth and unemployment (final report on employment multipliers by the Austrian Institute of Economic Research WIFO and Joanneum Research):



WIFO JOANNEUM
Beschäftigungsmult

- **Young people in the labour market**

- Registered unemployed persons and participants in training courses as of July 2019:
https://www.dnet.at/elis/Tabellen/amd_al_sc_monat.pdf
- Labour market statistics on young persons (aged 15–24) as of July 2019:
https://www.dnet.at/elis/Tabellen/amd_jug_monat.xlsx
- Labour market statistics on young persons (aged 15–24), averages for 2018:
https://www.dnet.at/elis/Tabellen/amd_jug_jahr.xlsx
- AMS funding and assistance as of July 2019:
https://www.dnet.at/elis/Tabellen/foe_monat.xlsx
- AMS funding and assistance in 2018:
https://www.dnet.at/elis/Tabellen/foe_jahr.xlsx
- Implementation of active labour market policy as of July 2019:
https://www.dnet.at/elis/Tabellen/foe_um_akt_ampolitik_monat.xlsx
- Implementation of active labour market policy in 2018:
https://www.dnet.at/elis/Tabellen/foe_um_akt_ampolitik_jahr.xlsx
- Expenditure for active labour market policy by target group from 2011 to 2018:
https://www.dnet.at/elis/Tabellen/geb_aktiv_gruppen.xlsx

- **Older persons**

- Registered unemployed persons and participants in training courses as of July 2019:
https://www.dnet.at/elis/Tabellen/amd_al_sc_monat.pdf

- Labour market data for older persons (aged 50 and above) as of July 2019:
https://www.dnet.at/elis/Tabellen/amd_alt_monat.xlsx
 - Labour market data for older persons (aged 50 and above), averages in 2018:
https://www.dnet.at/elis/Tabellen/amd_alt_jahr.xlsx
 - AMS funding and assistance as of July 2019:
https://www.dnet.at/elis/Tabellen/foe_monat.xlsx
 - AMS funding and assistance in 2018:
https://www.dnet.at/elis/Tabellen/foe_jahr.xlsx
 - Implementation of active labour market policy as of July 2019:
https://www.dnet.at/elis/Tabellen/foe_um_akt_ampolitik_monat.xlsx
 - Implementation of active labour market policy in 2018:
https://www.dnet.at/elis/Tabellen/foe_um_akt_ampolitik_jahr.xlsx
 - Expenditure for active labour market policy by target group from 2011 to 2018:
https://www.dnet.at/elis/Tabellen/geb_aktiv_gruppen.xlsx
- **Non-Austrians, refugees granted asylum under the Geneva Convention and persons requiring subsidiary protection**
 - Labour market data on persons with a migration background as of July 2019:
https://www.dnet.at/elis/Tabellen/amd_migrationshintergrund_monat.xlsx
 - Labour market data on persons with a migration background in 2018:
https://www.dnet.at/elis/Tabellen/amd_migrationshintergrund_jahr.xlsx
 - Registered unemployed persons and participants in training courses as of July 2019:
https://www.dnet.at/elis/Tabellen/amd_al_sc_monat.pdf
 - Labour market data on non-Austrians in 2019:
https://www.dnet.at/elis/Tabellen/amd_ausl_monat.xlsx
 - Labour market data on non-Austrians, averages in 2018:
https://www.dnet.at/elis/Tabellen/amd_ausl_jahr.xlsx
 - Changes in the labour market for non-Austrians:
https://www.dnet.at/elis/Tabellen/amd_ausl_zeitreihe.xlsx
 - Labour market data for non-Austrians by citizenship as of July 2019:
https://www.dnet.at/elis/Tabellen/amd_ausl_nation_monat.xlsx
 - Labour market data for non-Austrians by citizenship in 2018:
https://www.dnet.at/elis/Tabellen/amd_ausl_nation_jahr.xlsx
 - Number of recipients of funding and assistance from AMS in 2018:
https://www.dnet.at/elis/Tabellen/aus_al_nation_foerderungen.xlsx
 - Expenditure for active and passive labour market policy by target group from 2011 to 2018:
https://www.dnet.at/elis/Tabellen/geb_aktiv_gruppen.xlsx

- **Long-term unemployment**

- Current status of the labour market as of July 2019:
https://www.dnet.at/elis/Tabellen/amd_amlage_monat.xlsx
- Current status of the labour market in 2018:
https://www.dnet.at/elis/Tabellen/amd_allgem_jahr.xlsx
- Eurostat: Long-term unemployment as percentage of unemployed persons compared EU-wide
https://www.dnet.at/elis/Tabellen/int_am_langzeit_anteil_al.xlsx
- Eurostat: Long-term unemployment as percentage of employed persons compared EU-wide
https://www.dnet.at/elis/Tabellen/int_am_langzeit_anteil_erwbev.xlsx
- Annual average change in long-term unemployment from 2014 to 2018:



Übersicht beim
AMS langzeitarbeits

- **Unemployment rate by gender and Austrian state in 2017 and 2018 (CEDAW data)**

- CEDAW unemployment rate of women in rural areas:



CEDAW ALQ Frauen
im ländlichen Raum

- CEDAW unemployment rate of men in rural areas:



CEDAW ALQ
Männer im ländliche

- **Underemployment (atypical employment, especially marginal part-time employment)**

- Registered unemployed persons and participants in training courses as of July 2019:
https://www.dnet.at/elis/Tabellen/amd_al_sc_monat.pdf
- Atypically employed persons as of July 2019:
https://www.dnet.at/elis/Tabellen/amd_atypische_monat.xlsx
- Changes in the number of atypically employed persons:
https://www.dnet.at/elis/Tabellen/amd_atypische_jahr.xlsx

- **Unemployment rate, unemployment, participants in training courses and risk of unemployment by Austrian state**

- Registered unemployed persons and participants in training courses as of July 2019:
https://www.dnet.at/elis/Tabellen/amd_al_sc_monat.pdf
- Unemployment rate as percentage, by Austrian state as of July 2019:
https://www.dnet.at/elis/Tabellen/amd_alq_bdl_monat.xlsx
- Unemployment rate as percentage, by Austrian state in 2018:
https://www.dnet.at/elis/Tabellen/amd_alq_bdl_jahr.xlsx
- Unemployment risk by education level, annual average in 2018:
https://www.dnet.at/elis/Tabellen/amd_alrisiko_ausbildung_jahr.xlsx
- **Public expenditure for passive and active labour market initiatives**
 - Expenditure for active labour market policy and number of funding recipients:
https://www.dnet.at/elis/Tabellen/ken_leistungsbilanz_ams.xlsx
 - Expenditure for active and passive labour market policy by target group from 2011 to 2018:
https://www.dnet.at/elis/Tabellen/geb_aktiv_gruppen.xlsx
- **Participants in active measures**
 - Implementation of active labour market policy as of July 2019:
https://www.dnet.at/elis/Tabellen/foe_um_akt_ampolitik_monat.xlsx
 - AMS funding and assistance as of July 2019:
https://www.dnet.at/elis/Tabellen/foe_monat.xlsx
 - AMS funding and assistance in 2018:
https://www.dnet.at/elis/Tabellen/foe_jahr.xlsx
 - Implementation of active labour market policy in 2018:
https://www.dnet.at/elis/Tabellen/foe_um_akt_ampolitik_jahr.xlsx
 - Expenditure for active labour market policy and number of funding recipients:
https://www.dnet.at/elis/Tabellen/ken_leistungsbilanz_ams.xlsx

Public expenditure for passive and active labour market measures as percentage of GDP

- Refer to OECD Employment Outlook and OECD database:
<https://stats.oecd.org/viewhtml.aspx?datasetcode=LMPEXP&lang=en>

The **annual reports of the Austrian Public Employment Service** (Arbeitsmarktservice, AMS) are available on the following website:

<https://www.ams.at/organisation/geschaeftsberichte>

Paragraph 2 - Freely undertaken work (non-discrimination, prohibition of forced labour, other aspects)

I. Prohibition of discrimination in employment

For discrimination on grounds of disability - see reporting on Article 15.

For discrimination on grounds of sex - see reporting on Article 20.

Reference is made to previous reporting. In addition, the following information is provided:

In response to the Committee's request in its 2016 conclusions for information on whether there is a ceiling/predefined upper limit to compensation in cases of discrimination in employment, the following information is provided:

A ceiling on the compensation awarded for discrimination is defined in the Equal Treatment Act (*Gleichbehandlungsgesetz, GIBG*) under the following circumstances: where discrimination occurs solely through not considering the application either when establishing an employment relationship or in the context of career advancement – in other words, where the applicant would not have been given the position even in the event of non-discriminatory selection. In these cases, compensation is limited to a maximum of EUR 500.

The provisions on the maximum amount of damages hence apply only where the applicant was not the best-qualified candidate and discrimination occurred only inasmuch as the application was not considered for discriminatory reasons. Only in such cases is compensation for interference with an individual's integrity limited to EUR 500. These provisions are in line with the rulings of the European Court of Justice (case of *Draehmpael*, C-180/95).

For a person who would have been employed or promoted if the choice had been non-discriminatory, the law does not define any maximum amount but rather a minimum amount.

As of the amendment to the Equal Treatment Act that entered into force on 1 March 2011, the minimum amount of damages in the context of the establishment of an employment relationship is at least two months' pay with the addition of compensation for the immaterial damage suffered. In the case of career advancement, the amount of damages continues to be the difference in pay for at least three months with the addition of compensation for the immaterial damage suffered. As for the other discriminatory acts, no maximum amount of damages is defined.

In response to the Committee's request in its 2016 conclusions for updated information in the next report on the activities of the Equal Treatment Commission and of the Equal Treatment Ombud Office as well as on any judicial decisions pertaining to discrimination in employment issued by the courts with specific indications regarding their nature and outcome, and compensation paid to the employees, the following information is provided:

Information on the activities of the Equal Treatment Commission (GBK)

The information presented below is taken from the Federal Government's Equal Treatment Report¹. As each report covers a two-year period, the information below represents a summary for four years (2014 to 2017).

Senate I of the Equal Treatment Commission

Between 1 January 2014 and 31 December 2017, a total of 266 applications were submitted, with 165 of these subsequently withdrawn at some stage of the procedure (mostly after an

¹<https://www.frauen-familien-jugend.bka.gv.at/frauen/gleichbehandlung/gleichbehandlungsberichte/gleichbehandlungsberichte-fuer-die-privatwirtschaft.html> (in German)

amicable settlement was reached). A total of 17 cases were deemed by the Senate as not falling within its responsibility or the application in the specific case was rejected due to a lack of concrete detail. A total of 75 sessions were held and review findings prepared in 83 cases.

Senate II of the Equal Treatment Commission

A total of 136 applications were submitted to Senate II between 1 January 2014 and 31 December 2017. A total of 62 applications were withdrawn, 45 of them after a settlement. A total of 22 cases were deemed by the Senate as not falling within its responsibility or the application in the specific case was rejected due to a lack of concrete detail. The Senate met on 46 occasions and prepared review findings in 58 cases.

Since late 2014, both Senate I and Senate II have held sessions to prepare newly submitted applications, in order to sound dispute parties' willingness to strike a settlement and if possible to work towards an agreement.

Senate III of the Equal Treatment Commission

Senate III initiated procedures in a total of 76 cases between 1 January 2014 and 31 December 2017. While 8 applications were withdrawn, in 24 cases the Senate declared itself not competent or discontinued procedures. A total of 37 sets of review findings and one expert opinion were prepared, while in 7 other cases a written report was requested due to suspected non-compliance with the equal treatment principle (compulsory report as required by Section 13 Equal Treatment Commission and Equal Treatment Ombuds Office Act, *GBK/GAW-Gesetz*). A total of 42 sessions were held.

Court rulings in the reporting period

Prohibition of discrimination when establishing an employment relationship (Section 3 no. 1 and Section 17 no. 1 Equal Treatment Act, Gleichbehandlungsgesetz, GIBG)

- ***OLG Vienna ruling ref. 10 Ra 113/17m dated 27 March 2018***

According to the ruling by the Vienna Higher Regional Court (*Oberlandesgericht, OLG*), where an employment relationship is not established due to violation of the equal treatment principle, the job applicant is entitled to compensation from the employer for the financial loss suffered and for interference with the individual's integrity (personal impairment). Where the applicant was the best qualified, the amount of damages awarded is two monthly salaries. If, however, the employer is able to demonstrate that the applicant would not have been given the position even had no discrimination occurred, the maximum amount of damages is EUR 500. In the case cited here, the employer was able to demonstrate that the superior qualification of the individual finally selected was the main reason for not considering the complainant for the position. The reason for the complainant not being given the position was thus not his gender but rather the superior qualification of the other (female) applicant and her more recent professional experience, which are objectively justified grounds. The complainant suffered harm as a result of his application not being considered for discriminatory reasons (EUR 500 was awarded in compensation).

- ***OLG Vienna ruling ref. 9 Ra 117/17t dated 17 May 2018***

Asking a Muslim job applicant whether she would be prepared to remove her Islamic headscarf while at work does not constitute religious harassment. However, if in response to the applicant's refusal the employer replies that he and his wife also must adapt when bathing or swimming in Turkey and that he must remove his shoes when entering a mosque, his

remarks constitute disrespect for the applicant's religious convictions and potentially create for her a degrading and insulting environment. If the applicant's refusal to remove the headscarf at work additionally results in the employer's intention not to hire the applicant, if later in the recruitment process another suitably qualified applicant were to be found who were willing to work without wearing an Islamic headscarf, such conduct would constitute the offence of discrimination through not establishing an employment relationship. The court awarded EUR 1,000 in damages for the harassment and EUR 500 due to failure to establish the employment relationship.

- **OLG Linz ruling ref. 12 Ra 63/16 dated 21 September 2016**

An employer asking a Muslim job applicant during an interview whether she would be willing to remove her headscarf at work is not sufficient grounds for suspicion but is legitimate and non-discriminatory, in the absence of any additional circumstances. Where the overall situation provides no grounds for assuming any discrimination, the applicant has not plausibly demonstrated that her religion was a factor in the employer's decision to refuse her application.

Prohibition of discrimination when determining remuneration (Section 3 no. 2, Section 17 no. 2 GIBG)

- **OGH ruling ref. 9 ObA 10/15h dated 29 April 2015**

The Austrian Supreme Court of Justice (*OGH*) ruled in this case that an employment code (*Dienstordnung*) constitutes a collective agreement. The courts have the duty of reviewing collective agreements to verify whether they violate superior (i.e. overriding) law, in other words, the constitution, EU legislation, applicable statutes of law, good ethical standards or the main principles of labour law.

A case of direct discrimination based on gender exists where an employment code links a pension benefit rule to the differing statutory retirement ages for men and women, with a resulting discrepancy in the assessment base for men and women of the same age and men receiving reduced benefits (specifically in this case, based on the employment code, a 62-year-old man entitled to a corridor pension would receive a reduced pension while a woman of the same age would not have to accept any reduction in regular retirement benefits).

According to case law as established by the European Court of Justice (ECJ) and the Austrian *OGH*, it is immaterial in this case that the provision stipulating a reduced pension is related to a statutory pension provision considered per se to be both constitutional and permissible under EU legislation. Article 7(1)(a) of Council Directive 79/7/EEC of 19 December 1978, on the progressive implementation of the principle of equal treatment for men and women in matters of social security, provides for an exception to the principle of equal treatment. Considering the importance of the principle, this exception must be interpreted narrowly, applying it only when determining the pensionable age for the purposes of granting old-age and retirement pensions or any ensuing consequences for other social security benefits.

- **OGH ruling ref. 9 ObA 84/15s dated 26 November 2015**

The Austrian Broadcasting Corporation (*Österreichischer Rundfunk, ORF*) has various collective agreements and informal works agreements covering staff pay levels. These agreements contain basically identical clauses, excluding from consideration any previous periods of employment or university study prior to the individual's nineteenth birthday when determining an employee's pay level.

In response to the *ORF* central works council's application for a declaratory judgement, filed based on Section 54 Para. 2 of the Labour and Social Court Act (*Arbeits- und Sozialgerichtsgesetz, ASSG*), the *OGH* ruled that collective agreements and informal works agreements stipulating variable recognition of previous periods of work or study depending on an individual's age at the time constitute direct age discrimination (ageism). Recognition of previous periods of work or study has a bearing on the pay category in which an employee is classified, so that omitting previous periods due to age at the time results in pay discrimination against the employees affected. Such employees are entitled to subsequent payment of the difference between the amount due as a result of the employer failing to (fully) recognise periods of previous service or study prior to age 19 and the actual amount paid out to the particular employee.

Prohibition of discrimination in career advancement (Section 3 no. 5 GIBG)

- ***OGH ruling ref. 9 ObA 11/17h dated 24 May 2017***

In this case, a female employee claimed to be the victim of gender discrimination after a male applicant was chosen to fill a management opening that she had applied for at her company. In its ruling, the *OGH* stated that the circumstances of the case as ascertained in no way pointed to a selection process only for the sake of appearances. The company had offered the management position to current employees. Initially, a hearing was held before a committee of three. While the female employee achieved 162.5 points at the hearing but her competitor only 161, the hearing outcome was only one of the criteria considered in filling the management position. In addition, the two candidates' previous performance as well as personalities were discussed with reference to examples from experience, and here the male candidate was rated higher than the female employee in every respect, so that he was selected in the end. The court found that the female employee's gender was not a factor in the choice, nor was the fact that she was on part-time parental leave, after she had claimed at the hearing to be able to meet the requirements of the position to the extent of full-time employment. The female employee was thus not able to plausibly demonstrate any discrimination.

Prohibition of discrimination when terminating employment (Section 3 no. 7, Section 17 no. 7 GIBG)

- ***OLG Vienna ruling ref. 10 Ra 105/17k dated 21 December 2017***

The female employee disputed her dismissal, claiming discrimination due to belonging to an ethnic group. She was able to plausibly demonstrate that she had repeatedly been the subject of discriminatory remarks about the dark colour of her skin made by her co-workers and that she had been dismissed because of complaining about the discrimination to their superiors. The court accordingly declared the dismissal invalid as it constituted a violation of the equal treatment principle.

- ***OLG Vienna ruling ref. 10 Ra 62/17m dated 26 September 2017***

Where a female employee seeking a declaratory judgement establishing the fact that her employee relationship was valid builds her case on the argument that her employer dismissed her due to her sexual orientation, in other words on invalid grounds, she must, as required in Section 26 Para. 12 *GIBG*, plausibly prove the reason for discrimination, in which case such proof of plausibility must meet the reduced, lower standard of proof required for circumstantial evidence. Though, not the standard for *prima facie* evidence. Only the concrete

overall circumstances of the case allow a judgement as to whether any facts are appropriate for plausibly proving the existence of objectionable motives. Only once the female employee is able to plausibly prove the circumstances indicating a relationship between her dismissal and her sexual orientation, or another reason for discrimination, is the burden of proof shifted to the employer. Whether the complainant succeeds in providing such plausible proof, in other words, allowing attestation of the facts as claimed, is the outcome of the judge's evaluation of the evidence and is not a legal assessment. If the decision taken by the employee's superior to dismiss her was based solely on dissatisfaction with the employee's performance, objectionable motives as enumerated in Section 17 Para. 1 no. 7 *GIBG* are to be excluded. Whether the superior's subjective assessment in this case was objectively correct is not the decisive question, since the employee's sexual orientation was not the reason for the dismissal. Thus, the female employee was unable to plausibly prove her claim, as would have been required.

- ***OGH* ruling ref. 9 ObA 13/16a dated 26 January 2017**

In this case, the employee was dismissed once he had reached regular retirement age and was entitled to an old-age pension. The *OGH* referred to ECJ rulings declaring it a legitimate objective of employment policy to dismiss employees who reach retirement age, among other things to facilitate the entry of younger employees into working life and to achieve a balanced age group structure.

Defining the statutory retirement age on the basis of social policy considerations serves not only the purpose of providing a sufficient level of substitute income when, due to the risk of age, an employee can no longer be reasonably expected to work; another intention of such a retirement age is undoubtedly to allow young persons with no other secure means of subsistence to enter the labour market. This social policy objective needs to be reconciled with the requirement of being objectively justified as set out in the Directives. The fact that the employee can expect only a minimum pension does not represent grounds for assuming disproportionality. The *OGH* consequently found that dismissing an employee reaching regular retirement age did not represent a breach of the prohibition of discrimination based on age.

- ***OGH* ruling ref. 9 ObA 106/15a dated 18 August 2016**

According to the *OGH*, a case of direct discrimination based on age upon termination of employment generally exists where an employee is dismissed on the basis of a policy that provides for employees to be generally dismissed before they reach regular retirement age if entitled to a specific type of (early) old-age pension.

A rule imposing dismissal of an employee before reaching regular retirement age cannot be assumed to be justified under social considerations only because the employee is entitled to a corridor pension or a pension after a long pension insurance period.

Economic grounds provide no justification for discrimination. It can, however, be seen as legitimate to seek a socially balanced selection of employees as part of cost-cutting measures necessary for business reasons, by selecting for dismissal employees who have a certain level of social security. Dismissing older employees in a targeted manner because they are costly, without weighing the social consequences in each case, is not an appropriate and necessary approach that ensures balanced consideration of the interests of all workers, including older employees.

- **Ruling ref. 8 ObA 63/16x dated 25 October 2016**

Where a female employee requests part-time parental leave and her employer responds by terminating the employment relationship, thus giving her no opportunity to negotiate with him over the issue of working hours or to allow the issue to be clarified in court, and without offering any alternative, the employee is entitled to compensation on grounds of indirect gender discrimination upon termination of employment.

- **Ruling ref. 8 ObA 47/16v dated 17 August 2016**

Due to being sexual harassed by another employee, the female employee terminated her employment relationship with the employer by resigning prematurely. The complainant had already been awarded compensation from her coworker for the immaterial damage suffered through sexual harassment. The female employee now requested compensation from her employer. The ruling by the *OGH* dealt with the question of whether the employee was entitled to compensation in cases of justified resignation. As set out in the *GIBG*, compensation for the immaterial damage suffered is to be awarded only when the employer terminates the employment relationship on grounds constituting discrimination. Where, in contrast, the employee terminates the relationship on justified grounds due to sexual harassment, the employee is not entitled to compensation for the immaterial damage suffered. The court ruled that it was not possible to interpret the *GIBG* in accordance with the Directive, as such an interpretation would supersede the scope of the Act's unequivocal wording. According to the ruling, this does not constitute a legal loophole opposing the intention of the law, which could be closed by analogy. The court consequently rejected the claim asserted by the employee.

- ***OGH* ruling ref. 9 ObA 117/15v dated 25 May 2016**

In this ruling, the *OGH* dealt with the question of whether it is legitimate for an employee to wear a headscarf or veil her face at work or whether dismissing an employee for veiling her face constitutes discrimination. Where a notary public allowed an employee to wear an Islamic headscarf (*hijab*) and a frock-like dress (*abaya*) at work for years, a case of illegitimate religious discrimination in relation to other working conditions exists where, upon the employee's return to work after parental leave, the employer, while not revoking approval for her wearing the Islamic headscarf, only deploys her to a limited extent to serve clients and act as witness to the signing of wills.

Illegitimate direct discrimination based on religion does not exist, in contrast, where the employer subsequently terminates the employment relationship because of the female employee announcing her intention to oppose the instruction, directed at her individually, to refrain from wearing an Islamic facial veil (*niqab*) at work. The discrimination existing in principle in this case is justified by Section 20 Para. 1 *GIBG*, which specifies an exception for cases where unequal treatment is based on a necessary and material precondition for practising a profession; having one's face uncovered is such a precondition in the context of working for a notary public, as the female employee did.

Considering all of these circumstances as a whole, as well as the intention expressed in Section 26 Para. 14 *GIBG* for compensation to have a preventive effect, the *OGH* judged

EUR 1,200 as appropriate to compensate the employee for the interference with her integrity that she had suffered in relation to other working conditions.

- **OGH ruling ref. 9 ObA 124/14x dated 20 March 2015**

In this specific case, an employee was entitled to a corridor pension after his employment relationship was terminated by his employer. The employee claimed to have been discriminated against in the context of termination of an employment relationship.

The OGH did not recognise any discrimination, ruling that the claimant had not been dismissed because of his age but because the employer no longer had at the company any use for the employee, who for several years had hardly been visibly active, or not at all, while collecting full pay. The employer thus had no alternative but to dismiss the employee, as part of a long-term reorganisation programme involving a moratorium on recruiting as well as staff cuts.

Harassment (Section 6, Section 21 GIBG)

- **OGH ruling ref. 9 ObA 38/17d dated 20 April 2017**

In its ruling, the OGH stated that sexual harassment, as the offence is defined in Section 6 Para. 2 no. 1 GIBG, did not necessarily presuppose that the person concerned had explicitly or tacitly rejected or objected to the sexually harassing conduct.

Where a female employee responded, in like manner at times, to her superior's uninhibited while jesting habits of speech, more than once spiked with sexually suggestive remarks, it must be assumed that the superior's sexually tainted comments did not put the female employee in an intimidating, hostile or humiliating position at work and that such conduct does not qualify as sexual harassment as defined in Section 6 Para. 2 no. 1 GIBG.

- **OLG Innsbruck ruling ref. 15 Ra 13/17z dated 14 March 2017**

The court ruled in this case that calling a dark-skinned employee an "ugly nigger" while at the same time threatening to throw scrambled eggs on his head qualified as harassment on grounds of ethnic origin.

In the related proceedings, it was established and ruled that the coworker had made the incriminating remark in the context of an employment relationship and that he had thereby insulted the dignity of the employee concerned and that that happened in a manner the latter considered undesirable and inappropriate. Whether the remark created a situation that is referred to as "objectionable environment" in the GIBG was still disputed. Harassment exists where an intimidating, hostile, degrading, insulting or humiliating environment for the person concerned is created or is intended to be created. The environment is required to be marked by intimidation, hostility, humiliation or degrading or insulting behaviour. As this depends on the facts of the individual case, in the end all factors need to be assessed as part of an overall evaluation to decide whether a case of harassment exists.

In the case at hand, the victim's coworker reinforced the discriminating remark of "you ugly nigger" with the verbal injury that he would throw scrambled eggs on his head. This remark, considered undesirable and inappropriate by the employee concerned, was related to the employee's ethnic origin and contributed to a strained workplace climate, resulting in a tense atmosphere at work. In the face of this situation, the employee looked to his employer and superiors for support, which was, however, refused. The result was a continuation of the

environment being marked by intimidation and hostility as well as degradation, insult and humiliation, which had been created through the coworker's discriminating remark.

The court awarded the employee concerned compensation in the amount of EUR 1,500 as had been requested.

Assessment of compensation (Section 12 Para. 14)

- **Ruling ref. 9 ObA 49/16w dated 29 September 2016**

When awarding compensation to a victim of discrimination, the duration and seriousness of the impairment need to be considered in particular. Among the factors to be taken into account when determining the amount of such moral compensation (damages) are victims' psycho-physical situation, the quality of their emotional experience, their particular level of sensitivity and the degree to which their emotions vary, while additionally considering that the payment is intended both to compensate such individuals, whose rights have been violated, for any loss of joy in life as well as to alleviate the sense of hurt, thereby restoring the personality balance lost through the injury. Assessment of the amount of damages has to be based on the specific facts of the case, with no general criteria being able to be specified for such cases, even after the employer has been found guilty of discrimination and the conduct is repeated or continues.

- **9 ObA 87/15g dated 27 August 2015**

The *OGH* examined the question of assessing compensation in a case where an employment relationship was terminated due to discrimination. With reference to the loss of income, the court notes that EU legislation requires that the person suffering damage is to be ensured real and effective compensation, with the compensation being of a deterring nature while at the same time proportionate to the harm suffered. The compensation for the personal impairment suffered was set at EUR 1,700. Based on general principles, the duration and intensity of the injury suffered are the major factors for determining the amount of any compensation for non-material loss, which serves as moral compensation. Among the factors to be taken into account when determining the amount of such moral compensation (damages) are victims' psycho-physical situation, the quality of their emotional experience, their particular level of sensitivity and the degree to which their emotions vary, while additionally considering that the payment is intended both to compensate such individuals, whose rights have been violated, for any loss of joy in life as well as to alleviate the sense of hurt, thereby restoring the personality balance lost through the injury.

Public service

Activities of the Federal Equal Treatment Commission and court rulings

The bi-annually published Federal Equal Treatment Report provides information on the ongoing activities of the Commission. It contains all cases that were filed at the Federal Equal Treatment Commission. The report is published on the website of the Federal Chancellery². The most recent report covers the period 2016-2017. Data for 2018 will be available in the next report, covering the period 2018-2019.

² <https://www.frauen-familien-jugend.bka.gv.at/frauen/gleichbehandlung/gleichbehandlungsberichte/gleichbehandlungsberichte-des-bundes.html>

In the years 2016-2017, 93 cases were closed, either with a decision and an expert opinion issued or due to other reasons, such as withdrawal due to composition proceedings. In total, 44 cases were completed by Senate I (Working Committee on discrimination in the working sphere on the grounds of gender) of the Federal Equal Treatment Commission. In addition, 49 cases were completed by Senate II (Working Committee on discrimination in the working sphere on the grounds of ethnic origin, religion or belief, and sexual orientation) of the Equal Treatment Commission. In total, 23 hearings took place.

In ruling G 119-120/2014-12 dated 11 December 2014, the Constitutional Court declared the prohibition of adoption by same-sex partners to be unconstitutional; consequently, the Second Act Amending Public Sector Employment Law 2015 (*2. Dienstrechts-Novelle 2015*, Federal Law Gazette I no. 164/2015) was passed, providing legal entitlement to a “daddy’s month” (*Papamonat*), previously enshrined in public sector employment, to same-sex couples as well while simultaneously adapting the name to “baby month” (*Babymonat*).

In response to the Committee’s request in its 2016 conclusions for information on any concrete positive measures/actions taken or envisaged to promote equality in employment and to combat all forms of discrimination in employment, the following information is provided:

Please refer to the report on Article 20.

In response to the Committee’s request in the Appendix of the email of 27 May 2019 for information on specific measures taken to counteract discrimination in employment of migrants and refugees, the following information is provided:

Migrants and third-country nationals entitled to freedom of movement in the Austrian labour market enjoy the same legal position as employees not having a migration background.

Direct or indirect discrimination of employees on the basis of ethnic origin is prohibited. Discrimination is prohibited in particular in connection with: establishing an employment relationship; determining pay levels; granting voluntary social benefits; measures of training, retraining and further education; career development and especially promotion; other working conditions; and termination of the employment relationship.

Statement by the *Laender* as exemplified by Vorarlberg

The Vorarlberg Anti-Discrimination Act (*Antidiskriminierungsgesetz*) was amended on two occasions since late 2015 (see State Law Gazette no. 16/2017 and no. 8/2019).

Summary of the main changes in the 2017 amendment:

Measures were taken as follows to implement Directive 2014/54/EU on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers: expanded scope of application of the Anti-Discrimination Act to include discrimination on the basis of nationality when workers exercise the right to freedom of movement, as well as to include unjustified restrictions and barriers to freedom of movement for workers as set out in EU legislation; one of the consequences of this expanded scope is that the existing prohibition of discrimination now also applies to cases where workers from

EU countries have been disadvantaged as a result of asserting their rights under the freedom of movement for workers; necessary adaptation of legislation to enshrine this prohibition of discrimination in all relevant provisions of the law; obligation to publicly disclose and proactively provide information on the freedom of movement for workers; as an additional result of the expanded scope, general transfer of responsibilities of the body for equal treatment and support of workers from EU countries and their family members to the anti-discrimination body (here the Land Ombud Board - *Landesvolksanwalt*); and another effect is that of entrusting to the Land Government the duty of providing and publicly disclosing information on the freedom of movement for workers. In addition, a clear regulation requiring the Land Ombud Board in its capacity as anti-discrimination body to set up a committee to monitor activities to promote, protect and supervise implementation of the Convention on the Rights of Persons with Disabilities (*Übereinkommen über die Rechte von Menschen mit Behinderungen*), thereby enshrining previous practice in legislation.

Summary of the main changes in the 2019 amendment:

Measures were taken to implement Directive (EU) 2016/2102 on the accessibility of the websites and mobile applications of public sector bodies, to harmonise the Member States' laws and regulations specifying accessibility requirements for websites and mobile applications of public sector bodies and make them more accessible in particular for persons with disabilities; these measures are listed in the following. Public bodies as defined in the Directive, that is, the government of Vorarlberg, the municipalities, municipal associations, as well as self-government bodies and other legal entities established under Vorarlberg law are now obliged to comply with specific accessibility requirements; exemptions from the scope of the rules have at the same time been defined for specific circumstances in detail; in addition, the legal entities referred to above are obliged to submit a statement on compliance with accessibility requirements and to set up a feedback mechanism; rules are also detailed for monitoring compliance with accessibility requirements and for related reporting, as specified in the Directive; in addition, the Land government is now empowered to pass ordinances specifying detailed requirements applying to accessibility in particular.

In response to the additional request for updated information on the activities of the Equal Treatment Commission and the Equal Treatment Ombud Office as well as any court rulings pertaining to discrimination in employment, specifically relating to the type of discrimination and the outcome, and the compensation paid to employees, the following information is provided by the *Land* of Vorarlberg:

In 2016–2018 no proceedings related to discrimination in employment were conducted by the Land Ombud Board in its capacity as anti-discrimination body; similarly, no related court or out-of-court proceedings were held.

In response to the additional question as to whether there is a ceiling or predefined upper limit to compensation in cases of discrimination in employment (relating to establishing an employment relationship or to general employment conditions) the following information is provided by the *Land* of Vorarlberg:

In some cases minimum compensation amounts and in certain cases a maximum amount of compensation have been specified in the Anti-Discrimination Act (cf. Section 7 and Section 9). The provisions on the maximum amount of damages apply only where the applicant was not the best-qualified candidate and discrimination occurred only inasmuch as the application was

not considered for discriminatory reasons. Only in such cases is compensation for interference with an individual's integrity limited to EUR 500.

In response to the request for additional information on any positive measures taken or envisaged to promote equality in employment and to combat all forms of discrimination in employment, the following information is provided by the *Land* of Vorarlberg:

A framework plan for equal opportunity and for the promotion of women was prepared for the period of 2016–2021, setting out human resources policy goals for defining general staff working conditions and for dealing with diversity; the plan applies to the staffs of the Vorarlberg government administration and of Vorarlberg hospitals as well as the teaching staff employed by the Land government. Building on the results of the evaluation of the 2009–2014 framework plan for equal opportunity and for the promotion of women, the 2016–2021 framework plan represents significant advances, through expanding the scope to include all dimensions of diversity under the Anti-Discrimination Act and by focusing on “culture” as a field of action.

In detail, the 2016–2021 framework plan envisages goals relating to three areas:

- achieving equal opportunity for women and men;
- advancing women within fields of action in which women still currently face disadvantages;
- recognising diversity in relation to ethnic origin, religion, beliefs, age, sexual orientation and special needs arising from illness or disability.

With respect to defining general working conditions for staff members, the 2016–2021 framework plan is aligned with these strategic objectives:

- Create a culture allowing equal opportunity
- Professional participation and development: women and men have equal status and entitlement as partners, in all bodies and committees and at all levels within the Vorarlberg public service. Measures, activities and decisions are evaluated in terms of impact for women and men. This strategic objective also applies to the other dimensions of diversity.

Based on the goals listed above, separate objectives and measures in the action fields of “culture” and “evaluation of measures and impacts” are defined for the staff of the Vorarlberg government administration, the staff of Vorarlberg hospitals and for teaching staff employed by Vorarlberg.

The planned or already implemented measures include: designing and applying a non-discriminatory pay scheme; implementation of recruiting policies sensitive to gender and other types of diversity; cross-mentoring programmes with a focus on leadership; continued training programmes attuned to sensitivity for diversity; staff surveys taking account of diversity-related issues; and implementing the use of gender-sensitive and non-discriminatory language.

II. Forced Labour

Reference is made to previous reporting. In addition, the following information is provided:

In response to the Committee's request in the Appendix of the email of 27 May 2019 for information with regard to measures taken and legislation on exploitation of vulnerability, forced labour or modern slavery, the following information is provided:

Legislative Instruments

Austria has ratified the International Labour Organization (ILO) conventions on forced and compulsory labour (No. 29) and on the abolition of forced labour (No. 105) (Federal Law Gazette no. 86/1961 and Federal Law Gazette no. 81/1958 respectively). In 2019, Austria additionally ratified the 2014 Protocol to the Forced Labour Convention of 1930.

The penal provisions described below, to be executed by the Austrian courts of law, represent the legislative instruments for addressing forced labour.

Human trafficking

Section 104a of the Criminal Code (Strafgesetzbuch, StGB), Federal Law Gazette I no. 60/1974, specifies a prison sentence of six months to five years for anyone who, with the intent of allowing the exploitation of a person of majority age, uses unfair means against that person and solicits that person, gives the person accommodation or otherwise harbours the person, transports the person, or offers or passes the person on to another party. Unfair means include use of violence or dangerous threat, misrepresentation of facts, exploitation of a position of authority, of a difficult situation, a mental disease or a condition which makes the person defenceless, as well as intimidation and granting or accepting an inducement for the handover of control about the person in question.

A term of imprisonment from one to ten years has to be imposed on anyone who, with the intent of exploitation, solicits a minor, gives that person accommodation or otherwise harbours the person, transports the person, or offers or passes the person on to another party.

Section 104a StGB defines five forms of exploitation: sexual exploitation, removal of organs, exploitation of labour, exploitation through forced begging and exploitation through forced commitment of punishable acts.

Slavery

Pursuant to Section 104 StGB, a sentence of ten to twenty years of imprisonment has to be imposed if someone engages in slave trade or otherwise deprives a person of his or her personal freedom by subjecting him or her to any type of slavery, or puts him or her into a position similar to slavery, or acts in a way that another person is enslaved or is put into a position similar to slavery, or puts himself or herself into a position of slavery or similar to slavery.

The main characteristic of slavery (see Art. 1 Para 1 of the Slavery Convention, Art. 7 lit. a of the Supplementary Convention of 1956) is the treatment of people over whom any or all of the powers attaching to the right of ownership are exercised. Among the practices similar to slavery according to Art. 1 of the Supplementary Convention are debt bondage and serfdom as well as giving on payment, transfer and inheritance (of) wives.

Forced labour

While Austrian criminal law has no provision defining forced labour as a distinct offence, the sum of existing related criminal offences (human trafficking, slavery, coercion, fraud and similar) implies de facto prohibition of forced labour in Austria.

Statistics on offence reports, proceedings and convictions

The data on offence reports and proceedings were retrieved by an evaluation of the electronic judicial registry. Only proceedings at the public prosecution offices were searched in order to avoid double counting.

The figures on the number of convictions were taken from the Criminal Court Statistics collated by Statistics Austria. In the case of convictions for multiple offences, the Criminal Court Statistics only specify the primary offence (the offence with the highest punishment). Therefore, not all the convictions are included.

104 StGB (slavery)	2015	2016	2017	2018
Reports (by person)	13	1	4	3
Proceedings (by case)	5	1	3	1
Convictions (all offences)	0	0	0	- ³
104a StGB	2015	2016	2017	2018
Reports (by person)	115	135	118	121
Proceedings (by case)	52	66	64	56
Convictions (all offences)	5	9	2	- ⁴

In addition to penal enforcement measures, Austria has many measures in place to protect and rehabilitate victims of forced labour.

National measures against human trafficking and labour exploitation

Founded back in 2004, the Task Force on Combating Human Trafficking in Austria under the leadership of the Federal Ministry for Europe, Integration and Foreign Affairs (BMEIA) consists of member organisations including the federal ministries with related portfolios, the *Laender* and specialist NGOs (LEFÖ/IBF, MEN VIA, ECPAT). The Task Force's National Action Plan for 2018–2020 specifies measures for prevention, criminal prosecution, victim protection and cooperation.

In addition to previous working groups on child trafficking and prostitution, a separate working group on “human trafficking for the purpose of labour exploitation” was initiated under the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection (BMASGK) in late 2012. A major task of the group is to raise stronger awareness of the issue among the competent authorities (police, finance police, Labour Inspectorate, Agriculture and Forestry

³ Note on 2018: statistics on convictions in 2018 are not yet available.

⁴ Note on 2018: statistics on convictions in 2018 are not yet available.

Inspections in the Austrian Laender and similar) and to promote cooperation with these authorities.

The working group on human trafficking for the purpose of labour exploitation holds between five and seven meetings each year (five were held in 2018). The meetings of the working group are also attended regularly by representatives of the most important employer and worker organisations, who also actively participate. Human trafficking and labour exploitation is an issue that has been specifically addressed in the basic training of labour inspectors since 2018. The working group on labour exploitation has met on special occasions to specifically discuss the sectors especially vulnerable for labour exploitation, including agriculture, construction and domestic services.

The working group has also prepared a list of indicators to help in particular inspection authorities in identifying potential victims of human trafficking for labour exploitation. The Labour Inspectorate has included this list as a part of its internal decree on human trafficking and labour exploitation, which has been published in the Labour Inspectorate's intranet. An internal decree is a document providing instructions to all bodies and individuals involved in labour inspection for internal purposes, setting out procedures to follow in cases of suspected labour exploitation.

The decree includes:

- reference to the duty to report any reasonable suspicion to the public prosecution office, as required in Section 78 of the Code of Criminal Procedure (*Strafprozessordnung, StPO*);
- reference to the hotline for human trafficking operated by the Austrian Federal Office of Criminal Investigation (*Bundeskriminalamt, BKA*); noting that details can be informally reported to police at the first opportunity;
- reference to the legal assistance scheme set forth in Section 20 Para. 4 of the Labour Inspection Act (*Arbeitsinspektoratsgesetz, ArbIG*); in cases of human trafficking/labour exploitation; social fraud (new: Anti-Social Fraud Act, *SozialbetrugsbekämpfungsgG*); wage and social dumping reporting to competent authorities; cooperation
- list of indicators / fact sheet issued by the working group on labour exploitation;
- reference to victim protection organisations: LEFÖ/IBF, MEN VIA and UNDOK.

Private sector measures

The main measures in this area include the provisions of the Anti-Wage and Social Dumping Act (*Lohn- und Sozialdumping-Bekämpfungsgesetz, LSDB-G, Federal Law Gazette I no. 44/2016*) that require employers to pay workers equally while providing for administrative penalties where employers underpay their workers.

The necessary information, for both employers and employees intending to engage in economic activity in Austria, is now available on the web in seven languages at www.postingofworkers.at ("posting of workers platform").

The working group on labour exploitation currently seeks to involve employers more strongly, especially in the prevention of labour exploitation in supply chains.

Public procurement

The Federal Procurement Act 2018 (*Bundesvergabegesetz, BVergG*, Federal Law Gazette I No. 65/2018 as amended) requires tenderers for public contracts to comply with provisions of labour, social and environmental law. Tenderers are specifically required to uphold the obligations arising from International Labour Organization conventions nos. 29, 87, 94, 95, 98, 100, 105, 111, 138, 182 and 183.

In response to the Committee's request in its 2016 conclusions for updated information with regard to the ILO Convention No. 189, the following information is provided:

Negotiations over the draft legislation mentioned in the fourth report continued in 2015 and 2016 but no agreement was reached. Although no further negotiations have since been held, the intention is still to reach a final agreement allowing ratification of the Convention.

In response to the Committee's request in the Appendix of the email of 27 May 2019 for information on measures taken to protect workers in the „gig economy“ or „platform economy“, the following information is provided:

In Austria, the general framework is applied to workers in the “gig economy” or “platform economy”. In accordance with the conventional approach applied in labour law, the contractual relationships underlying crowd work are to be legally analysed in two individual steps: first, the contractual parties are to be defined; second, the contractual relationships existing between those parties are to be classified in legal terms. Where a worker is strongly controlled by the other party, resulting in personal dependence while working on tasks, the contractual relationship is to be classified as an employment contract. Differing types of contractual relationships may exist even for individuals working under one and the same platform.

III. Other aspects of the right to earn one's living in an occupation freely entered upon

Reference is made to previous reporting. In addition, the following information is provided:

Military service

In response to the Committee's request in its 2016 conclusions for information on the impact of studies or training courses followed by soldiers on the duration of their service in the armed forces and on the possible financial repercussions of early termination of service, the following information is provided:

Education

Both any course of university studies or any training courses a soldier may complete as part of military service represent, like any other completed education, a higher qualification so that, provided need exists, the soldier is deployed in a corresponding superior role, in accordance with the soldier's interest in utilising the newly acquired skills and knowledge.

Education completed outside of service, in contrast, is generally not counted towards military service but may nonetheless affect the employment relationship (a soldier has, for example, the option of applying for an A1/MBO1-level position within the army upon completing a course of university studies).

Potential financial impact of prematurely terminating basic military service (Grundwehrdienst)

All persons conscripted for military service are in principle obliged to complete basic military service lasting for six months, as set out in Section 20 of the Austrian Defence Act 2001 (*Wehrgesetz 2001, WG 2001*), Federal Law Gazette I no. 146. Whereas conscripted individuals have no possibility of voluntary premature termination of basic military service (after beginning), the following exceptions do exist:

Conscripted individuals can be prematurely discharged from basic military service only if, after beginning duty, a circumstance existing at the time of conscription emerges that would have constituted grounds, as referred to in Section 28 Para. 3 *WG 2001* in conjunction with Section 25 Para. 1 or Para. 2 *WG 2001*, for barring the individual from conscription, or where persons performing national service (*Präsenzdienst*) or national training service (*Ausbildungsdienst*) are accepted as military personnel or public service employees contracting to serve with the military in Austria or in other countries, as referred to in Section 28 Para. 6 *WG 2001*. Premature discharge is additionally possible in cases of incapacity to perform duties as defined in Section 30 *WG 2001*.

Pursuant to Section 5 Para. 1 of the Military Fees Act 2001 (*Heeresgebührengesetz 2001, HGG 2001*), Federal Law Gazette I no. 31, eligible persons are entitled to base remuneration (*Grundvergütung*) of 4.41 per cent of the reference income rate for federal public service employees for each calendar month while performing basic military service. Eligible persons are defined in Section 1 Para. 1 *HGG 2001* as soldiers performing national service or national training service. Where an eligible person is prematurely discharged from basic military service, that person's entitlement to any further base remuneration becomes void; there are no other financial consequences. Conscripts who prematurely leave basic military service continue afterwards with the gainful employment they pursued as civilians before entering service or take up new employment upon leaving service. Consequently, no financial disadvantage whatsoever results.

Women and conscripts can also perform training service for at least twelve months and up to a total of four years after enlisting voluntarily in accordance with the military requirements set out in Art. 37 Para. 1 *WG 2001*. In contrast to conscripts performing basic military service, individuals in national training service have the option of terminating this form of military service through a written declaration that need not include justification, as specified in Section 37 Para. 3 *WG 2001*.

Where an individual's national training service terminates before the individual completes the twelfth month of that service, the individual obliged to service must refund an amount to the Federal Government as required in Section 6 Para. 4 *HGG 2001*, with the amount to be refunded depending on the termination date. Section 6 Para. 5 *HGG 2001* defines exceptions to that requirement, specifically where individuals prematurely terminate national training service due to incapacity to serve or after the birth of a child, or if immediately afterwards the individual concerned is employed with the Federal Government as a soldier.

Requirement to accept the offer of a job or training / unemployment benefit

In its 2016 conclusions, the Committee considers that in all cases in which the relevant authorities decide on the permanent withdrawal or temporary suspension of unemployment benefit because the recipient has rejected a job offer, this decision must be open to review by the courts in accordance with the rules and procedures established under the legislation of the State which took the decision (Statement of interpretation on Article 1§2, Conclusions 2012). In reply to the Committee's request for information on this topic, the following information is provided:

Amendment to the Austrian Administrative Justice (Verwaltungsgerichtsbarkeits-Novelle) 2012

As already indicated in the 4th report, the most important part of the administrative reform, which entered into force on 1 January 2014, is the constitutionally embodied abolition of the administrative stage of appeals, which was – in almost all cases – replaced by a two-level administrative jurisdiction. A Federal Administrative Court (*Bundesverwaltungsgericht*), nine Administrative Courts of the Provinces (*Landesverwaltungsgerichte*) and a Federal Administrative Court for Finance (*Bundesfinanzgericht*) have been established as appeal instances against decisions of the administrative authorities.

Judgments of the administrative courts may under certain circumstances be appealed on a point of law at the Supreme Administrative Court (*Revision an den Verwaltungsgerichtshof*).

Please also refer to the following document for further details:



Reform of
administrative jurisdic

Appeals against decisions by the Public Employment Service (AMS):

As of 1 January 2014, the Federal Administrative Court (*Bundesverwaltungsgericht*) and no longer the regional office of the Public Employment Service is responsible for appeals against administrative decisions (*Bescheide*).

The Federal Administrative Court rules on appeals against decisions issued by the Public Employment Service, particularly in cases involving unemployment benefit or unemployment assistance (*Notstandshilfe*).

Unemployment benefit is intended as means of ensuring subsistence while the recipient seeks employment. To be eligible for unemployment benefit, an individual must be unemployed as well as able and willing to work. Recipients must additionally keep the appointments agreed with the Public Employment Service.

Rulings mainly concern these issues:

- whether and how long (and here in particular from what date) individuals are entitled to a benefit under unemployment insurance (unemployment benefit, unemployment assistance, interim assistance, further education benefit, benefit for part-time education, advance pension benefit, pre-retirement part-time allowance or retraining benefit);
- suspension of entitlement to a benefit under unemployment insurance (for example, while staying abroad or collecting sick pay);

- loss of entitlement to a benefit under unemployment insurance (for example, due to failure to meet the regular appearance requirements, or failure to attend a specific appointment, or due to “frustration” as defined in the following):
 - refusal to take up reasonable employment as assigned;
 - unjustified refusal to comply with an order to participate in further training or retraining;
 - refusal to participate in a measure aimed at labour market reintegration;
 - lack of willingness to comply with a request to submit evidence of having taken sufficient effort to obtain employment;
- withdrawal and consequent demand for refund of a benefit (for example, unemployment benefit, unemployment assistance or further education benefit) under unemployment insurance) in cases such as:
 - when an individual has an employment relationship subject to full social security contributions and to unemployment insurance while collecting unemployment benefit, for example, where pay is above the marginal earnings threshold;
 - when as a result of a calculation error a higher benefit than due was paid out;
- question of whether or not Austria is the country responsible under specific circumstances (individuals residing and employed in different Member States).

Preliminary procedure (Vorverfahren) with the Public Employment Service

After receiving the appeal, the authority (i.e. the Public Employment Service) may issue a preliminary decision on the appeal, meaning the authority may revise the administrative decision previously issued or reject the appeal as inadmissible or unfounded.

If the authority does not issue a preliminary decision on the appeal, it is required to submit the appeal to the Federal Administrative Court, including the files pertaining to the administrative procedure.

Application for submission (Vorlageantrag)

Where the authority issues a preliminary decision on the appeal, the party concerned is entitled to apply, within two weeks of being served the decision, to have the appeal submitted to the Federal Administrative Court (application for submission). The application for submission is to be filed with the authority that issued the administrative decision (regional office of the Public Employment Service).

Submission to the Federal Administrative Court

The authority ensures submission of the appeal to the Federal Administrative Court. From that point on, the Federal Administrative Court is responsible for all steps relating to procedure. Any supplementary documents are to be submitted directly to the Federal Administrative Court from that point on.

Representation in the appeal procedure

Parties in procedures before the Federal Administrative Court are not required to be represented by a lawyer. Parties in appeal procedures may nonetheless choose to be represented by an authorised lawyer.

Hearing

Where requested, the Federal Administrative Court is generally required to conduct a hearing. Where considered necessary, the court may nonetheless schedule a hearing even if not requested.

Rulings

The Federal Administrative Court rules on appeals against administrative decisions by the Public Employment Service, either by ruling on the merits of the case (*Erkenntnis*) or through a ruling on procedural/formal aspects (*Beschluss*).

The Federal Administrative Court can either reject the appeal as unfounded, if reaching the same conclusion as the authority, or sustain it, if judging differently.

If the authority is responsible for serious deficiencies in a procedure, the Federal Administrative Court may also suspend the decision. In this case, the procedure reverts to the state of affairs prior to the issue of the administrative decision, meaning the authority must repeat the procedure.

The Federal Administrative Court may reject the appeal as inadmissible (because the prerequisites not being met or filed too late).

The decision is handed down by a panel consisting of one judge belonging to the Federal Administrative Court along with two lay judges. One representative each of employers and of employees serve as lay judges.

Periods allowed for rulings

The period allowed for rulings by the Federal Administrative Court is usually based on general administrative procedural law and is, as a matter of principle, six months.

Legal protection

A ruling by the Federal Administrative Court can be appealed within six weeks of service, by filing an appeal with the Administrative Court (*Revision*) or with the Constitutional Court (*Beschwerde*). Parties must generally solicit the services of a lawyer to have either kind of appeal written and submitted. Parties must be represented by an authorised lawyer.

Paragraph 3 - Free placement services

Reference is made to previous reporting. No additional information has been requested by the Committee.

Paragraph 4 - Vocational guidance, training and rehabilitation

Reference is made to previous reporting. No additional information has been requested by the Committee.

ARTICLE 9 - THE RIGHT TO VOCATIONAL GUIDANCE

Reference is made to previous reporting. No additional information has been requested by the Committee.

ARTICLE 10 – THE RIGHT TO VOCATIONAL TRAINING

Paragraph 1 – Promotion of technical and vocational training; access to higher technical and university education

Reference is made to previous reporting. In addition, the following information is provided:

In response to the Committee's request in its 2016 conclusions for information on measures taken to make general secondary education and general higher education qualifications relevant from the perspective of professional integration in the job market, the following information is provided:

The educational goal of academic secondary schools (AHS) is to give students a comprehensive general education and let them acquire general higher education qualifications (*Universitätsreife*). This way, this type of school provides the essential prerequisites for vocational training and university education. This school type focuses on preparing students for lifelong learning, with a special emphasis on guidance for professional and university education and careers.

In response to the Committee's request in the Appendix of the email of 27 May 2019 for information on strategies and measures adopted to match the skills acquired through vocational education and training with the demands of the labour market, especially demands resulting from globalisation and technological developments, and thus to bridge the gap between education and work, the following information is provided:

In Austria, the skills demanded on the labour market are regularly surveyed at different levels (national, regional) using different methods (e.g. medium-term forecasts issued by the Austrian Institute of Economic Research Vienna (*Wirtschaftsforschungsinstitut, WIFO*), by the research institute *Synthesis Forschung* for the Public Employment Service (AMS), the Skills Barometer (*Qualifikationsbarometer*)). In addition, Austria regularly takes part in international surveys focussing on the skills of young people and adults and on the demands for workplace skills, such as the OECD's Programme for International Student Assessment (PISA), the OECD's Programme for the Assessment of Adult Competencies (PIAAC) or the European Working Conditions Survey (EWCS). At the moment, Austria prepares to participate in the PIAAC's 2nd Cycle, which is designed to measure adult skills in three domains (literacy, numeracy and problem solving) and analyse changes in the demand for skills at work, for example due to digitalisation.

By international comparison, vocational education and training play a prominent part in Austria (approx. 80% of each cohort choose vocational education and training, approx. 40% of which undergo dual training and approx. 40% of which attend full-time technical schools). Dual training has traditionally ensured that the skills offered match the respective requirements comparatively well when graduates enter the labour market after having completed their initial education. The social partners are also among the stakeholders involved in the ongoing process of adapting and developing job profiles.

Labour market policy plays an important role when it comes to acquiring and maintaining skills that are of relevance on the labour market. In this area, the social partners are involved as well, for instance, as members of the AMS administrative board or as representatives in various committees. The AMS does not only support job-seekers and employed persons but also offers comprehensive consulting and qualification services to companies.

Instruments such as educational leave, part-time educational leave, the skilled workers' grant for those pursuing careers in skilled trades (*Fachkräftestipendium*) or outplacement-type labour foundations (*Outplacementstiftungen*) provide funding for time-consuming and highly sophisticated types of further education and training, for example as part of career re-orientation programmes. Within the scope of placement foundations (*Implacementstiftungen*), job-seekers are trained to meet the specific (and changing) needs of companies. Such foundations can be implemented either by several companies in a region or sector, or they can be targeted towards a specific group (e.g. youth placement foundations). For more detailed information on the individual instruments, please refer to the publication on active labour market policy in Austria from 2014-2019: "*Aktive Arbeitsmarktpolitik in Österreich 2014-2018*" (available in German):

<https://broschuerenservice.sozialministerium.at/Home/Search?Search.SearchTerm=publicationid%3A447>

AMS New Skills Program

Since 2009, the Department of Labour Market Research and Career Information of the AMS Austria has been working on the question which great demands companies will make on their employees and jobseekers. This programme called "AMS Standing Committee on New Skills" (AMS - New Skills Project) is one approach to qualification on demand. In the course of workshops and interviews, the demands of companies are discussed with experts from the companies, representatives of training and further education institutions and the social partners. The results of these discussions are analysed by accredited educational research institutes. Among other things, the results of the AMS New Skills project are incorporated into the further training courses offered by the AMS for job seekers. In 2018, roughly 4,000 unemployed people participated in New Skill activities (costs: € 5.7 Mio.).

For more detailed information and the documentation of previous and current activities and publications, please refer to the website set up by the AMS:

<https://www.ams-forschungsnetzwerk.at/deutsch/qualibarometer/comlist.asp?first=1&woher=1>

Digitalisation, internationalisation, specialisation and flexibility are the keywords related to the current operational performance processes. Digitalisation changes the requirements for the employees at all skill levels. The complexity and dynamics of this development is expected to continue to increase and seems to be a great challenge for the recent qualification systems.

The AMS therefore focuses in particular on the possibilities of support for in-company training and further education, because it seems to be inevitable that the AMS gives a helping hand to the companies. It is necessary to support the companies with innovative concepts when preparing their employees for their way into the „new“ working environment.

Demand orientation of LMP Qualification

In order to enable sustainable integration processes, the qualification strategy of AMS is aligned to the changing economic requirements. Two strongly workplace-related qualification

measures have to be mentioned in this context. The Implacement Foundations (*Implacementstiftungen*), which were introduced in 2002, are implemented in case of a greater personal shortage of several enterprises or a whole industry (has to be agreed by collective bargaining partners, often also local governments are involved etc.). If enterprises are looking for a smaller number of employees, the AMS-programme "*Arbeitsplatznahe Qualifizierung*" offers a more flexible and individually tailored option. Both measure types aim at qualifying unemployed people according to the requirements of a specific workplace in order to place them on these free jobs. In 2018, about 10,000 unemployed persons were qualified in one of these demand-orientated labour market policy programmes.

In principle, all qualification measures commissioned und subsidised by the AMS are constantly adapted to the labour market needs and are subject to permanent output and performance monitoring. One example for rapid labour market changes is the area of media literacy (e-literacy) with all its facets (correct communication and cooperation in and with new media, efficient research, assessment and processing of information, awareness of data security, data protection and rights of use, protection of privacy etc.). In addition, it must be remembered that there is a need for "up-skilling" older employees and workers with lower digital skills. At the level of young people, the challenge is to transfer the undoubtedly existing e-skills of communication and gaming from the private context into a professional context, to make it usable for professional and operational application.

Lifelong learning strategy

In addition to labour market policy measures in the narrower sense, the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection (*BMASGK*) and the Public Employment Service (*AMS*) participate in the development and implementation of strategies that are to ensure the development of qualifications and skills in different areas and create synergies between various policy areas.

Following a comprehensive preparation and consultation process, in 2011, the Austrian Federal Government adopted a lifelong learning strategy (*LLL:2020*), which addresses all spheres of life and education as well as all stages of life. Ten action lines with a total of 53 objectives and 70 measures were defined, and the respective status quo was identified. Based on the action lines, fields of action, work packages and operative subgoals were specified; with their implementation being monitored each year. This strategy, for the first time, brought together all affected policy areas and stakeholders with a common goal. The overall process is coordinated by a committee made up of representatives of the three ministries in charge: the Federal Ministry of Education, Science and Research (*BMBWF*), *BMASGK* and the Federal Ministry for Digital and Economic Affairs (*BMDW*). The National Platform LLL has been set up to integrate not only the ministries but also representatives of the social partners, the Länder, municipalities, higher-education institutions, adult education establishments, the Public Employment Service (*AMS*) and researchers. An implementation report is submitted to the Austrian Council of Ministers every year (link to the strategy paper (in German)): https://erwachsenenbildung.at/themen/lebenslanges_lernen/oesterreichische_strategie/aktuell.php)

Apprenticeship

Austria is going to raise the transparency of the development process of new apprenticeship profiles and to modernise existing ones. Companies will be integrated in defining future needs and elaboration. The aim is to meet the future needs regarding a skilled labour force for the

economy in a timely and optimally targeted way. Digitalisation is seen as a job motor, which is clearly evident in the computer science / IT / communications technology field, where the number of apprentices in Austria has more than doubled between 2013 and 2017. The use of modern technologies in training has become an indispensable qualification criterion for any vocational training.

New digital job profiles, e.g. in e-commerce trade or coding have been implemented. Job profiles focusing on digitalisation are planned to be modernised in the next years. In addition, the entire landscape of apprenticeship occupations is currently screened with a focus on digitalisation and sustainability. A new application to support apprenticeship in practice is currently tested. This multi-user app aims to foster the interaction between trainer and trainee as well as to increase the quality of vocational education and training and to implement digitalisation as an educational content.

The project “Coaching and counselling” provides personal, professional and independent coaches for apprentices and companies in technical, pedagogical but also private matters (<https://www.lehre-statt-leere.at/>).

In response to the Committee’s request in the Appendix of the email of 27 May 2019 for information on measures taken to integrate migrants and refugees in vocational education and training, the following information is provided:

Different programmes and offers exist for this very inhomogeneous group of people, with measures ranging from mere placement support, German language courses, vocational education and training up to specialised counselling and support facilities. The purpose of these facilities for migrants is to answer questions concerning settlement, the right of access to the labour market, nostrification and recognition of foreign university degrees and titles as well as other legal issues. About 163,000 unemployed persons with a migrant background were included in the support programmes provided by the Public Employment Service (AMS) in 2018.

An average total of 31,763 refugees entitled to asylum or subsidiary protection were registered as job seekers or participated in a training in 2018, which is an increase of 2,581 people, or 8.8%, over the previous year. Qualifications and work experience of recognised refugees are measured in “Competence Checks”. Approx. 7,500 refugees participated in such competence checks in 2018. To enable the integration of recognised refugees in the labour market, persons who have no qualifications beyond compulsory schooling are also upskilled. Since 2018, efforts for young people have concentrated in particular on preparing them for and placing them in apprenticeships; with the main focus on cross-regional placement, e.g. in jobs in the tourist industry. Counselling and support facilities help recognised refugees in finding employment or training. Competence Centres for the Recognition of Vocational Qualifications Gained Abroad provide counselling and support when it comes to the recognition and nostrification of training and education completed. The AMS offers German language courses, in particular from language level A2.

https://www.ams.at/content/dam/download/geschäftsberichte/oesterreich/001_ams_geschaeftsbericht_2018.pdf

In response to the Committee’s request in its 2016 conclusions for updated information on the total expenditure on all levels of education, with a special regard to vocational education, the following information is provided:

Austria allocated 5.5% of its GDP in 2015 to education at all levels (see OECD, OECD.Stats (<https://stats.oecd.org>)):

Expenditure on educational institutions as a percentage of GDP¹, 2015

Pre-elementary education (for children 3 years and older)	0.7
Primary and lower secondary education	2.1
Upper secondary education	0.9
Post-secondary non-tertiary education	n
All tertiary education	1.7
All levels of education combined ²	5.5 ³

¹ Expenditure from public and private sources, 2015. Source: OECD, OECD.Stats (stats.oecd.org; downloaded 04/01/2019).

ⁿ Magnitude is either negligible or zero

² Including non-allocated expenditure

³ Roundings difference

Financing of the apprenticeship training

There are no statistics concerning the overall costs of vocational training. This is mostly due to the fact that the respective training enterprises bear the costs for enterprise-based training, while the costs for the part-time vocational schools are financed by public funds and there are no fees for the pupils. This means that the by far greatest part of the costs of vocational training is borne by enterprises. If the employer asks an apprentice to undergo additional training, this has to take place during regular working hours.

Subsidised social insurance contributions have been in place for apprentices since early 2016:

- Health insurance contribution: Health insurance contribution accrues from the first until the last year of apprenticeship. The contribution rate is 3.35% throughout the entire apprenticeship. The apprentice contributes 1.67% and the employer 1.68% (contribution rate of skilled employee’s amount to 7.65% in total).
- Accident insurance contribution: For apprentices, no accident insurance contribution needs to be paid. Nevertheless, the apprentice is accident insured.
- Pension insurance contribution: The contribution rate for pension insurance is 22.80% during the entire apprenticeship period, with the apprentice bearing 10.25% and the employer 12.55%. Hence, the pension insurance contribution of an apprentice already starts with the first day of the apprenticeship.
- Unemployment insurance contribution: Unemployment insurance contribution accrues from the first to the last year of apprenticeship. The contribution rate is 2.40% during the entire apprenticeship period (1.20% for each employee and employer) - compared to 6% contribution rate of skilled employees.

The costs of equipping part-time vocational schools with machinery, equipment and teaching material are borne by the *Laender*, while the Federal Government and the respective *Land*

share the costs of the teaching staff. Apprentices are paid a fixed remuneration the amount of which is stipulated for each type of apprenticeship in collective bargaining agreements. The remuneration increases with every year of apprenticeship.

Basic subsidisation and quality-related funding are financed by the Austrian insolvency remuneration fund (one part of the revenues of the fund is reserved for subsidisation of apprenticeships). The quality-oriented funding for training companies (see below) has been continued. The subsidies of the Public Employment Service are financed from the labour market policy budget.

Funding for training companies (Section 19c Para. 1 no. 1-7 BAG and Section 19c Para. 1 no. 8 BAG.)

Basic subsidy (Basisförderung)

The training company can apply for a basic subsidy at the end of every apprenticeship year. The aim of the basic subsidy is to cover the costs that arise for companies (remuneration, social security contribution) during their apprentices' schooling periods. The amount of the subsidy depends on the year of training and on the remuneration paid: For apprentices who are in their first year of training companies receive three gross apprenticeship remunerations (pursuant to the respective collective agreement); for apprentices in their 2nd year they receive two, and for those in their 3rd and 4th year one. In case the apprenticeship period is 3.5 years, companies receive half of the remuneration in the last (half) year of training.

In case of credits awarded for apprenticeship periods and in case of reductions of apprenticeship periods, the basic subsidy will be calculated on a pro-rated basis.

Quality-oriented subsidisation options

- training measures that go beyond the job-profile (obligatory or voluntary training alliance measures, job-specific additional competences for apprentices, preparatory courses for the apprenticeship examination)
- measures for apprentices with learning difficulties (e.g. courses in German and mathematics)
- internships abroad including related language courses for apprentices
- promotion of boarding school costs during vocational school attendance
- professional development measures of IVET trainers
- contribution to apprentices who passed the apprenticeship exam "with distinction" or "good pass"

Project funding

- projects to support equal access for women and men to the various apprenticeships
- projects to support integration into the dual system as well as supra-regional placement for apprenticeships
- projects to support quality management and innovation in company-based training

In addition, in order to increase participation in apprenticeship training and raise the chance of a successful completion (i.e. reduce/prevent dropouts) counselling, mentoring and support services are promoted. These include e.g.:

- Continuing the measure Coaching and counselling for apprentices and training enterprises (launched in 2012 and available in all Austrian regions since 2014).
- the provision of training guides for apprenticeships ensuring the quality of the apprenticeship exam by setting up the Clearing Office

Paragraph 2 - Apprenticeship

Reference is made to previous reporting. No additional information has been requested by the Committee.

Paragraph 3 - Vocational training and retraining of adult workers

Reference is made to previous reporting. In addition, the following information is provided:

In response of the Committee's request in the Appendix of the email of 27 May 2019 for information on strategies and measures in place to ensure skilling and re-skilling in the full range of competencies needed to be competitive in emerging labour markets, the following information is provided:

The response to Article 10 Para. 1 already described the measures in place to identify competencies and qualifications needed as well as related measures to ensure skilling and re-skilling in the field of labour market policy and lifelong learning. In this context, mention should be made of the activities aimed at adapting and developing initial education and further education and training with regard to digital transformation.

In 2015, the association "Industry 4.0 Austria - The Platform for Smart Production" was established to develop initiatives aimed at shaping the future world of work and to bring together existing approaches by fostering cooperation among various political, economic and scientific stakeholders. The Industry 4.0 platform comprises a total of nine working groups where experts from different sectors exchange views on specific challenges and solutions. The "Qualification & Skills" working group, which also includes representatives of several ministries (e.g. the Federal Ministry for Transport, Innovation and Technology (*BMVIT*), the Federal Ministry of Education, Science and Research (*BMBWF*) and Federal Ministry of Labour, Social Affairs, Health and Consumer Protection (*BMASGK*)), has, among other things, published a findings paper dealing with qualification and competence requirements and has proposed solutions for various fields and types of learning (in German): <https://plattformindustrie40.at/qualifikationen-kompetenzen-fuer-industrie-4-0-2/>

Based on this analysis, the working group has since discussed different approaches within the scope of workshops or on-site visits at companies or education and training facilities involved in pilot projects. Special emphasis was, for example, put on regional qualification clusters on which another findings paper was prepared and published:

https://www.ots.at/presseaussendung/OTS_20190722_OTS0079/warum-wir-regionale-qualifizierungscluster-fuer-das-digitale-zeitalter-brauchen

Furthermore, several ministries have developed support programmes designed to evaluate digital skills and enable a low-threshold and tailored development of these skills. “Fit4Internet” (Federal Ministry for Digital and Economic Affairs (*BMDW*)) is an initiative that was launched to develop the digital literacy of citizens (<https://www.fit4internet.at/view/verein>). The further training programme “Fit 4 4” (*BMVIT*) is in particular targeted at low-skilled workers in small and medium-sized companies.

In response of the Committee’s request in its 2016 conclusion for information with regard to the activation rate – i.e. the ratio between the annual average number of previously unemployed participants in active measures divided by the number of registered unemployed persons and participants in active measures, the following information is provided:

In total, 341,609 individuals were newly included in labour market promotion schemes in 2018. This is 22,216, or 6%, less than in 2017. As individuals may receive several types of funding, the number of cases processed totalled nearly 960,000 million and the total spending was EUR 1,369,07 million.

Women constituted around 50.5% of all new entrants, and the proportion of all gender-allocable expenditure going to women was around 49.5%.

The proportion of all eligible unemployed persons included in a support programme was 35% (41% of unemployed women and 31% of unemployed men).

Typical groups targeted by the AMS include young people experiencing difficulty entering the labour market, persons without qualifications or qualifications which are non-marketable or outdated, women re-entering the labour market, persons with health-related placement impediments, older people and workers affected by structural change and threatened by job loss.

New entrants and payments in 2018

	New entrants			Payments in million EUR				Total
	All persons*	Of which women	Women in %	AL locatable	Of which women	Women in %	Not allocable	
Employment	59,353	28,352	47.8	480.87	244.16	50.8	9.02	489.89
Skills training	224,395	114,366	51.0	711.50	334.36	47.0	29.26	740.76
Support	164,167	86,428	52.6	128.27	74.85	58.4	10.16	138.42
Total 2018	341,609	172,574	50.5	1,320.64	653.37	49.5	48.44	1,369.07
Total without temporarily reduced working hours, temporarily reduced working hours with training measures, solidarity bonus and “Aktion 20.000”,				1,207.07	609.58	50.5	48.44	1,255.51

an initiative to support long-time unemployed persons over 50								
For unemployed persons	325,678	164,163	50.4	1,302.84	647.15	49.7	40.86	1,343.70
For employees	15,931	8,411	52.8	17.80	6.22	34.9	7.58	25.38
Total 2017	363,825	178,690	49.1	1,294.49	611.67	47.3	32.11	1,326.61
Change in absolute terms	-22,216	-6,116	1.4	26.14	41.70	2.2	16.3	42.5
Change in %	-6.1	-3.4	2.9	2.0	6.8	4.7	50.8	3.2

* A person who benefitted from more than one support instrument is counted for each instrument but only once for the total (unique counting of persons; therefore, the sum of the rows does not equal the overall figure). This presentation logic applies to all person-related statements.

In addition, financial security is provided during participation in support measures through payment of unemployment benefit or unemployment assistance or of a subsistence allowance. With the exception of the latter, these financial benefits are paid from the unemployment insurance fund.

Paragraph 4 – Special measures to promote retraining and reintegration of the long-term unemployed

Reference is made to previous reporting. In addition, the following information is provided:

Figures

A total of 24,571 long-term unemployed persons found employment in the labour market with the support of integration subsidies during 2018.

The combined wage subsidy was paid to 4,628 long-term unemployed persons in 2018.

11,911 long-term unemployed persons engaged in funded employment in a socio-integrative enterprise (socio-economic company or non-profit employment project) in 2018.

6,807 long-term unemployed persons worked under the non-profit temporary agency work scheme in 2018.

AMS-financed advice and support facilities provided target-group oriented advisory services to 68,849 long-term unemployed persons in 2018.

In response of the Committee’s request in the Appendix of the email of 27 May 2019 for information on the nature and extent of special retraining and reintegration measures taken to combat long-term unemployment as well as figures demonstrating the impact of such measures, the following information is provided:

For detailed statistics on long-term unemployment, reference is made to the reporting on Article 1§1.

Socio-economic companies as well as non-profit employment projects are subsidised, non-profit social enterprises that offer individuals far from the labour market and long-term unemployed persons temporary jobs that are paid according to the applicable collective agreement. They provide transitional jobs for people who have been long-term unemployed for various reasons with the aim to help them find permanent employment on the labour market.

While they are employed with the socio-economic company, the "transit workers" are supported by qualified staff that helps them develop vocational skills, solve problems in their personal environment and find a permanent job. Some 27,200 persons were engaged in funded employment in a socio-economic company or non-profit employment project in 2018.

In response to the Committee's request in its 2016 conclusions for information with regard to types of training courses given to young long-term unemployed and the number of participants in these training measures, the following information is provided:

According to EUROSTAT, the unemployment rate for the population aged 15-24 in Austria was 9.4% in 2018. Thus, Austria has the fourth lowest youth unemployment rate in the EU, maintaining a top position in the international ranking.

In Austria, the "Ausbildungsgarantie bis 25" – a training guarantee until the age of 25 – pursuant to Section 38a of the Public Employment Service Act (*Arbeitsmarktservicegesetz, AMSG*) has been in force since 1 January 2017. This AMS programme for young adults also increasingly focuses on education and training as a key to long-term labour market integration.

The training guarantee targets young adults between the ages of 19 and 24 that are registered as unemployed and have no qualifications beyond compulsory schooling (approx. 43% of those unemployed in this age group).

The "Ausbildungsgarantie bis 25" programme combines a range of skills training measures that have been successfully applied so far, e.g. the intensive training preparing for the final apprenticeship examinations, the apprenticeship training above company level, labour foundations or job-matching skills training measures. This mix of measures aims at enabling young adults in Austria to obtain professional qualifications and finding their place on the labour market in the long run.

This AMS-run programme with a budget of EUR 37 million offered about 17,800 young people an additional education perspective in 2018.

In response to the Committee's request for information whether equal treatment with respect to access to training and retraining for long-term unemployed persons is guaranteed to nationals of other States Parties lawfully resident in Austria on the basis of the conditions mentioned under Article 10§1, the following information is provided:

Those migrants and third-country nationals with the right to free movement on the Austrian labour market may use the full service spectrum and range of support programmes of the AMS. They have the same rights as clients without migration backgrounds throughout the entire consulting process. This also applies to long-term unemployed persons.

Paragraph 5 - Encouragement for the full utilization of available facilities

Reference is made to previous reporting. In addition, the following information is provided:

In response to the Committee's request in its 2016 conclusions for information on training during working hours, the following information is provided:

The legal situation remains unchanged. As far as employees are concerned, time spent on supplementary training at the request of an employer is counted as ordinary working hours.

In response to the Committee's request in its 2016 conclusions for information on measures taken to evaluate vocational training programmes for young workers, including apprenticeships - in particular regarding the participation of employers' and worker's organisations in the supervision process - the following information is provided:

The most recent large-scale evaluation of apprenticeships and in particular apprenticeship funding was completed in 2016:

https://www.bmdw.gv.at/Nationale%20Marktstrategien/Ingenieurwesen/Documents/Synthesebericht_Endbericht_ibw_oeibf_neu.pdf.

The study also explains the role of the social partners, which were represented in the advisory group on the preparation of the study.

Through their work in various bodies and committees, the social partners are closely involved in the shaping and promotion of apprenticeships at company level. Employers' and worker's organisations are represented on both the Federal Advisory Board on Vocational Training (*Bundes-Berufsausbildungsbeirat*) and the Advisory Board on Vocational Training in each of the Länder (*Landes-Berufsausbildungsbeirat*), which are entitled to issue proposals and statements on all major issues concerning the development of the legal framework and content of apprenticeships. The funding committee of the Federal Advisory Board on Vocational Training, which is composed of members of the government and the social partners, defines funding guidelines. The tasks of the quality committee, which consists of representatives of the social partners only, include the development of systematic concepts for apprenticeship training and monitoring.

Negative conclusion of the ECSR in its 2016 conclusions:

In response to the Committee's conclusion where it found that the situation in Austria is not in conformity with Article 10§5 of the revised Charter on the ground that non-EEA nationals are subject to a length of residence requirement of five years to be eligible for financial assistance for training, the following information is provided:

Financial support for education is governed by two different statutes in Austria, namely by the Austrian Schools Grants Act 1983 as well as by the Austrian Student Support Act 1992:

Educational grants are stipulated in the Austrian Schools Grants Act 1983

According to Section 1a no. 3 of the School Grants Act 1983 (*Schülerbeihilfengesetz, SchBG*) as amended, persons who are non-EU or non-EEA nationals are eligible for financial assistance provided that at least one parent has been liable to pay income taxes in Austria for at least five years and has had the centre of his or her vital interests in Austria during that time. Thus, the Committee of Social Rights considers children from Contracting States of the Council of Europe who are non-EU or non-EEA nationals to be disadvantaged.

Austria does not share the view taken by the European Committee of Social Rights that the stipulation of Section 1a no. 3 *SchBG* violates the provisions resulting from Art. 10§5 of the European Social Charter. The wording of Art. 10§5 of the European Social Charter does not establish a clear obligation to grant financial assistance in the field of education as this type of assistance is mentioned only as an example of possible appropriate measures in that provision.

According to the wording of the provision, the Contracting States are obliged to “*encourage* the full utilisation of the facilities provided by appropriate measures”; in this context, the granting of financial assistance is mentioned only in an exemplary way, being limited to “appropriate cases”. As can be concluded from the wording of the English/French text version (“*encourage*”/“*encourager*”), the obligation to “*encourage*” is to be understood in the sense of supporting or facilitating the full utilisation of the facilities provided.

The Committee of Social Rights obviously derives the requirement that all nationals of other Contracting States lawfully resident in a Contracting State from the scope of the European Social Charter in terms of persons protected as stipulated in the Appendix to the European Social Charter, which lays down that the persons covered by the Charter include foreigners only in so far as they are nationals of other Parties and lawfully resident or working regularly within the territory of the Party concerned.

Art. 10§5 of the European Social Charter merely specifies an ‘obligation to encourage’ (*Hinwirkungspflicht*), which is to be applied to all persons covered by the scope of the European Social Charter in terms of persons protected.

With regard to the fact that the five-year period under Section 1a no. 3 *SchBG* is indicated as a prerequisite for ensuring the effective exercise of the right to appropriate facilities for vocational training, which is mentioned only by way of example in Art. 10§5, it seems highly questionable whether this prerequisite can actually be considered incompatible with Art. 10§5.

If the European Committee of Social Rights has criticised the five-year period for certain third-country nationals under Section 1a no. 3 *SchBG* for the reason that this is discriminating when compared to other citizens of the contracting parties, it has to be noted, further to the aforementioned explanations, that the prohibition of differentiation or the requirement of equal treatment is even less derivable from Art. 10§5 of the European Social Charter.

Alongside Austria, a number of other Contracting States are also affected by the criticism of the European Committee of Social Rights; these cases, however, do not refer to educational grants but to financial assistance for studies.

Austria supports the arguments that are also put forward by other states, i.e. that Art. 10§5 of the European Social Charter does not apply the obligation to all cases but explicitly only to “appropriate cases” – with the obligation being restricted to mere encouragement – in line with Art. 10§5, it can therefore be limited to those persons demonstrating a sufficient degree of integration in the respective Contracting State.

Based on the aforementioned explanations, and with regard to the wording of Art. 10§5 of the European Social Charter, it has to be noted that the stipulations of the *SchBG* fulfil the obligation to encourage as laid down in Art. 10§5 of the European Social Charter, exceeding the actual requirements of the Social Charter.

Pursuant to the *SchBG*, Austrian citizens (no. 1), EU/EEA citizens and third-country nationals, to the extent that they are so entitled as a result of these agreements (no. 2), as well as refugees (no. 4) are eligible for educational grants subject to the conditions laid down in this Act.

Students that do not fall within the scope of nos. 1, 2 and 4 are also eligible for financial assistance if one parent was liable to pay income taxes in Austria for at least five years and had the centre of his or her vital interests in Austria during this time.

With regard to the third-country nationals mentioned in Section 1a no. 3 *SchBG*, it has to be emphasized that, based on Section 20a *SchBG* (special assistance), financial means are granted without exception for every child, i.e. for every child that is covered by the scope of the Social Charter, who attends school in Austria, to offset the social hardship occasioned by school attendance.

There is a lack of reliable data concerning the number of affected students from member states of the Council of Europe (with regard to the scope of the *SchBG* from the 10th school year). There is, however, a serious risk that the granting of full entitlement to all Contracting States of the Council of Europe will entail an unforeseeable number of persons being eligible for benefits and, consequently, enormous costs and a significant increase in the burden of administrative costs.

On the basis of the aforementioned explanations, a change in the current legal position cannot be considered.

Financial support for students is stipulated in the Austrian Student Support Act 1992

The legal situation concerning the equal treatment of foreign students has changed since the last comment on the report of the European Committee on Social Rights in 2013.

Through the amendment of Federal Law Gazette I no. 47/2015, a new Para. 1a was added to Section 4 of the Student Support Act (*Studienförderungsgesetz, StudFG*) as amended; this paragraph specifies the requirements for equal treatment of EU/EEA citizens:

“Foreign citizens who enjoy equal treatment and stateless persons

Section 4. (1) Citizens of contracting parties to the Agreement on the European Economic Area (EEA) and of parties to the Treaty Establishing the European Community as well as third-country nationals enjoy the same legal position as Austrian citizens to the extent ensuing from these agreements.

(1a) EEA citizens meet the requirements for equal treatment if they 1. are migrant workers as defined by Article 45 of the Treaty on the Functioning of the EU (TFEU) or children of migrant workers, or

2. have the right of permanent residence in Austria as defined by Article 16 of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, or

3. are integrated into the Austrian education or social system.

(2) Stateless persons enjoy equal treatment with Austrian citizens if, prior to the admission to an establishment mentioned under Section 3, they

1. have been obliged to the unrestricted payment of income taxes in Austria for a minimum period of five years, together with at least one parent, and

2. have had the centre of their vital interests in Austria during this time.

(3) Refugees as defined by Article 1 of the Convention relating to the Status of Refugees, Federal Law Gazette no. 55/1955, enjoy equal treatment with Austrian citizens.”

The explanatory notes on the 2015 amendment provide further details:

“Pursuant to Section 4 Para. 1 *StudFG*, citizens of contracting parties to the Agreement on the European Economic Area (EEA) and of parties to the Treaty Establishing the European Community as well as third-country nationals enjoy the same legal position as Austrian citizens to the extent ensuing from these agreements. According to the legal materials (*ErläutRV* 1166 *BlgNR* 12 GP 18), the reference to the European agreements under Section 4 Para. 1 *StudFG* is to ensure that enforcement can be flexibly adapted to any amendments required by the rulings of the European Court of Justice (ECJ). It is clear that the citizenship of the European Union alone does not result in equal treatment. Therefore, against the background of the relevant Community regulations and the rulings of the ECJ, for the purpose of implementing Section 4 Para. 1 *StudFG*, the following groups of EEA citizens enjoying equal treatment were defined:

- migrant workers and the members of their families (Article 45 TFEU, Articles 7 and 10 of Regulation (EU) No 492/2011)
- persons entitled to permanent residence//long-term residents (= persons that have resided for a minimum period of five years in Austria) (Article 27 Para. 2 in conjunction with Article 16 of Directive 2004/38/EC)
- persons that are integrated into the Austrian education or social system (among others, ECJ Case C-209/03 *Bidar*).

With a view to providing clarity and predictability of the regulation, the new Para. 1a is to expressly define the requirements for equal treatment, which have been developed by way of interpretation so far. (IA 2015)”

For third-country nationals, the legal situation has not changed. In line with Council Directive 2003/109/EC, they enjoy equal treatment only if they have obtained the right of permanent residence after having resided legally in Austria for at least five years (with the exception of persons who reside in Austria only in order to pursue studies or vocational training).

An amendment to the requirements for equal treatment of stateless persons is currently being prepared. Stateless persons are to enjoy equal treatment with third-country nationals. Apart from that, no changes to the regulations on equal treatment are currently planned.

In the academic year of 2015/16, 3,100 foreign students received study grants in Austria; 1,014 of them were third-country nationals and 156 were recognised refugees.

The current legal situation concerning the equal treatment of foreign students is in line with the relevant provisions of European Union legislation (in particular, Articles 18 and 45 TFEU, Article 7 Para. 2 and Article 10 of Regulation (EU) No 492/2011, Article 24 Paras. 1 and 2 of Directive 2004/38/EC and Article 11 of Council Directive 2003/109/EC) and the related rulings of the European Court of Justice.

It should be emphasised that, according to applicable European legislation and the rulings of the ECJ, students from EU/EEA states do not automatically enjoy equal treatment; they only do if they demonstrate a sufficient link with the host member state, i.e. if they are family members of migrant workers or are themselves integrated into the labour market, the education or the social system. In numerous rulings, the ECJ has established differentiated criteria as to when a sufficient link with the host member state can be assumed. Legal residence in the host member state is not sufficient in itself. In the absence of circumstances indicating a special link with the host member state, EU/EEA citizens are also required to complete a period of five years of residence before they enjoy equal treatment (Article 24 Para. 2 of Directive 2004/38/EC).

The European Committee of Social Rights criticises that, in accordance with the Austrian regulations on equal treatment, non-EEA citizens from signatory countries to the European Social Charter enjoy equal treatment in connection with study grants only after a residence period of five years. The Committee claims that this is not in line with the European Social Charter.

If, however, these third-country nationals were to enjoy equal treatment based solely on their being legally resident in Austria, as required by the Committee, this would lead to an unjustifiable preferential treatment of third-country nationals compared to EU/EEA citizens, as the latter have to fulfil further requirements for equal treatment apart from citizenship of the Union and legal residence, as described above.

The demand of the European Committee of Social Rights that citizens of signatory countries that are not part of the EEA automatically enjoy equal treatment is not comprehensible in so far as such an interpretation of Art. 10§5 of the European Social Charter would have to apply to all nationals of ESC signatory countries, i.e. also to EU/EEA citizens. Equal treatment of all foreign students from ESC signatory countries (EEA and non-EEA states) based on their legal residence alone would incur enormous costs and result in an administrative burden that could not be handled with existing resources. Such far-reaching equality/equal treatment obligations would also contradict all principles of equal treatment of foreign students as regards study grants based on the aforementioned European legal framework and the rulings of the ECJ. Study sponsorship schemes that provide for such far-reaching equal treatment provisions are not known in other European countries either.

The European Social Charter cannot be qualified as a state treaty as defined by the Universities Act (*Universitätsgesetz, UG*) that grants third-country nationals the same rights of occupational access as are enjoyed by Austrian citizens.

According to Council Directive 2003/109/EC, third-country nationals enjoy equal treatment with Austrian citizens and other EU/EEA citizens as regards the requirement to pay tuition fees if they have acquired long-term resident status after having resided legally and continuously within the territory for five years. The provision of this Directive has been implemented, and there can be no discrimination against third-country nationals in this regard.

Moreover, Art. 10§5 of the European Social Charter refers only to providing appropriate measures, within the scope of national and intergovernmental policy-making, towards creating a suitable environment for implementing the right to appropriate options of occupational training and indicates reducing or abolishing any fees or charges in lit. a only by way of example.

In this regard, violation or non-compliance cannot be detected for the reasons explained above.

ARTICLE 15 - THE RIGHT OF PERSONS WITH DISABILITIES TO INDEPENDENCE; SOCIAL INTEGRATION AND PARTICIPATION IN THE LIFE OF THE COMMUNITY

Paragraph 1 – Measures to provide persons with disabilities with guidance, education and vocational training

Reference is made to previous reporting. In addition, the following information is provided:

In response to the Committee's request in its 2016 conclusions for examples of case law and complaints filed with the relevant authorities in relation to discrimination on the ground of disability and the lack of reasonable accommodation in the education and training spheres, the following information is provided:

Complaints/Applications (*Beschwerden*)

The Federal Ministry of Education, Science and Research (BMBWF) is aware of two complaints involving the use of Austrian Sign Language as the language of teaching in schools:

1st complaint: ECHR application no. 50/2018, KÖCK v. Austria. The Republic of Austria (BMVRDJ/VD) issued a statement here together with the BMBWF and the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection (BMASGK) outlining the Austrian legal framework and practice regarding the use of sign language in Austrian schools.

2nd complaint: Complaint lodged by a family with a deaf child: The family lodged a complaint seeking Austrian Sign Language to be introduced and recognised as a language of teaching. The Federal Ministry of Education (now BMBWF) rejected the application in its decision of 19 August 2016. In its decision of 20 April 2018, W227 2141779-1/21e and W227 2141780-1/2e, the Federal Administrative Court (*Bundesverwaltungsgericht*) concurred with the line of reasoning taken by the BMBWF. The Austrian Constitutional Court (*Verfassungsgerichtshof*) then refused to hear the complaint lodged against the ruling of the Federal Administrative Court by means of its decision of 25 September 2018, E2171-2172/2018-5. The Austrian Constitutional Court referred the complaint to the Administrative High Court (*Verwaltungsgerichtshof*).

The BMBWF is also aware of four **conciliation proceedings** pursuant to Section 14 of the Disability Equal Treatment Act (*Behindertengleichstellungsgesetz, BGStG*) (conducted at the *Laender* offices of the Service Centre of the Ministry of Social Affairs (*Sozialministeriumsservice*)) held between 2014 and 2018. These did not result in a court ruling (no actions were filed), nor was any compensation paid.

The specific cases were as follows:

2015: The person applying for conciliation proceedings felt discriminated against because, in her opinion, her state of health had not been taken into account when duty rosters were drawn up and a current medical certificate outlining the limits of her capacity and ability to work had been requested. The person applying for conciliation proceedings was given the option of being able to indicate specific requirements at any time and she was free to choose whether or not she would like to submit an official medical certificate to determine the extent

of her ability to work. The conciliation proceedings were preliminarily suspended (*einfaches Ruhen*).

2016: The case involved a diabetes alert dog. It resulted in an agreement on how to proceed in the future (the applicant is permitted to take the diabetes alert dog to the job training centre), but no compensation was paid.

2017: The visually impaired applicant claimed that she was being discriminated against under the Disability Equal Treatment Act (*Behindertengleichstellungsgesetz, BGStG*) because the questions in the written part of the school-leaving examination (*Reifeprüfung*) had not been made available to her in an accessible way. This had meant that her marks were lower and that this had a negative impact on her future progression.

The BMBWF argued as follows: It is stipulated by way of decree (BMBF-11.012/0310-I/3/2015) that, in accordance with the individual requirements at the respective school and with the involvement of the school management and the *Laender* school authority (now the Board of Education / *Bildungsdirektion*), steps must be taken in the organisational process and in the way in which the school leaving and diploma exams are carried out which, without changing the level of requirements, make it possible for the examination [as defined by Section 5 Para. 2 of the BGStG] to be conducted without barriers for the examination candidate concerned.

In practice, this can mean

- using electronic aids
- granting more time to complete an exam
- providing individual support.

The conciliation proceedings failed.

2018: An application was made for arbitration on the grounds that people suffering from a hearing impairment were being discriminated against under Section 5 Para. 1 no. 1 of the Ordinance governing admission and qualification tests (*Aufnahms- und Eignungsprüfungsverordnung*). The applicant believed that these provisions constituted an obstruction for people who were either deaf or suffering from a hearing impairment looking to embark on a professional career as elementary teachers. She was of the opinion that the provisions made it more difficult to ensure that there was a sufficient number of elementary teachers available with training in Austrian Sign Language (ÖGS). In addition to the curricula, it was also claimed that Section 5 Para. 1 no. 1 of the Ordinance governing admission and qualification tests (*Aufnahms- und Eignungsprüfungsverordnung*) was responsible for their children not receiving the support to which they were entitled.

The BMBWF explained why the ordinance in question is required from an objective pedagogical point of view. The conciliation proceedings failed.

Negative conclusion of the ECSR in its 2016 conclusions:

In response to the Committee's conclusion where it found that the situation in Austria is not in conformity with Article 15§1 of the revised Charter on the ground that the right of persons with disabilities to access mainstream education is not effectively guaranteed, the following information is provided:

Education

Pre-school education

In order to ensure that all children were offered the best educational opportunities, it became free for children to attend an institutional childcare facility in the 2009/2010 nursery school year. From the 2010/2011 nursery school year, it also became mandatory for them to attend such a facility for half a day in the last year before compulsory schooling begins. The Federal Government contributes to the costs. The percentage of children in childcare among five-year-olds is 97.9% (as of 2016). Children with disabilities may be exempted from the obligation to attend nursery school if a corresponding application is filed by their parents. However, this option was only exercised for seven children in the 2014/2015 nursery school year (most recent statistics).

In the 2016/2017 nursery school year, mandatory consultations were also introduced for parents whose children have reached the age of four by 31 August of the respective year but are not registered to attend nursery school, the aim here being to explain the benefits of elementary education to parents. The recommendation to attend nursery school is intended to further increase the percentage of children in childcare for four-year-olds. The percentage of children in childcare for four-year-olds is 95.3%, i.e. some 4,000 children still do not attend any elementary educational institutions (as of 2016).

Furthermore, the *Laender* were obliged to offer care in the penultimate year before compulsory schooling free of charge, at reduced or socially graded rates in order to make the offer more attractive and to relieve the burden on parents.

In agreement with the *Laender*, practical instructions (education plans) were developed to go hand-in-hand with this strategy, the aim of which was to provide orientation for educational work that is in accordance with children's needs and contains suggestions for ways to support the individual development of children in an optimum way.

From 2014-2017, Federal funds were used to support measures to make childhood education and childcare facilities (more) accessible within the framework of the Agreement pursuant to Article 15a of the Federal Constitutional Law (*Bundes-Verfassungsgesetz, B-VG*) on the expansion of institutional childcare facilities.

Counselling and diagnostic services provided by school psychologists are made available to the families concerned even before the children start school.

Schools

The education reform package introduced in 1993 enshrined the task of ensuring integration into schools at primary level (*Grundschule*) into law. This was followed, in 1996, by a law governing the integration of disabled children into the school of 10-to-14-year olds (lower level of secondary education (*Sekundarstufe I*), lower secondary school (*Hauptschule*) / new secondary school (*Neue Mittelschule*) and the lower level of academic secondary schools (*Unterstufe AHS*)). The current wave of education reforms also takes important steps to ensure that all pupils, with and without disabilities, can learn together in the same school.

This means that children and youths with disabilities or in need of special support can, like any other child, complete their compulsory schooling in full, with all the aid and assistance provided for by the relevant provisions set out in school laws and regulations.

As far as students and pupils with physical disabilities or sensory impairments are concerned, they are fully integrated into school life, both in compulsory schools and upper secondary school level (*Sekundarstufe II*), provided that and where they are able to meet the requirements of the curriculum when the support and assistance provided for in law is made available.

In order to ensure that students with physical disabilities or sensory impairments have continued access to education at the intermediate and upper vocational schools and the upper level of secondary academic schools (*Oberstufe*), special statutory provisions are in place that include the option for appropriate curriculum modifications to be made for the respective school types, as well as more support in lessons for these students.

As regards upper secondary education, the integration of pupils in need of special support in pre-vocational schools and in one-year technical schools (*Polytechnische Schulen*) for economic professions was enshrined in law in 2012 (Federal Gazette I no. 9/2012). There is also the option, after the 9th grade, to extend the apprenticeship or achieve partial qualification (see further below).

Further measures

Inclusive Model Regions

A participatory strategy was launched in 2011 to implement the UN Convention on the Rights of Persons with Disabilities (ratified by Austria in 2008) in the Austrian school system.

The National Action Plan on Disability 2012-2020 (NAP) (<https://broschuere.service.sozialministerium.at/Home/Download?publicationId=229>), which was adopted in 2012, outlines the objectives of the Federal Government, which also provide for the development of an inclusive school system in the field of education and, as a first step, call for the implementation and evaluation of model initiatives (such as Inclusive Model Regions).

Inclusive Model Regions are set up to gain experience in fully implementing inclusive education strategies, an approach which dovetails with the objectives of measures 124-125 of the NAP developed in a participatory process: “An Inclusive Region is a region that pursues the goal of fully implementing Article 24 (education) of the UN Convention on the Rights of Persons with Disabilities within its sphere of influence.”

An Inclusive Model Region should enable all pupils living in this region to be taught at (regular) schools, thereby doing away the need for education in separate schools/groups. What this means is that opportunities (e.g. special settings for pupils with severe/multiple disabilities or with serious socio-emotional development disorders) must be created at (regular) schools.

A guideline for the development of Inclusive Model Regions (*Verbindliche Richtlinie zur Entwicklung von Inklusiven Modellregionen*), drawn up by the Federal Ministry of Education, Science and Research in 2015, represents an important step towards achieving this goal, defining the pedagogical, legal and organisational framework needed to develop Inclusive Model Regions and serving as a guide for the *Laender*.

Link: https://bildung.bmbwf.gv.at/schulen/bw/abs/rl_inklusive_modell_2015.pdf?61edru

The *Laender* of Carinthia, Styria and Tyrol began setting up Inclusive Model Regions during the first implementation phase starting in the 2015/16 school year. The “Inclusive Model Region”

concept is also part of the Styrian Action Plan to implement the UN Convention on the Rights of Persons with Disabilities.

The Federal Institute for Education Research, Innovation & Development (BIFIE) has been tasked with scientifically monitoring the implementation of Inclusive Model Regions by means of ongoing evaluation. The findings obtained are to be used when gradually expanding these regions to cover all of Austria. The development and testing work in the model regions is to be supported by empirical evidence and the experience made is to be tackled at scientific level so that the outcome can be made available in efforts to further develop and expand this strategy of inclusion. A first interim report can be accessed from <https://www.bifie.at/node/3892> (in German).

The key experiences made by the Inclusive Model Regions also benefit all other *Laender*, meaning that, from 2020 onwards, high-quality special pedagogical support can be offered at every regular school and specialised facilities and separate schools/groups can be phased out.

Boards of Education (Bildungsdirektionen)

The Education Reform Act (*Bildungsreformgesetz*) 2017 combined the interdisciplinary expertise for support measures available in the school system at in the Boards of Education (established as joint authorities at Federal and *Laender* level) into one section for inclusion, diversity and special education referred to as *Fachbereich Inklusion / Diversität / Sonderpädagogik (FIDS)*. This is organisationally anchored in the branch offices of the Boards of Education and has been given an additional 109 permanent positions by the Federal Government. Specifically, the task of this section is to coordinate and provide all the grants and to provide support to the teaching staff assigned for this purpose. The aim is to increase the overall impact and effectivity of the grants, thereby creating the conditions for all pupils to have a successful school career.

Along with the Boards of Education being established, which are also responsible for administrative decisions when it comes to determining special pedagogical needs (SPF), the regulations governing the SPF procedure were also updated. For reasons of objectivity and practicality, the legislator has streamlined the SPF procedure in such a way that the provisions of the General Administrative Procedure Act (*Allgemeines Verwaltungsverfahrensgesetz, AVG*) apply instead of the previous procedural rules.

Educational evaluation

A comprehensive educational evaluation system (*Bildungscontrolling*) has been set up. What this also means is that there is a stronger commitment to collecting data and monitoring actions relating to children with special needs.

Circular no. 23/2016, which is currently being revised, sets out “Guidelines governing differentiation and evaluation measures for determining special pedagogical needs”. These outline binding criteria on how to distinguish between such needs and are thus intended to result in greater transparency and understanding when it comes to determining special pedagogical needs.

Link: <https://www.lsr-ooe.gv.at/fileadmin/erlasssammlung/2017/B1-9-22-2017.pdf>

The “Guidelines governing the implementation and monitoring of quality standards in the inclusive education of pupils with disabilities” were sent to the school authorities by means of Circular no. 17/2015. This Circular contains binding guidelines for quality standards for teaching in inclusive settings and which are regarded as important prerequisites for ensuring

long-term quality development and quality assurance when teaching pupils who are and who are not in need of special support together. The aim of presenting a summary of these standards is to make it easier for decision-makers and those in positions of responsibility to implement and review them in a binding manner.

Link: https://bildung.bmbwf.gv.at/ministerium/rs/2015_17.html

The measures taken by the Federal Ministry of Education, Science and Research are reflected in the continuously rising integration rate and, consequently, in the fact that parents and guardians more frequently opt for their children to attend a regular school.

In response to the Committee's request in the Appendix of the email of 27 May 2019 for information on the number of children with disabilities included in mainstream facilities, the number attending special schools and the number attending schools on a part time basis etc., and in response to the Committee's request in its 2016 conclusions on whether the figure of 30002 pupils with special educational needs in mainstream or special schools matches the total number of children of school age with disabilities, the following information is provided:

Appropriate measures at different levels are needed to ensure the quality of schooling for pupils in need of special support. Such measures include providing suitable conditions for organising the activities of schools, such as class composition, the planning and design of learning processes tailored to the individual needs of pupils, adding to the skills sets of teachers by means of relevant further training and education measures and employing additional teachers who are appropriately qualified.

The need for special pedagogical support is to be determined by an administrative decision of the Board of Education drawing on the opinions of experts in special pedagogical needs. Pupils who have received an administrative decision indicating that they are in need of special support (*Sonderpädagogischer Förderbedarf Bescheid, SPF Bescheid*) can either be taught in schools catering for special needs or integrated into other school types either entirely or in individual subjects as per the curriculum for schools catering for special needs.

Due to the high level of acceptance which has been achieved by joint lessons of pupils with and without disabilities in primary school and at secondary schools, more than 50% percent of all pupils with special educational needs have been taught in integrated classes for some years now. Meanwhile this number increased up to 55%. The number of educational institutions where pupils and students are being taught inclusively is increasing constantly.

When it comes to compulsory education, the number is even higher. In the school year 2015/2016, 19,717 out of a total of 30,701 pupils with special educational needs received an inclusive education in mainstream schools. This results in some 64% of inclusive education in general schools and 36% education in special schools.

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Special educational support helps pupils with disabilities to benefit from an education and upbringing in keeping with their individual capabilities, ensuring their integration at school and work, encouraging their involvement in society participation and helping them lead independent lives. The need for special educational support must be wholly attributable to a pupil's previously identified physical or mental disability. This means that there must be a causal link between the factor "not being able to follow what is being taught" and the existence of a physical or mental disability. A considerable number of children with physical or sensory disabilities have attended general schools in the past without the need for special support measures, which is why these children are not necessarily in need of special support. It is sufficient in many cases to consider functional limitations when designing the situation at work and for studying or using disability-specific aids, as well as for teachers to adopt a supportive attitude. In view of the fact that not every disability automatically means that there is a need for special support, the number of pupils in need of special support does not reflect the total number of pupils with disabilities. It is sufficient in many cases, for example, to make use of disability-specific aids and for teachers to adopt a supportive attitude.

School statistics - school year 2015/16⁵

Table 1: Total number of school children in general compulsory schools (incl. school children in need of special support (SPF))

School type	Burgen-land	Carinthia	Lower Austria	Upper Austria	Salzburg	Styria	Tyrol	Vorarlberg	Vienna	Austria
Primary schools (Volksschulen)	10,177	20,401	62,671	59,205	20,832	43,174	28,147	16,780	68,164	329,551
Lower secondary schools (Hauptschulen)	82	1,298	5,866	7,903	4,454	2,767	2,090	617	3,488	28,565
New secondary schools (Neue Mittelschulen, NMS)	6,860	11,566	34,739	33,782	10,001	26,102	18,353	11,778	26,299	179,480
Special needs schools (Sonderschulen)*)	327	382	3,787	1,363	1,663	675	1,624	1,026	2,966	13,813
Pre-vocational schools (Polytechnische Schulen)	391	674	3,056	3,318	1,113	2,133	1,634	1,127	2,689	16,135
All school types	17,837	34,321	110,119	105,571	38,063	74,851	51,848	31,328	103,606	567,544

**) Including school children taught according to the curriculum of special needs schools in other schools.*

⁵ Source: Educational documentation (BMB)

Table2: School children with a need for special pedagogical support (SPF) at general compulsory schools (APS) Percentage of school children with a need for special pedagogical support

School type	Burgenland	Carinthia	Lower Austria	Upper Austria	Salzburg	Styria	Tyrol	Vorarlberg	Vienna	Austria
Primary schools (Volksschulen)	159	654	664	1,562	161	1,004	166	383	1,656	6,409
Lower secondary schools (Hauptschulen)	-	61	139	345	64	93	30	18	201	951
New secondary schools (Neue Mittelschulen, NMS)	294	915	1,086	1,977	268	1,395	276	635	1,696	8,542
Special needs schools (Sonderschulen)*	327	382	3,787	1,363	1,663	675	1,624	1,026	2,966	13,813
Pre-vocational schools (Polytechnische Schulen)	37	143	158	215	35	156	51	65	126	986
All school types	817	2,155	5,834	5,462	2,191	3,323	2,147	2,127	6,645	30,701

**) Including school children taught according to the curriculum of special needs schools in other schools.*

Table 3 Percentage of school children with a need for special pedagogical support SPF in general compulsory schools (%)

School type	Burgenland	Carinthia	Lower Austria	Upper Austria	Salzburg	Styria	Tyrol	Vorarlberg	Vienna	Austria
Primary schools (Volksschulen)	1.6%	3.2%	1.1%	2.6%	0.8%	2.3%	0.6%	2.3%	2.4%	1.9%
Lower secondary schools (Hauptschulen)	-	4.7%	2.4%	4.4%	1.4%	3,4%	1.4%	2.9%	5.8%	3.3%
New secondary schools (Neue Mittelschulen, NMS)	4.3%	7.9%	3.1%	5.9%	2.7%	5.3%	1.5%	5.4%	6.4%	4.8%
Special needs schools (Sonderschulen)*)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Pre-vocational schools (Polytechnische Schulen)	9.5%	21.2%	5.2%	6.5%	3.1%	7.3%	3.1%	5.8%	4.7%	6.1%
All school types	4.6%	6.3%	5.3%	5.2%	5.8%	4.4%	4.1%	6.8%	6.4%	5.4%

**) Including school children taught according to the curriculum of special needs schools in other schools.*

Table 4: Distribution of school children with a need for special pedagogical support (SPF) by form type in general compulsory schools

Class type	Burgen-land	Carinthia	Lower Austria	Upper Austria	Salzburg	Styria	Tyrol	Vorarlberg	Vienna	Austria
In special-needs classes	213	368	2,828	1,241	764	640	1,068	876	2,986	10,984
Taught in an integrated way	604	1,787	3,006	4,221	1,427	2,683	1,079	1,251	3,659	19,717
Total class types	817	2,155	5,834	5,462	2,191	3,323	2,147	2,127	6,645	30,701

Table 5: Distribution of school children with a need for special pedagogical support (SPF) taught in an integrated way by form type in general compulsory schools

School type	Burgen-land	Carinthia	Lower Austria	Upper Austria	Salzburg	Styria	Tyrol	Vorarlberg	Vienna	Austria
Primary schools (Volksschulen)	211	663	1,093	1,619	594	1,020	383	428	1,625	7,636
Lower secondary schools (Hauptschulen)	-	61	206	367	178	94	51	18	197	1,172
New secondary schools (Neue Mittelschulen, NMS)	357	921	1,530	2,019	591	1,413	584	740	1,711	9,866
Special needs schools (Sonderschulen)	213	368	2,828	1,241	764	640	1,068	876	2,986	10,984
Pre-vocational schools (Polytechnische Schulen)	36	142	177	216	64	156	61	65	126	1,043
All school types	817	2,155	5,834	5,462	2,191	3,323	2,147	2,127	6,645	30,701
Of which taught in an integrated way	604	1,787	3,006	4,221	1,427	2,683	1,079	1,251	3,659	19,717

Table 6: Distribution of school children with a need for special pedagogical support (SPF) by form type in general compulsory schools (%)

School type	Burgen-land	Carinthia	Lower Austria	Upper Austria	Salzburg	Styria	Tyrol	Vorarlberg	Vienna	Austria
In special-needs forms	26.1%	17.1%	48.5%	22.7%	34.9%	19.3%	49.7%	41.2%	44.9%	35.8%
Taught in an integrated way	73.9%	82.9%	51.5%	77.3%	65.1%	80.7%	50.3%	58.8%	55.1%	64.2%
Total class types	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
School children with a need for special pedagogical support taught in an integrated way (per cent)										
In primary schools (Volksschulen)	25.8%	30.8%	18.7%	29.6%	27.1%	30.7%	17.8%	20.1%	24.5%	24.9%
In lower secondary schools (Hauptschulen)	-	2.8%	3.5%	6.7%	8.1%	2.8%	2.4%	0.8%	3.0%	3.8%
In new secondary school classes (Neue Mittelschule)	43.7%	42.7%	26.2%	37.0%	27.0%	42.5%	27.2%	34.8%	25.7%	32.1%
In pre-vocational schools (Polytechnische Schulen)	4.4%	6.6%	3.0%	4.0%	2.9%	4.7%	2.8%	3.1%	1.9%	3.4%

School statistics – 2017/18 school year⁶

School children in need of special support at general compulsory schools (APS)

School type	Burgenland	Carinthia	Lower Austria	Upper Austria	Salzburg	Styria	Tyrol	Vorarlberg	Vienna	Austria
School children at general compulsory schools										
Primary schools (Volksschulen)	10,369	20,542	64,025	60,969	21,232	44,284	28,704	16,798	72,459	339.382
Lower secondary schools (Hauptschulen)	-	-	2	859	655	189	-	210	78	1,993
New secondary schools	6,963	12,621	40,122	40,729	13,450	28,193	20,477	11,806	31,544	205.905
Special needs schools*)	329	320	3,747	1,339	1,714	567	1,482	2,067	3,250	14,815
Pre-vocational schools (Polytechnische Schulen)	386	583	3,157	3,127	962	1,945	1,618	946	2,585	15,309
APS in total	18,047	34,066	111,053	107,023	38,013	75,178	52,281	31,827	109,916	577.404
School children with a need for special pedagogical support										
Primary schools (Volksschulen)	119	587	650	1,569	239	682	124	34	1,450	5,454
Lower secondary schools (Hauptschulen)	-	-	2	38	4	4	-	-	-	48
New secondary schools	336	1,000	1,222	2,446	373	1,565	264	113	1,735	9,054
Special needs schools*)	329	320	3,747	1,339	1,714	567	1,482	2,067	3,250	14,815
Pre-vocational schools (Polytechnische Schulen)	54	81	207	245	50	156	54	3	143	993
APS in total	838	1.988	5.828	5.637	2.380	2.974	1.924	2.217	6.578	30.364

⁶ Educational documentation

Percentage of school children with a need for special pedagogical support

Primary schools (Volksschulen)	1.1%	2.9%	1.0%	2.6%	1.1%	1.5%	0.4%	0.2%	2.0%	1.6%
Lower secondary schools (Hauptschulen)	-	-	100.0%	4.4%	0.6%	2.1%	-	-	-	2.4%
New secondary schools	4.8%	7.9%	3.0%	6.0%	2.8%	5.6%	1.3%	1.0%	5.5%	4.4%
Special needs schools*)	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Pre-vocational schools (<i>Polytechnische Schulen</i>)	14.0%	13.9%	6.6%	7.8%	5.2%	8.0%	3.3%	0.3%	5.5%	6.5%
APS in total	4.6%	5.8%	5.2%	5.3%	6.3%	4.0%	3.7%	7.0%	6.0%	5.3%

*) incl. pupils at other schools if they are taught according to the curriculum of a school catering for special needs

School type of the class attended	Bur- gen- land	Carin- thia	Lower Austria	Upper Austria	Salz- burg	Styria	Tyrol	Vor- arl- berg	Vienna	Austria
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School children with a need for special pedagogical support

in primary school classes	153	595	1.108	1.605	690	713	309	456	1.472	7.101
in lower secondary school classes	-	-	-	43	26	4	-	7	-	80
in new secondary school classes	390	1.002	1.842	2.527	776	1.582	635	891	1.748	11.393
in classes at schools catering for special needs	233	310	2.626	1.231	809	519	911	825	3.212	10.676
in classes at pre-vocational schools	62	81	252	231	79	156	69	38	146	1.114
APS in total	838	1.988	5.828	5.637	2.380	2.974	1.924	2.217	6.578	30.364
of which taught in an integrated way	605	1.678	3.202	4.406	1.571	2.455	1.013	1.392	3.366	19.688

Percentage of school children in need of special support

in primary school classes	18.3%	29.9%	19.0%	28.5%	29.0%	24.0%	16.1%	20.6%	22.4%	23.4%
in lower secondary school classes	-	-	-	0.8%	1.1%	0.1%	-	0.3%	-	0.3%
in new secondary school classes	46.5%	50.4%	31.6%	44.8%	32.6%	53.2%	33.0%	40.2%	26.6%	37.5%
in classes at schools catering for special needs	27.8%	15.6%	45.1%	21.8%	34.0%	17.5%	47.3%	37.2%	48.8%	35.2%
in classes at pre-vocational schools	7.4%	4.1%	4.3%	4.1%	3.3%	5.2%	3.6%	1.7%	2.2%	3.7%
APS in total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
of which taught in an integrated way	72.2%	84.4%	54.9%	78.2%	66.0%	82.5%	52.7%	62.8%	51.2%	64.8%

Budget resources

In the 2018/19 academic year, a total of around EUR 404 million will be made available by the Federal Government for 28,725 pupils in need of special support and 6,583.2 permanent positions (source: *Definitiver Stellenplan APS 2018/19*) for general compulsory schools. In addition to the permanent posts resulting from this calculation key, the Federal Government also reimburses a total of EUR 25 million every year throughout Austria for the additional costs incurred by the *Laender* arising from structural problems as a result of falling numbers of pupils and in the area of teaching for children with special educational needs.

Additional teaching resources are made available to provide pedagogical support to help integrate pupils with disabilities in academic secondary schools (*AHS*), as well as in intermediate and higher-level vocational schools (*BMHS*). In the 2018/19 academic year, this translates into an additional 1,356 hours per week, corresponding to a budget of around EUR 5.2 million. These resources were disbursed for 522 pupils.

Expenditure for personal assistance services for pupils with physical disabilities amounted to around EUR 1,609,000 in 2016, around EUR 1,775,000 in 2017 and around EUR 2,206,000 in 2018 (provisional).

In response to the Committee's request in its 2016 conclusions for information on the numbers of persons with disabilities in mainstream and special vocational training facilities, the number of special vocational training facilities for young people and adults with disabilities and the practical impact of the action plan to promote the integration of students with disabilities in higher education establishments, the following information is provided:

Compulsory education for all young people up to the age of 18

In 2012, the National Action Plan Disability (NAP Disability 2012-2020) was adopted by the Austrian Federal Government. The Action Plan includes the main principles underlying Austria's policy for persons with disabilities and serve as a basis for implementing the UN Convention on the Rights of Persons with Disabilities. One focus is specifically on the topic of employment of persons with disabilities.

With its "Training to 18" (*Ausbildung bis 18*) initiative, the Federal Government has successfully implemented an ambitious and comprehensive reform project at the point where the transition from compulsory schooling to the further education system is made. The "Ausbildung bis 18" training initiative for persons under 18 years of age was already part of the government's programme back in 2013. In the years that followed, the draft legislation was developed with the broad participation of six ministries, the social partners, representatives of the *Laender* and other partners, finally coming into force on 1 August 2016. The obligation to remain in training pursuant to Section 4 of the Compulsory Education Act (*Ausbildungspflichtgesetz, APfIG*) came into force on 1 July 2017. With the exception of compulsory schools, the associated notification requirements also took effect on 1 July 2017. Compulsory schools have been subject to notification requirements since 1 July 2018. From the end of the 2016/2017 school year, all young people up to the age of 18 who have completed compulsory schooling and are permanently resident in Austria are required to continue with some form of training until they reach the age of 18.

The goal of enabling every young person to obtain a higher-level qualification in the further education system, an apprenticeship certificate at company or institutional level or at least

partial qualification after completing compulsory schooling has been accompanied by a substantial increase in the range of possibilities on offer. This applies particularly to offers from the Service Centre of the Ministry of Social Affairs, such as the expansion of the Youth Coaching programme, production schools and the regional co-ordinating entities, as well as to new, low-threshold offers that help young people get into further training. It is thanks to the committed and responsibly-minded collaboration across all departments over the past few years that the “AusBildung bis 18” scheme can now be considered a resounding success.

Services offered by the Service Centre of the Ministry of Social Affairs at the transition from school to training and occupation

With its nine *Laender* offices, the Service Centre of the Ministry of Social Affairs is a subordinate administrative body of the Ministry of Social Affairs and serves as a central contact point for people with disabilities concerning matters in the fields of work and equal treatment. The primary tasks of the Service Centre of the Ministry of Social Affairs include the implementation of measures to ensure access to reasonable jobs for people with special handicaps which enable them to sustain themselves, and to preserve jobs for people with disabilities. As unemployment has become a massive threat for disadvantaged people, the Service Centre of the Ministry of Social Affairs increasingly also serves as a contact point for an increasing number of people with unfavourable employment and education opportunities.

The *Laender* offices of the Service Centre of the Ministry of Social Affairs act as regional stakeholders in the Austrian *Laender*. They fulfil their tasks taking into consideration the regional characteristics. Customer proximity and service orientation are major priorities of the offices. The different specialised departments at the regional offices offer initial consultation on the services of the Service Centre of the Ministry of Social Affairs; all applications may be filed with these *Laender* offices.

The central tasks of the Service Centre of the Ministry of Social Affairs include cooperating with all stakeholders to coordinate labour market policy measures, transferring knowledge and information and facilitating the exchange of experience concerning disabilities and work. This coordination function is to be extended and defined in greater detail.

The Service Centre of the Ministry of Social Affairs has been entrusted with the coordination of vocational rehabilitation and promotes a broad range of associated services in this field. The Service Centre may promote measures for people with disabilities from their 15th year of age and for businesses in accordance with the *BEinstG*, both by individual and project support. In recent years, the Service Centre has reacted to changes on the labour market by adjusting the strategic focus of its offers. The scope of individuals eligible for support was successively extended, with eligibility depending on the personal need for support of people with disabilities.

In accordance with disability mainstreaming, people with disabilities generally have access to all measures of general labour market policy and to adequate support. Some handicaps, however, entail specific needs for support at the workplace or on the path into the labour market. The Service Centre of the Ministry of Social Affairs and the Public Employment Service (*Arbeitsmarktservice, AMS*) cooperate to support people with disabilities on their path into the primary labour market.

Among other things, the Service Centre focuses on the transition from school to employment. In this context, it coordinates, in cooperation with the project members of the Youth Coaching

project, teachers, the social environment and stakeholders in the labour market as well as businesses to ensure an optimal path for young people into an apprenticeship, an occupational qualification programme or directly into the primary labour market, or to develop guidance for finding solutions to individual problems. The Production School programme (*Produktionsschule*) was developed as an essential element of youth labour market policies to keep young people in the training and education system for a longer period of time and make their training and education more successful. The Production School programme is a low-threshold, standardised service for disadvantaged young people that systematically aims at integrating young people into the further training and education system by offering individual support.

Youth coaching

The Youth Coaching offered by the Service Centre of the Ministry of Social Affairs (*Sozialministeriumservice, SMS*) provides counselling and assistance to young people covered by the compulsory education obligation in terms of perspectives and career planning starting from the 9th grade and is a key instrument in implementing education and training up to the age of 18 ("*Ausbildung bis 18*"). The numbers of participants in the programme has increased steadily since it was introduced on a federal level. Since 2013 the Youth Coaching programme has been offered to young people who are socially excluded, or at risk of exclusion, to support them at the transition point between school, education and training and entry into the labour market. Since 2017 the Youth Coaching programme has been the centrepiece of efforts to implement the objectives of the Compulsory Education Act (*Ausbildungspflichtgesetz, APfLG*) by providing counselling and assistance in terms of perspectives and career planning to young people covered by the compulsory education obligation.

A total of 51,529 individuals took part in the Youth Coaching programme in 2017. 44% of participants are female and 57% of them speak German as their first language, 12% Turkish or Kurdish, 9% Bosnian, Croatian or Serbian and 23% another language as their first language.

In 2018, Youth Coaching had 55,702 participants (+4,173 year-on-year).

Additional pilot projects have been established in 2019 to improve the integration young people not in education, employment or training (NEET) in Styria, Tyrol and Burgenland. Furthermore, Youth Coaching is evaluated nationwide.

Youth Coaching targets young people who are either in school or not:

- Youths in school: pupils at risk of being marginalised and dropping out (compulsory school, AHS, BMHS) from the 9th grade to the age of 19 or up to the age of 24 if certain evidence (e.g. disability, special pedagogical support) is available.
- Young people not in school / not in the system: This includes young people covered by the compulsory education obligation up to the age of 18, young people who are not in education, employment or training (NEET) or who are at risk of dropping out of a project initiated by the Public Employment Service (AMS) or the Service Centre of the Ministry of Social Affairs (SMS), up to the age of 19 or up to the age of 24 if certain evidence (e.g. disability, SPF) is available.

The youths are presented with perspectives in the school and general training system using counselling, support and case management measures. Jointly with the participants, their strengths and skills are determined and an appropriate education and training plan is developed based thereon with the aim of preventing school and training drop-out rates or

enabling them to (re)assume training. The Youth Coaching programme is also intended as a contribution to stabilising young people both at personal and social levels.

In addition to this, Youth Coaching plays the role of a gatekeeper for the production school and vocational training assistance services offered by the Service Centre of the Ministry of Social Affairs. This means that, before those service offers can be taken up, the Youth Coaching programme must be fully completed.

CR - Clearing and JU - Youth Coaching - combined figures - personal data only	Male	Female	Total	Payments
2013	13,246	9,975	23,221	EUR 23,108
2014	17,466	13,447	35,509	EUR 17337
2015	22,435	16,925	39,360	EUR 24,448
2016	25,736	19,396	45,132	EUR 26,695

Source IV/A/6 DWH statistics reports, summary box

Production School programme

The Production School programme's objective as a second key measure as part of the "AusBildung bis 18" initiative is to offer targeted and individual learning and development opportunities to young people who have completed compulsory education without having acquired a sufficiently high level of social and/or life skills to start a qualifying vocational training, in order to be guided to the next training step best suited to them. Production schools therefore aim to help individuals reach a specific stage of training,

targeting young people up to the age of 21 or 24 for youths with a disability or SPF. Attending a production school is predicated on the Youth Coaching programme clarifying the respective target groups in advance (gatekeeping function).

Vocational Training Assistance

The offer of "integrative vocational training" has been established for young people with special needs who are not able to undergo traditional apprenticeship training. With the help of this new type of vocational training it becomes possible to specifically address the needs of young people with disabilities. For instance, their training may take place in the form of an apprenticeship training extended by up to two years, or by acquiring only selected elements of a job profile within the scope of what is referred to as "partial qualification".

The objective of integrative vocational training is to enable young people with personal placement obstacles to enter the labour market even if they are not able to complete a regular apprenticeship training.

In order to guarantee the success of the training measures, integrative vocational training is to be supported and accompanied by qualified vocational training assistants.

The objective of vocational training assistance is to improve the participation of disadvantaged young people with personal placement obstacles in the labour market. Vocational training assistance (abbreviated as *BAS*), a programme centred on integrative vocational training on the job, supports young people during their training, accompanying them both in their companies and at school, thus ensuring successful completion of the training. Appropriate preparation, support and assistance measures are aimed at enabling young persons to

successfully complete the training they have chosen, thus laying the foundation for their long-term integration into the regular labour market.

Vocational training assistance (BA)	Male	Female	Total	Payments
2013	4,090	1,873	5,963	EUR 9,832
2014	4,418	2,064	6,482	EUR 11,960
2015	4,733	2,227	6,960	EUR 13,385
2016	5,223	2,393	7,616	EUR 14,210
2017	5,655	2,449	8.104	EUR 18,452
2018	6,673	2,806	9,479	EUR 20,370

Source IV/A/6 DWH statistics reports, summary box

Extension of the apprenticeship period in accordance with Section 8b Para. 1 of the Vocational Training Act (*Berufsausbildungsgesetz, BAG*) and partial qualification in accordance with Section 8b Para. 2 BAG

The Vocational Training Act was amended in 2003 to adjust the situation for the target group below, amending the provisions governing the transition from general compulsory schooling to initial vocational training (dual training). These vocational training paths were developed in order to enable youths who are not able to complete a full apprenticeship to receive vocational training. These vocational training courses enable extendable apprenticeship contracts or partial qualifications to be agreed.

Target group:

(extended apprenticeship and partial qualification) the following target groups are considered:

1. Persons with special educational needs at the end of compulsory schooling and who have at least partially been educated according to the curriculum of special needs schools, or
2. Persons who have not completed a lower secondary school or new secondary school, or who left one of these schools with a negative school-leaving qualification, or
3. Persons with disabilities in accordance with the Disability Employment Act (*Behinderteneinstellungsgesetz, BEinstG*) or the applicable State Disability Act (*Landesbehindertengesetz*), or
4. Persons considered unable to enter into an apprenticeship contract in accordance with Section 1 on the basis of the results of a counselling, support or guidance measure commissioned by the Public Employment Service or the Service Centre of the Ministry of Social Affairs for reasons based solely on their person established by means of an expert assessment confirmed by a second person in a manner to be specified in the relevant Public Employment Service or Service Centre of the Ministry of Social Affairs guidelines.

While the student record does not include information on which of the criteria laid down in the Vocational Training Act (BAG) apply to persons in training under Section 8b (1) or (2) BAG, it does indicate whether the relationship is based on an apprenticeship or training contract in accordance with Section 8b (1) or (2) BAG.

- **Extended apprenticeship training (Section 8b Para. 1 BAG)**

For persons

- targeted by the AMS for this type of vocational training, and
- for whom it can be assumed that, while they might need more time to complete an apprenticeship, they are basically able to do so,
- apprenticeship contracts can be concluded in which a longer apprenticeship period is agreed either during the apprenticeship period or right at the beginning.

Prerequisite: Reaching the final apprenticeship examination is only possible by extending the apprenticeship period. An extension may be granted for a maximum period of one year and, in exceptional cases, for up to two years.

- **Partial qualification (Section 8b Para. 2 BAG)**

For persons

- targeted by the AMS for this type of vocational training, and
- for whom it cannot be assumed that they are able to complete a full apprenticeship,
- training contracts can be concluded in which partial qualifications are agreed by focusing on certain parts of the work of an apprenticeship trade.

The training can last anywhere between one and three years, depending on its content.

This opportunity has been well established since its introduction in 2003. In 2016, a total of 7,163 adolescents and in 2018, a total of 8,045 adolescents in Austria participated in a partial qualification scheme or extended apprenticeship.

	Austria total	Section 8b Para. 1 total (prolongation of the apprenticeship)	in companies	In supra-company institutions	Section 8b Para. 2 total (partial qualification)	in companies	in supra-company institutions
2014	6,475	4,905	3,287	1,618	1,570	591	979
2015	6,787	5,149	3,465	1,684	1,638	530	1,108
2016	7,163	5,558	3,769	1,789	1,605	500	1,105
2017	7,702	6,075	4,207	1,868	1,627	501	1,126
2018	8,045	6,407	4,700	1,707	1,638	557	1,081

Vocational training pursuant to Section 8 b

<i>Land</i>	Total	Section 8 b Para. 1 of the Vocational Training Act (BAG) (extension of the apprenticeship period)			Section 8 b Para. 2 of the Vocational Training Act (BAG) (partial qualification)		
		Section 8b Para. 1 total	In/at businesses	In/at institutions	Section 8b Para. 2 total	In/at businesses	In/at institutions
Burgenland	265	190	74	116	75	14	61
Carinthia	431	369	315	54	62	49	13
Lower Austria	950	891	699	192	59	57	2
Upper Austria	2,131	1,447	1,308	139	684	135	549
Salzburg	378	224	157	67	154	64	90
Styria	1,339	1,130	985	145	209	72	137
Tyrol	591	527	472	55	64	62	2
Vorarlberg	419	305	294	11	114	89	25
Vienna	1,541	1,324	396	928	217	15	202
AUSTRIA	8,045	6,407	4,700	1,707	1,638	557	1.081

Source: Statistics on apprentices from the Austrian Federal Economic Chamber (WKO), as at 31 December 2018

Supported employment (Arbeitsassistenz) for young people

The sponsored supported employment service helps young persons with disabilities in finding and retaining jobs. This service is provided by experts specifically qualified for working with young people with disabilities.

Supported employment entails a range of services including: evaluating jointly with the client their current individual situation and assessing their individual vocational options; counselling during the job search; and support in the initial period of employment. Another vital function of supported employment is crisis intervention in order to prevent the loss of a job at risk.

(Participants and expenses/payments in the year)

	Participants **)	Men	Women	Expenditure*)
	total (m+f)			rounded in euros
2013	12,845	6,863	5,982	EUR 19,792
2014	13,342	7,260	6,082	EUR 17,116
2015	13,491	7,381	6,110	EUR 21,835
2016	13,996	7,588	6,408	EUR 24,676
2017	14,818	7,724	7,094	EUR 28,086
2018	15,476	8,072	7,404	EUR 28,589

Sources for participants: BMASGK statistics reports;

** Participation numbers in 2016 correspond to npb data according to the report of the coordinating body (KOST) – Annual report

Job Coaching

Within the Job Coaching scheme, young people with disabilities are accompanied and individual on-the-job training programmes within companies are provided to them. The programme's objective is to achieve long-term vocational participation of the supported young persons with disabilities and to enable them to retain a gainful occupation which allows them to sustain themselves.

This kind of support is intended to promote the professional and social skills of people with disabilities, enabling them to meet the demands of employers on their own. At the same time, awareness regarding the needs of people with disabilities is to be raised among employers and co-workers.

Public Employment Service

The Public Employment Service (AMS), within the scope of its statutory brief to ensure more equal opportunities in the labour market, uses a more extended definition of disability: individuals with health-caused impairments. Specifically, this group of persons comprises individuals who have a physical, psychological, mental or sensory impairment. A distinction is made here between persons with a legally recognised disability and persons with another medically certified health-related placement impediment (according to the AMS's coding scheme):

- Persons with a **legally** recognised disability pursuant to the Federal Disability Act (*Bundesbehindertengesetz*), the Disability Employment Act (*Behinderteneinstellungsgesetz*) or another Federal act with at least a 30 per cent level of disability, or at least a 50 per cent level of disability or more, who belong to the group of eligible persons with a disability; persons with a disability determined in accordance with legislation at *Laender* level; persons with a disability pass (*Behindertenpass*);
- Persons with a **medically** certified health-related impediment for whom it is difficult to find employment or who have limited career opportunities for health-related reasons and require corresponding support to obtain employment in the primary labour market in keeping with their level of health.

Vocational participation is one – if not the central – element for overall community participation and an inclusive society.

The BABE 2014-2017 programme (*Behinderung* (disability) – *Ausbildung* (training) – *Beschäftigung* (employment)) was the core programme to enhance the vocational situation of people with disabilities. A package of measures was developed during the 26th legislative period (2017-2019) with the involvement of key stakeholders which, by implementing the scheme referred to as “inclusion package” (*Inklusionspaket*), provides for a combination of new services focusing on both on companies and individuals, along with a needs-based expansion of existing services, and is to be implemented on a step-by-step basis.

As part of the inclusion package adopted by the Austrian National Council in October 2017 and in addition to extending legal protection to cover people with disabilities, the annual budget for increasing the vocational participation of people with disabilities was increased from around EUR 48 million in 2017 to EUR 90 million, of which around EUR 20 million is needed every year to maintain the measures developed at the existing level.

In the future, companies are to be given support when taking on people with disabilities by means of the following specific measures:

- Increasing and applying wage subsidies at an earlier stage
- Cutting red tape on existing grants by extending the funding period
- Strengthening support for apprentices with disabilities
- Information and awareness-raising campaigns to visualise for a company how employing a person with disabilities is an enrichment.

Care and support by the Public Employment Service (AMS) for people with health-related placement impediments

The AMS supports persons with health-related impediments by helping them to find suitable jobs on the one hand and, on the other hand, by establishing and expanding qualifications that can be used on the labour market (Section 29 Para. 4 of the Labour Market Services Act (AMSG)) that are individually tailored to their ability to work. If the AMS is notified of health-related impediments or a disability, this will immediately be taken into account in the counselling and support process. What this specifically means is that customers with disabilities are looked after by in-house AMS rehabilitation counsellors and a comprehensive medical history of the health-related and occupational situation is drawn up together with the customers in order to prepare an individual care arrangement (*Betreuungsvereinbarung*). As part of looking after this group of persons, the AMS also works together with the Service Centre of the Ministry of Social Affairs and other institutions in the social services and treatment sector. The aim of this support is to enable integration into the primary labour market.

As a general rule, all of the support programmes offered by the AMS are also available to any customers with disabilities. There are also service offers focusing especially on supporting people with health-related impediments. The range of services extends from work-related skills training with the aim of completing an apprenticeship (training in an abbreviated format, in cooperation with companies and including attendance at occupational school) and work training which enable a step-by-step increase in the capacity and ability to work, to health and therapy-oriented modules to go together with the measures.

In 2018, a total of 83,023 persons with health-related impediments were included in AMS⁷ support schemes. A total of 16,017 persons found employment with the support of integration subsidies (grant for the potential employer's wage costs). Persons who are difficult to place or persons with limited productivity are introduced to employment on the regular labour market by being employed in socio-economic businesses or in non-profit employment projects. In 2018, a total of 2,142 target group persons were employed in a non-profit employment project and 6,774 persons in a socio-economic business. The top-up wage enables people in low-paid employment to earn an income in excess of 30% of their unemployment benefit (2,886 subsidised persons in 2018).

Alongside employment promotion measures, a greater number of skills training programmes specifically aligned with the needs of this target group (such as those provided by the Centres for Vocational Education and Rehabilitation (BBRZs)) are available. In 2018, a total of 40,461 persons with health-related impediments were included skills training programmes. When it comes to grants provided by the AMS, a distinction is made between training and further education commissioned by the AMS (shown as "educational measures" in the following tables), and training and further education on the general education market (shown as "course costs" in the following tables). The support for incidental course costs makes it possible, for example, to reimburse examination fees as well as expenses for travel and meals (18,726 supported persons in 2018).

Persons with low chances of integration and people with multiple strains are given individual support in counselling and support facilities. Customers are gradually introduced to the requirements of the labour market through coordinated support models (2018: 42,269 supported persons).

The following tables show the number of supported persons with officially recognised disabilities and details on the subsidies for persons with other health-related placement impediments for the years from 2015 to 2018.

⁷Persons with an officially recognised disability and persons with other health-related placement impediments

Support for persons with an officially recognised disability				
	2015	2016	2017	2018
Employment	5,153	5,200	5,768	5,978
<i>including integration subsidies</i>	3,979	3,866	4,355	4,644
<i>including non-profit employment project</i>	517	426	406	331
<i>including socio-economic business</i>	619	953	1,092	1,038
<i>including top-up wage scheme</i>	520	419	517	546
Skills training	7,563	7,128	7,148	6,803
<i>including educational measures</i>	4,669	4,222	4,263	4,235
<i>including course costs</i>	704	745	764	561
<i>including incidental course costs</i>	3,654	3,323	3,346	3,077
Support	5,690	6,349	6,768	7,724
<i>including counselling and support facilities</i>	5,323	6,010	6,473	7,436
Total	13,814	13,778	14,312	15,162

Support for persons with other health-related placement impediments⁸				
	2015	2016	2017	2018
Employment	12,508	15,630	19,866	19,234
<i>including integration subsidies</i>	6,389	8,648	12,108	11,398
<i>including non-profit employment project</i>	1,949	1,992	2,000	1,813
<i>including socio-economic business</i>	3,891	4,877	5,665	5,743
<i>including top-up wage scheme</i>	1,263	1,698	2,205	2,342
Skills training	33,400	33,320	35,013	33,817
<i>including educational measures</i>	24,167	23,932	25,149	24,518
<i>including course costs</i>	2,594	2,802	3,154	2,458
<i>including incidental course costs</i>	14,704	15,400	16,608	15,716
Support	24,098	27,823	32,692	36,797
<i>including counselling and support facilities</i>	22,095	25,940	30,914	34,992
Total	53,889	58,680	65,898	68,472

In recent years, the number of people who have been able to find employment with the help of the Public Employment Service has risen steadily.

Commencement of employment among persons with health-related impediments:				
	2015	2016	2017	2018
Other placement impediment	39,589	45,266	52,119	55,080
officially recognised	7,870	7,894	8,694	8,938
Total	47,459	53,160	60,813	64,018

Labour market policies to support persons with disabilities and persons with health-related placement impediments

Since 2018 people with disabilities have been seen as a separate target group in the scheme of the Public Employment Service. This means that the AMS also provides additional funding for promoting the employment of persons with disabilities, in particular by means of integration grants or subsidies.

The Ministry of Social Affairs has developed diverse programmes for integrating people with disabilities into the labour market more sustainably. By aligning measures with the needs of target groups and personalising support programmes to the maximum extent possible, it has been possible to improve the personal situation of many individuals. The AMS has previously focussed on measures to enable it to ensure an optimum level of activity for this target group and step up funding, and will continue to do so.

Alongside employment promotion measures, a greater number of **skills training programmes** specifically aligned with the needs of this target group (such as those provided by the Centres for Vocational Education and Rehabilitation (BBRZs)) are now available.

Berufliche Integration von Menschen mit Behinderungen						
Teilnahmen im Jahr	2013	2014	2015	2016	2017	2018
Gesamte Angebotslandschaft	71.087	84.073	88.220	96.130	104.420	113.036
darunter						
Projektförderungen	51.033	65.172	69.561	77.471	83.995	92.591
NEBA	42.834	57.730	63.094	71.125	78.236	87.007
Arbeitsassistenz	12.845	13.342	13.491	13.996	14.818	15.476
Berufsausbildungsassistenz	5.963	6.482	6.960	7.602	8.090	9.479
Jobcoaching	805	1.133	1.076	1.208	1.410	1.571
Jugendcoaching*	23.221	35.509	39.360	45.132	49.937	55.505
Produktionsschule (PS und davor Afit)		1.264	2.207	3.187	3.769	4.769
Technische Assistenz pauschaliert					212	207
Sonstige Assistenzen	3.259	3.178	3.457	3.537	3.362	3.468
Persönliche Assistenz am Arbeitsplatz	432	444	486	517	529	545
Sonstige Assistenzen (zB Support Coaching, techn. Assistenzen, sonstige Unterstützungsstrukturen)	2.827	2.734	2.971	3.020	2.833	2.923
Beratung und Information						
Qualifizierung und (Rest) Beschäftigung	4.940	4.264	3.010	2.809	2.397	2.116
Individualförderungen (INDV)	20.054	18.901	18.659	18.659	20.425	20.445
Lohnförderung	9.631	8.275	7.942	7.942	7.371	7.449
Arbeit und Ausbildung						
Förderung Selbstständige	10.423	10.626	10.717	10.717	13.054	12.996
Mobilität						
Auszahlungen in Mio.	158,979 €	141,072 €	164,309 €	173,498 €	196,518 €	** 213,840 €
Quellen: Statistik Bericht 2013/2014/2015/2016; 2017: BMASGK Übersichtswürfel Stand 30.4.2018 ; UeW_2018 Stand 1.1.2019						
* Jugendcoaching 2013 pb incl. Clearing; 2014 bis 2016 lt. KOST npb; ab 2017 pb						
** bei INDV Förderfälle und 2018 erledigte Verfahren						

Universities/Universities of Applied Sciences (*Fachhochschulen*)

There are various counselling and service offers available for students with disabilities.

UNIABILITY offers information and advice on studying and matters relating to studying, study support, representation of interests, specialist advice on designing structural layouts and technical equipment, as well as public relations work. This is a working group composed of disability officers or ombudspersons (*Behindertenbeauftragte*), persons caring for and responsible for managing reading places for visually impaired and blind people, persons responsible for representing persons with disabilities, representatives of persons with disabilities in student bodies and employees involved in projects dealing with the topic of disability at universities.

Laws setting out ways to hold exams in different ways upon presentation of proof of a long-term disability help ensure equal treatment when it comes to taking exams. Such possibilities include, for example, having a written exam instead of an oral exam (or vice versa) or being given more time to take an exam. This must not, however, have a negative impact on the standards of the exam (Section 59 of the University Act (*Universitätsgesetz*) and Section 13 of the University of Applied Sciences Act (*Fachhochschulgesetz*)).

In response to the Committee's request in its 2016 conclusions for information on the success rate in progressing to vocational training or higher education or to the open labour market and if qualifications obtained on leaving school are identical for all children and recognised when it comes to entering higher or vocational education or the open labour market, the following information is provided:

It is not possible to make any statements about the number of pupils with disabilities on the basis of the data from the educational documentation (this is a survey at the level of individuals) as, according to the Educational Documentation Act (*Bildungsdokumentationsgesetz*), information about any disabilities of individual pupils are not (or cannot be) collected. It is therefore not possible, as requested in the supplementary question, to provide information on the success rate/qualifications acquired.

In addition, the following information can be provided:

Access to dual education (apprenticeship training) requires the completion of nine years of compulsory schooling; no distinction is made between the characteristics of the youths. This means that youths with disabilities have the same access to dual education as youths with no disabilities.

What is more, youths who are classified as persons with disabilities as defined by the Disability Employment Act (*Behinderteneinstellungsgesetz*) or the respective Disability Employment Act at the *Laender* level (*Landesbehinderteneinstellungsgesetz*) have the possibility of being trained in an extended apprenticeship period or to acquire a partial qualification (see above). This form of dual education was created to improve the integration of disadvantaged persons and is also open to youths who were trained with special support at the end of compulsory schooling or who were (partly) taught according to the curriculum of schools catering for special needs, or who failed to complete the new secondary school (*Neue Mittelschule*), or for whom no other training is possible for reasons based solely on their person. If young persons are trained in an extended apprenticeship, they obtain a regular certificate of apprenticeship after successfully completing their training, i.e. a qualification that is equivalent to National

Qualifications Framework (NQF) level 4. If youths are trained to obtain a partial qualification, the respective training contents and objectives are defined in accordance with the respective individual's potential for development; the extent to which the qualification achieved can be exploited on the labour market must in any case be considered.

In response to the Committee's request in its 2016 conclusions for information on measures to promote the use of sign language in education establishments, the following information is provided:

Article 7 Para. 1, third sentence of the Federal Constitutional Act (B-VG) stipulates that nobody may be discriminated against because of his or her disability, thus enshrining a specific prohibition of discrimination, which is binding for all activities of the State. In addition, Article 7 Para. 1, fourth sentence B-VG sets forth that the Republic of Austria (the Federal Government, the *Laender* and the municipalities) is committed to guaranteeing equal treatment for persons with and without disabilities at all levels of everyday life. This is a declared state objective, which entails a constitutional obligation.

Pursuant to Article 8 Para. 1 B-VG the German language, regardless of the rights granted to the language minorities by Federal laws, is the official language of the Republic of Austria. This means that German is in principle defined to be the compulsory language for the use in all areas of legislation, jurisdiction and government administration. Any exceptions are required to be stipulated on a constitutional basis.

Pursuant to Article 8 Para. 3, first sentence B-VG, the Austrian sign language is recognised as a separate language. Article 8 Para. 3, second sentence B-VG sets forth that the details shall be determined by law. This constitutional provision is therefore subject to further legislative regulation and does not per se directly grant any rights. Thus, while Article 8 Para. 3 B-VG does not directly establish sign language as an official or a teaching language, it provides the constitutional basis to allow sign language as official or teaching language by the legislator.

The *Bundes-Behindertengleichstellungsgesetz (BGStG)*, which entered into force on 1 January 2006, aims at eliminating or preventing the discrimination of persons with disabilities, thus guaranteeing to persons with disabilities equal participation in the life of society and enabling them to lead a self-determined life (see Section 1 BGStG).

Section 4 Para. 1 BGStG specified that nobody may be directly or indirectly discriminated against because of a disability, and thus stipulates a comprehensive prohibition of discrimination. Moreover, the Federal Government, pursuant to Section 8 Para. 2 BGStG is obligated to take suitable and necessary measures to facilitate access for persons with disabilities to its services and offers.

In addition to access to, and supply with goods and services, which are available to the public, the scope of the BGStG also covers the entire area of Federal administration. As a result, the BGStG also covers school education as far as it is within Federal jurisdiction.

Austria has taken a number of appropriate measures to establish an inclusive education system as required by the CRPD, and to remove existing barriers for deaf or hearing-impaired pupils:

In recent years, Austria has considerably intensified efforts to systematically implement an inclusive education system. In accordance with the high priority afforded to this subject

matter, the “National Action Plan (NAP) Disabilities 2012 – 2020” of the Austrian Government dedicates a whole chapter to the topic of education, which contains a number of suitable measures.

The Ministry of Education launched a participative strategy to implement the CRPD in the Austrian education system in 2011. The Ministry of Education involved experts from disability organisations, associations, umbrella organisations and interest groups in this scientifically supervised discussion process. An essential cornerstone of this comprehensive strategy is the development of “inclusive model regions”, which are also covered in the NAP Disabilities (see above). The Ministry of Education issued binding guidelines for the development of such inclusive model regions to create the relevant educational, legal and organisational framework and instruct the Austrian *Laender*, which are responsible for the concrete implementation of such regions. The model regions are geared towards offering pupils with disabilities a fully barrier-free access to all educational institutions. The differences between pupils caused by disabilities and impairments are taken into account and special learning settings and instruments (such as individual support schemes) are developed in order to facilitate learning and performance progress for all pupils. During the first implementation phase starting in the school year 2015/16, Carinthia, Styria and Tyrol started to establish inclusive model regions. Since then, for example, the percentage of pupils with disabilities receiving inclusive schooling increased to 93 % in Carinthia. For this purpose, Carinthia spends several million euros annually on additional teachers.

The development of inclusive model regions is scientifically supported and evaluated by experts from the Federal Institute for Educational Research, Innovation and Development of the Austrian School System (BIFIE).

A further measure of the NAP Disabilities relates to the nation-wide training and education in the Austrian sign language. Relevant programmes exist at the Teacher Training College in Lower Austria (Course “Education of Hearing-Impaired Persons”) and at the Teacher Training College in Carinthia (Course “Sign Language in Class – Bilingual Education”). In addition, the Language Centre of the University of Vienna and the International Language Centre of the Innsbruck University offer courses in sign language. Furthermore, the City of Vienna provides special training for nursery school teachers and assistant teachers. In 2015, a training course for deaf and hearing-impaired pupils was organised at the school for assistant teachers in cooperation with it “Equalizent” (a training and consulting institute for deafness, hard of hearing, sign language and diversity management). During the school year 2016/2017, a new programme was created, in which deaf and hearing-impaired pupils are trained to become nursery school teachers. In this way, deaf and hearing-impaired children are to be ideally supported to learn the Austrian sign language as early as at nursery school age.

The training of additional teachers who are competent in sign language constitutes a key element and a fundamental prerequisite for the gradual implementation of Article 24 CRPD.

Moreover, the Ministry of Education has commissioned the Centre for Sign Language and Communication for the Hearing-Impaired at the Klagenfurt University to establish a bilingual database (German and Austrian sign language) for educational purposes. This database is regularly updated and accessible to the public at <http://www.cisonline.at/>.

The Austrian sign language was also included in standard curricula (e.g. in the curriculum of the three-year Special College for Economic Professions for the Hearing-Impaired [FLG II No. 340/2015] and the Institute of Higher Education for Economic Professions – Advanced Training

Course for the Hearing-impaired [FLG II No. 340/2015]). Furthermore, the legal basis was established for

- providing support measures in the case of special educational needs (Section 8 Compulsory School Act),
- deviating from the curriculum in the case of physical and sensory disabilities (Sections 39, Para. 3, Sections 55a and 68a School Organisation Act (*Schulorganisationsgesetz, SchOG*),
- considering physical disabilities when assessing the academic performance (Section 18 Para. 6 School Education Act (*Schulunterrichtsgesetz, SchUG*), as well as
- a special procedural framework for final exams, school leaving and/or diploma exams for candidates with physical or sensory disabilities (Section 3, Para. 4 Examination Regulations AHS [for general secondary schools] [FLG II No. 174/2012], Section 3, Para. 4 Examination Regulations BMHS [for vocational secondary and higher schools] [FLG II No. 177/2012]).

Above all, a wide range of individual educational support for pupils with special needs is provided, tailored to the specific situation and the needs of the persons concerned. The aim is to enable everyone to participate in the education system as self-determined and equitable as possible. Such support measures range from employing a second teacher in class to support the communication process, to making available technological infrastructure to facilitate communication in classrooms and special learning material, to providing interpreters, using both professional sign language interpreters and teachers who are proficient in the Austrian sign language.

Moreover, the Service Department of the Ministry of Social Affairs grants an allowance for educational and vocational training to compensate for the additional expenditure caused by a disability. The amount of such allowance is in principle based on the actual additional expenditure caused by a disability. This special allowance is granted in addition to other allowances (such as school allowance or study allowance).

Thus, the Austrian legal system affords persons with disabilities special easily accessible, low-threshold procedures to meet their needs in an optimal, expedient and unbureaucratic manner.

Paragraph 3 - Full social integration and participation in the life of the community

Reference is made to previous reporting. In addition, the following information is provided:

In response to the Committee's request in the Appendix of the email of 27 May 2019 for information on measures taken (and progress made) to ensure that persons with disabilities have the right to live independently in the community, such as the existence of independent living schemes, sheltered housing for persons with disabilities, in-home, residential and other community support services, including personal assistance.

Anti-discrimination legislation

A draft for an Austrian Web Accessibility Act (*Bundesgesetz über den barrierefreien Zugang zu Websites und mobilen Anwendungen des Bundes (Web-Zugänglichkeits-Gesetz – WZG)*) was

sent out for public consultation on 28 November 2018 and the final wording was adopted in July 2019. It covers the requirements on the topic of accessibility of websites and mobile apps of federal public sector bodies and specified the monitoring and reporting process of these websites and mobile apps. With the WZG, Austria transposes Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (Web-Accessibility-Directive), OJ L 327, 02.12.2016, p. 1–15, into national law. The Web Accessibility Directive aims to harmonise the laws, regulations and administrative provisions of the Member States relating to the accessibility requirements of websites and mobile applications of public sector bodies, thereby making those websites and mobile applications better accessible to users, in particular to persons with disabilities.

Inclusion package

As part of the inclusion package adopted by the Austrian National Council in October 2017 and in addition to extending legal protection to cover people with disabilities, the annual budget for increasing the vocational participation of people with disabilities was increased from around EUR 48 million in 2017 to EUR 90 million, of which around EUR 20 million is needed every year to maintain the measures developed at the existing level.

The following major improvements were also adopted:

- Expansion of the right to take collective action to include the ombudsperson for persons with disabilities and the Litigation Association (*Klagsverband*).
- Extension of the scope to bring an action for injunction and the elimination of discrimination by large corporations: In the event of harassment due to a disability, there is now a statutory right to injunctive relief. In the event of discrimination by large corporations, it is possible to bring a collective action for injunction and elimination. Large corporations are those which meet at least two of the three following criteria:
 - a balance sheet total of EUR 20 million;
 - revenues of EUR 40 million in the twelve months prior to the balance sheet date;
 - more than 250 employees.
- Ombudsperson for persons with disabilities submits a report to the Minister for Social Affairs every year, who then must present the report to Parliament
- Monitoring committee gets annual funding of EUR 320,000

Civil Service

The Council of Ministers issued a report on persons with disabilities working in the Federal Civil Service (as of 31 December 2018: 4.380 persons) twice a year. The adoption of the Council of Ministers is published on the website of the Federal Chancellery. The Federal Government has committed itself to consolidating staffing levels. In an effort to continue promoting the employment of people with severe disabilities, those with a degree of disability of 70 % and above have been exempted from the reduction targets.

Figures and statistics

Referring to pages 239ff. of the 2016 federal government report on the situation of people with disabilities in Austria (German version at <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=428>),

people with disabilities need to be differentiated with respect to a great number of criteria, and thus represent a highly heterogeneous group.

In view of the country's past alone, collecting data on individuals with a disability is a highly sensitive and difficult challenge in Austria. Data privacy laws allow such data to be collected only where a legal basis exists and only provided that collecting such data is indispensable for complying with statutory requirements.

Accurate figures exist only for various individual groups of persons with disabilities. As individuals may belong to several categories at the same time, simply adding up the numbers of people in the individual groups does not yield the total number of persons with disabilities in Austria.

Overview of individual groups of people with disabilities

	2015	2016	2017	2018
Eligible persons with disabilities pursuant to the Disability Employment Act (<i>Behinderteneinstellungsgesetz, BEinstG</i>) (date: 31 December)	94,753	95,247	96,428	97,658
Registered unemployed persons with health-related impediments (annual average) including persons with disabilities	66,644 12,073	72,262 72,262	75,545 12,894	73,611 12,421
Pension insurance: Invalidity pensions excluding public service (date: 31 December)*	211,144	208,339	204,096	187,657
Accident insurance: Disability benefits including public service (date: 31 December)*	86,963	86,375	85,918	85,154
Injured persons pursuant to the Victims' Benefits Act (<i>Kriegsopferversorgungsgesetz, KOVG</i>) (date: 31 December)	9,150	7,764	6,507	5,492
Injured persons pursuant to the Army Benefits Act (<i>Heeresversorgungsgesetz, HVG</i>) (date: 31 December)	1,755	1,750	1,746	1,737
Increased family allowance (annual average)	75,202	76,250	80,000	78,508
Recipients of long-term care benefits pursuant to the Federal Long-Term Care Act (<i>Bundespflegegeldgesetz, BPGG</i>) (annual average), total	368,196	435,008	437,626	451,628
Recipients of long-term care benefits pursuant to <i>Laender</i> long-term care acts		Subject to federal competence since 1 January 2012.		

* Since 2011, statistics have been counting recipients of an invalidity pension as old-age pensioners as soon as they have reached the standard retirement age.

Types of disability	Figures	
	Absolute*	Percentage of the population
Persons having:		
Mobility problems	1,000,000	14.1
Problems with multiple impairments	534,000	7.3
... dependent on the use of a wheelchair	40,000	0.5
Vision problems	216,000	3.0
Nervous and psychological disorders	270,000	3.7
Hearing problems	157,000	2.1
Mental or learning problems	60,000	0.8
Speech problems	26,000	0.4
Problems with other impairments	374,000	5.1
Problems with a permanent impairment	1,300,000	18.4

Quelle: Statistics Austria, Microcensus – additional questions 4/2015

* Figures based on extrapolations by Statistics Austria referring to individuals in private households

Based on the microcensus survey carried out in Q4/2015, an estimated 1.3 million residents of private households in Austria report having a permanent impairment.

These people report that they are most frequently confronted with problems in their free time, 21.1% of them stating that they were constantly confronted with problems due to their impairments (answer “yes, always”). 11.9% state that they always encounter problems due to their impairments in public transport; 9.8% report being faced with constant problems in their apartments or houses. 10% of persons in employment with permanent impairments report being constantly confronted with problems due to their impairments at their workplaces. Least frequently reported were constant problems in connection with communicating with other people (2.3%), linked to other people’s attitudes towards people with impairments (1.9%), in ongoing (professional) training (3.2%) and education (1.5%).

Disability equality

Regarding the option of claiming damages in court and the system of dispute settlement, the figures for the period from 2006 to December 2018 are submitted as follows:

To be precise, as at 31 December 2018, there had been 2,761 arbitration proceedings since the legislative package entered into force on 1 January 2006. A total of 2,679 (97%) had been settled by the above date. Of all the applications 1,361 (49.3%) cases were related to the Disability Employment Act (Behinderteneinstellungsgesetz, BEinstG) and 1,400 (50.7%) to the Disability Equal Treatment Act (Behindertengleichstellungsgesetz, BGStG).

Throughout the individual years the applications developed as follows:

Year	Total applications	Disability Employment Act (BEinstG)		Disability Equal Treatment Act (BGStG)	
		Number	Percentage	Number	Percentage
2006	130	89	68.5%	41	31.5%
2007	129	74	57.4%	55	42.6%
2008	181	96	53%	85	47%
2009	186	102	54.8%	84	45.2%
2010	196	85	43.4%	111	56.6%
2011	204	66	32.3%	138	67.7%
2012	250	97	38.8%	153	61.2%
2013	218	112	51.4%	106	48.6%
2014	222	110	49.5%	112	50.5%
2015	181	93	51.4%	88	48.6%
2016	298	134	45%	164	55%
2017	265	136	51.3%	129	48.7%
2018	295	163	55.3%	132	44.7%

From the cases settled, a total 1,158 (43.23%) could be concluded with an agreement and 1,190 (44.42%) without an agreement. In 331 cases (12.36%) the application for arbitration had been withdrawn, such withdrawals being, according to the experience of the past, most commonly due to a pre-procedural agreement. A total of 82 proceedings (2.97% of all cases) were pending at the reference date.

In 30 cases (1.1% of all cases), external mediators were used.

Breakdown according to manner of completion (number of settlements)

Disability Equal Treatment Act (Behindertengleichstellungsgesetz, BGStG) 2006-2018: + absolute figures and settlement/no settlement/application withdrawals as a percentage of the total (green); barriers/physical barriers etc. as a percentage of the total (red)

<i>BGStG</i>	Total	Settlement	No settlement	Application withdrawn
Total number	1.355 100% (100%)	683 50.4%	536 39.6%	136 10.0%
Barriers	553 100% (40.81%)	344 62.2%	171 30.9%	38 6.9%
Physical barriers	365 100% (26.94%)	247 67.7%	99 27.1%	19 5.2%

In response to the Committee's request for information in its 2016 conclusions on the National Disability Action Plan (NAP Disability) for 2012-2020 and for information on whether integrated programming is applied by all authorities involved in the implementation of the policy for persons with disabilities, the following information is provided:

In 2012, the National Action Plan on Disability (*NAP Behinderung 2012-2020*) was adopted by the Austrian Federal Government.

It includes the main principles of Austria's policy in the field of persons with disabilities and serve as a basis for implementing the UN Convention on the Rights of Persons with Disabilities. The NAP also helps with efforts to achieve the objectives and contents of the EU's Disability Strategy 2012-2020.

By the end of 2017, of the 250 measures in the National Action Plan on Disability 2012-2020 (NAP on Disability)

- 162 measures (64.8%) had been fully implemented,
- 77 measures (30.8%) had been partially implemented and
- 11 measures (4.4%) had not yet been implemented.

In response to the Committee's request for information in its 2016 conclusions on the requirement for the local authorities to consult bodies protecting persons with disabilities and for information on how persons with disabilities are represented and consulted in governmental bodies at national and local level, the following information is provided:

Standards of public participation

On 2 July 2008, the Austrian Council of Ministers adopted the "Standards of public participation" (*Standards der Öffentlichkeitsbeteiligung*) and thus recommended them to the Austrian federal administration for application. In 2011 the practical guide on the standards of public participation was published (for both, see www.partizipation.at). It contains checklists for preparing, implementing, monitoring and evaluating the participation process, thereby constituting an essential guideline for the participation of citizens in political decision-making processes.

Particularly successful examples here include the participation in the work to reform guardianship (*Sachwalterreform*), in the working groups to develop an improved German translation of the UN CRPD and on the portrayal of people with disabilities in the media, including by organisations representing people with disabilities and self-advocates.

The preparation and implementation of the NAP on Disability 2012-2020 is also characterised by the participation of people with disabilities.

A monitoring group for the NAP on Disability initiative was established in 2012, comprising organisations for people with disabilities, self-advocates, scientists, social partners, all Austrian *Laender* and all federal ministries.

The Austrian Disability Council (ÖBR), the umbrella organisation of the Austrian disability associations, is involved in all reviews concerning the interests of people with disabilities. This is expressly stipulated in a corresponding decree of the Federal Chancellery. The ÖBR is also involved in the work to develop Austria's position regarding relevant EU projects (such as the

Directive on the approximation of the laws, regulations and administrative provisions of the Member States as regards the accessibility requirements for products and services – the ‘European Accessibility Act’).

A platform for continuous dialogue has been established with all relevant players in Austria (social partners, ministries, *Laender*, NGOs, representatives of civil society) to help implement the Europe 2020 core objective of combating poverty and exclusion (the number of people at risk of poverty should be cut by 20 million by 2020) and to provide clear guidance. This takes the form of periodic meetings which are organised at intervals of no more than six months. ÖBR is a member of this poverty platform.

In response to the Committee’s request in its 2016 conclusions for information on details on benefits and other forms of financial assistance available to persons with disabilities, the following information is provided:

Support

In order to financially support people with disabilities and their families, funding from the Support Fund for People with Disabilities (*Unterstützungsfonds für Menschen mit Behinderung*) can be requested. Funds are mainly awarded for:

- Extensions to and conversions of apartments or houses;
- Improving mobility, e.g. converting cars, subsidising electric wheelchairs;
- Acquiring communication aids;
- Acquiring assistance dogs.

People with disabilities can also apply for a Disability Pass. This can, for example, be used to prove eligibility to the tax office when claiming tax benefits. Additional entries can be made in the Disability Pass if the corresponding conditions are met. Certain additional entries in the Disability Pass are linked to benefits; for example, an entry stating that it is unreasonable to expect the holder to use public transport (*“Unzumutbarkeit der Benützung öffentlicher Verkehrsmittel”*) can result in

- being entitled to receive a free annual motorway toll sticker from the Service Centre of the Ministry of Social Affairs;
- being able to apply for exemption from engine-size-related insurance tax; or
- being given an identity card in accordance with Section 29b of the Road Traffic Act 1960 (*Straßenverkehrsordnung*), which exempts the card holders from generally applicable parking regulations.

People with a level of disability of at least 70% are also entitled to claim a 50% discount on the tariff for standard single tickets on the Austrian Federal Railways (ÖBB).

Benefits for people in need of care and for people providing long-term care to family members are listed below:

Long-term care benefit

The aim of granting long-term care benefit (*Pflegegeld*) is to enable people in need of care to make sure they are given the care and support they need. The long-term care benefit is

intended to provide general compensation for the additional costs of requiring care, helping the recipient to lead a self-determined life focused on their own individual needs.

The amount of long-term care benefits under the Federal Long-Term Care Benefit Act (Bundespflegegeldgesetz, BPGG) is determined solely by the actual need for care and assistance in the individual case.

A permanent need for care on the basis of a physical, mental, psychological or sensory disability must exist for at least six months and average more than 65 hours per month.

Long-term care benefits are granted irrespective of what caused the need for care, of income and assets and of the age of the person concerned. There is a legal claim to receiving long-term care benefits.

The long-term care benefit is divided into seven levels. The amount of time needed for care every month is the key factor for care benefit levels 1 to 4. Level 5 upwards stipulates that further hardships must exist in addition to over 180 hours being required for care every month.

Levels and amount

Level	Monthly need for care	Additional requirement	Monthly benefit
1	more than 65 hours		EUR 157.30
2	more than 95 hours		EUR 290.00
3	more than 120 hours		EUR 451.80
4	more than 160 hours		EUR 677.60
5	more than 180 hours	particularly high amount of time for giving care	EUR 920.30
6	more than 180 hours	care cannot be exactly scheduled during the day or at night or the permanent presence of a caregiver is required as the person receiving care may endanger themselves or others	EUR 1,285.20
7	more than 180 hours	the person receiving care is not able to functionally move their four limbs fully or in a coordinated way	EUR 1,688.90

More detailed provisions on assessing the need for long-term care are set out in the Classification Ordinance to the Federal Long-Term Care Benefit Act (*Einstufungsverordnung zum Bundespflegegeldgesetz, EinstV*). The Classification Ordinance contains specific definitions relating to care and assistance as well as timings for individual activities: for example, for dressing and undressing, personal hygiene, for preparing and taking meals and for mobility assistance. A separate ordinance, the Classification for Children Ordinance to the Federal Long-Term Care Benefit Act (*Kinder-Einstufungsverordnung zum*

Bundespflegegeldgesetz), was passed to create a set of uniform standards for assessing the need for care of children and youths; it came into force on 1 September 2016.

An expert opinion provided by a medical doctor is used to determine whether and to what extent long-term care benefits are granted. Since 1 January 2012, members of the advanced-level service for health and nursing (*gehobener Dienst für Gesundheits- und Krankenpflege*) may also be consulted as experts when assessing applications for higher long-term care benefit payments. The reviews usually take the form of home visits.

The special needs of people with mental and psychological disabilities are taken into account in the Classification Ordinance: on the one hand by equating “guidance and supervision” with “care and assistance”, on the other hand by taking into account the time required to have a motivational conversation.

Hardship allowances are included in the form of specific flat-rate amounts to account for factors having a negative impact on the care situation when determining the level of long-term care benefit:

50 hours a month for children and youths up to the age of seven with a serious disability, 75 hours a month up to the age of 15 and 25 hours a month for persons from the age of 15 with a severe mental or psychological disability or suffering from dementia.

Minimum classifications for severely visually impaired, blind and deaf-blind persons as well as for persons who are largely dependent on the active use of a wheelchair in order to lead an independent life take these care-relevant needs into consideration.

In February 2019, a total of 461,468 persons were entitled to receive long-term care benefits, 170,005 of whom were men and 291,463 women.

The persons are distributed among the long-term care benefit levels as follows:

Level 1: 127,932 persons

Level 2: 101,002 persons

Level 3: 83,911 persons

Level 4: 67,535 persons

Level 5: 51,851 persons

Level 6: 19,851 persons

Level 7: 9,386 persons

Full-time care leave benefit

Easier to reconcile vocational and family-related responsibilities

- Full- or part-time care leave can be mutually agreed for close relatives in receipt of level 3 long-term care benefits or higher. Level 1 long-term care benefit is sufficient where the close relative suffers from dementia.
- A written agreement between the employee and the employer is required
- Also possible for unemployed persons and public service employees
- Close relatives can arrange full- or part-time care leave lasting between one and three months.

- It is possible to mutually agree a new period of full- or part-time care leave once if the long-term care benefit level is increased.
- Part-time care leave: Working time does not fall below ten hours a week.

Persons who are entitled include those

- on full- or part-time care leave
- on full- or part-time family hospice leave
- who have cancelled their unemployment benefit, unemployment assistance or health and pension insurance in accordance with Section 34 of the Unemployment Insurance Act (*Arbeitslosenversicherungsgesetz, ALVG*) to undertake full- or part-time care or family hospice leave.

Amount

- Long-term care benefit constitutes an alternative form of income to which the recipient has a legal entitlement
- Generally in the amount of the unemployment benefit (minimum: marginal earnings threshold amount - *Geringfügigkeitsgrenze*)
- Pro-rata for part-time care or family hospice leave
- Supplements for dependent children
- The Styrian regional office of the Service Centre of the Ministry of Social Affairs is responsible for implementing and maintaining the scheme; individuals can enquire about and apply for long-term care benefit at any regional office.

Social security protection

- Pension insurance contributions are paid during the leave,
- The individual continues to be covered by health insurance
- The Austrian state pays the full amount of the contributions to these insurance pots
- The acquisition of entitlement to severance pay remains intact
- The general deadline for fulfilling the terms to receive unemployment insurance benefits is extended.

Allowances for care-giving family members

The aim of financial contributions from the Support Fund for People with Disabilities is to enable close relatives of recipients of long-term care benefits to take a break from caregiving and to organise and pay for suitable substitute care during their absence.

The Service Centre of the Ministry of Social Affairs can subsidise substitute care of up to four weeks per calendar year if

- the applicant has been the predominant caregiver for their close relative in need of long-term care for at least one year,
- the person in need of long-term care has been entitled to a long-term care benefit of level 3 or higher for at least one year at the time the caregiver is prevented from providing care;

in the case of proven dementia or if the recipient of long-term care benefits is a minor, level 1 long-term care benefit is sufficient,

- the person providing long-term care to the family member is unable to provide care for at least one week at a time (or for at least four days at a time in the case of persons suffering from dementia or minors) due to illness, holiday or other important reasons and
- the situation is deemed a case of social hardship.

The maximum amount of annual contributions depends on the amount of long-term care benefit being paid to the person to be cared for and total

- EUR 1,200 for caring for a relative with care benefit levels 1, 2 or 3,
- EUR 1,400 for caring for a relative with long-term care benefit level 4,
- EUR 1,600 for caring for a relative with long-term care benefit level 5,
- EUR 2,000 for caring for a relative with long-term care benefit level 6 and
- EUR 2,200 for caring for a relative with long-term care benefit level 7.

In order to provide even better support to relatives of children and youths in need of long-term care and persons suffering from dementia, the annual maximum allowance for these groups was increased by EUR 300 from 2017.

Supervision sessions for care-giving family members (Angehörigengespräch)

Objective: Preventing health-related impediments brought on by psychological stress and helping people providing long-term care to family members stay healthy

Supervision sessions are offered to care-giving family members who have previously indicated during a home visit by a certified health worker that they are suffering from psychological stress. A second home visit is then arranged especially for the main caregiver to work through the problems arising from the stressful care situation. The session is conducted by a psychologist. These complementary offers are free of charge and have been available throughout Austria since the beginning of 2016.

Social insurance for care-giving family members

There are different ways for acquiring pension insurance time credits when caring for close relatives:

- Self-insurance with the pension insurance fund for times when caring for a child with a disability (Section 18a of the General Social Insurance Act (*Allgemeines Sozialversicherungsgesetz, ASVG*) → Prerequisite:
 - Increased family allowance
 - Predominant use of a person's working capacity
- Voluntary self-insurance (Section 18b ASVG) and voluntary continued insurance with the pension insurance fund for care-givers to family members → Prerequisite:
 - Level 3 long-term care benefit
 - Substantial use of a person's working capacity in case of self-insurance
 - Full use of a person's working capacity in case of continued insurance

The contributions are paid in full by the Federal Government for an indefinite period of time. In addition, non-contributory co-insurance or self-insurance in the health insurance scheme is possible for persons providing long-term care for a close relative who is entitled to long-term care benefit level 3 or higher.

Austria's strategy for dementia "Living Well with Dementia" ("Gut leben mit Demenz")

Around 130,000 people in Austria currently suffer from dementia and, in view of demographic trends and rising life expectancy, the number is expected to double by 2050. Dementia is the most common reason for needing the long-term care benefit, making up around 30% of all cases.

Building on the 2014 Austrian Dementia Report (*Österreichischer Demenzbericht 2014*), Gesundheit Österreich GmbH (GÖG) was commissioned by the Federal Ministry of Health and the Ministry of Social Affairs at the beginning of 2015 to develop a dementia strategy for Austria. Great importance was attached from the very beginning to taking a joint, cross-policy approach in order to help improve the situation of people suffering from dementia and their relatives.

The specialist work was carried out by six working groups in a broad and inclusive process. Representatives of the *Laender*, the Austrian Association of Cities and Towns, the Association of Municipalities, social security institutions, interest groups, the scientific community, important stakeholders, as well as also those affected and their relatives and persons close to them worked together to develop objectives and initial recommendations in specific fields of action.

The results of these working groups – a total of seven objectives and 21 recommendations for action – were presented to the public on 14 December 2015.

The "Living well with dementia" strategy is intended to provide a common framework for targeted cooperation between stakeholders. The objectives and recommendations for action form a common basis which is used by the participating organisations to draw up more specific targets and measures. Follow-up processes are used by the responsible parties to set out further steps to create more specific targets and to implement these.

Objectives of the dementia strategy

Objective 1 "Promote participation and self-determination / autonomy for people with dementia"

Objective 2 "Ensure high-quality knowledge on and raise awareness of dementia in the public but also in special target groups"

Objective 3 "Improve knowledge, skills, and expertise"

Objective 4 "Create a consistent framework for coordinated care"

Objective 5 "Ensure and improve dementia healthcare and social care services"

Objective 6 "Improve cooperation and coordination between different care services"

Objective 7 "Improve and ensure quality of care by research on dementia"

Dementia strategy platform

In order to support a coordinated approach, the Federal Dementia Strategy Platform was set up in 2016, which is described in more detail in the Recommendation for Action 4c on Objective 4 of the Dementia Strategy. The platform is intended to facilitate a coordinated approach and the implementation of a joint, cross-sectoral framework and recommendations.

To this end, persons in positions of responsibility, implementers, researchers and affected persons form a common platform, with existing structures being taken into account. The implementation process is supported and coordinated by a GÖG project team, ensuring coordination and cooperation among the relevant stakeholders across all sectors and *Laender*. The aim of the support work is to implement the dementia strategy in a coordinated way

The GÖG set up a website for information purposes (www.demenzstrategie.at) and the Ministry of Social Affairs and Health published a folder entitled “Living well with dementia” (download the English version at https://www.demenzstrategie.at/fxdata/demenzstrategie/prod/media/Demenzstrategie_Englisch.pdf). Apart from that, the project “People with Dementia in Public Transport” (“*Menschen mit Demenz im öffentlichen Verkehr*”) received funding in 2018. The aim of this project was to develop a brochure for employees of transport companies so as to help improve the social participation of people suffering from dementia.

Quality assurance for domestic care

As part of ensuring quality for domestic long-term care, free and voluntary home visits to recipients of long-term care benefits being cared for in their home have been carried out throughout Austria since 2001 on behalf of the Ministry of Social Affairs. Additionally, mandatory home visits are carried out in the case of applicants seeking support for 24-hour care.

The aim of ensuring quality for domestic care is to ascertain the actual care situation on the basis of a situation report prepared by certified health workers by establishing personal contact with the recipients of long-term care benefits and their caregivers, and to provide any information and counselling as required in order to ensure that the people affected receive the support they need and that the best possible conditions for day-to-day care are created.

To this end, the Farmers’ Social Security Authority (*Sozialversicherungsanstalt der Bauern*) set up the Competence Centre for Quality Assurance in Domestic Care, which organises and coordinates home visits for all long-term care benefit decision-makers.

Since 2015 it has also been possible to apply to the Competence Centre for Quality Assurance in Domestic Care to receive a free home visit by a certified health worker.

Quality assurance measures for 24-hour care

Further quality assurance measures for 24-hour care are recommended or being called for by various parties, including the Austrian Court of Audit (*Rechnungshof*). The government has set out a raft of measures aimed at ensuring a sustainable enhancement of the quality of long-term care and support provided. Particular emphasis is placed here on care and support at home:

- **Increasing the number of home visits to ensure quality in relation to the support provided for 24-hour care**

One of the recommendations of the Court of Audit to ensure the quality of care was to increase the number of home visits to all persons applying for the benefit, irrespective of the qualification of the caregiver, i.e. also in respect of support cases under Section 21 b Para. 2 no. 5 lits. a and c, with the purpose of reviewing quality. This measure was gradually introduced and, since 1 October 2018, a mandatory home visit is now carried out in all the Austrian *Laender*.

- **Pilot project “Unannounced home visits by certified health workers”**

Various bodies, such as the Court of Audit or the Ombudsman Board (*Volksanwaltschaft*), believe that the superb results of quality assurance inspections for domestic care may be influenced by the fact that advance notice of home visits is given and that unannounced home visits would produce different results. To address this issue, a pilot project was launched on 1 January 2019 in which 500 unannounced home visits in a period of three to five months were planned in Vienna and Tyrol.

- **Creation of a nationwide quality certificate for employment agencies providing 24-hour care**

A standardised quality certificate for 24-hour care has been created in 2019, serving as an important step towards ensuring high-quality care on a sustainable basis. The aim of such a quality certificate in particular is to improve the situation of people in need of care and their families.

In response to the Committee’s request in its 2016 conclusions for information on technical aids that can be obtained by persons with disabilities, the following information is provided:

Support from the fund endowed from the compensation charges paid in lieu of employing persons with disabilities (*Ausgleichstaxfonds*) for technical aids which are needed to integrate people with disabilities into the working world and are needed as a result of the disability are subsidised in accordance with the guidelines on individual support for integrating people with disabilities into the working world.

The costs of technical work-related aids may be covered in full where they make up for the disability and are directly related to the work being performed.

Grants or contributions in kind for adapting and creating new suitable jobs or training positions may be accorded to employers if

- people with disabilities are hired or accepted for participation in vocational training, or
- the employment of a person with disabilities would otherwise end without being used in a suitable job.

Employers must contribute a reasonable amount (generally 50%) to the total costs.

Any costs for orientation and mobility training are fully covered if they are needed to commence or pursue gainful employment.

Any costs for acquiring an assistance dog are covered, if this is needed to improve their mobility and pursue gainful employment; costs for therapy dogs are not covered. The amount of funding provided is limited to a maximum of EUR 30,000 for guide dogs and EUR 10,000 for service and hearing dogs.

The mobility grant is lump-sum amount provided to help with the additional costs caused by the disability and is paid once a year. In 2019 the mobility grant is EUR 580

A grant may be obtained for acquiring a driving licence, where this is needed to ensure integration into the working world, amounting to 50 percent of the costs incurred.

A grant may be obtained to purchase of a motor vehicle, where the motor vehicle is needed to ensure integration into the working world, if the income of the person applying for the grant does not exceed 12 times the equalisation tax (*Ausgleichstaxe*) (Section 9 Para. 2 first sentence of the Disability Employment Act (*Behinderteneinstellungsgesetz, BEinStG*)) and the gross purchase price does not exceed 150 times the equalisation tax.

Any costs for providing equipment suitable for persons with disabilities, or for any disability-related conversion work, can be covered in full, even if the applicable income threshold is exceeded.

Expenses incurred for qualified sign language interpreters may be paid if this kind of support serves the purpose of achieving or securing gainful employment or is required for training and education measures.

In response to the Committee's request in its 2016 conclusions for information on new communication technologies, the following information is provided:

When granting subsidies for technical aids from the equalisation tax fund which are needed to integrate people with disabilities into the working world, consideration is also given to the ongoing (further) development of these technical work-related aids along with new communication technologies.

It is also possible to obtain financial support from the Support Fund for People with Disabilities in Social Hardship (*Unterstützungsfonds für Menschen mit Behinderungen in sozialen Notlagen*) in accordance with Section 24 of the Federal Disability Act (*Bundesbehindertengesetz*) to acquire communication technologies.

Furthermore, innovative further development and access to communication technologies is supported by means of targeted project funding.

The NAP on Disability 2012-2020 sets out five measures under "Information Society" in its "Accessibility" chapter, four of which had already been fully implemented, and one partially, as of the end of 2017.

The measures that have been fully implemented are:

- The "austrian electronic network" funding programme in the field of digital integration supports the market launch of electronic networks and services which promote independent living and the involvement of all sectors of the population in the information society;
- An additional allowance for telephone charges and the cost of an internet connection for older persons and persons with a disability on a low income;
- The analysis of new technological developments, with special emphasis on their use for people with disabilities;
- The assessment of measures for adopting an ordinance on accessible telecommunications services with the involvement of people with disabilities.

The NAP on Disability also includes a subchapter on sign language comprising five measures, four of which were partially, and one not yet, implemented at the end of 2017.

The following measures were partially implemented:

- The close examination of procedural laws with regard to the arrangements on the assumption of costs for Austrian sign language interpretation and, if necessary, the amendment of such provisions;
- Training courses for sign language interpreters;
- The inclusion of a relevant provision in the conditions for subsidies, in order to make communication in Austrian sign language possible;
- The promotion of competence in sign language in the general population.

In the field of education, the NAP on Disability also includes a number of measures relating to sign language.

For example, the following measures were fully implemented:

- The creation and diversification of barrier-free teaching materials, particularly for pupils with visual or hearing disabilities;
- The creation of information materials for the use of manual and sign language systems;
- The development of a bilingual database (Austrian sign language and German) and production of information materials both for teachers and parents/guardians;
- Increasing the competence of teachers in the use of accessible language (spoken and written);
- Continuation of the pilot scheme 'Successful Studying for the Deaf' ("*Gehörlos erfolgreich studieren*") at the Vienna University of Technology, and securing the future of the Integrated Studying institute.

The internet is an essential way to access and provide information and services. Web accessibility allows everyone, including people with disabilities, to perceive, understand, navigate, and interact with the internet. The same vision of accessibility should apply to mobile apps, considering the developments in technology and trends in the last years.

Accessibility has become necessary due to the rapid growth of online information and interactive services provided on the web and by mobile applications. Making websites and mobile apps more easily accessible results in a better user experience for all, not just for users with disabilities.

The directive on making the websites and mobile apps of public sector bodies more accessible was published on 2 December 2016 and entered into force on 22 December 2016 („Web-Accessibility-Directive“). People with disabilities – especially persons with vision or hearing impairments – will have better access to the websites and mobile applications of public services.

The text of the Directive:

- covers websites and mobile apps of public sector bodies - with a limited number of exceptions (e.g. broadcasters, livestreaming),
- refers to the standards to make websites and mobile apps more accessible. Such standards foresee for instance that there should be a text for images, or that websites can be browsed without a mouse, which can be difficult to use for some people with disabilities,

- requires regular monitoring and reporting of public sector websites and mobile apps by Member States. These reports have to be communicated to the Commission and to be made public. The Directive comes along with the European Accessibility Act (press release, December 2015), which covers a much wider number of products and services.⁹

Austria introduced the principle of web accessibility as soon as in 2004 with the adoption of the E-Government-Act (*E-Government-Gesetz*). According to Section 1 Para. 3 E-Government Act measures are to be taken to ensure that official internet sites which provide information or electronic support for procedures are structured in such a way as to comply with international standards for access to the worldwide web, including unhindered access for disabled persons. Analogously with the Web Accessibility Directive, the E-Government-Act refers to existing international standards for access to websites, such as the guidelines of the Web Accessibility Initiative (WAI).

Section 1 Para. 3 E-Government-Act has been replaced by the Austrian Federal Web Accessibility Act (transposition of the Web-Accessibility-Directive (1016/2102) into national law). A draft was sent out for public consultation on 28 November 2018 and the final wording was adopted unanimously by the Parliament on 3 July 2019. It covers the requirements on the accessibility of websites and mobile apps of federal public sector bodies and regulates the monitoring and reporting process of these websites and mobile apps.

In response to the Committee's request in its 2016 conclusions for information on guaranteeing the accessibility of public road, rail and air transport, particularly in the Laender and for information on whether persons with disabilities are entitled to free transport, or concessionary fares to cover any supplementary costs, the following information is provided:

People with disabilities who hold a Disability Pass with a recognised level of disability of at least 70% can be offered discounts on fares, e.g. if someone has a level of disability of at least 70%, they can get a 50% discount on standard single tickets with the Austrian Federal Railways (ÖBB).

It is also possible for people with disabilities to apply for a parking permit. In most *Laender*, parking is free of charge for holders of a parking permit for persons with disabilities under Section 29b of the Austrian Road Traffic Regulations (*Straßenverkehrsordnung, StVO*).

On the topic of accessibility in transport, the NAP on Disability 2012-2020 contains eleven measures in a separate section, seven of which had been fully implemented at the end of 2017 and four partially.

Measures that have been fully implemented include:

- The funding of numerous projects relating to accessibility;
- The standardisation of discounts for people with disabilities;
- Conclusion of transport service contracts with rail companies (using vehicles suitable for person with disabilities).

⁹ <https://ec.europa.eu/digital-single-market/en/web-accessibility>

In response to the Committee's request in its 2016 conclusions for information on grants available to individual people with disabilities for home renovation work and the removal of barriers to mobility, the number of beneficiaries of such grants and the general progress made on improving access to housing, the following information is provided:

People with disabilities can receive financial support from the Support Fund for People with Disabilities in Social Hardship under Section 24 of the Federal Disability Act, in accordance with the guidelines issued by the Minister of Social Affairs, for making adaptations to their living space or bathrooms. Since the grants from the Support Fund constitute assistance given to people with disabilities who have fallen into social hardship particularly as a result of an event related to their disability, the grants are subject to various conditions, such as the person having an income below a defined threshold.

In response to the Committee's request in its 2016 conclusions on whether a legislative framework also exists in other Laender (other than the Land Salzburg), the following information is provided:

In previous reporting the legislation in the *Land* of Salzburg has been given as an example for the implementation of matters governed by Article 15 at *Laender* level (provided they fall under the *Laender's* legislative competence). Legislation does exist in all *Laender* though. To give another example, in the following, reference is made to the *Land* of Vorarlberg.

Vorarlberg

Legal framework

The legal implementation can be found in the Promotion of Equal Opportunities for Persons with Disabilities Act (Opportunities Act) (*Gesetz zur Förderung der Chancengleichheit von Menschen mit Behinderung (Chancengesetz)*), State Law Gazette no. 30/2006 as amended. Section 4 of the Ordinance granting integration assistance (*Integrationshilfeverordnung*), State Law Gazette 22/2007 as amended, issued on the basis of this Act, stipulates the rules on integration assistance to participate in social life. The aim of integration assistance is to help people with disabilities be as independent as they can be in leading their own lives.

As regards the Anti-Discrimination Act (*Antidiskriminierungsgesetz*), reference is made to the explanations pertaining to Article 15§1. It stipulates, for example, protection against discrimination on grounds of disability when accessing and receiving goods and services available to the public, including housing. It also stipulates that obstacles and barriers to entry must be removed in all areas. Barrier-free access to websites and mobile applications has also been included since the law was amended in 2019.

Implementation measures

These relate to the following product groups: "Development of personality and potential", "Living independently and autonomously", "Living at home (residential care and support)" and "Social integration". The aim of providing suitable assistance and support services is to enable individuals to lead an independent life and to participate in social life. Volunteer associations and self-help groups are involved in efforts to organise suitable leisure activities. The Vorarlberg Government offers support as far as it is able to.

The "Personal Assistance" service offer is one that is worthy of particular mention. The "Personal assistance for participation in social life" service offer is a new outpatient service

provided by the Social Fund (*Sozialfonds*). The objective is to secure the participation of people with disabilities in social life. The service includes providing assistance (including dressing and undressing, basic care) and accompaniment during visits to events, sporting activities, outdoor leisure activities, leisure activities at home, voluntary work and holidays, as well as helping with parenthood-related tasks.

Statistical data

Statistical information on the area of integration assistance pertaining to “Participation in social life” can be found on pages 21 and 22 of the report “Integration assistance – towards inclusion (Report 2016/2017)”, which is attached as a supplement. The report for 2018/2019 is in the process of being prepared.



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ARTIKEL 18 - THE RIGHT TO ENGAGE IN A GAINFUL OCCUPATION IN THE TERRITORY OF OTHER STATES PARTIES

Paragraph 1 - Applying existing regulations in a spirit of liberality

Reference is made to previous reporting. No additional information has been requested by the Committee.

Paragraph 2 - Simplifying existing formalities and reducing dues and taxes

Reference is made to previous reporting. No additional information has been requested by the Committee.

Paragraph 4 - Right of nationals to leave the country

Reference is made to previous reporting. No additional information has been requested by the Committee.

ARTICLE 20 - THE RIGHT OF EQUAL OPPORTUNITIES AND EQUAL TREATMENT IN MATTERS OF EMPLOYMENT AND OCCUPATION WITHOUT DISCRIMINATION ON THE GROUND OF SEX

Reference is made to previous reporting. In addition, the following information is provided:

In response to the Committee's question in its 2016 conclusions on whether there are activities where gender is a prerequisite for their performance and its request for examples of such activities, the following information is provided:

In its wording, the Equal Treatment Act (*Gleichbehandlungsgesetz, GlBG*) refers to "being a member of one sex" as an "indispensable prerequisite" for performing a specific activity; however, this is as an exception to be construed very strictly and is of minor significance in practice. Only such prerequisites can be deemed indispensable which, practically or legally, exclude a member of the opposite sex from performing a specific activity (e.g. wet nurse; dancer or actor depending on the role in the specific case; model or dressman; women's affairs representative, etc.) or, in cases where a statutory prohibition of employment applies. Social factors or requirements, too, can make a prerequisite indispensable (e.g. protecting the privacy of patients, victims of crime or detainees).

Factors related to physical fitness or dexterity, however, do not constitute indispensable prerequisites. Neither do business concepts or customer expectations, traditional gender attributions for specific jobs or practical or financial reasons constitute indispensable prerequisites.

In response to the Committee's question in its 2016 conclusions on whether women are prohibited to perform certain activities and in what circumstances, the following information is provided:

According to the ordinance stipulated in Federal Law Gazette II no. 356/2001, female employees must not perform work involving exposure to lead of a certain extent, unless a measurement certificate confirms that exposure to lead is below 0.02 mg/m³.

Furthermore, female employees are prohibited from performing any work that involves special physical strain caused by lifting, carrying, pushing, turning or other type of moving loads from one place to another which entails a detrimental burden on the organism, where a risk to the female employee's life and health can be expected.

The protection provisions of the Maternity Protection Act 1979 (*MSchG*) apply to employees in the private sector as well as to federal civil service employees. Under no circumstances must pregnant employees and employees who are breastfeeding perform heavy physical work (e.g. regular manual lifting of loads with a weight of more than 5 kg) or any work or working processes which are harmful to their organism or that of the unborn child due to the kind of the work process or the agents or work equipment used (e.g. they are exposed to the effects of harmful agents) (see Section 4 *MSchG*). For pregnant employees and employees who are breastfeeding there exist a prohibition of night work, a prohibition of work on Sundays or public holidays and a prohibition of overtime work (see Sections 6 to 8 *MSchG*).

In response to the Committee’s request in its 2016 conclusions for information on activities of the Equal Treatment Ombuds Office in relation to gender equality in employment, the following information is provided:

The Equal Treatment Ombuds Office (*Gleichbehandlungsanwaltschaft, GAW*) is a National Equality Body under Art. 13 of Directive 2000/43/EC, Art. 12 of Directive 2004/113/EC, Art. 20 of Directive 2006/54/EC and Art. 11 of Directive 2010/41/EU.¹⁰ It was set up as an administrative office in the Federal Chancellery under Art. 20 Para. 2 no. 8 of the Federal Constitutional Law (*Bundes-Verfassungsgesetz, B-VG*). Within its statutory scope of competence, the Equal Treatment Ombuds Office is autonomous, independent and not bound by any instructions in its work. The legal bases for its activity are the Equal Treatment Act and the Equal Treatment Commission and Equal Treatment Ombuds Office Act (*GBK/GAW-Gesetz*). Its scope of responsibilities covers combatting discrimination and promoting equal treatment in the private sector and in education, social protection and social benefits.

Article 20 of the Social Charter is reflected in Title I of the Equal Treatment Act entitled “Equal treatment of women and men in the working world”. The Equal Treatment Ombuds Office illustrates its activity using the latest data for 2017. The statistical data are taken from the data collection system introduced in 2016 into which the data on all inquiries and other activities of the Equal Treatment Ombuds Office (*Gleichbehandlungsanwaltschaft, GAW*) (“GAW Statistics”) are fed. Furthermore, in reply to the additional question, specific statistical data are provided for the year 2017 in relation to equal treatment and equality between women and men in employment and occupation. The most important fields of work are counselling and support as well as awareness-raising activities for decision-makers (training courses, workshops, etc.).

In 2017, the Equal Treatment Ombuds Office was contacted for counselling and support services in a total of 750 cases, with the inquiries being divided into the categories of case of discrimination, legal information and documentation (see below).

Inquiries are related to various aspects of employment and occupation:¹¹

Working conditions	103
Training and education, retraining	14
Termination	89
Establishment	103
Harassment	40
Discriminatory behaviour	8
Career opportunities	26
Equality within a company	10
Remuneration	76
Gender mainstreaming	3

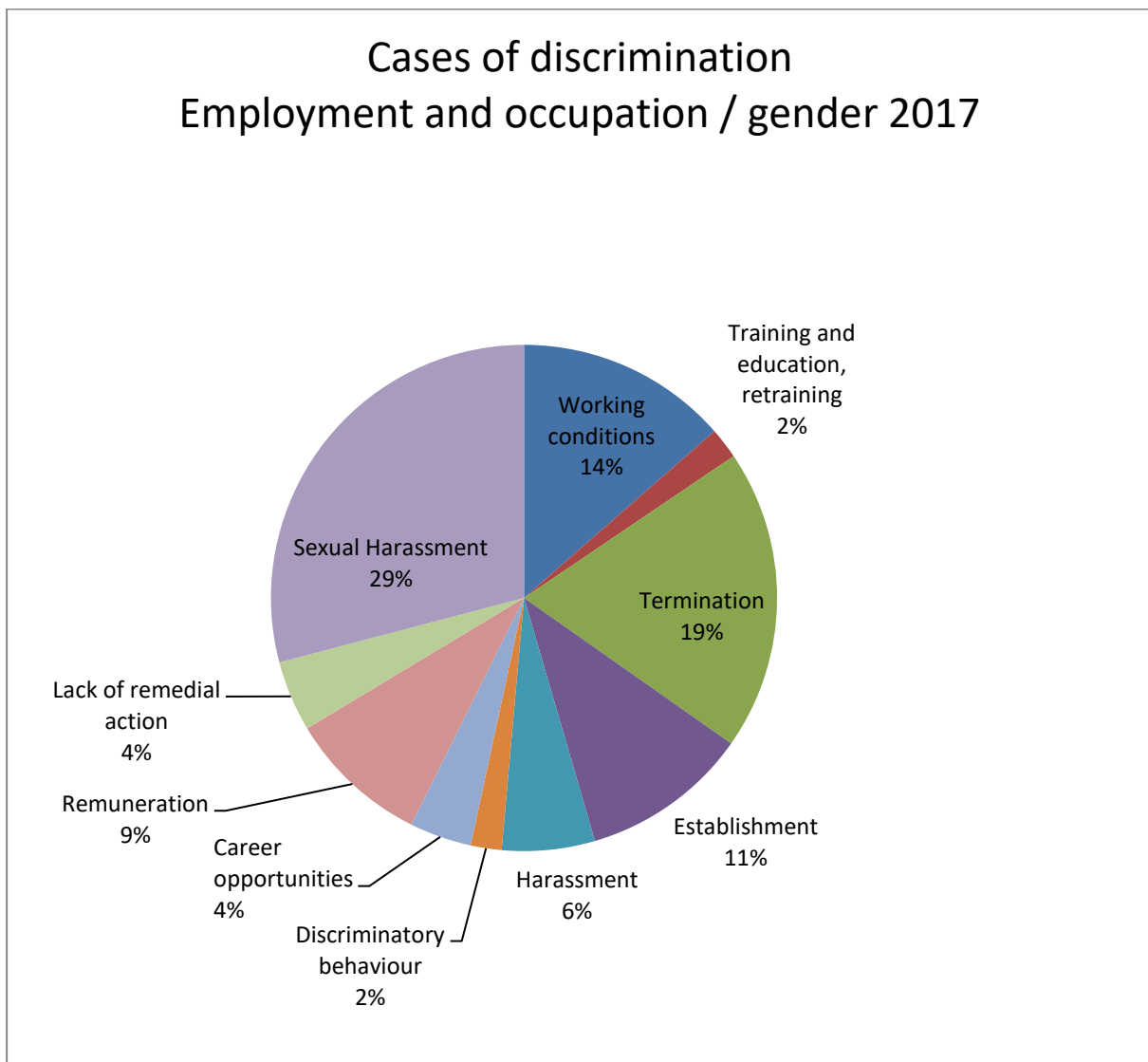
¹⁰See also Commission Recommendation (EU) 2018/951 of 22 June 2018 on standards for equality bodies as well as ECRI General Policy Recommendation No. 2 of 27 February 2018.

¹¹Cases of the Equal Treatment Ombuds Office in employment and occupation / gender 2017

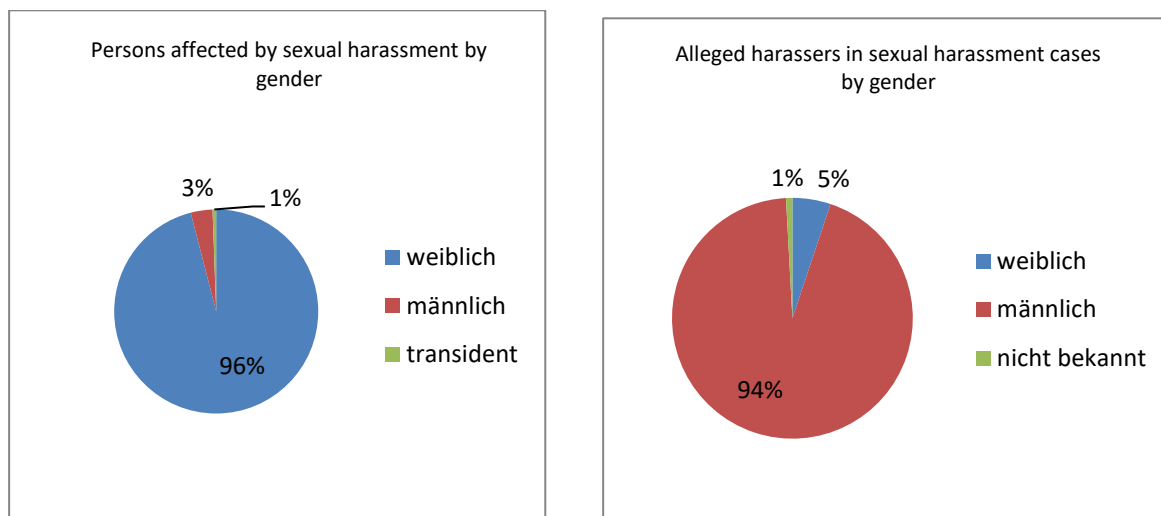
Positive action	8
Sexual harassment	270
Cases in total	750

Cases of discrimination

A case qualifies as a case of discrimination if someone feels personally affected under the Equal Treatment Act. A case of discrimination can be processed very fast, e.g. if someone only wants advice on what they can do themselves - or it can take up a lot of time if it is a very complex case of, e.g., pay discrimination. In the latter case, the first step normally is to intervene and to attempt to negotiate a settlement; information required for enforcing the law may be collected within the scope of the Equal Treatment Ombuds Office's right to collect information and conduct independent investigations, the case may be referred to the Equal Treatment Commission and the person may be supported with expertise if the case is brought before court.



Inquiries involving sexual harassment in employment and occupation continue to be the most common gender-based form of discrimination in the counselling activities of the Equal Treatment Ombuds Office. There is a significant bias between men and women: 96.4% of the affected persons were women and 94.4% of the (alleged) harassers were men.



(weiblich = female; männlich = male; transident = transgender; nicht bekannt = unknown)

During the #metoo movement, starting from October 2017, the Equal Treatment Ombuds Office witnessed a further increase of inquiries, in particular of inquiries relating to sexual harassment. This is presumably due to the Equal Treatment Ombuds Office's increased media presence, which introduced the institution to a wider public.

Persons affected by sexual harassment say that the campaign had encouraged them to step forward and report harassment. Groups of affected persons who were under-represented to this point, e.g. volunteers, persons in alternative civilian service and other men, approached the Equal Treatment Ombuds Office as persons affected by sexual harassment.

Additionally, the Equal Treatment Ombuds Office has been contacted by an increasing number of companies and employees wanting take preventive measures against harassment and discrimination - such as training sessions or contact points within the company. Employers are subject to an obligation to take remedial action: As soon as they learn that a person employed by them is being harassed, they must promptly take remedial action to combat it.

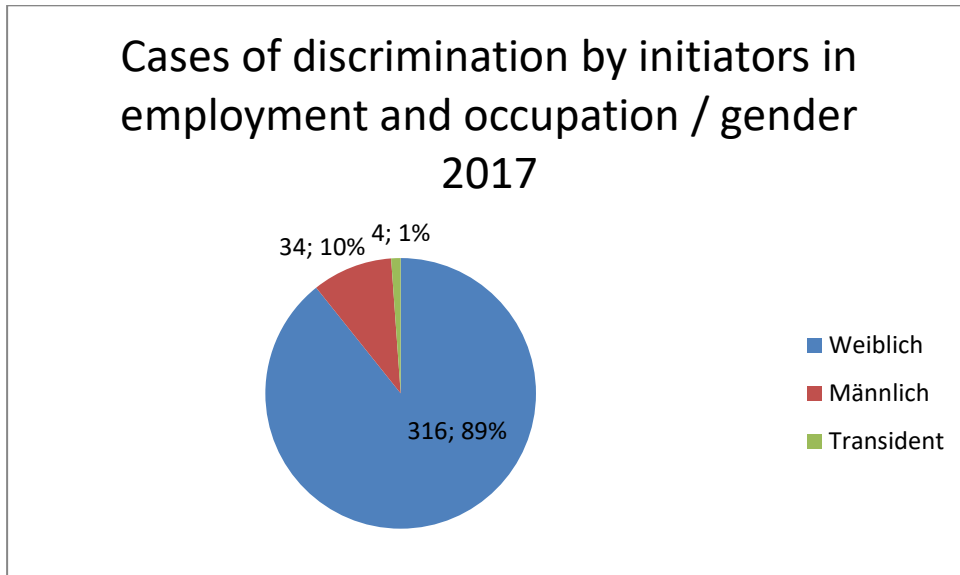
In its preventive work, the Equal Treatment Ombuds Office has begun to examine structures and environments where gender-based discrimination, harassment or sexual harassment typically occur.

In many cases, the Equal Treatment Ombuds Office deals with inquiries relating to equal pay for equal work or work of equal value. Such cases are challenging because they tend to be very complex and inherently difficult to process. Due to its statutory right to collect information and conduct independent investigations, the Equal Treatment Ombuds Office plays a decisive role in enforcing the law in cases of pay discrimination.

Another type of cases seen very frequently are inquiries involving discrimination on the grounds of gender in connection with the termination of employment relationships. Such terminations are often linked to pregnancy or parenthood or are the adverse consequence of a complaint involving sexual harassment. These cases show that men, too, can suffer from

gender-based discrimination in terms of working conditions and termination of employment relationships, e.g. when they take on childcare responsibilities.

Of the 354 cases of discrimination recorded in 2017, 316 cases concerned women, 34 concerned men and 4 concerned transgender persons.



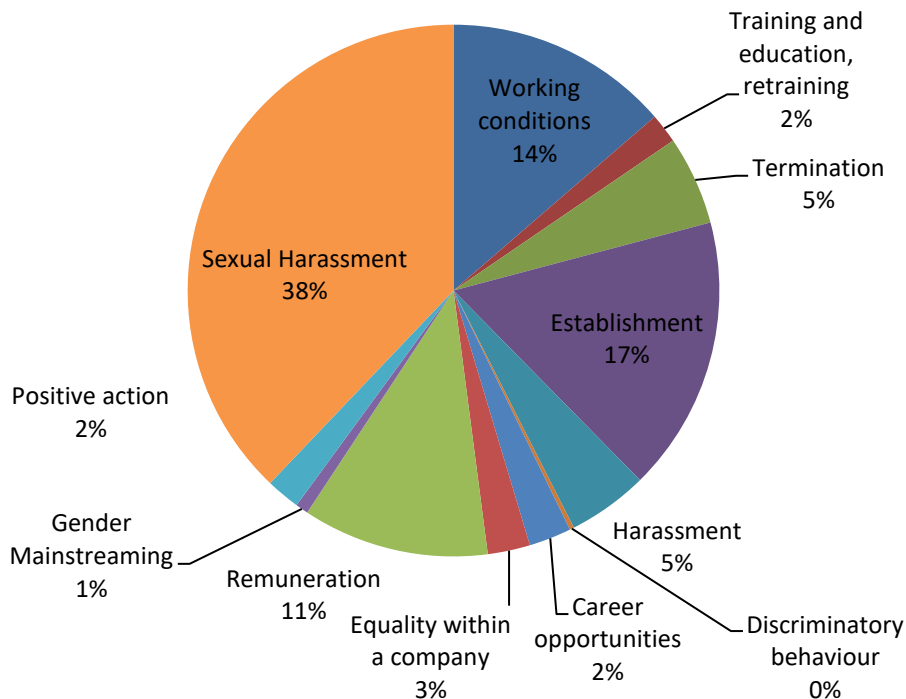
(weiblich = female; männlich = male; transident = transgender)

Legal information

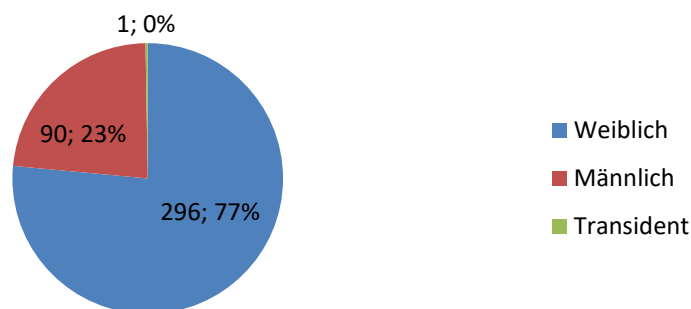
Information provided within the scope of counselling services qualifies as legal information (*Rechtsauskunft*) where

- legal expertise is provided to intermediaries or interested persons rather than to persons who were themselves personally affected by discrimination;
- legal assessments or suggestions are made (e.g. for entire industries) and discussions about legal issues are held;
- advice and support is provided to a person who has been affected by discrimination outside the scope of the Equal Treatment Act and when a question of jurisdiction is being discussed;
- information is given to intermediaries and interested persons.

Legal information Employment and occupation / gender 2017



Legal information by initiators employment and occupation / gender 2017



(weiblich = female; männlich = male; transident = transgender)

Multiple discrimination

With regard to gender as grounds for discrimination, the Equal Treatment Ombuds Office has noticed several cases of multiple discrimination.

Most inquiries were related to a combination of age and gender and of ethnic origin and gender. A third group of cases seen rather frequently is discrimination based on gender and religion, mostly concerning Muslim women who wear headscarves.

Information and awareness raising

In addition to advice and support to persons affected by discrimination, the Equal Treatment Ombuds Office provides information and raises awareness on topics such as discrimination, equal treatment and equality.

The majority of inquiries relate to sexual harassment, equal pay and religious clothing in connection with headscarves. A relatively new issue is the way people deal with the “third gender”.

The services in this field are targeted at multipliers as well as all individuals, institutions, organisations and companies that combat discrimination and support equality. Important target groups are the members of works’ councils, human resourced personnel, executives, NGOs and students.

In response to the Committee’s request in its 2016 conclusions for information with regard to the impact of measures that have been taken with a view to improve income transparency, the following information is provided:

Reference is made to previous reporting. In addition, the following information is provided:

2015 evaluation study on income transparency

In keeping with the 2013-2018 government programme, an evaluation was carried out of the requirements contained in the Equal Treatment Act to state the minimum wage in job advertisements and to produce income reports. The study analysed the implementation of the relevant legal provisions of the Equal Treatment Act and the effect that these tools have on the intended increase in income transparency. The study took into account the opinions of employees, works council members and employers and came to the following conclusions:

- The level of implementation of the legal requirements is high; the legal minimum standards serve as a guideline.
- Stating salaries in job advertisements makes wage differences across different industries more transparent and contributes to more transparency within companies.
- Income reports are rarely used as a basis for the development of further structural measures to tackle the gender pay gap within companies.
- Works council members are often not involved in the development and discussion of income reports. Confidentiality requirements hamper internal exchange.
- The two tools, particularly the income reports, are not widely known amongst employees. Both instruments can be improved in order to increase their effect on income transparency.

The evaluation report is available online (in German) at the website of the Federal Minister for Women, Families and Youth:



For further measures to eliminate *de facto* inequalities between men and women reference is made also to the reporting below.

In response to the Committee's request in the Appendix of the email of 27 May 2019 on rules on shifting the burden of proof in cases where pay discrimination is alleged on grounds of sex, the following information is provided:

If a person feels discriminated against and appeals to court and/or the Equal Treatment Commission, they must show credibly that they were discriminated against on account of their gender. The alleged discriminator must prove that there are good reasons to believe that there has been no discrimination (Section 12 Para. 12 of the Equal Treatment Act).

Protection from any adverse treatment or adverse consequence as a reaction to a complaint or to proceedings aimed at enforcing compliance with the principle of equal treatment was introduced as a measure for enhanced protection against discrimination. Such protection covers not only the person filing the complaint but others as well, such as other employees or witnesses who support the complaint (Section 13 of the Equal Treatment Act).

In response to the Committee's request in the Appendix of the email of 27 May 2019 for information with regard to rules on compensation in case of pay discrimination on grounds of sex and whether ceilings are applicable, the following information is provided:

If due to a violation by an employer of the equal treatment obligation, an employee receives lower pay than an employee of the other sex for equal work or to which equal value is attributed, that person is entitled to claim payment of the income differential by the employer and compensation for the personal injury suffered (Section 12 Para. 2 of the Equal Treatment Act). There are no ceilings for the damages.

Assessment of cases of pay discrimination by the labour and social courts

Ruling ref. 8 ObA 95/15a dated 29 March 2016

Pension schemes at company level where the last month before a person retires is used as the assessment base are no problem for people who have worked both full-time and part-time as long as they worked full-time immediately before their retirement. Things are different if they work part-time immediately before retiring. In that case, the last remuneration received for part-time work would be used as the assessment base while any previous full-time work periods would not be taken into consideration at all. This is contrary to the principle of non-discrimination of part-time workers.

According to the principle of non-discrimination, part-time workers must not be treated worse, in terms of their employment conditions, than comparable full-time workers simply because they work part-time, unless the different treatment is justified for objective reasons. Where appropriate, the principle of *pro rata temporis* is to be applied. This means that any remuneration paid by the employer to a person working part-time is to be calculated based

on the number of working hours. The ECJ ruled that the principle of *pro rata temporis* must apply also to company pension schemes. Taking into account the amount of time actually worked by a part-time worker during their career, as compared with the amount of time actually worked by a person who has worked on a full-time basis throughout their career, is an objective criterion, allowing their pension entitlement to be reduced proportionately.

Ruling ref. 8 Obs 12/16x dated 27 September 2016

Provisions for the calculation of special payments for specific typical cases of changes in working hours have been enshrined in the law. Those provisions stipulate the attribution of special payments on a pro-rated basis taking into account the full-time and part-time work actually worked over the course of the calendar year in question. Teaching and literature recommend that this mixed calculation be applied to all cases where the number of working hours changes in the course of a year, unless covered by the applicable collective agreement.

The Supreme Court confirmed this point of view in its ruling. A pro-rated attribution of special payments in the event of a change in working hours is required for balancing social and economic interests in a just manner so that the amount of the special payments is calculated based on the remuneration actually earned and not based on a merely coincidental reference value prevailing at a given reference date. This interpretation is unfavourable only at first glance in cases where an employee changes from part-time to full-time work, because in this case the relevant reference value is, again, the remuneration actually earned and this does not result in a non-objective treatment of such employees.

Ruling ref. 8 ObA 15/17x dated 28 June 2017

A worker employed full-time with a temporary work agency enjoys, at his user undertaking, a reduced normal weekly working time of less than 38.5 hours (as provided for in the collective agreement) on the basis of a (pseudo, i.e. not based on the law or collective agreement - referred to as “*unechte Betriebsvereinbarung*” in German) works agreement. The shorter normal weekly working time of that company, however, does not have any consequences on the remuneration to be paid during his/her assignment, because such remuneration is calculated based on the normal weekly working hours provided for by the law and in the applicable collective agreements but not the other binding provisions of a general nature applying to the user undertaking.

If, however, a collective agreement provides that, in terms of remuneration, full-time employment with the temporary work agency has to correspond to the user undertaking’s full-time equivalent as provided for by the law and the collective agreement even if the working hours are reduced within the specific company, this would qualify as a circumvention if the user undertaking entered into a part-time agreement with the assigned worker relating to the working hours as reduced in the user undertaking without adequately reducing the working hours at the user undertaking in accordance with the part-time agreement, because the equivalence ratio set out in the collective agreement would be shifted to the detriment of the assigned worker. It would thus be ineffective if such provision contained in the collective agreement were circumvented by a part-time agreement with the temporary work agency with the intention to “synchronise” the hours at the temporary work agency with the working hours at the user undertaking.

Chapter VI.1 of the collective agreement for temporary agency work (*Kollektivvertrag für das Gewerbe der Arbeitskräfteüberlassung, KVÜ*) does not generally prohibit the conclusion of

part-time agreements with the temporary work agency. It would not constitute a circumvention if a worker employed part-time with the temporary work agency were hired out to the user undertaking as a part-time employee. Under the prohibition of discrimination provided for in Section 19 Para. 6 Working Hours Act (*Arbeitszeitgesetz, AZG*), this means, the ruling argued, that the internal reduction of the normal weekly working hours must apply to part-time workers as well and must result in a pro-rated reduction of their working hours with their pay being adjusted accordingly. Any working hours exceeding this scope would thus have to be remunerated as extra hours worked.

Assessment of cases of pay discrimination by the Equal Treatment Commission for the private sector

In 2016-2017, the following cases of pay discrimination were reported:

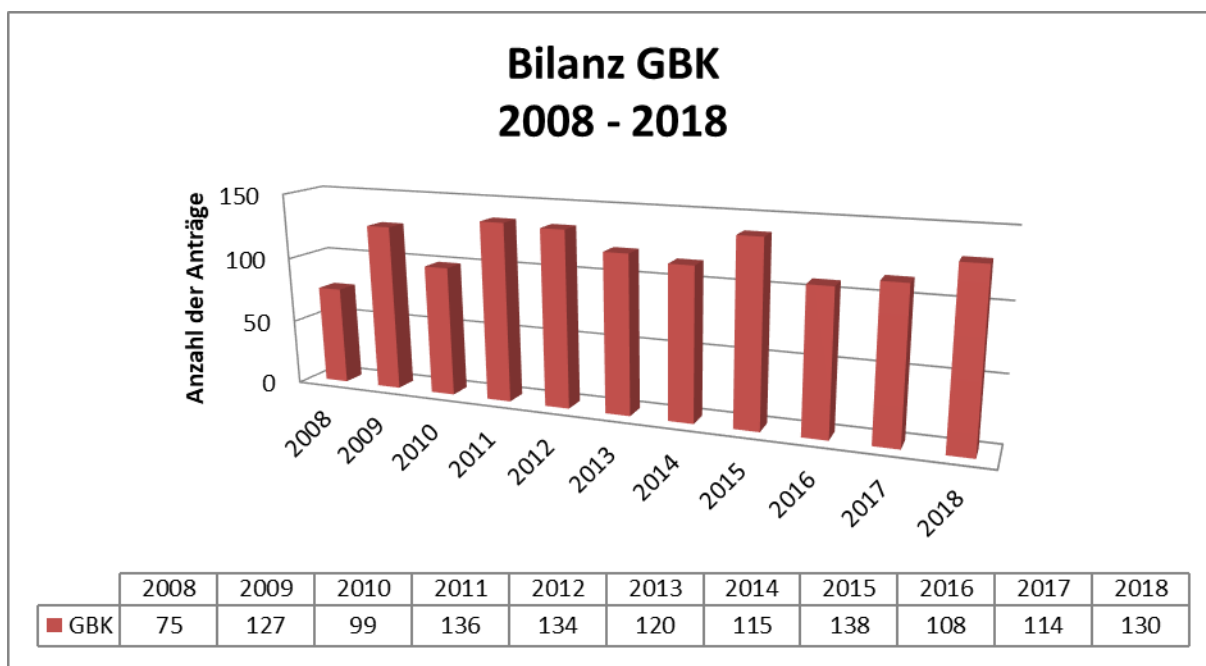
Senate I of the Equal Treatment Commission dealt with 17 cases in which a review for pay discrimination was requested (either on the grounds of gender or on the grounds of gender and age), 7 cases were closed, discrimination was found to have occurred in 4 cases, no discrimination was found in 3 cases.

Senate II of the Federal Equal Treatment Commission dealt with 5 cases in which a review for pay discrimination was requested (either on the grounds of ethnic origin or on the grounds of age), 2 cases were closed, in 2 cases no discrimination was found to have occurred.

The statistics for 2018 will be compiled as part of the 2018-2019 Equal Treatment Report for the Private Sector (not available yet). This report is published jointly by the Federal Chancellery and the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection on a two-year basis, as specified in Section 24 of the Equal Treatment Act.

They contain information about relevant court rulings and the activities of the Equal Treatment Commission. The reports (in German) can be downloaded from the following website:

<https://www.frauen-familien-jugend.bka.gv.at/frauen/gleichbehandlung/gleichbehandlungsberichte/gleichbehandlungsberichte-fuer-die-privatwirtschaft.html>



Assessment of cases of pay discrimination by the Federal Equal Treatment Commission (public service)

Activities of Senate I and II of the Federal Equal Treatment Commission:

The Commission's senates are tasked, within their scope of competence, with attending on the basis of the Federal Equal Treatment Act (*Bundes-Gleichbehandlungsgesetz, B-GlBG*) to all issues arising in federal public service that relate to the equal treatment of women and men, the advancement of women, and the equal treatment of individuals irrespective of ethnic origin, religion or belief, age or sexual orientation.

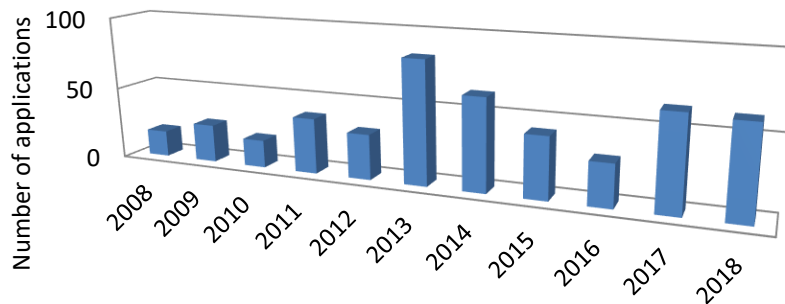
Upon application or ex officio, the specific senate of the Federal Equal Treatment Commission is required to prepare an expert opinion to determine whether any measure, action or failure to act violates the principle of equal treatment or the principle of advancement of women.

In Senate I of the Federal Equal Treatment Commission, there were no applications for pay discrimination in 2016 and 2 applications for pay discrimination in 2017. In one case, the Senate found that there had indeed been discrimination. What should be noted is that, in the federal public service, discrimination in connection with career advancement entails negative financial consequences. Seven applications were made for promotion discrimination in 2016 and discrimination was found to have occurred in 5 cases. In 2017, 16 applications were made and in 7 cases the Senate found that there was indeed discrimination.

In Senate II of the Federal Equal Treatment Commission, there were no applications for pay discrimination in 2016 and 6 applications in 2017. In no case did the Senate come to the conclusion that there was discrimination (in 1 case proceedings were not initiated, 1 application was dismissed). A total of 5 applications were made for promotion discrimination in 2016 and discrimination was found to have occurred in 2 cases. In 2017, 10 applications were made and, in 7 cases, the Senate found that there was discrimination.

In the period 2014-2018, a total of 260 applications were submitted to the Federal Equal Treatment Commission (B-GBK).

Cases dealt with by the Federal Equal Treatment Commission 2008 - 2018



	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
■ B-GBK	18	26	19	38	31	84	63	42	29	64	62

The Federal Equal Treatment Report can be downloaded (in German) using the following link:

https://www.oeffentlicherdienst.gv.at/fakten/publikationen/Bundes-Gleichbehandlungsbericht_2018_-_Teil_1_und_2.pdf?6wd8jf

In response to the Committee's request in in the Appendix of the email of 27 May 2019 for information on whether national law provides for pay comparisons outside the company directly concerned, the following information is provided:

Reference is made to previous reporting, where the Committee has been provided with the following information:

Wages and working conditions in Austria are generally governed by industry-specific collective agreements. Taking into consideration that the equal pay requirement, of course, also applies to collective agreements (cf. Section 11 of the Austrian Equal Treatment Act, *GIBG*), this in itself implies that regulations concerning the remuneration of employees which are binding not only at corporate or trans-corporate level but for the entire industry are the basis for these employment relationships and that the principle of equal pay for equal work or work of equal value has to be complied with when assessing the jobs.

Comparisons of pay are therefore possible between employees who are working for different companies governed by the same industry-specific collective agreement.

In response to the Committee's request for information on all measures taken to eliminate de facto inequalities between men and women, including positive action/measures taken, the following information is provided:

Initiatives to close the gender pay gap

Evaluation of the equal treatment law

In the past legislative period, statutory equal treatment provisions were evaluated with regard to the efficiency of the existing legal framework. The stakeholders in this process were the relevant ministries, social partner organisations, national equality bodies and the *Laender*. The evaluation focussed mainly on enforcing equal treatment, the legal consequences of violations of the equal treatment principle, awareness raising and grounds for discrimination as well as which elements are required for a case to constitute discrimination. The final report on the evaluation was published in 2016.

Project Fair wage

Based on the 2015 evaluation (2015 evaluation study on income transparency), a project called “Fair wage” (<http://www.fairer-lohn.gv.at/>) was carried out in order to raise awareness about fair wages and income transparency in companies. A tool box was introduced for the development, analysis and use of income reports. Positive communication about the benefits of fair wages for companies and best practices were another main focus of the project.

Round table sessions on income transparency

Starting in autumn 2018, the Minister for Women invited experts from research, administration and the social partners to take part in three round table sessions on income transparency. Discussions focused on indicators to measure pay gaps, additional efforts to strengthen income transparency, international best practices and non-discriminatory job evaluation schemes. This initiative will be continued.

Minimum wage as stipulated in the collective agreement

In its work programme for 2017/2018, the Federal Government defined the goal to work, jointly with the social partners, on the implementation of a plan providing for the gradual introduction of a minimum wage of at least EUR 1,500 on a nationwide basis and, should this fail, the adoption of a proposal made by the Federal Government. At the end of June 2017, the social partners agreed on a minimum wage of EUR 1,500 to be enshrined in collective agreements for areas where the lowest minimum wage was below that level at that time. This was scheduled to be put into practice in all sectors by 2020. Meanwhile, the minimum wage of EUR 1,500 gross has been adjusted in a great number of collective agreements. An increased minimum wage will mainly improve the income situation of women because it is mainly them who work in the lowest income bracket.

Training initiatives for works council members

Since taking up activities, the Equal Treatment Ombuds Office has been providing training to works council members on the topic of “Equal pay for equal work and work of equal value” as part of the evening courses held by the trade unions. The income reports have increasingly been a topic of such training sessions since 2011. Since then, specialists from the Equal Treatment Ombuds Office have been informing employers and HR managers about the new transparency rules in the context of equal pay courses. In cooperation with bodies such as the Public Employment Service and the Federal Economic Chamber, training is also regularly offered on the subject of compulsory remuneration information in job advertisements.

Baby Month

In 2011, a legal entitlement to early paternity leave (“daddy’s Month” - **Papamonat**) was created for federal civil service employees. It is up to four weeks, without pay from the employer and has to be taken during the period of the mother’s compulsory maternity leave (normally a period of eight weeks after childbirth). In June 2015, this so-called “Daddy’s Month” became a “Baby Month”, as it is now also available to women and men in same-sex partnerships and to adoptive parents. Since the introduction of this measure (1 January 2011-31 December 2018) 3,119 employees have used the early paternity leave. On 2 July 2019, the Austrian parliament passed a bill which introduced the “Family leave” from 1 September 2019 onwards in the private sector as well. Fathers or same-sex partners in Austria now have a legal entitlement to the “family leave” as a new form of leave. In contrast to the rules applicable thus far, fathers or same-sex partners can now take the leave even without obtaining the consent of their employers. During the leave period, the fathers or same-sex partners are protected against termination and dismissal from their job. They have no entitlement to remuneration during their time off but receive a one-off “grant” in the amount of EUR 700 from the state (which, however, will be deducted from public child support payments later on if the father or same-sex partner decides to take another form of parental leave as well).

Part-time work

The Working Hours Act (*Arbeitszeitgesetz, AZG*), as amended by the Labour Law Amendment Act (*Arbeitsrechts-Änderungsgesetz, ARÄG*) 2015, Federal Law Gazette I no. 152/2015, established a new provision binding employers to inform part-time workers when posting jobs which could potentially involve an increased number of working hours (Section 19d Para. 2a AZG).

The aim of this provision is to make it easier for part-time workers wishing to work more hours to apply for such jobs.

Pertinent information may be published by displaying it in an appropriate place in the business easily accessible to part-time workers, by using appropriate electronic systems or by suitable means of telecommunication. Less time spent in the company should not mean that employees are less well-informed. A violation of this provision is punishable under administrative law pursuant to Section 28 Para. 1 item 6 AZG.

The term “job posting” (*Ausschreibung*) is to be understood as defined in Section 9 of the Equal Treatment Act. As such, it refers to any kind of external or internal publication of job openings addressed to more than one person. The phrase “when posting jobs” means both the time of posting a job and the fact that a job is being posted.

Women in management positions

Many studies have demonstrated that in some cases men are significantly overrepresented in management, while the situation has been changing only slightly. In order to increase the percentage of women on Austrian supervisory boards, the Austrian Federal Government, in a resolution adopted by the Council of Ministers on 15 March 2011, undertook to increase the percentage of women on the supervisory boards of businesses in which the Federal Government holds a share of 50% or more to 25% by 31 December 2013 and to 35% by 31 December 2018. This is expected to have an impact to the same effect on other appointing entities as well. In this context, the Federal Government also commits to an annual review of the quota system and to present a progress report to the Austrian Council of Ministers every

year. While the percentage of women was 26% in the 2011 reference period, the percentage has increased steadily to as much as 46.7% in the 2017 reference period: In the reference period (2017), 135 of the 289 supervisory board members appointed by the Federal Government were women. As such, as many as 37 companies reached the target for 2018, achieving a percentage of women of at least 35%. Another 17 companies had a percentage of women of at least 25%. An amendment to the Federal Act on the Austrian Broadcasting Corporation (*Bundesgesetz über den Österreichischen Rundfunk, ORF-G*) introduced the obligation for the Austrian Broadcasting Corporation (ORF) to grant preferential treatment to women with equal qualifications in recruitment, promotion as well as further education and training, in accordance with a gender equality scheme, until a women's quota of 45% (number of permanent employees and functions) has been reached.¹²An equal treatment commission as well as equality officers have also been established.

Equality of Men and Women in Supervisory Boards Act (GFMA-G)

Since 1 January 2018, large corporations and companies in Austria listed on the stock exchange are obliged by the law to include at least 30% women and at least 30% men in their supervisory board. This obligation was enshrined in the Equality of Men and Women in Supervisory Boards Act (*Gleichstellungsgesetz von Frauen und Männern im Aufsichtsrat, GFMA-G*). The 30% quota applies to companies with more than 1,000 employees and to listed companies in which the underrepresented gender accounts for at least 20% of staff and whose supervisory board is composed of a minimum of six members. Since 1 January 2018, the 30% principle is required to be applied when appointing new supervisory board members; otherwise the appointment is considered void. There is no effect on pre-existing members. Analyses conducted by the Chamber of Labour (*Arbeiterkammer, AK*) and published in the Report on Women in Management (*Frauen.Management.Report*) show that the quota for listed companies has already resulted in a clear increase of the percentage of women in supervisory boards: while 22% of supervisory board members were women at the beginning of 2018, the percentage had increased by 5.5 percentage points to 27.5% by 2019.

Funding for women's projects

Each and every women's service point and counselling centre for women and girls is generally open to all women and girls seeking aid and counselling on the path to living independently, autonomously and free from violence (see <https://www.frauen-familienjugend.bka.gv.at/frauen/anlaufstellen-und-frauenberatung/beratungseinrichtungen.html>).

Additional, specialised counselling services in the context of educational programmes received about EUR 0.4 million to EUR 0.5 million in funding each year between 2015 and 2018. Such services target women, to strengthen their social skills and enhance their vocational qualifications, as well as girls, providing them with vocational guidance to broaden their awareness of vocational options (e.g. non-traditional occupations). Examples include:

- Nationwide online counselling for girls (MonA-Net)
- The Vienna-based Association for Advancing the Employment, Education and Future of Women (abz*austria)

¹²see Section 30c Austrian Broadcasting Corporation Act (*ORF-Gesetz, ORF-G*) as amended by Federal Law Gazette I no. 61/2018.

- the “START:KLAR - Silver Girls im Aufbruch” project run by VFQ Gesellschaft für Frauen und Qualifikation mbH, in Linz, or
- Roberta and Robina workshops offered by the Centre for Interactive Media and Diversity to arouse early enthusiasm for technical subjects among girls at elementary and lower secondary level, in Vienna and Lower Austria

Performance-informed budgeting and regulatory impact assessments

In addition to the explicit commitment to the equality between women and men, which was enshrined in the Austrian Constitution in the year of 1998, pursuing the aim of establishing the equality between women and men was also included in the Austrian Constitution as a budgetary principle on the federal, the *Laender* and municipality level in the year of 2009.

In the course of the reform of the Federal Organic Budget Act (*Bundeshaushaltsgesetz, BHG*), which was implemented in two steps in the years of 2009 and 2013, pursuing the aim of establishing equality between women and men was enshrined in the law. Therefore the constitutional obligation on the federal level was fulfilled. In the context of the reform the system of Outcome Orientation (“Wirkungsorientierung”) was introduced. It basically consists of two major instruments: performance-informed budgeting and regulatory impact assessments. Establishing equality between women and men is a major aspect that needs to be considered in both of the strongly interrelated instruments.

The instrument of performance-informed budgeting ensures that all ministries and supreme organs (e.g. the constitutional court, the court of audit) define at least one and maximum five outcome objectives with at least one and maximum five indicators on the budget section level as well as at least one and maximum five activities on the global budget level. The outcome objectives display the focus of the ministries and supreme organs. The indicators are defined in order to measure success in connection to the outcome objectives. The activities are the specific outputs that contribute to achieving the outcome objectives. At least one outcome objective on the budget section level as well as at least one activity on the global budget level must focus on aspects regarding the equality between women and men. Therefore the equality between women and men is implemented strongly in the management of the organisations and must be considered by every ministry and supreme organ on the federal level. The efforts undertaken and the progress made is evaluated and reported annually to parliament and the public by the Federal Performance Management Office.

As the equality between women and men is a cross-cutting policy field, various mechanisms have been established in order to coordinate the dialog among ministries, sovereign bodies, agencies, the *Laender* and municipalities. One important mechanism in this regard is the inter-ministerial coordination of the equality between women and men within the instrument of performance-informed budgeting. The Federal Performance Management Office which is part of the Federal Ministry for the Civil Service and Sport is responsible for this process. All ministries and supreme organs are participating in this process which is characterised by clustering outcome objectives which are related to the equality between women and men across ministries and supreme organs and measuring success through meta-indicators. The efforts undertaken and the progress in respect of the inter-ministerial coordination process are evaluated and reported annually to parliament and the public by the Federal Performance Management Office.

Regulatory impact assessments are mandatory for all new or amended laws and regulations as well as major investment or procurement contracts on the federal level. Regulatory impact assessments basically consist of a problem analysis, a definition of outcome objectives and related indicators, a definition of output-oriented activities, information about the planned internal evaluation as well as an assessment of impacts within defined impact dimensions. Impact dimensions are policy fields in which substantial impacts need to be assessed ex-ante as well as ex-post. The thresholds are defined by law. One of the impact dimensions is the equality between women and men. Therefore, all new or amended laws and regulations as well as major investment or procurement contracts on the federal level must be analysed for their impact on the equality between women and men. The regulatory impact assessments are part of the consultation process and parliamentary discussions. The regulatory impact assessments are evaluated five years after their implementation at the latest and reported to parliament and the public in an annual joint report by the Federal Performance Management Office.

Training initiatives for women and girls

The programmes offered in the framework of active labour market policies are particularly important for sustainable integration into the labour market and better income opportunities for women. The Public Employment Service's goal to earmark 50% of public funding in active labour market policies for women has played an important role in the past years and will be of particular importance also in 2019.

Qualification is at the centre of the Competence with System ("*Kompetenz mit System*") scheme, which targets unemployed persons with low levels of formal education. Women can choose from a broad range of apprenticeships in various areas including saleswoman in retail trade, IT technician, assistant in the hotel and restaurant industry as well as bricklayer. The Competence with System scheme is characterised in particular by its flexible programme structure. Participants complete three modules, which may be taken at any time, to complete an apprenticeship. As such, successive periods of unemployment can be used to improve qualifications. In 2017, a total of 700 women participated in the scheme throughout Austria.

The "Women in Trade and Technology" (*Frauen in Handwerk und Technik, FiT*) programme was continued. It funds high-quality training for women in non-traditional professional fields. The programme makes an important contribution to two equality objectives: overcoming gender segregation and reducing the gender pay gap. Around 1230 women completed training in the skilled manual/technical field under the FiT programme in 2017. Furthermore, it promotes access of women and girls to atypical apprenticeships. The funds available for company-based apprenticeship funding amount to EUR 5 million. This company-based support measure and the AMS support programmes (subsidies to top up the apprenticeship allowance for the purpose of integration into the labour market) are designed to complement each other. The following areas of training are included: mechanical engineering/metalworking, electrical engineering, mechatronics, information technology, materials engineering, technical drawing and process engineering.

Furthermore, labour market policies provide support measures aimed at supporting women re-entering the labour market, in particular after a family-related interruption. Support specifically targeted at individuals re-entering the labour market is provided under the "Return to Work" (*Wiedereinstieg unterstützen*) programme. The programme comprises a target-group-specific range of support services. Services are provided by trained advisors in special

information sessions at all regional AMS offices. The Public Employment Service offers an additional course, “Re-entry with a Future” (*Wiedereinstieg mit Zukunft*) supporting 4,500 women every year.

One of the investment priorities in the Operational Programme Employment Austria 2014-2020 in the context of the European Social Fund is the promotion of equality between women and men in the labour market. The programme includes special educational programmes for educationally disadvantaged women and advice to companies. The projects focus on *reducing the gender pay gap, education for women with low qualifications in sectors employing mostly women, career opportunities of women, measures to facilitate the reconciliation of family life and work* as well as *employment of refugee women*.

In addition, there are special offers for the vocational integration of persons with disabilities, where, again, the equality of women and men is taken into account by ways of gender mainstreaming, gender budgeting and gender-specific opportunities.

All *Laender* have taken measures to improve the integration of women in the labour market. The *Land* of Salzburg, for instance, participated in the EU project “FIER - Fast track Integration in European Regions” in 2018 and 2019. The FIER project addresses the challenge of integrating refugees into the labour market. Measures are targeted mainly at refugee women and include information offers in asylum accommodation facilities, qualification measures for the labour market or financial assistance for language training.

The Styrian Qualification and Employment Programme (*Qualifizierungs- und Beschäftigungsprogramm*) includes measures aimed at reducing the discrimination of women in the labour market.

In total, around EUR 653 million of active labour market policy expenditure was spent on women in 2018. A large part of the funds was spent on qualification measures.

The labour market policy programme for women and girls mainly focusses on the following measures:

The FiT (Women in Trades and Technology) scheme is intended to fund high-quality training for women in non-traditional professional fields. The objective for participants is to complete an apprenticeship or course of further study, e.g. at a technical school or university of applied science. The programme makes an important contribution to two employment equality objectives: overcoming gender segregation and reducing the gender pay gap. Not only are skilled manual and technical professions better paid than traditional female occupations, they also offer better career prospects and are in particularly high demand on the labour market. Nearly 1.300 women completed training in the skilled manual/technical field under the FiT programme in 2018.

A notable percentage of unemployed women has not completed any education or training beyond compulsory schooling. Since many unemployed persons, in particular unemployed women, do not have sufficient time to complete a training course of at least 1.5 years, the Public Employment Service offers the “Competence with System” (“Kompetenz mit System”, KmS) scheme. KmS is characterised in particular by its flexible structure. Participants complete three modules, which may be taken at any time, to complete an apprenticeship. As such, successive periods of unemployment can be used to improve qualifications. A disproportionate number of participants are women – around 670 women from all over Austria took part in 2018.

Women's Employment Centres offer a comprehensive range of advisory and other services aimed at providing intensive and personalised support for women looking to improve their skills. The Women's Employment Centres facilitate access to the services of the AMS, support participants throughout the process, and expedite entry into a suitable programme of education. They also promote the integration of women into the labour market by increasing cooperation with companies in the region. Following on from the pilot phase, which ran from 2010-2012, there are now Women's Employment Centres throughout Austria. The Women's Employment Centres provided support to around 11,200 women across Austria in 2018.

The framework and related conditions of the labour market are constantly changing and pose a complex challenge for people re-entering the labour market. An active and supportive attitude as well as low-threshold information offers are important to enable women in particular to return to the labour market as quickly as possible after a family-related interruption.

In addition to support programmes and grants provided by the Public Employment Service (AMS) within the scope of its active labour market policy, persons re-entering the labour market receive special support through the "Return to Work" (*Wiedereinstieg unterstützen*) initiative. The programme comprises a comprehensive, target-group-specific range of support services aimed at preparing participants to return to the labour market. Services are provided by specially trained advisors in special information sessions at all regional AMS offices.

The AMS offers an additional course, "Re-entry with a Future" (*Wiedereinstieg mit Zukunft*), aimed specifically at women. This course goes beyond vocational guidance and addresses the specific conditions and problems experienced by the target group. In 2018, the AMS's programmes supported a total of more than 40,000 women by providing support for their re-entry into the labour market.

On 26 April 2018, the institutions of the federal government participated in the Girls Day in federal public service with 46 programmes. Every year since 2006, on the fourth Thursday in April, girls and young women have had the opportunity to expand their array of occupational choices beyond the traditional role models. Details on the Girls' Day are available at www.girlsday-austria.at (in German) and <https://www.frauen-familien-jugend.bka.gv.at/frauen/gleichstellung-arbeitsmarkt/girls-day-girls-day-mini.html> (in German).

The Girls Day in federal public service is aimed at motivating girls and young women to elect non-traditional, technical-scientific and thus particularly future-oriented training courses, degree courses and occupations.

Since 2006, a total of 22,212 girls have participated in the Girls Day in federal public service.

The Girls Day MINI in federal public service, which was launched in 2015, was developed as a project to allow girls to become acquainted with natural science phenomena and technical issues at the very beginning of their educational careers, that is, in kindergarten. Experiences at kindergarten age can have significant impact on forming further interests and thus on later career choices. In total, 1,557 nursery school children have participated in the Girls Day MINI in federal public service since 2015.

Made available online in April 2015, the internet platform www.meine-technik.at (in German) can contribute towards increasing the number of women in technical fields and raising industries' awareness of women's potential in these areas, while also helping to utilise synergy

effects, exchange knowledge and experience, establish contacts among stakeholder groups, and pioneer new career fields. Schools, businesses, associations and counselling centres can find out about best practice examples and gather inspiration, and can also add to the wide variety of offerings by contributing information on their projects and initiatives for advancing women and girls.

PROGRESS project on women in management positions

Between 2013 and 2015, the Women's Affairs Department of the Federal Chancellery (at the time, the Federal Ministry of Education and Women's Affairs) has acted as coordinator of "Women are top! To the top by innovative corporate cultures", a PROGRESS project with the goal of increasing the proportion of women sitting on advisory boards and in executive positions; the project is co-funded by the EU and conducted in cooperation with the Vienna University of Economics and Business Administration and with FORBA, an employment research and counselling centre. Businesses and management personnel are closely involved to enable sharing of experiences and model initiatives, with an online simulation being developed to facilitate self-reflection among executives and action aimed at nurturing a corporate culture of gender equality being planned.

Further details and a summary of project outcomes are available (in German) at: www.frauenfuehren.at

REC project: Men and Reconciliation of Work and Family

From 2015 to 2017, the Department for Women's Affairs and Equality participated in the "Men and Reconciliation of Work and Family: Supporting the Path to Gender Equal Distribution of Parental Leave and Working Time" project. The project was co-financed by the EU and coordinated by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection (*Bundesministerium für Arbeit, Soziales, Gesundheit und Konsumentenschutz, BMASGK*). In addition to studies on the reconciliation of couple and company matters, the project saw the development of an online calculator with calendar function for parental leave, childcare benefit and parental part-time working entitlements, which aims at helping parents in planning and sharing gainful work and parenting work. The final project report is available at <http://maennerundvereinbarkeit.at/wp-content/uploads/2018/03/Final-Report-to-a-Broader-Public-EN-final.pdf>.

REC project "Transparent pension future – securing women's economic independence in later life" ("Transparente Pensionszukunft", TRAPEZ)

Since February 2019, the Department for Women and Equality coordinated the EU-co-funded TRAPEZ project, which will run until July 2020 in cooperation with the Federal Chancellery (*BKA*), the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection (*BMASGK*), Austrian Institute of Economic Research (*WIFO*) and FORBA, an employment research and counselling centre. TRAPEZ aims at increasing awareness on the gender gap in pensions and on improving women's financial security in later life. The project comprises quantitative and qualitative studies on the gender gap in pensions and its underlying causes as well as on the state of knowledge and the possibilities of actions among employed women. It also provides for targeted awareness-raising measures in the general public, and, in cooperation with companies, a toolbox will be developed allowing companies to support their (female) employees in securing their pension entitlements.

Online salary calculator

Another incentive for enhanced income transparency is provided by the salary calculator that has been available on the web since late 2011 (in German at www.gehaltsrechner.gv.at). This online tool was developed in collaboration with Statistics Austria and can be used to calculate average guidance values for women's and men's wages and salaries according to sector or occupational group. Relevant factors such as education, work experience or the type of work are taken into account. The salary calculator is updated on a regular basis, most recently in spring 2019. An average of 1,000 users access the online tool every day.

Statistical data

According to EUROSTAT, Austria's overall employment rate (for persons aged 15-64) was 73.0% in 2018 and thus only marginally higher than in the previous year (72.2%). Austria thus ranks eighth in the European Union (EU-28). The EU-28 average was 68.6%.

With an employment rate for women of 68.6%, Austria was also clearly above the EU-28 value of 63.3% and ranked tenth in the European Union after Sweden (76.0%), the Netherlands (72.8%), Denmark (72.6%), Germany (72.1%), Lithuania (71.6%), Estonia (71.4%), Finland (70.6%), the United Kingdom (70.3%), and Latvia (70.1%).

The number of dependently employed persons was at 3,741,484 on average in 2018 (1,741,328 of these were women). Compared to 2017, employment figures rose by 86,188 individuals or 2.4% (increase of 2.1% in women, increase of 5.6% in persons above 50 years of age).

According to the 2018 Labour Force Survey (*Arbeitskräfteerhebung*) of Statistics Austria, the percentage of dependent employees in part-time employment was 28.6% in 2018 (-0.5 percentage points compared to 2017). The percentage of men in part-time employment decreased by 0.7 percentage points compared to 2017 and is now at 10.3%. The percentage of women in part-time employment is 48.3% and has remained unchanged compared to the previous year.

A total of 312,107 individuals were unemployed on average in 2018, -27,868 or -8.2% less than in 2017. Calculated on a nation-wide basis, the unemployment rate was 7.7% in 2018 (-0.8 percentage points over 2017). Compared to 2017, unemployment decreased significantly in women (-6.7%) and in men (-9.3%). In total, unemployment among men was higher than among women (unemployment rate: men 8.0%, women 7.3%).

Active labour market policies contribute to reduce the gender-related disparity in the labour market. The goal of the Public Employment Service (*AMS*) is to integrate women and men to an equal degree in working life through jobs that ensure them a livelihood.

In total, around EUR 653 million of active labour market policy expenditure was spent on women in 2018. A large part of the funds was spent on qualification measures.

Despite strict austerity programmes in accordance with EU Maastricht budget policies, the budget for women's affairs and equality remained unchanged. The 2019 budget for women and equality amounts to EUR 10,150,000.

A list of the women's counselling centres in all of Austria that received funding can be viewed at <https://www.frauen-familien-jugend.bka.gv.at/frauen/anlaufstellen-und-frauenberatung.html> (in German). The recognised women's service points in particular take a holistic approach that includes counselling on entering or re-entering the job market or taking

a new career step, or on questions related to education and training courses specifically for women, especially with regard to new technologies, choosing atypical occupations, career re-orientation, and continued and advanced education.

Pay gap in percentage

Private sector

Comprehensive income data for Austria are contained in the General Income Report (*Allgemeiner Einkommensbericht*), published every two years by the Austrian Court of Audit, and in the Structure of Earnings Survey (SES), conducted every four years.

Some of the items detailed in the General Income Report of the Court of Audit for 2018 (https://www.rechnungshof.gv.at/rh/home/home_1/home_1/Einkommensbericht_2018.pdf, available in German only) are presented below.

Expressed in terms of mean gross annual income (fully unadjusted), the gender pay gap was 37.3% in 2017, i.e. women earned on average this much less than men. The gap has decreased by 2.4% since 2010. This change can be explained for the most part by the extremely large, increasing percentage of women working part-time. The median income in 2017 was EUR 21,178 among women and EUR 33,776 for men.

In the lower income range, the difference is still markedly bigger than in the higher range (see TAB 1 in the xls file).

The income disparity experienced by women differs depending on social status. While the pay gap between men and women, expressed in terms of gross annual income (unadjusted), amounted to 56% for blue-collar workers and 48% for white-collar workers in 2017, it was significantly smaller in the public-employment sector (22% for contractual public employees and 4% for civil servants).

If only persons employed full-time all year round are considered, the income difference between genders in terms of mean gross annual income is 15.6% (see General Income Report 2018).

The Austrian Structure of Earnings Survey (SES) examines companies with ten or more employees in production (sections B-F of ÖNACE 2008) and in services (sections F-N and P-S). It does not include entities under section O (public administration and defence; compulsory social security). This means that education and teaching, human health and social work activities, as well as arts, entertainment and recreation are not included in the survey.

The SES is carried out every four years. The latest findings (SES 2014) reveal a gender difference in median gross hourly earnings of 19.0% to the disadvantage of women (excluding extra hours and overtime; excluding apprentices). The median hourly earnings of women working part-time are 11.0% lower than those of women working full-time (difference among men: 25.3%). The gross hourly earnings of women working part-time are 25.3% below those of men working full-time (see Table 2).

Significant differences in earnings become evident when looking at the median gross hourly earnings by sector. The lowest gross hourly rates are generally paid in the sectors of "Administrative and support service activities" (women: EUR 9.21 men: EUR 12.27) and "Accommodation and catering" (women: EUR 8.53, men: EUR 9.00). High wages and salaries are paid to women working in "Financial and insurance activities" (women: EUR 18.37, men EUR 23.99) and in "Electricity, gas and water supply" (women: EUR 19.57, men: EUR 23.41).

However, there are also large gender differences in earnings even in some better-paying sectors.

Differences in earnings between the genders vary considerably among the individual sectors. The smallest differences in earnings can be identified in “Human health and social work activities” (4.7%), in “Transportation and storage” and “Accommodation and catering” (5.2% each) and in “Water supply, sewerage, waste management and remediation activities” (6.3%). Major earnings disparities can be seen between men and women in the sectors “Professional, scientific and technical activities” (25.7%) and “Financial and insurance activities” (23.5%) and in “Other service activities” (24.9%). In all sectors surveyed, the gross hourly earnings of women are lower than those of men (see Table 3).

As of 2008, the SES serves as the data source for the annual EU structural indicator referred to as the “Gender pay gap”, published periodically by EUROSTAT. The SES, which is carried out in all EU Member States, now provides a comparable, harmonised basis for this structural indicator that goes back to 2006.

The structural indicator reveals for Austria in 2017 a gross hourly earnings difference between genders of 19.9% (arithmetic mean of gross hourly earnings, including extra hours and overtime, including apprentices); this level represents an improvement of 4.1 percentage points over 2010 (24.0%).

Please refer to the summary entitled “Dependently employed persons by economic section” (Table 4) on the issue of the jobholders in the various economic sectors.

Gross annual income of dependently employed persons in 2014-2017

	Quartile/median	Women (EUR)	Men (EUR)	Difference (%)
2014	1st quartile (20%)	8,457	16,870	49.9%
	Median (50%)	19,894	32,564	38.9%
	3rd quartile (75%)	32,390	47,697	32.1%
	Average	23,244	37,231	37.6%
2015	1st quartile (20%)	8,654	16,692	48.2%
	Median (50%)	20,334	33,012	38.4%
	3rd quartile (75%)	33,113	48,471	31.7%
	Average	23,877	37,745	36.7%
2016	1st quartile (20%)	8,654	16,870	48.7%
	Median (50%)	20,706	33,350	37.9%
	3rd quartile (75%)	33,720	49,727	32.2%
	Average	24,433	38,804	37.0%
2017	1st quartile (20%)	9,275	17,376	46.6%
	Median (50%)	21,178	33,776	37.3%
	3rd quartile (75%)	34,350	49,727	30.9%
	Average	24,920	38,804	35.8%

Source: Statistics Austria. Payroll Tax Data – Social Statistical Analysis (December 2018). Excluding apprentices.

Own calculation of the pay gap

Gross hourly rates in 2014

Quartile/	Women (EUR)	Men (EUR)	Difference: (%)
<i>Full-time employees</i>			
1st quartile (25%)	10.10	12.44	18.8%
Median (50%)	12.98	15.46	16.0%
3rd quartile (75%)	17.00	20.62	17.6%
Average	14.67	18.2	19.4%
<i>Number der dependently employed</i>	475,170	1,227,867	
<i>Part-time employees</i>			
1st quartile (25%)	9.10	8.95	-1.7%
Median (50%)	11.55	11.55	0.0%
3rd quartile (75%)	15.10	16.5	8.5%
Average	13.12	15.06	12.9%
<i>Number der dependently employed</i>	533,564	172,556	
<i>Full-time and part-time employees</i>			

1st quartile (25%)	9.52	11.94	20.3%
Median (50%)	12.23	15.09	19.0%
3rd quartile (75%)	15.94	20.23	21.2%
Average	13.85	17.81	22.2%
<i>Number der dependently employed</i>	<i>1,008,734</i>	<i>1,400,423</i>	

Source: Statistics Austria. Structure of Earnings Survey (SES) 2014. Without apprentices, excluding extra hours and overtime, including, however, supplements for night work, shift work and work on Sundays or public holidays.

Dependently employed persons in private-sector companies with ten or more employees.

Own calculation of the gender pay gap

Gross hourly rates of full-time and part-time workers by economic activity in 2014

Economic activity (ÖNACE 2008)	Women		Men		Pay gap in %
	Number of employees	Hourly rate (median) in EUR	Number of employees	Hourly rate (median) in EUR	
Total	1,008,734	12.23	1,400,423	15.09	19.0%
Industry and construction	151,202	12.82	596,998	15.72	18.5%
Services	857,531	12.11	803,425	14.40	15.9%

Mining and quarrying	802	13.56	6,089	15.02	9.7%
Manufacturing	123,079	12.63	386,788	16.28	22.4%
Electricity, gas and water supply	3,616	19.57	17,943	23.41	16.4%
Water supply, sewerage, waste management and remediation activities	2,929	12.09	10,837	12.90	6.3%
Construction	20,777	13.34	175,341	14.60	8.6%
Wholesale and retail trade, repair of motor vehicles and motorcycles	251,791	11.25	193,986	14.07	20.1%
Transportation and storage	32,997	12.82	132,084	13.53	5.2%
Accommodation and food service activities	79,625	8.53	59,247	9.00	5.2%
Information and communication	23,914	16.57	51,433	20.85	20.5%
Financial and insurance activities	53,301	18.37	51,871	23.99	23.5%
Real estate activities	11,912	13.81	9,731	16.86	18.1%
Professional, scientific and technical activities	62,991	14.66	70,186	19.73	25.7%
Administrative and support service activities	84,456	9.21	103,404	12.27	24.9%
Education	60,597	14.01	46,028	17.94	21.9%

Human health and social work activities	143,771	14.01	46,056	14.70	4.7%
Arts, entertainment and recreation	17,689	11.02	18,951	12.85	14.2%
Other service activities	34,485	11.72	20,450	15.32	23.5%

Source: Statistics Austria, Structure of Earnings Survey (SES) 2014. Compiled on: 30 June 2016. Dependently employed persons in private-sector companies with ten or more employees (economic sections B–N and P–S of ÖNACE 2008). Excluding apprentices. - 1) Gross hourly earnings excluding extra hours and overtime (including, however, supplements for night work, shift work and work on Sundays and public holidays). 2) Excluding workplaces categorised under survey units of ÖNACE section O “Public administration and defence, compulsory social security” were not included, concerning primarily sections P and Q as well as E and R.

Own calculation of the pay gap

Dependently employed persons by economic section, annual average in 2018

	Women	Men	Share of women
Total	1,741,330	2,000,158	46.5%
Agriculture, forestry and fishing	8,838	15,771	35.9%
Mining and quarrying	775	5,191	13.0%
Manufacturing	155,008	464,136	25.0%
Electricity, gas and water supply	4,677	20,918	18.3%

Water supply, sewerage, waste management and remediation activities	3,610	13,223	21.4%
Construction	32,388	229,030	12.4%
Wholesale and retail trade, repair of motor vehicles and motorcycles	299,201	249,211	54.6%
Transportation and storage	42,096	157,476	21.1%
Accommodation and food service activities	121,411	94,995	56.1%
Information and communication	32,021	64,701	33.1%
Financial and insurance activities	57,330	56,134	50.5%
Real estate activities	24,398	17,364	58.4%
Professional, scientific and technical activities Services:	95,163	83,424	53.3%
Administrative and support service activities	94,857	131,379	41.9%
Public administration and defence, compulsory social security	347,432	230,818	60.1%
Education	64,331	42,940	60.0%

Human health and social work activities	205,265	64,629	76.1%
Arts, entertainment and recreation	17,545	20,867	45.7%
Other service activities	59,321	28,684	67.4%
Activities of private households; manufacturing of goods and provision of services by private households	2,280	487	82.4%
Activities of extraterritorial organisations and bodies	425	340	55.6%
National-service conscripts	34	4,788	0.7%
Parental leave	72,488	3,048	96.0%
Others	436	604	41.9%

Source: BALI web (budget, labour market and unemployment benefit data) managed by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection; own calculations

Employees at federal level

Details of income differences by gender among federal employees can be found in the Income Report as specified in Section 6a of the Federal Equal Treatment Act (*Bundes-Gleichbehandlungsgesetz*, *B-GIBG*) (https://www.oeffentlicherdienst.gv.at/fakten/publikationen/Einkommensbericht_2018.pdf?6pbhb9, in German).

2018 Income Report as specified in Section 6a B-GIBG.

The goal of the 2011 amendment to Section 6a B-GIBG was to broaden the scope to take in part-time employees, in addition to full-time staff employed year-round. To ensure comparability of women's and men's incomes, the income figures for part-time employees are converted to the equivalent for full-time employment and the figures for staff employed for less than a year are converted to year-round employment. The converted figures express the notional income of all federal public service employees, presuming that all staff members had worked full-time and all year round. This has the effect of correcting for any distortion arising from the fact that part-time employment rates or shares among staff employed less than a year might vary between men and women, thus rendering comparable income data.

This year, the income report of the federal government is published for the 6th time. The time series comparison shows that the pay gap between men and women in federal employment was 13.3% in 2012 and has steadily decreased – except for a slight increase in 2015. In 2017, the pay gap between men and women in federal employment was at an all-time low with 11.0%.

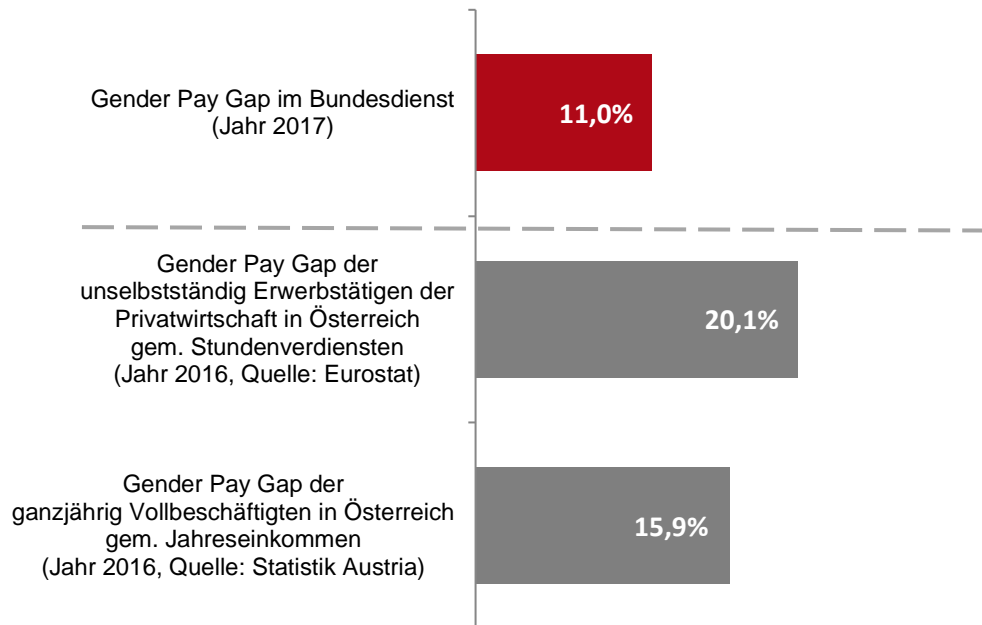
Table 1: Time series comparison of the gender pay gap in federal employment

2012	2013	2014	2015	2016	2017
13.3%	12.8%	12.5%	12.8%	11.9%	11.0%

Income differences in federal public service

With regard to the income gap between women and men, the remuneration system for federal public employees, and specifically the statutory pay schemes, offer one benefit over individual salary agreements: work of equal value is awarded equal pay – regardless of gender. There is no possibility of treating job candidates unequally by offering them different pay levels, because the salary level depends on how the position is classified. The mean incomes of women in federal public service are nonetheless lower than those of men, although the percent difference is much smaller than in the private sector. When adjusted for the number of working hours and for cases of employment lasting less than a year, the gender pay gap in federal public service is 11.0%; this is in contrast to a difference of 20.1% when the hourly wages of full and part-time employees in the private sector are compared, or of 15.9% between women and men employed full-time and year-round.

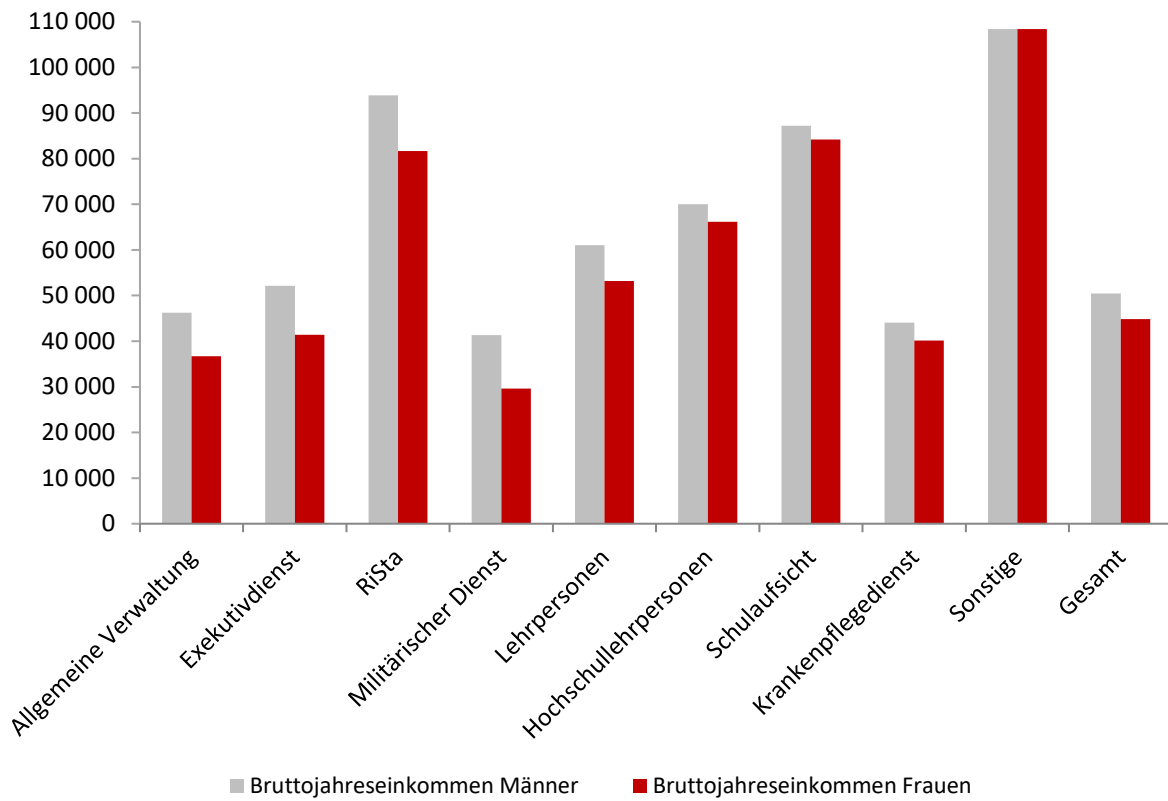
Figure 1: Gender pay gap in the federal public service compared with the difference among dependently employed persons in Austria



The gender pay gap in federal public service can for the most part be attributed to the following general factors related to income: the amount of overtime a person works, the person's professional qualifications and age and whether the person holds a management position. For occupational groups where individuals work both in contractual employment relationships and in relationships according to public law, any comparison between female and male incomes is encumbered by the fact that civil servants and contractual public employees are paid according to differing schemes, while the percentage of civil servants differs between women and men.

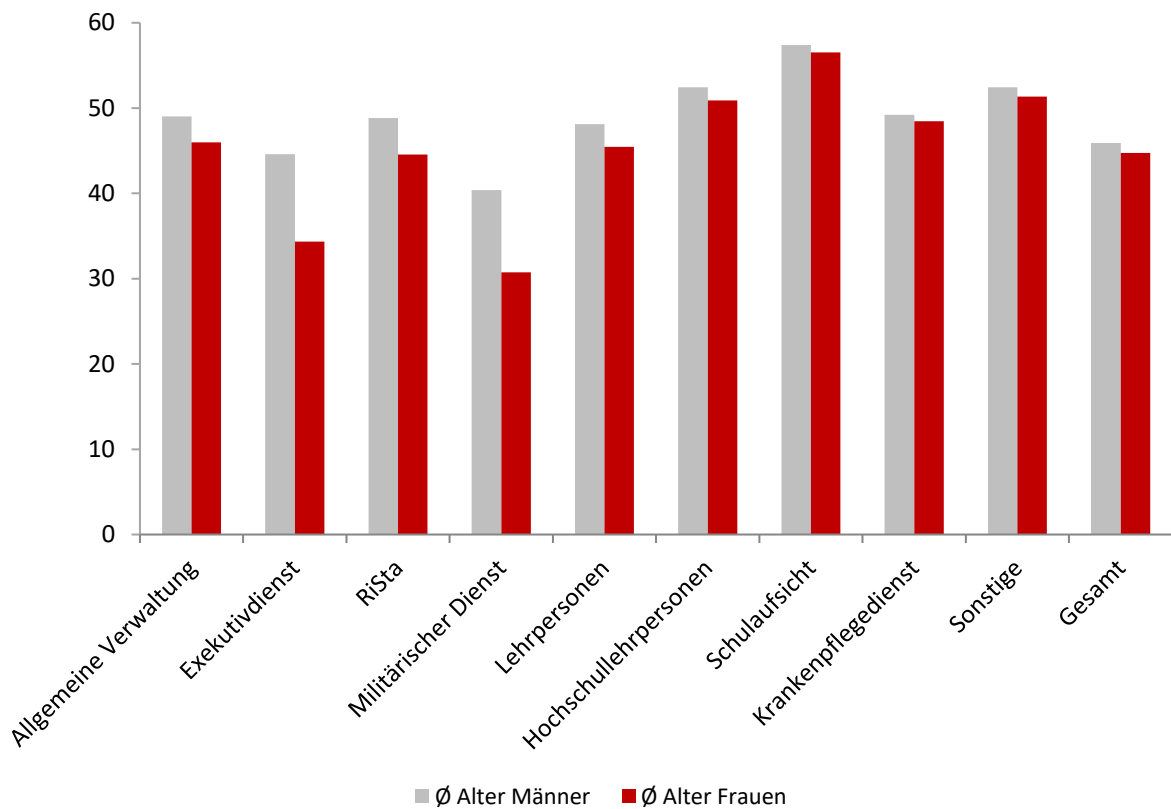
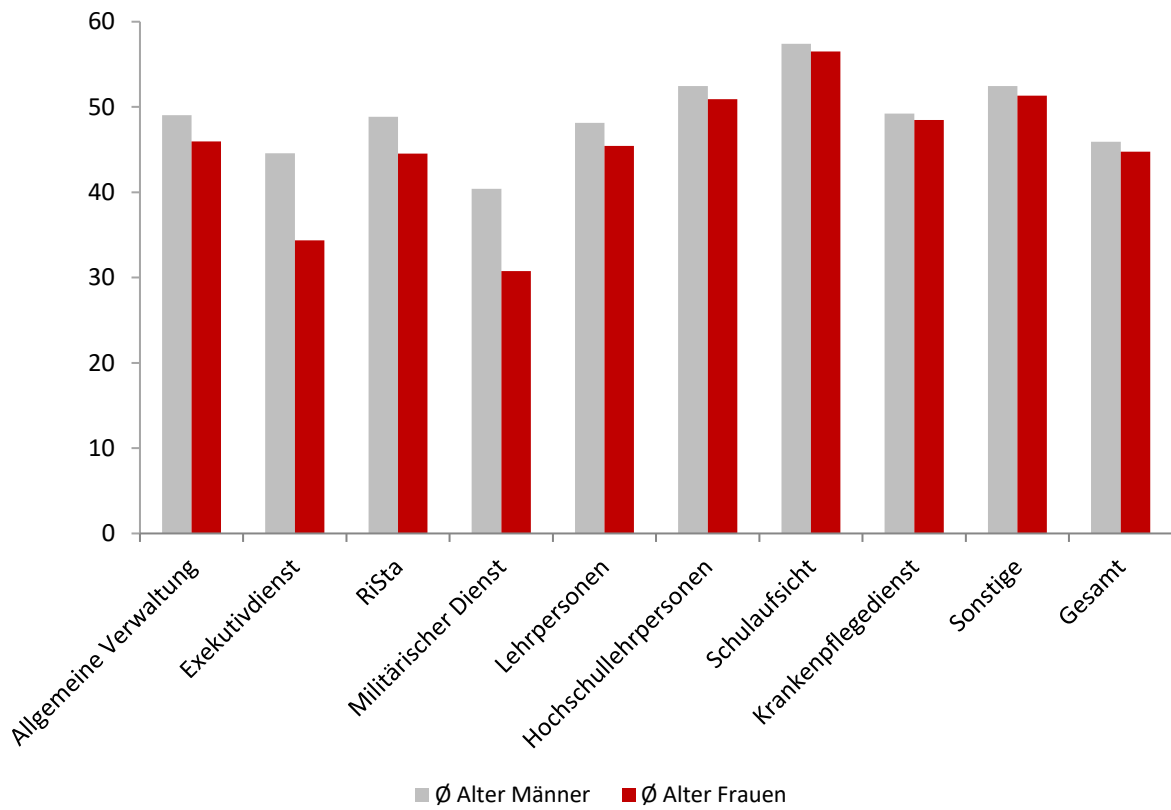
When adjusted for the varying number of working hours and for employment lasting less than a year, a difference of 11.0% between the average income levels remains, which varies among occupational groups from 3.4% (school supervision) to 28.4% (military service).

Figure 2: Income differences by gender and occupational group



In the federal public service, age is the most significant factor accounting for income differences between women and men. This means that significant income differences are observed for occupational groups or employment categories with a large age spread. This phenomenon, which is to be expected in pay schemes based heavily on seniority, needs to be considered when evaluating data. Entry into the federal public service in early years is more often the rule than the exception, so that age correlates positively with years of service and similarly with work experience on the one hand, and with advancement to higher salary or pay levels on the other. A considerable reduction of the gender gap is consequently expected when the age structure of female employees becomes similar to that of male staff.

Figure 3: Average age by gender and occupational group



**ARTICLE 25 – THE RIGHT OF WORKERS TO THE PROTECTION OF THEIR CLAIMS IN THE
EVENT OF THE INSOLVENCY OF THEIR EMPLOYER**

Reference is made to the previous reporting. No additional information has been requested.