



European
Social
Charter

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sociale
européenne



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EUROPEAN SOCIAL CHARTER

12th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF AUSTRIA

Articles 2, 3, 4, 5, 6, and 20

Report registered by the Secretariat on

18 December 2024

CYCLE 2024

REVISED EUROPEAN SOCIAL CHARTER

12th STATUTORY REPORT

Group 1

**To be submitted by States Parties not having accepted the collective complaints procedure by 31
December 2024**

submitted by

THE FEDERAL GOVERNMENT OF AUSTRIA

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

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 Industries (Vereinigung der Österreichischen Industrie)

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

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

Article 3 – The right to safe and healthy working conditions

Article 3§1 Health and safety and the working environment

Please provide information on the content and implementation of national policies on psychosocial or new and emerging risks, including:

- *in the gig or platform economy;*
- *as regards telework;*
- *in jobs requiring intense attention or high performance;*
- *in jobs related to stress or traumatic situations at work;*
- *in jobs affected by climate change risks.*

Gig or platform economy

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

2. Currently, the introduction of platform-like structures is being considered within the scope of the national campaign of the Labour Inspectorate regarding parcel and delivery services:

The working and employment conditions of parcel and delivery services have repeatedly been the subject of media reports, parliamentary enquiries, studies and press releases. During the COVID-19 pandemic in particular the importance of this sector increased. This is reflected not only in the number of employees, but also in the accident statistics of the Austrian Workers' Compensation Board (AUVA).

The work performed by employees is physically and mentally demanding. Typical problem areas are algorithm-controlled work processes, uncertain working hours without clear schedules as well as night and weekend work, a stressful working environment, unsuitable work equipment, lifting and carrying loads, psychosocial stress caused by aggressive behaviour and physical violence on the road as well as coordination problems caused by subcontracting.

The aim of this initiative is to raise awareness of the dangers and stress factors of those working in that field and to improve their working conditions. Another goal is to increase the Labour Inspectorate's related knowledge of the sector and the prevailing working conditions.

The initiative is implemented in two phases:

In the first phase - April to June 2024 - the Labour Inspectorate conducted on-site inspections and provided advice for large distribution centres. In the second phase - September to December 2024 – inspections and counselling will be carried out for parcel and delivery service companies.

Telework

1. The general safety and health regulations, with the exception of the Ordinance on workplaces (AStV), are also applied to telework. More detailed information can be found here:

<https://www.arbeitsinspektion.gv.at/homeoffice> (in German).

The topic is also currently being addressed by the Labour Inspectorate within the scope of the ongoing EU-OSHA campaign on digitalisation.

2. Teleworking provisions have been amended to cover teleworking outside employees' homes (Federal Law Gazette I No. 110/2024); the amendment also stipulates adjustments to labour, social security and tax

law.

Additionally, for agriculture and forestry employees, the provisions of the Agricultural Labour Act (Landarbeitsgesetz, LAG) dealing with occupational health and safety also apply to telework.

Jobs requiring intense attention or high performance

Currently no special measures are implemented in this area.

Jobs involving stress or traumatic situations at work

1. Every job can be stressful. The negative consequences of excessive mental stress should be countered preventively and proportionately through workplace evaluations (Sections 4 et seq. and Section 7 Workers Protection Act (ASchG)). After incidents of mental stress, the workplace evaluation must be reviewed.

2. Labour Inspectorate focus: Protection against (physical/psychosocial) violence in the workplace - 2023-2024 initiative "Violence as an occupational risk" (2023-2024 Gewalt als Berufsrisiko?):

Whether in physical, psychosocial or sexualised form, violence in the workplace can become a challenge for occupational health and safety in Austrian companies. Incidents of violence vary in severity and do not affect all employees equally. In addition to physical injuries, it is above all the psychosocial after-effects that can be stressful for employees.

The aim of the 2023 and 2024 initiative is to support companies in implementing occupational health and safety measures to prevent violence at work and to deal with such incidents professionally and effectively. The number of on-site inspections in this field was raised since June 2023. Roughly sixty labour inspectors across Austria have been trained on the topic of violence in the workplace. The overall aim is to raise awareness of the various forms of violence in the workplace by providing comprehensive information for employers, managers and employees and, if necessary, to improve occupational health and safety guidelines in the companies concerned accordingly. As violence is a potential risk that may exist at work, it must be prevented from becoming an imminent danger in the workplace.

For agriculture and forestry employees, the negative consequences of excessive mental stress is countered preventively and proportionately through workplace evaluations in accordance with Sections 187 et seq. and Section 190 LAG.

Jobs affected by climate change risks

In Austria, the protection of employees from extreme weather conditions (e.g. heat waves, including exposure to ozone and solar UV radiation) is regulated in particular in the Workers Protection Act (ASchG) and in the associated Ordinance on workplaces (AStV) as well as the Ordinance on optical radiation (VOPST).

The Ordinance on personal protective equipment (PPE-V) is important for protecting outdoor workers from extreme weather conditions. It regulates how skin and eyes are to be protected, especially when employees are exposed to heat and sunlight. If it is not possible to avoid or sufficiently minimise hazards at workplaces through technical or organisational measures, the employer must provide personal protective equipment at their own expense. However, collective measures must be prioritised. Risk assessment, appropriate information and instruction of employees as well as occupational health and safety care are key to the effective protection of outdoor workers in Austria.

The protection of employees against new vectors and infectious diseases as well as allergies (including the increase in allergens in the environment) is regulated in particular in Sections 40 and 41 ASchG, according

to which the risk posed by hazardous substances must be assessed, and specifically in the Ordinance on biological agents (VbA).

The protection of employees from direct hazards caused by natural disasters (e.g. floods) and indirect hazards during repair and maintenance work following such events is primarily set forth in the Workers Protection Act with regard to emergency preparedness and in the Ordinance on protection of construction workers (BauV) for construction work. The risk assessment and review and adjustment thereof after such incidents are very important in this context, as set out in Section 4 ASchG. The risk assessment must include work-related psychosocial factors. According to Section 100 ASchG, Sections 1 to 6 of this law and the related ordinances do not apply to employees working in disaster relief services if the nature of their specific activity requires so. Nevertheless, the highest possible level of safety and health protection must be guaranteed for these employees.

Analogous provisions are contained in the Agricultural Labour Act, the Ordinance governing workplaces in farming and forestry (Land- und forstwirtschaftliche Arbeitsstättenverordnung, LF-AStV), the Ordinance governing the protection of agriculture and forestry workers against the effects of optical radiation (Land- und forstwirtschaftliche Verordnung über optische Strahlung, LF-VOPST), the Ordinance governing personal protective equipment (Land- und forstwirtschaftliche Verordnung Persönliche Schutzausrüstung, LF-PSA-V) and the Ordinance governing biological agents (Verordnung über biologische Arbeitsstoffe, LF-VbA). Under agricultural labour law, the Farming and Forestry Inspectorates are responsible for monitoring.

Public service

According to the Federal Public Employees Protection Act (Bundes-Bedienstetenschutzgesetz – B-BSG, Federal Law Gazette No. 70/1999), employers must take the measures necessary to protect the life, health, integrity and dignity of employees (Section 3 Para. 1 B-BSG). The definition of the term health includes physical and mental health (Section 2 Para. 11a B-BSG).

The employer must identify and assess the risks to the health and safety of employees. In particular, the layout and facilities of the workplace, the layout and use of work equipment, the use of working materials, the layout of workplaces, the layout of work procedures and work processes and their interaction, the layout of work tasks and the nature of activities, the working environment, work processes and work organisation and the level of training and instruction of staff must be taken into account. Based on the identification and assessment of hazards, the measures to be taken to prevent hazards must be defined and, if necessary, reviewed and adapted to changing circumstances (Section 4 B-BSG).

The implementation of protective measures in accordance with the Federal Public Employees Protection Act is the responsibility of the heads of department within the scope of their authority and sphere of influence (Section 2 Para. 2 B-BSG). They are supported in fulfilling their health and safety duties by safety representatives (Sicherheitsvertrauenspersonen), safety officers (Sicherheitsfachkräfte) and occupational physicians (Arbeitsmediziner) (Sections 11, 74 and 77 B-BSG).

Analogous provisions exist for public employees of the Laender. It should be noted, however, that only the following matters are governed by provisions at Laender level: employment law relating to Laender-level and municipal public employees (Art. 21 Para. 1 Federal Constitutional Law (Bundes-Verfassungsgesetz, B-VG); legislative and executive powers) and legislation on workers and on the protection of workers and salaried employees as far as workers and salaried employees in agriculture and forestry are concerned (Art. 11 Para. 1 no. 9 B-VG; executive powers). Pursuant to Art. 21 Para. 2 B-VG, legislative power on matters relating to occupational health and safety for employees of governments at Laender level, for municipalities and associations of local authorities working in business undertakings lies with the Federal Government. In accordance with the case law of the Austrian Constitutional Court (Verfassungsgerichtshof, VfGH), the provisions governing maximum working time are also part of occupational health and safety.

Article 3§2 of the Revised Charter (Article 3§1 of 1961 Charter) Health and safety regulations

a) Please provide information on:

- *the measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect);*
- *how the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured.*

b) Please provide information on:

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

Measures taken to ensure that employers put in place arrangements to limit or discourage work outside normal working hours (including the right to disconnect)

Employers must ensure compliance with the rules on maximum working time and minimum rest periods. Pursuant to Section 26 of the Working Hours Act (Arbeitszeitgesetz, AZG), employers are required to keep records of the hours worked by their employees. These records of hours worked facilitate monitoring by the labour inspectorates. The statutory nature of the obligation to keep records of hours worked makes it clear that employers are objectively responsible for compliance with working time limits. Records must be kept for every place of work and every employee.

Under Section 28 Para. 1 AZG, employers who fail to keep working time records in accordance with Section 26 AZG or do so inadequately commit an administrative offence punishable by fine.

Records of hours worked also show when an employee has worked overtime. In accordance with Section 6 Para. 1 AZG, overtime is any time worked outside an employee's normal weekly or daily working hours.

The payroll accounting documentation (statement of pay in accordance with Section 78 Para. 5 Income Tax Act (Einkommensteuergesetz) 1988), which employers must provide for each employee, must show overtime separately (Section 26 Para. 7 AZG). This enables employees to check whether the information in the statement of pay matches their own calculations. The fact that employers must provide additional pay (supplement) for overtime, making hours worked outside normal working time more expensive, has the effect of limiting overtime to a certain extent.

If total daily working time exceeds six hours, employees are entitled to a break of least half an hour (Section 11 AZG). If this is in the interests of employees or required for operational reasons, the 30-minute break can be replaced by two 15-minute breaks or three 10-minute breaks. Any other division or distribution of the statutory breaks may be laid down in a works agreement, but one part of the break must always be at least ten minutes long.

In addition, employees are entitled to a rest period of 36 consecutive hours during each calendar week, which must include the Sunday (weekend rest). Employees required to work during any period of weekend rest under the working time scheme applicable to them are entitled to a rest period of 36 consecutive hours each calendar week (weekly rest) in lieu of weekend rest. Weekly rest must include one whole weekday.

The Agricultural Labour Act contains analogous provisions for agricultural and forestry employees.

How the right not to be penalised or discriminated against for refusing to undertake work outside normal working hours is ensured

In accordance with Section 6 Para. 2 AZG, employees may be required to work overtime only if permitted under the AZG and justifiable interests of the employee do not preclude it.

Employees are obliged to work overtime only if overtime work is stipulated on a contractual basis (mutual agreement, contract of employment, collective agreement, works agreement). In exceptional cases – such as a serious and unforeseeable emergency – employees may also be obliged to work overtime on the basis of their duty to act in the interests of their employer.

However, employees cannot be required – even if a contractual agreement, collective agreement or works agreement is in place – to work overtime if their justifiable interests preclude this. In such cases, the interests of the employee must be weighed against the employer's interest. Justifiable interests of employees include without limitation childcare, caring for family members, or participation in training.

In accordance with Section 7 Para. 6 AZG, employees may refuse to work overtime ordered due to increased demand for work or for the purpose of preparatory or finishing work if that overtime would take their daily working hours beyond 10 hours or their weekly working hours beyond 60 hours.

The Agricultural Labour Act contains analogous provisions for agricultural and forestry employees.

Measures taken to ensure that self-employed workers, teleworkers and domestic workers are protected by occupational health and safety regulations

Teleworkers

Most of the provisions of the Workers Protection Act (ASchG) also apply to teleworking - i.e. to both teleworking and other mobile forms of work. For example, the provisions on workplace evaluation (Sections 4, 5 ASchG), information and instruction (Sections 12, 14 ASchG) and preventive supervision (Section 7 ASchG) apply. However, the Ordinance on workplaces does not apply to teleworking. Nevertheless, aspects such as lighting and room temperature must be taken into account when evaluating the workplace.

Employers, prevention services and the Labour Inspectorate have no right of access to private residences. Access is only possible with the express consent of the employee or at their request for counselling purposes or to carry out assessments.

Teleworkers must be assigned a workplace and the documents relevant to teleworking (e.g. time sheets, health and safety documents, instruction certificates) must also be available at this workplace.

Additionally, for agriculture and forestry employees, the provisions of the Agricultural Labour Act dealing with occupational health and safety also apply to telework.

Domestic workers

As part of their duty of care, employers of domestic help or domestic employees must ensure when determining individual duties that the required activities, working equipment and work premises do not endanger the life, health, morality or property of employees (Section 8 of the Domestic Help and Domestic Employees Act (Hausgehilfen- und Hausangestelltengesetz, HGHAG)). When fulfilling this obligation, due consideration must be given to the age, sex and general condition of employees. Under Section 22 HGHAG, violation of this provision is subject to penalty, meaning that it goes beyond the general duty of care owed

by employers (e.g. under Section 18 of the Salaried Employees Act (Angestelltengesetz, AngG) or Section 1157 of the General Civil Code (Allgemeines Bürgerliches Gesetzbuch, ABGB)).

Pursuant to Section 23 HGHAG, employers who contravene the provisions of the Act may be fined up to EUR 218 by the district administration authority. Breaches of Section 22 HGHAG are subject to a fine by the district administration authority of up to EUR 290.

Whether temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration

The Workers Protection Act (ASchG) and its regulations apply to the employment of workers. Employees are defined as all persons who work within the framework of an employment or training relationship.

This broad definition of employee under the ASchG includes not only fixed-term employees, but also freelance employees (i.e. those working under a quasi-freelance employment contract, freier Dienstvertrag) within the meaning of Section 4 Para. 4 General Social Insurance Act (Allgemeines Sozialversicherungsgesetz, ASVG).

[RIS - Allgemeines Sozialversicherungsgesetz § 4 - Bundesrecht konsolidiert, tagesaktuelle Fassung \(bka.gv.at\)](https://bka.gv.at/RIS-Allgemeines-Sozialversicherungsgesetz-%20%24-4-Bundesrecht-konsolidiert-tagesaktuelle-Fassung)

As regards agriculture and forestry, temporary agency workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as employees on contracts with indefinite duration. For hired-out workers, this is made explicit in Section 69 et seq. and Section 192 LAG.

Public service

a) According to the Civil Service Act (Beamten-Dienstrechtsgesetz– BDG, Federal Law Gazette no. 333/1979) 1979 the daily working time must not exceed 13 hours - with a few expressly defined exceptions and conditions. Weekly working hours must not exceed an average of 48 hours within a 17-week calculation period. Longer working hours above this maximum weekly working time limit are only permitted with the consent of the individual employee; civil servants who are not willing to work such longer hours must not suffer any disadvantages as a result (Section 48a BDG 1979).

If the total duration of the daily working time exceeds six hours, a break of half an hour (or two breaks of a quarter of an hour each or three breaks of ten minutes each; Section 48b BDG 1979) is stipulated in the law.

At the end of a day's work, civil servants (also referred to as public employees in this report) must be granted an uninterrupted rest period of at least eleven hours (Section 48c BDG 1979). Civil servant must be granted an uninterrupted weekly rest period of at least 35 hours (Section 48d BDG 1979).

The working hours of civil servants who are regularly required to work at least three hours between 10 p.m. and 6 a.m. (night work) must not exceed an average of eight hours per 24-hour period over a period of 14 calendar days. The working hours of night workers whose work involves particular dangers or considerable physical or mental strain (heavy night work) must not exceed eight hours in any 24-hour period during which they perform night work (Section 48e Paras. 1 and 2 BDG 1979).

The health of night workers must be examined by a doctor at their request before they take on the job and at regular intervals thereafter. The costs for this must be borne by the Federal government (Section 48e Para. 3 BDG 1979).

Sections 48a to 48d and Section 48e Paras. 1 and 2 BDG 1979 do not apply to civil servants in higher positions whose additional work is deemed to be remunerated by a fixed salary or bonus payment and for employees with specific government activities that cannot be postponed in the public interest (e.g. the performance of parliamentary duties, public security service, civil protection service, border control service). In these cases, it is expressly stipulated that the greatest possible protection of health and the greatest possible safety must nevertheless be ensured (Section 48f BDG 1979).

These regulations are also applicable to contractual public employees via Section 20 Para. 1 of the Contractual Public Employees Act (Vertragsbedienstetengesetz– VBG, Federal Law Gazette No. 86/1948). 1948

b) The protective provisions of the Federal Public Employees Protection Act apply to all public employees at Federal level, with the exception of federal operations (Section 1 B-BSG).

Temporary workers, interim workers and workers on fixed-term contracts enjoy the same standard of protection under health and safety regulations as workers on contracts with indefinite duration. With regard to employees assigned to the Federal government, the Federal government is deemed to be the employer within the meaning of the B-BSG for the duration of the assignment (Section 9 B-BSG).

Analogous provisions exist for public employees of the Laender.

Article 3§3 of Revised Charter (Article 3§2 of 1961 Charter) Enforcement of health and safety regulations

Please provide information on measures taken to ensure the supervision of implementation of health and safety regulations concerning vulnerable categories of workers such as:

- domestic workers;
- digital platform workers;
- teleworkers;
- posted workers;
- workers employed through subcontracting;
- the self employed;
- workers exposed to environmental-related risks such as climate change and pollution.

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

The Workers Protection Act (ASchG) and its regulations apply to the employment of employees. Employees are defined as all persons who work in the context of an employment or training relationship.

Digital platform workers

In the platform economy, employees work in various employment relationships. In cases of employment that fall under the ASchG, the Labour Inspectorate is responsible in accordance with the Labour Inspection Act.

Teleworkers: see Article 3§2. Additionally, for agriculture and forestry employees, the provisions of the Agricultural Labour Act dealing with occupational health and safety also apply to telework. The Farming

and Forestry Inspectorates are responsible for ensuring compliance with the applicable provisions and safeguards.

Posted workers

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

Additionally, for agriculture and forestry employees, the provisions of the Agricultural Labour Act dealing with occupational health and safety are also applicable to posted workers because the territoriality principle applies. The Farming and Forestry Inspectorates are responsible for ensuring compliance with the applicable provisions and safeguards.

Workers employed through subcontracting

Employees are hired out within the meaning of Section 9 of the Workers Protection Act (ArbeitnehmerInnenschutzgesetz, ASchG) when they are placed at the disposal of third parties to work for them and under their control. Employers who send their employees to work for third parties are referred to as temporary work agencies. The employers for which these employees then work for are referred to as user undertakings.

User undertakings are deemed employers under the Workers Protection Act for the duration of a hiring-out arrangement.

Special additional obligations apply for both user undertakings and temporary work agencies when workers are hired out (e.g. leasing of personnel).

For example, before workers are hired out or any changes are made to their hiring-out, user undertakings must

- demonstrably inform the temporary work agency in writing of the applicable aptitude/suitability requirements, the necessary knowledge and skills, medical fitness requirements and of the specific features of the vacancy;
- demonstrably submit to the temporary work agency the safety and health documents relevant to the vacancy to be filled or the job to be done, and inform the temporary work agency of any changes to those documents;
- demonstrably satisfy themselves that suitability or follow-up examinations have been carried out and that hired-out employees are medically fit.

Before hiring out workers or before any changes are made to their hiring-out, temporary work agencies must

- demonstrably inform employees in writing of the hazards to which they may be exposed in the job to be filled;
- the aptitude/suitability requirements for the vacancy or work concerned;
- and the necessary knowledge and skills and the requirement to carry out suitability and follow-up examinations;
- meet the requirements regarding records of suitability and follow-up examinations (see Section 57 Para. 1 and Section 58 Paras. 4 to 7 ASchG) (user undertakings must supply the necessary information and documents).

The Labour Inspectorate's responsibilities in this regard are provided in the Labour Inspection Act (Arbeitsinspektionsgesetz, ArbIG).

Additionally, for agriculture and forestry employees, the provisions of the Agricultural Labour Act dealing with occupational health and safety also apply to hired-out workers. The Farming and Forestry Inspectorates are responsible for ensuring compliance with the applicable provisions and safeguards.

Employees who are exposed to environmental risks such as climate change and pollution

See Article 3§1 - jobs affected by the risks of climate change.

Preventive occupational health and safety requires knowledge of the hazards to which employees are exposed at work. The employer is obliged to identify and assess the risks to the health and safety of employees and define risk prevention measures on this basis (ASchG).

In cases of employment that fall under the ASchG, the Labour Inspectorate is responsible in accordance with the Labour Inspection Act.

Under agricultural labour law, the Farming and Forestry Inspectorates are responsible for monitoring.

Domestic workers

There is currently no supervisory authority with overall responsibility for domestic help and domestic employees, as in accordance with Section 1 Para. 2 no. 6 ArbIG, the Labour Inspectorate has no authority over private households.

However, the district administration authorities exercise certain "supervisory powers" which to an extent are comparable with those of the labour inspectorates.

For instance, if a person has been finally convicted by a court of a criminal offence directed against the life, health or physical safety of human beings or offending against morality, Section 22 HGHAG provides that the District Administration Authority may prohibit them from employing minors for a specified period or permanently, if in the circumstances of the case there is reason to suspect that such minors would be at risk.

As stated above: In accordance with Section 23 HGHAG, an employer who breaches the duty of care provided for in Section 8 HGHAG may be penalised by the District Administration Authority.

Public service

The implementation of health and safety regulations in general is monitored according to the same standards applicable to all categories of public employees and civil servants. The Labour Inspectorate is responsible for monitoring compliance with the provisions of the Federal Public Employees Protection Act (Section 88 B-BSG).

Self-employed

As regards health and safety for self-employed persons – as stated in previous reports – interference with the working conditions of those workers would conflict with their right to engage in gainful activity and would be contrary to the nature of self-employment. In addition, there is no equivalent role to that of an employer.

The Social Insurance Institution for the Self-Employed (Sozialversicherungsanstalt der Selbständigen, SVS) offers a number of programmes to appeal to the individual responsibility of self-employed workers and help them maintain and improve their health:

For example, the SVS promotes health prevention for the self-employed with the following initiatives:

Healthcare initiative for the self-employed (“Selbständig Gesund”)

Self-employed persons insured with the Social Insurance Institution of the Self-Employed who take active steps to maintain their health pay only half the normal insurance excess – 10% instead of 20% – for all medical and dental treatment. The programme focusses on five parameters that everyone can influence through their lifestyle choices:

- blood pressure
- weight
- exercise
- tobacco
- alcohol.

The insuree visits their GP for a health check and works with the GP to define their personal health goals. If all of the above parameters are assessed to be fine, their goal will simply be to “maintain health”. If the results show that action is needed, their goal will be to “improve health”. If that is the case, the insuree and their GP will decide how the relevant parameter can be improved and which milestones should be achieved. Actions to improve the various parameters may include doing more exercise, participating in a smoking cessation programme or making lifestyle changes to reduce blood pressure. Individuals can use the SVS’s health promotion and prevention programmes to support them in achieving particular goals. After the end of the agreed monitoring or action period (which must be at least six months) the individual goes back to their GP for a “review” to determine whether they have met their personal health goals. If they have, their excess for medical services will be reduced by half, i.e. the excess for all medical and dental care will then be 10% instead of 20%. The review also includes setting new health goals.

Information about support offered by the SVS to help self-employed workers achieve their health goals is available under <https://www.svs.at/cdscontent/?contentid=10007.838594&portal=svsportal> (in German).

EUR 100 refund (“Gesundheitshunderter”)

This programme (<https://www.svs.at/cdscontent/?contentid=10007.817071&portal=svsportal>) supports self-employed persons by refunding EUR 100 for health-promoting activities in the following areas:

- exercise (e.g. strength training, back strength training, personal training, pilates, etc.);
- nutrition (e.g. weight loss, sports nutrition, nutrition for older people, help with food intolerances, etc.);
- stress/burnout (e.g. coaching and counselling, diagnosing stress, etc.);
- relaxation/bodywork (e.g. yoga, tai chi, massage, shiatsu, etc.);
- smoking cessation – advice and support for quitters.

Following successful participation in a quality-assured programme in one of these areas (such as a “no-smoking camp”) or an individual programme (e.g. the “Selbständig Gesund” initiative where the insuree has participated in health-promoting activities costing at least EUR 150), participants can apply to their regional SVS office for a refund of EUR 100. Individuals insured with the SVS can apply for up to four payments of EUR 100 annually.

Mental health

The SVS also provides specific support to help its insurees maintain their mental health - see <https://www.svs.at/cdscontent/?contentid=10007.837501&portal=svsportal> (in German).

Business premises

Additionally, it should be noted that the Austrian Industrial Code (Gewerbeordnung, GewO) makes provision for the protection of business license holders regarding their business premises where potential

for loss of life and danger to human health cannot be ruled out. The authority may issue a permit for such business premises only if, in light of the state of the art and of the medical and other relevant sciences, it is to be expected that hazards foreseeable in the circumstances in the case at hand can be avoided altogether or if specific appropriate requirements, to be imposed as necessary, are complied with.

Article 4 – The right to fair remuneration

Article 4 §3 Right of men and women to equal pay for work of equal value

a) Please indicate whether the notion of equal work and work of equal value is defined in domestic law or case law.

The prohibition of direct and indirect discrimination against women and men when determining pay is enshrined in Section 3 Para. 2 of the Austrian Equal Treatment Act (GIBG; Federal Law Gazette I No. 98/2008). No one may be directly or indirectly discriminated against on the basis of gender when determining pay. According to Section 12 Para. 2 GIBG, an employee who receives lower pay for equal work or for work that is recognised as equivalent is entitled to payment of the difference and compensation for the harm suffered because this is deemed a violation of the equal treatment requirement.

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

Any employee who experiences or thinks to experience discrimination can file a request to the Equal Treatment Commission free of charge and will receive an expert opinion on the question of whether discrimination within the meaning of the Equal Treatment Act exists. Those responsible for the discrimination will be required to terminate the discrimination. Compensation can be claimed at court.

Expert opinions and results of cases are published in anonymised form (in German language only) and sorted by topic.

[Equal Treatment Reports](#) (Gleichbehandlungsberichte) on ongoing activities of the equal treatment commissions, including current cases, are published and presented to Parliament every other year (in German language only).

Public service

The Federal Equal Treatment Act ("Bundes-Gleichbehandlungsgesetz – B-GIBG", Federal Law Gazette No. 100/1993) aims at creating equal treatment between men and women who work for the Federal Administration of Austria. The Act applies to employees of the Federal Administration of Austria under public or private law, persons with freelance employment contracts with the Federal Administration of Austria, apprentices, interns and persons in training for the Federal Administration of Austria and persons applying for employment or training for the Federal Administration of Austria. Section 1 Chapter 3 of Part 1 of the Act sets forth legal consequences for violation of the Act. Section 17a stipulates that if due to a violation of the principle of equal treatment, a public employee or civil servant receives lower pay for equal work or for work of equal value than a public employee or civil servant who has not been discriminated against on the grounds of gender, they shall be entitled to payment of the difference and compensation for the harm suffered.

Analogous provisions exist for public employees of the Laender.

b) Please provide information on the job classification and remuneration systems that reflect the equal pay

principle, including in the private sector.

In the private sector, minimum wages are usually set in collective agreements at industry level.

As general wage policy is the autonomous responsibility of the parties to the collective agreement in Austria, the employee and employer interest groups must assess the various aspects of a job in an appropriate and non-discriminatory manner within the meaning of the Equal Treatment Act.

The parties to the collective agreement agree both the wage and job groups as well as the level of pay.

In the public sector, the job groups and pay levels are defined by law.

In the Federal Administration of Austria, two types of public employment exist: public employment as a civil servant and staff employed under private law.

Public employees are paid according to pay schemes for the respective professional group (administration, police, military, judges and public prosecutors, [federal] teachers, nursing staff), laid down in the Civil Servants' Remuneration Act (Gehaltsgesetz – GehG, Federal Law Gazette No. 54/1956), the Contractual Public Employees Act (Vertragsbedienstetengesetz– VBG, Federal Law Gazette No. 86/1948) 1948 and the Federal Service Act for Judges and Public Prosecutors (Richter- und Staatsanwaltschaftsdienstgesetz – RStDG, Federal Law Gazette No. 305/1961). There are different pay groups in the individual pay schemes and within these, there are different evaluation groups.

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

Furthermore, the career is divided into up to 21 salary steps in the pay schemes, with advancement to the next salary step occurring automatically every other year and equal pay for women and men being ensured.

The salary system for Federal public employees in Austria comprises a basic salary and what is referred to as “functional allowances” (Funktionszulagen) in the amount specified by law, depending on the classification of the job or the function performed.

An illustration is given below of the administration's contractual salary scheme according to the Contractual Public Employees Act 1948:

The contractual staff in the administration is divided into five different pay levels:

- v1 (“senior services”; graduate jobs, middle and senior management),
- v2 (“higher services”; jobs typically require a secondary school diploma),
- v3 („special services”; jobs typically require an apprenticeship diploma or several years of professional training),
- v4 („general services”),
- v5 (assistance services; e.g. doorperson, cleaning services)

In addition to this basic salary, the employees are paid additional allowances for the specific function (v1/1, v1/2, v1/3) as mentioned above, which depend on the job rating according to the job evaluation scheme. Posts rated from v1/4 (leader of a subdivision within a section) upwards have an “all-in”-salary. The highest rated management positions (level v1/5 and higher) are paid fixed salaries – there is only one (small)

advancement after five years of experience.

Analogous provisions exist for public employees of the Laender.

c) Please provide information on existing measures to bring about measurable progress in reducing the gender pay gap within a reasonable time. Please provide statistical trends on the gender pay gap.

Since 2012 and 2013 respectively, employers have been bound by law to specify the minimum wage for a job vacancy in job advertisements and to prepare income reports.

The requirement to prepare income reports applies to employers with a permanent staff of more than 150 employees. The report must be prepared every other year and submitted to the relevant works council or - in companies without a works council - made available in a place accessible to all employees. The income report contains only anonymised data avoiding any conclusions to be drawn on the pay of individuals.

Apart from the obligation to provide information on the minimum wage paid for a job in an advertisement, the employer is required to indicate the willingness to overpay, if such a willingness exists. If the employer fails to provide this information, the law provides for sanctions: in the event of a first offence, a warning is issued by the district administration authority; in the event of a repeat offence, an administrative fine of up to EUR 360 is due.

To improve enforcement of the law, in 2012 the Equal Treatment Ombud and the senates of the Equal Treatment Commission were granted the right to request information from the relevant social insurance institution regarding the income data of comparable persons in individual cases of suspected pay discrimination.

In the course of implementing the EU Pay Transparency Directive, these provisions will be amended to further reduce the gender pay gap and to implement additional measures.

During the last years, the following measures have been implemented to support reducing the gender pay gap, see also Austria's 6th implementation report of the Beijing Declaration and Platform for Action (2024), available online at www.bka.gv.at/peking-30:

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

For the year 2022, the gender pay gap in Austria was 18.4%. It decreased by 5.6 percentage points between 2010 and 2022. The gap compared to the EU average decreased from 8.2 percentage points in 2010 to 5.7 percentage points in 2022.

Among full-time employees, the gender-specific gap in gross annual income has been reduced from 18.3% in 2012 to 12.4% in 2022. An overview of the various indicators and developments since 2010 can be found at the website of the Federal Chancellery: https://www.bundestkanzleramt.gv.at/dam/jcr:c575b163-c364-495f-80b5-3e4510f8f580/geschlechtsspezifische_verdienstunterschiede_2024_03.pdf (in German).

To tackle the underlying structures that lead to this gap, it is especially important to open up career opportunities for women and to reduce the vertical as well as the horizontal segregation in the labour market. For examples of such measures, see the reporting on Article 20.

In addition to the measures taken by the AMS, as described under Article 20, three ESF-supported programmes are also geared towards increasing gender equality and specifically reducing the gender pay gap. Two initiatives in this field – “100 Prozent – Gleichstellung zahlt sich aus” and “FairPlusService” - offer support for organisations and workers regarding gender equality. The “Equal Pay Netz” programme aims to create capacity-building networks consisting of diverse actors to provide a platform to discuss and work on ways to reduce the gender pay gap.

Public service

The Federal Equal Treatment Act provides for preparing an Income Report on Federal Civil Servants’ pay levels as well as their gender pay gap. The Federal Minister for Arts, Culture, Civil Service and Sport is obliged to prepare the Federal Income Report by 1 October each year. The reporting period is the previous calendar year. This report provides detailed information on the number of women and of men in the respective jobs and salary groups and has to include the median income of full-time employed women and men in the respective job or salary group. The income of part-time employees is to be extrapolated to full-time employment and that of employees employed for less than a year to annual employment. While overtime and bonus payments are included, one-time payments such as travel reimbursements or similar payments are not considered. The report must be anonymised in such a way as to avoid any conclusions to be drawn about individuals.

In addition, the Federal Ministry for Arts, Culture, Civil Service and Sport carries out gender evaluations in terms of the mandatory share/number of women in the highest paid positions and follows up with the ministries on their achievement of targets.

The gender pay gap among public employees has shown a steady downward trend, see below. The gender pay gap percentage for 2023 was published on 1 October 2024.

2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
13.3%	12.8%	12.5%	12.8%	11.9%	11.0%	10.3%	9.0%	8.6%	8.5%	8.1%

The entire Austrian Federal Administration is bound to the principle of legality according to Article 18 of the Federal Constitution: Any administrative act may only be carried out based on and within the scope of the applicable laws. Each Federal minister is responsible to the Austrian parliament for each administrative act of the ministry’s area of responsibility. Compliance with the targets to reduce the gender pay gap and achieve gender equality are required by law and involve responsibility to the Austrian parliament.

Article 5 Right to organize

a) Please indicate what measures have been taken to encourage or strengthen the positive freedom of association of workers, particularly in sectors which traditionally have a low rate of unionisation or in new sectors (e.g., the gig economy).

Exercising the right to freedom of association is stipulated in the Associations Act (Vereinsgesetz, VerG) 2002. The Associations Act 2002 applies to all (non-profit) associations in Austria. Professional associations of employers and employees based on voluntary membership are also subject to the provisions of the Associations Act 2002, which are governed by the principle of freedom of association. The requirements for their establishment and existence are therefore no different from those of other non-profit

associations. There is no provision in the Associations Act 2002 that prohibits certain categories of employees from forming or joining associations and trade unions. Furthermore, no minimum number of members or percentage coverage of employees in the affected industries is required. The right to form and belong to professional associations is granted equally to nationals and foreigners.

Associations can consequently be established by all trade unions regardless of the number of members. However, to be able to ensure a firm position in collective bargaining agreements, the number of members or coverage is important.

There are no restrictions under association law with regard to the membership of employee and employer organisations in similar national or international organisations.

The freedom of association of employees and the protection of employee organisations from interference by employers are guaranteed by the Coalition Act (Koalitions-gesetz, KoalG), which abolished the previously existing criminal liability of an agreement between employers to bring about a change in working and wage conditions, on the one hand, and between employees to achieve more favourable working conditions, on the other.

The so-called Anti-Terror Act was enacted to defend against coercive behaviour and organisation. Particular mention should be made of Section 4 of the Anti-Terror Act, which contains special criminal provisions against the coercion of an employee by means of intimidation or violence to join or leave a professional association or other voluntary organisation. According to this provision, coercion by the employer as well as by employees of the same company or third parties is subject to criminal sanctions. This provision also provides for punishment in cases of the exclusion of employees from a particular company by means of intimidation or violence because of their membership or non-membership of a professional association or other voluntary organisation.

Pursuant to Section 8 Para. 1 Labour Constitution Act (ArbVG), employers and employees who were members of the parties to the collective agreement at the time the collective agreement was concluded or who subsequently became members of the parties to the collective agreement are covered by that collective agreement.

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

In addition, according to Section 12 ArbVG, the legal effects of the collective agreement apply not only to those employees who are members of the professional association of employees (trade union) concluding the collective agreement, but to all employees who are employed by employers bound by collective agreements.

This ensures that even in sectors with low union organisation, collective agreements can be concluded that apply to the entire industry. This "outsider effect" of collective agreements constitutes a major factor against wage pressure and the associated division of the workforce.

In the area of precarious employment relationships, for example, the collective agreement for bicycle couriers has recently been concluded.

b) Please describe the legal criteria used to determine the recognition of employers' organisations for the

purposes of engaging in social dialogue and collective bargaining.

c) Please describe the legal criteria used to determine the recognition and representativeness of trade unions for the purposes of engaging in social dialogue and collective bargaining.

Please provide information:

- on the status and prerogatives of minority trade unions;*
- on the existence of alternative representation structures at enterprise-level, such as elected worker representatives.*

The legal basis for collective labour law is the Labour Constitution Act (ArbVG).

According to the Austrian collective bargaining system, the competent statutory interest groups of employees and employers and the voluntary professional associations of employees and employers have the capacity to enter into collective agreements *ex lege* if they have been officially recognised as having the capacity to enter into collective agreements.

Statutory organisations representing the interests of employers and employees that are directly or indirectly responsible for defining and establishing working conditions and whose decision-making in the representation of employers' or employees' interests is independent of the other side are eligible for collective bargaining by law. These are the Chamber of Labour, the Austrian Federal Economic Chamber, the chambers of the liberal professions (doctors, notaries, lawyers, pharmacists, etc.) as well as the Chamber of Agriculture and the Chamber of Agricultural Workers.

The Federal Conciliation Office (Bundeseinigungsamt, an authority established at the Federal Ministry of Labour and Economy) can, in the framework of an administrative procedure, grant the capacity to conclude collective agreements to professional associations of employers and employees that are based on voluntary membership if they meet the criteria stipulated in law. These statutory requirements are met by professional associations that

- have the capacity and responsibility for regulating the working conditions within their sphere of activity in accordance with their articles of association, i.e. the statutory purpose of the association must be directed towards defining the legal basis for the employment relationships of the members of the professional association, which is the case, for example, if the articles of the association set forth the intention to jointly conclude collective agreements;
- are active in a wider professional and geographical area in their objective of representing the interests of employers or employees: A larger professional and geographical area of activity is generally understood to mean an industrial or economic sector (branch);
- are of major economic significance due to the number of members and the scope of activities: When determining the economic significance of the association, both the absolute number of members of the association and their relationship to the number of persons who are employed in the relevant branch but do not belong to the professional association must be taken into account; the major economic significance must also be reflected by the scope of the activity;
- are independent in representing the interests of employers or employees vis-à-vis the other side.

In contrast to other countries, Austria's trade union system is characterised by a central organisational structure. There are no 'representative' trade unions in Austria that enjoy special privileges, but the Austrian Trade Union Federation (ÖGB) is an umbrella organisation that covers all sectors of the economy and comprises specialised trade unions.

The ÖGB is based on voluntary membership within the meaning of the Associations Act and is therefore - like all such associations - a legal entity with legal personality. As by far the most important voluntary employee association, the ÖGB was recognised as a collective bargaining organisation as early as in 1947. At company level, the interests of employees are represented by the company's elected employee bodies

(usually works councils). The provisions governing those bodies (e.g. election of employee representatives, powers) are set out in the ArbVG. Works councils are mandatory in companies with at least five permanent employees.

The work councils represent the economic, social, health and cultural interests of the employees in the company. To this end, the ArbVG provides them with a range of participatory powers:

- Right to information, intervention and enquiry
- monitoring rights
- consultation rights
- participation in decision-making, i.e. employee representatives are entitled to make decisions jointly with the company owner. This is usually done by entering into works agreements.

Works council members act in this function on a voluntary basis and are not bound by any instructions. They must not be subject to any restrictions in performing their duties and, in particular, must not be discriminated against as regards remuneration, career development or in-house training and upskilling programmes. In addition, they are granted protection against notice of termination of employment and dismissal.

In performing their duties of representing the interests of employees, the employee bodies of a company should act in agreement with the competent bodies of employees covered by collective agreements. These are primarily the associations based on voluntary membership, i.e. the trade unions.

The employee representative bodies may consult the competent voluntary professional association or statutory employee interest group in all matters. The representatives of the competent voluntary professional association and the statutory representation of employees' interests must be granted access to the company in all cases or, as far as this is necessary for exercising the powers granted to them by law, after informing the company owner. In these cases, the trade union representatives are obliged to carry out their activities without affecting the ordinary course of business and must not interfere with the management and operation of the business by issuing orders. Furthermore, they are bound by confidentiality.

Public service

There is a long and well-established tradition of social partnership negotiations in the public employment sector at Federal level. Legislation governing Federal public service and remuneration is traditionally negotiated with the social partners.

In addition, there is statutory representation of interests of public employees at Federal level, which is regulated in the Federal Staff Representation Act (Bundes-Personalvertretungsgesetz, PVG), Federal Law Gazette No. 133/1967. According to the provisions of this Act, the staff representation body is required to protect and promote the professional, economic, social, cultural and health interests of employees and serve the employees, duly taking into account the public good.

However, the recognised right of representation of the public service trade unions within the organisation remains unaffected by the provisions of the Federal Staff Representation Act.

d) Please indicate whether and to what extent the right to organise is guaranteed for members of the police and armed forces.

According to Article 7 Para. 4 of the Federal Constitution, public service employees, including members of the armed forces and the police, are granted the right to fully exercising their political rights. This constitutional provision makes it clear that, on the one hand, public employees and civil servants have the same political rights as all other citizens and, on the other hand, no differentiation is permitted to be made

between the type of public service as regards the aforementioned right depending on the sphere of sovereignty involved. Thus, the right of association also applies to members of the armed forces and the police.

Article 6 – The right to bargain collectively

Article 6§1 Joint consultation

a) Please state what measures are taken by the Government to promote joint consultation.

The Austrian system of voluntary cooperation between the associations of employers (Austrian Federal Economic Chamber and Presidential Conference of the Chambers of Agriculture) and employees (Federal Chamber of Labour and Austrian Trade Union Federation) is referred to as “social partnership”.

The main areas of social-partnership policy-making include participation in the law-making process, administration, jurisdiction and social policy.

The social partners participate in numerous commissions, advisory boards and committees, for example in the apprenticeship system, in the monitoring of working conditions, in the issuing of certificates of origin, in competition policy and antitrust, in labour market policy, consumer policy and in funding bodies. They make proposals for the appointment of lay judges at labour and social courts, and they provide assessors at the Austrian Cartel Court (Kartellgericht). In the field of social insurance, an important area of activity for the associations is the appointment of representatives to the pension, health and accident insurance funds, which are organised as self-governing bodies under public law.

However, the main field of action of the social partnership is wage policy by negotiating and entering into collective agreements. According to the system and the self-image of Austrian labour law, collective bargaining is the autonomous responsibility of the interest groups representing employers and employees, without the state being involved. Interference by the Government would impair the long-established system of collective bargaining autonomy in Austria.

Based on its ability to reach consensus, balance interests and take a coordinated approach, the Austrian social partnership makes a significant contribution to economic growth and social peace in Austria.

Works agreements are collective instruments at company level. These written agreements are entered into by the business owner and the works council in matters subject to regulation by works agreement as defined by law or collective agreement.

Under Section 92 Labour Constitution Act (ArbVG) , periodic joint consultations are required to be held between the works council and the business owner on current matters, general principles of management in social, staff-related, economic and technical terms and on the organisation of labour relations. In matters of specific importance, the works council and the business owner are each entitled to include a representative of their collective bargaining organisation in these consultations.

b) Please describe what issues of mutual interest have been the subject of joint consultation during the past five years, what agreements have been adopted as a result of such discussions and how these agreements have been implemented.

c) Please state if there has been any joint consultation on matters related to (i) the digital transition, or (ii) the green transition.

As already reported under clause a) above, the Labour Constitution Act provides for periodic joint

consultations between the works council and the business owner on current matters, general principles of management in social, personnel, economic and technical terms and on the organisation of labour relations.

Pursuant to Section 92a ArbVG, the works council must be consulted by the business owner in the planning and introduction of new technologies to discuss the effects the selection of particular work equipment or working materials, the organisation of working conditions and the impact of the environment on the workplace have on the safety and health of employees.

Section 108 ArbVG stipulates that the business owner must inform the works council about the economic situation, including its financial standing and its expected development, the type and scope of production, the order volume, sales figures (quantity and value), investment plans and other planned measures to increase the profitability of the company; at the request of the works council, this information must be discussed with the works council.

It is also possible to conclude works agreements on measures defined in Section 97 Para. 1 ArbVG, including, for example:

- Measures for the appropriate use of operating facilities and equipment to ensure humane working conditions and processes;
- Measures and facilities for the prevention of accidents and occupational illnesses as well as measures to protect the health of employees;
- Measures for ensuring working conditions and processes.

Article 6 §2 Collective bargaining

a) Please provide information on how collective bargaining is coordinated between and across different bargaining levels including information on:

- *the operation of factors such as erga omnes clauses and other mechanisms for the extension of collective agreements;*
- *the operation of the favourability principle and the extent to which local/workplace agreements may derogate from legislation or collective agreements agreed at a higher level.*

According to the system and the self-image of Austrian labour law, collective bargaining is the autonomous responsibility of the interest groups representing employers and employees, without the state being involved.

In Austria, collective agreements are generally concluded at industry level.

Unless the collective agreement stipulates otherwise, employers and employees who were members of the organisations involved in the collective agreement at the time it was concluded or who become members at a later date are covered by the collective agreement within its geographical, technical and personal scope of application.

A special feature of the Austrian collective bargaining system ensures that all employees in a certain sector are covered by collective agreements. This is due to the fact that the vast majority of all collective agreements are, on the part of the employers, concluded by their statutory interest groups (chambers), whereas the Austrian Trade Union Federation - a voluntary interest group - represents the employees' interests. By law, all employers in a particular sector are members of the employers' chambers, meaning that if a chamber is a partner to a collective agreement to represent the employers' interests, all employers in that sector are bound by collective agreements.

In addition, the legal effects of the collective agreement apply not only to those employees who are

members of the professional association of employees (trade union) concluding the collective agreement, but to all employees who are employed by employers bound by the collective agreement.

A collective agreement can be recognised as legally binding outside its geographical, professional and personal scope by means of an extension declaration (Satzungserklärung). This declaration stipulating the extended scope of a collective agreement is issued by the Federal Conciliation Office in an administrative procedure.

At the request of a collective bargaining organisation that is a party to a collective agreement, the Federal Conciliation Office must issue such an extension declaration if

- the collective agreement to be concluded has been duly published and is in force;
- the collective agreement or part of a collective agreement to be declared has acquired predominant importance;
- the employment relationships to be covered by the extension are essentially similar to those covered by the collective agreement;
- the employment relationships to be covered by the extension are not already covered by some other collective agreement.

The collective agreement subject to an extension declaration has the same effect as a separate collective agreement for the extended scope of application.

For determining the hierarchical relationship between collective agreements and the law, the legal nature of the statutory provisions needs to be considered: collective agreements must not deviate in any way from bilateral (fully) mandatory statutory law (absolut zwingende Gesetzesbestimmungen, i.e. provisions of that type cannot be changed by subordinate provisions), otherwise they are null and void; from unilaterally (relatively) mandatory statutory law (relativ zwingende Gesetzesbestimmungen, i.e. they can be changed by subordinate provisions) they may deviate only if favourable for the employees; and from mandatory (dispositive) statutory law (nachgiebiges Recht) they may deviate even if unfavourable for the employees. As it is in the nature of the concept of protection under labour law to establish minimum working requirements that are not allowed to be fallen short of but may be exceeded by any subordinate legal standard, relatively mandatory provisions prevail.

In Austria, the provisions of collective agreements on pay and working conditions have a direct binding effect. The provisions in collective agreements can neither be cancelled nor restricted by works agreements or individual agreements (subordinate legal standards). Special agreements are only valid if they are more favourable for the employees or concern matters that are not regulated in the collective agreement.

The principle of favourability therefore applies in the relationship between the collective agreement and the subordinate sources of law.

Collective agreements always stipulate minimum requirements that must not be fallen short of even with the consent of the employees.

Public service

There is a long and well-established tradition of social partnership negotiations in the Austrian Federal public service. Legislation governing Federal public service and remuneration is traditionally negotiated with the social partners. The salaries of public employees and contractual public employees are traditionally adjusted for a certain period of time (usually annually) after negotiations between the Unions of Public Services and representatives of the Federal employer. The outcome of such bargaining is incorporated into the employment and remuneration laws by means of amendments. The trade unions take the increased cost of living and the increase in production into account when negotiating

remuneration in the collective bargaining process.

b) Please provide information on the obstacles hindering collective bargaining at all levels and in all sectors of the economy (e. g. decentralisation of collective bargaining).

c) Please provide specific details on:

- *the measures taken or planned in order address those obstacles;*
- *the timelines adopted in relation to those measures;*
- *the outcomes achieved/expected in terms of those measures.*

See answer to question a). There are no known obstacles.

d) Please provide information on the measures taken or planned to guarantee the right to collective bargaining of (i) economically dependent (self-employed) persons showing some similar features to workers and (ii) self-employed workers.

Currently no measures planned.

Article 20 – Right to equal opportunities between women and men

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

The Austrian Public Employment Service (Arbeitsmarktservice Österreich, AMS), Austria's leading provider of labour-market services, takes a plethora of measures to increase the labour market participation of women and to reduce gender segregation. Active labour market policies (ALMPs) are targeted specifically at women, spending 4% more funds on measures to promote women than the unemployment rate of women among the general population. In the year 2023, approximately EUR 637 million were spent on ALMPs to support approximately 213,000 women.

With the aim of supporting women to find well-paid long-term employment, the AMS offers **gender-sensitive counselling** and provides advice to women on possible career trajectories. As long parental leave and part-time work are phenomena especially prevalent among women and women generally bear a disproportionate share of the caregiving burden in Austria, a focus is put on providing information to women on the disadvantages of long parental leave and part-time. To facilitate the return into the workforce after parental leave, the AMS also offers up to 156 weeks of financial support for labour-market compatible childcare. In 2023, approximately 10,600 persons received financial support for childcare and more than 98% of those were women.

The AMS also has a nationwide network of **women's vocational centres** (Frauenberufszentren) to offer individual and intensive career advice to unemployed women interested in reskilling and upskilling. In 2023, around 17,000 women were supported by women's career centres.

To reduce the horizontal segregation and to support women with a low educational level, the AMS also offers a programme to increase the number of **women in crafts and technology** (FIT Frauen in Handwerk und Technik). The goal of this programme is to promote training for women in non-traditional occupational fields such as STEM and the digital sector, which on average offer a higher pay than the service industry, a sector where the share of women in Austria is especially high. In 2023, around 1,400 women participated

in the FiT programme. According to an evaluation carried out in 2022, the programme successfully supports job-seeking women in finding and remaining in careers in the skilled trades, technology and IT sectors with 75% of the participants surveyed stating that they had worked exclusively or predominantly in one of these fields after FiT.

Additionally, to support the substantial proportion of unemployed women that have completed only compulsory schooling, the AMS offers a programme that increases the flexibility of apprenticeship training referred to as **Competence with a System** (KmS Kompetenz mit System). Based on this model, apprenticeship training can be completed in three separate modules independently of each other. Successive phases of unemployment can thus be used to improve job qualifications. Apprenticeship training is available in many jobs and fields, including retail sales assistant, IT technology, hotel and catering assistant and bricklayer.

According to a recent study¹ evaluating the efficiency of AMS training programmes, both men and women benefit from skill-promoting measures, resulting in better labour market performance. Depending on the type of training, the positive effects are slightly more pronounced for women than for men. The training programmes surveyed in the study significantly enhance the labour market situation of women, with an increased share returning into the workforce after a parental leave.

Gender equality on the labour market is a complex field as the labour market participation of women depends on a multitude of other factors like education, family and care work and cultural gender roles. Therefore, the AMS commissioned a leading Austrian research institute to develop an index that takes into account the main factors affecting gender equality. This Labour Market Gender Index (Gleichstellungsindex Arbeitsmarkt²) consists of 30 indicators in the four thematic fields of labour, income, education and training and family. The index is calculated as a percentage of the male values for each indicator. An index value of 100% indicates equality. In 2023, the overall Labour Market Gender Index was at 76%. Compared to previous years (2015: 70%, 2017: 71%, 2020: 73%) the value significantly increased, which indicates progress towards gender equality. Nonetheless, there is room for improvement as 24 percentage points are still necessary to reach full gender equality. In the field of income (2023: 77%, 2015: 67%), especially at the career start, the situation has improved considerably as women reached 87% of the value for men in 2023, compared to 67% in 2015.

The figures illustrating women's choice of apprenticeship training indicate progress towards tackling the horizontal segregation on the labour market. While in 2013 66.3% of women in the first year of training chose an apprenticeship as retail sellers, office clerks or hairdressers, the proportion declined by 9.7 percentage points to 56.6% in 2023. At the same time, more women started apprenticeship training in the crafts and technical occupations. 10.6% of women started apprenticeship training as metalworkers, electricians, as drawers or in the construction sector, compared to 3.9% in 2013.

Detailed analysis of womens' employment structure shows positive developments and progress towards tackling gender segregation in certain sub-sectors. Over the past 10 years the number of employed women in the sub-sector mechanical engineering (Maschinenbau) increased by 4,713/+ 40% to 16,575 in 2023. In the same period, the proportion of women working in this field rose by 2.1 percentage points to 17.4%. Furthermore, there are positive developments in the sub-sector production of electronic equipment as there is a plus of 2,340/+ 21% female employees (13,471) compared to 2013 and the share of employed women increased from 25.2% to 27.5%. Another outstanding example is the growing number of female employees in the sub-sector architectural and engineering offices, technical and chemical analyses. In this field, the number of employed women increased by +4,319/+30.2% to 18,599 within 10 years and 36.2%

1 Evaluierung der Effektivität und Effizienz von Qualifizierungsförderungen des Arbeitsmarktservice Österreich; Österreichisches Institut für Wirtschaftsforschung

2 Gleichstellungsindex Arbeitsmarkt, Eine Analyse des Geschlechterverhältnisses in Österreich; Österreichisches Institut für Wirtschaftsforschung

of those employed are female (2013: 33.2%).

Well-balanced representation of women and men across the company, including in management and decision-making positions, is important for businesses: not only in order to meet the applicable gender requirements, but also because a company's success is supported by a more diverse workforce. The initiative "frauenfuehren" – implemented as a website at www.frauenfuehren.at and available as a download version – aims to support companies, HR departments and managers in identifying and implementing approaches to increase the share of women. In addition to examples from corporate practice, the applicable legal framework is presented on the website.

It is important to raise awareness among girls and women about the wide range of career opportunities in STEM jobs and to take measures to increase the number of women in this field. Various initiatives have been launched to inspire girls and young women to pursue STEM education and training and careers:

- "[LEA – Let's Empower Austria](#)" spearheads Austria's empowerment drive by promoting women's participation in STEM, leadership, and challenging stereotypes. Established in March 2022, the Austrian Fund for the Empowerment of Women and Girls, LEA – Let's Empower Austria, is dedicated to empowering women and girls, particularly in STEM (science, technology, engineering, and mathematics). LEA is committed to promoting gender equality by implementing and supporting a wide range of initiatives and projects in Austria. Its aim is to change gender stereotypes and traditional gender roles and to enhance the economic independence of women.
- With the aim of inspiring girls to explore various fields in STEM early on, girls aged six and above are invited to participate in Girls' Day, an annual event hosted in the public sector. Since 2006, Girls' Day has been hosted by Federal ministries and their departments, following a Ministerial Council Decision.
- The [STEM Girls Challenge](#) (MINT Girls Challenge) aims to tackle Austria's shortage of skilled labour and encourage girls' and young women's interest in STEM jobs. Launched in 2021 as a nationwide initiative in partnership with the Federal Ministry of Labour and Economy and the Federation of Austrian Industries, it seeks to raise awareness and enhance visibility of girls and young women in STEM jobs. The programme highlights the career opportunities in STEM for girls and women while combating stereotypes and increasing women's visibility in the field. In addition, the initiative aims to elevate the number of women in STEM roles and, in the long term, in STEM leadership positions.
- A total of 17 projects for measures to empower women and girls in the digital world and to diversify their educational journeys and occupational choices focusing on STEM have been funded by the Directorate General (DG) for Women and Equality in the Federal Chancellery (total EUR 2 million). These projects were implemented in the period from 1 November 2022 to 31 December 2023 across Austria.

Public sector

Section 2 of Chapter 1 of the Federal Equal Treatment Act defines special support measures for women. Section 11 stipulates that employers' representatives are obliged to eliminate any existing underrepresentation of women in the total number of permanent employees and functions and any existing discrimination against women in connection with the employment status. Section 11a stipulates that each Federal ministry's head of a central department ("Leiter:in einer Zentralstelle") is required to issue a six-year-plan for promoting women in their department ("Ressort") on the basis of a proposal made by their equal treatment group ("Arbeitsgruppe für Gleichbehandlungsfragen"). This plan is required to be updated every other year. It must specify the time frame and the measures as regards staff, organisation and training that can be used to eliminate existing underrepresentation and existing discrimination against women. Binding targets must be set to increase the proportion of women in each remuneration schedule or remuneration group within the scope of each institution. Sections 11b to 11d specify the circumstances under which women are to be given preference in hiring, promotion and training.

Some of the measures to promote the participation of women in the workplace are:

- Full-time work: compared to the private sector, more women work full-time than part-time (68.5% of Federal public employees, 49.6% in the private sector);
- Parental leave for fathers: the number of fathers taking parental leave rose constantly until 2017, followed by a slight decrease in 2018, 2019 and 2021. Since 2022 the number has been increasing again. In 2023, a total of 4,485 employees (i.e. public employees and contractual public employees) were on maternity or parental leave, among them 708 men, resulting in a proportion of men on parental leave of 15.8%, compared to 15.4% in 2022.
- "Baby Month" initiative: In order to increase fathers' participation in childcare responsibilities immediately after birth, a legal entitlement to early paternity leave without pay was introduced in 2011. 6,788 men, i.e. every fourth new father among Federal public employees, made use of this opportunity between January 2011 and December 2023.

b) Please provide information on:

- *measures designed to promote an effective parity in the representation of women and men in decision-making positions in both the public and private sectors;*
- *the implementation of those measures;*
- *progress achieved in terms of ensuring effective parity in the representation of women and men in decision-making positions in both the public and private sectors.*

c) Please provide statistical data on the proportion of women on management boards of the largest publicly listed companies, and on management positions in public institutions.

In Austria, the Equality of Men and Women in Supervisory Boards Act (Gleichstellungsgesetz von Frauen und Männern im Aufsichtsrat, GFMA-G), Federal Law Gazette I no. 104/2017 introduced a gender quota of 30% (at least 30% women and 30% men) for supervisory boards of joint stock companies (Aktiengesellschaften) listed at the stock exchange and corporations with more than 1,000 employees with effect from 1 January 2018. There is an exemption for companies with supervisory boards which have fewer than six members (shareholder representatives) or which do not comprise at least 20% female employees. The election or delegation of any member which would violate the quota is void. In this case, the spaces designated for the underrepresented sex remain unfilled (referred to as the "empty seat").

Directive (EU) 2022/2381 on improving the gender balance among directors of listed companies and related measures, OJ L 315, 7.12.2022 p. 44, must be transposed by 28 December 2024. The Directive seeks to achieve a balanced representation of men and women in listed companies by imposing a quota rule. It offers two ways for companies to do this: A company can ensure either that members of the underrepresented sex hold at least 40% of supervisory board positions (Art. 5(1)(a)); or that members of the underrepresented sex hold at least 33% of all board positions – this includes both management board members and supervisory board members (Art. 5(1)(b)). This means that the current gender quota rules will have to be amended to meet the Directive's provisions.

According to the Report on Women in Management (Frauen.Management.Report, <https://www.arbeiterkammer.at/interessenvertretung/arbeitsundsoziales/frauen/Frauen.Management.Report.2024.pdf>) the proportion of women on supervisory boards of listed companies subject to a statutory quota requirement increased from 22.4% (January 2018) to 36.5% (January 2024) (+14.1 percentage points).

In the group of companies subject to quotas, almost three quarters (71.8%) achieve or exceed the required proportion of women on the supervisory board of at least 30%, while more than a third of companies (40.6%) exceed 40%.

Less progress has been made at management level: here, the proportion of women in the listed companies subject to quotas is 14.0%.

The DG for Women and Equality in the Federal Chancellery has published the updated guideline www.frauenfuehren.at (see question a)).

With the Council of Ministers Resolution of 15 March 2011, the Austrian Federal Government embarked on increasing the percentage of women among state-nominated members in supervisory boards of companies in which the Federal Government holds a stake of at least 50% to 35% by 31 December 2018. In the following, the Council of Ministers Resolution of 3 June 2020 set out a quota increase to 40% over the course of the current legislative period (2020-2024). To highlight the role model effect of the Federal Government, the status of implementation is reviewed each year and documented in a joint progress report. This annual report shows the positive development since the measure was introduced in 2011: the Federal quota for women on supervisory boards in companies in which the Federal Government holds at least 50% increased from 26% in 2011 to 43.6% in 2018 and to 51.4% in 2023.

Public sector

Numerous measures have been taken to sustainably support the increasing trend towards more women in management among public employees at Federal level. One of these initiatives is an Austria-wide, indicator-based monitoring system under which Federal Ministries set specific targets for the proportion of women in top pay levels to be reached over the following years. These targets, as well as the current ratio of women, are subject to an annual review and the results are published as part of the Federal public-sector staffing plan.

Since 2006 (27.7%) the percentage of women in management positions among Federal public employees across all top pay levels has reached an all-time high (38.7%), a trend which is also reflected in the consistent increase from 2022 (37.5%) to 2023 (38.7%).

The **2022 [Federal Equal Treatment Report](#)** of the public sector provides information on the number of women and men employed in public services at all levels, progress made in enhancing the development of women in each ministry, as well as measures taken for promoting women and proposals for further improvement. Furthermore, the Report provides information on cases before the Federal Equal Treatment Commission. The Federal Equal Treatment Report is published every other year and presented to Parliament (in German language only).³

All Federal ministries and some of the former state companies have adopted a [strategy for the advancement of women in public service \(Frauenförderpläne\)](#).⁴ Based on these policy guidelines, measures taken for the advancement of women and actual numbers regarding women in decision-making positions are published.

³ [Gleichbehandlungsberichte des Bundes - Bundeskanzleramt Österreich](#)

⁴ [Frauenförderpläne - Bundeskanzleramt Österreich](#)