

Austria

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PART 1 – NATIONAL FRAMEWORK

Overview

National social dialogue	Principal Level of Collective Bargaining	Industry	
	Workplace Representation	Works council	
	Board-level Representation	Yes in state-owned and private companies	
National worker representation	Employee representation in Austria is through the works councils, which by law can be set up in all workplaces with at least five employees, although in reality they are rare in smaller workplaces. They have important information and consultation rights, which amount to an effective veto in a few areas.		
Principal legal documents on H&S	The Law on Worker Protection of 30 May 1972, which came into force in 1973, was the first independent body of legislation to separate occupational health from the long-standing legislation based on the Industrial Code. The 1989 Framework Directive was transposed by a new occupational health statute which came into force in 1995. This Health and Safety at Work Act (<i>ArbeitnehmerInnenschutzgesetz, ASchG</i>) is part of the Labour Law applicable in Austria, and, in contrast to the law governing employment contracts, it also includes so-called provisions under public law. Hence, the framework Directive 89/391/EEC as well as a large number of individual directives, are implemented in the ASchG and the requisite ordinances at Austrian level.		
Public authorities on H&S	The Chamber of Labour (<i>Arbeiterkammer</i>)		
Employers' obligations on H&S	It is not only incumbent upon employers to adhere to the protection provisions, but employees similarly need to help observe these rules. Yet in the final analysis it is the employers who are responsible and liable for their employees working in accordance with the regulations governing health and safety at work. Employers must appoint safety officers (<i>Sicherheitsvertrauenspersonen</i>) in undertakings which regularly employ more than 10 workers. The appointment must be approved by the works council. In undertakings with fewer than fifty workers, a member of the works council may perform the role of safety officer. The safety officers must inform, advise and support both workers and the works council on all matters relating to health and safety. Employers have the obligation to listen to the suggestions given by the representatives of employee safety and health and Works Councils, to consult them on all matters of health and safety, and to take action to eliminate all shortcomings. Service by experts dedicated to preventive action does not relieve employers of their responsibility for compliance with the laws on health and safety at work. It is not possible to assign, in a legally effective manner, responsibility to experts dedicated to preventive action.		
Worker representative bodies on H&S	The Labour Constitution Act (<i>Arbeitsverfassungsgesetz</i>) and the Occupational Health and Safety Act (<i>ArbeitnehmerInnenschutzgesetz</i>) commit both the works councils and the representatives of employee safety and health to cooperate in all areas of health and safety, to advise employers on matters of health and safety and to represent employees interests vis-à-vis the employer.		
Organisation of the social dialogue on H&S issues within the country	<i>Actors involved</i>	<i>Their role</i>	<i>Scope of influence</i>
	The Austrian Social Partnership (<i>Sozialpartnerschaft</i>) through the institution of the Parity Commission (including the Advisory Council for Economic and Social Affairs, the Subcommittee on International Issues, the Subcommittee on Wages, and the Subcommittee on Competition and Prices)	The system of co-operation on economic and social issues, commonly referred to as "social partnership", is a voluntary arrangement. Developed over time, this co-operation of the various interest groups is mostly of an informal nature and not regulated by law. The essence of the social partnership is the commitment of Austria's four large representative organisations (the Trade Union Federation (ÖGB), the Federal Economic	National level

		Chamber (WKÖ), the Federal Chamber of Labour (BAK) and the Chamber of Agriculture (LK)) to pursuing common long-term economic and social policy aims. They share the conviction that such aims are better achieved through dialogue leading to co-operation and co-ordinated action than through open conflict. The Parity Commission has become today an institutionalised forum for dialogue between the social partners and the government.		
	The tripartite Committee on health & safety <i>(Arbeitnehmerschutzbeirat)</i>	N/A		National level
	The Federal Economic Chamber and the Trade Union Federation	Collective agreements are negotiated on the employer side usually by the relevant sub-organisations of the Federal Economic Chamber and on the employee side by the Trade Union Federation. It is estimated that 90–95% of private-sector employees are covered by collective agreements.		National and sectorial level
Specialized H&S bodies on regional, sectorial or another level	<i>Name</i>	<i>Setup conditions</i>	<i>Composition</i>	<i>Role and functions</i>
	N/R	N/R	N/R	N/R

PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	Representatives of employee safety and health and members of the works council are the point of contact for health and safety issues at work. The former are workers' representatives with specific responsibility for the safety and health of workers. Works councils can be formed in companies that employ 5 or more employees by means of a staff vote. Works councils are amongst other things entitled to negotiate and sign works bargaining agreements. Representatives of employee safety and health and the works council complement and support each other. The works council can transfer its competences in the matters of health and safety to the representatives of employee safety and health.
Interaction of H&S representation with the general representation of workers	The appointment of safety officers (<i>Sicherheitsvertrauenspersonen</i>) must be approved by the Works Council. In undertakings with fewer than fifty workers, a member of the Works Council may perform the role of safety officer. Representatives of employee safety and health and works councils therefore form a strong team to point out defects and hazards which affect health and safety in the workplace, and promote the elimination of these. Safety representatives inform, advise and support workers in all matters of health and safety at work. If no Works Councils have been appointed, safety representatives also enjoy comprehensive rights of consultation and information. Nevertheless, employers cannot delegate their responsibility to such safety representatives. If an enterprise has neither safety representatives nor Works Council, all its employees must be involved. In addition, all employees are entitled to be consulted regarding such issues.
Worker representation bodies on H&S at work	
Implementation of worker representation in H&S on enterprise level	All workers
Thresholds of implementation	Companies with 11 or more employees are obliged to appoint a representative of

	<p>employee safety and health (Sicherheitsvertrauenspersonen). Companies with at least 100 employees need to set up a H&S committee (Arbeitsschutzausschuss). However, in places of work where at least three quarters of the workers are office workers or employed in a similar capacity, this obligation applies only when they employ at least 250 workers.</p> <p>When an employer runs several places of work, each of which must be served by a committee, a Central H&S Committee must be established as well.</p> <p>If an enterprise has neither safety representatives nor workers' bodies, all its employees must be involved. In addition, all employees are entitled to be consulted regarding such issues.</p>	
Role of the trade unions	<p>Safety representatives (<i>Sicherheitsvertrauenspersonen</i>) represent the workers' interests in matters of health and safety at work in mutual co-operation with the workers' bodies. They inform, advise and support workers in all matters of health and safety at work.</p> <p>A health and safety committee (<i>Arbeitsschutzausschuss</i>) is a body whose work is visible both in terms of organising preventive services and of employee participation. Its role is to promote enterprise-wide cooperation between preventive services.</p>	
Composition, mode of nomination or election of members	<p>The members of this health and safety committee are, in addition to the employer, the safety officers, members of the occupational safety and occupational health departments in the undertaking and representatives of the works council, together with any member of staff whose duties are associated with safety or environmental protection.</p>	
Area of competencies	<p>Every aspect of health and safety at the workplace. For example, the H&S committee is charged with exchanging information and experience, co-ordination, and with improving safety, health and working conditions</p>	
Functions	<p>Safety representatives consult and control; while the Works councils negotiate. Representatives of employee safety and health and works council members are important stakeholders in the field of occupational health and safety, as they are familiar with the structure of the enterprise and in close contact with the staff. Key function areas are as follows:</p> <ul style="list-style-type: none">- Advisory function and implementation of necessary measures (especially technical and organisational measures);- Selection and introduction of personal protective equipment (this only makes sense if technical and organisational measures have been exhausted);- Obtaining and exchanging information;- Listening to and consulting employees;- Advising employers;- Cooperation with all stakeholders in the internal network of occupational health and safety protection;- Involvement in the assessment of risk;- Participation in the organisation of instructions.	
Rights of workers' representatives on H&S		
Right of withdrawal, of production stop in case of immediate danger	No (individual right)	
	Every employee has the right to refuse work in case of immediate danger	
Right to conduct surveys	No	
	Only with the consent of the employer	
Right to require external assessments	No	
	N/A	
Right to lodge an appeal	Yes	
	If the H&S representatives and/or the Works council cannot convince the employer to establish a safe and healthy working environment, outside help should be sought. This can be from the Chamber of Labour (<i>Arbeiterkammer</i>) or a Trade Union. Ultimately the labour inspectorate should be contacted to eliminate shortcomings in health and safety.	
Right to receive training	Yes	
	N/A	
	Amount of training	3 days
	Frequency of training	Once during their mandate
Allocated time during working	Training providers	Chamber of Labour in cooperation with Trade Union Federation
	No	

<i>hours to conduct their role</i>	But the employer has to give the "necessary time" which is needed to fulfil the task as safety representative
<i>Protection against sanctions, dismissals in the frame of their mandate</i>	Yes
	However, the protection of H&S representatives is not as strong as for Works councils
Link and the nature of the relations between the employee representatives and the trade unions	More than 80% of all members of works councils are Trade Union Federation (ÖGB) members. It is through them that unions learn more about the problems and concerns of employees and thus are able to respond appropriately when collective bargaining takes place.

PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

Evolution

Significant changes within the various instruments on H&S issues during the last 5 years	No	
	<i>Objectives of these changes</i>	N/R
	<i>Management of these changes</i>	N/R
	<i>Effects on the improvement or deterioration of the handling of these issues</i>	N/R
Assessment of the achievements on H&S issues through social dialogue	Improving (although this may change anytime, it depends mainly on the current political situation)	
	<i>Some important milestones</i>	We have recently reached a social partner agreement on the risk assessment of psychosocial risks. There will be an amendment of the Austrian Health and Safety Legislation (hopefully by January 2013).

Perspectives to achieve a good social dialogue and workers' participation on H&S issues

Missing factors	Employers do not always fulfil their obligations. Common causes for this are lack of time, lack of information, but also fear of high costs.
Existing key success factors	It is the culture of social partnership which has been developed since 1945. Austria enjoys a particularly well-developed system of co-operation between the major economic interest groups and between them and the government. Social partnership does not mean, however, that conflicting interests are denied or ignored. It is instead a method of balancing contradictory economic and social interests by seeking solutions that benefit all participants and maintaining a willingness to compromise to achieve this end. For this reason Austria is considered an excellent example of corporatism, i.e., comprehensive and co-ordinated representation of group interests.

PART 4 – APPENDICES

Glossary

ArbeitnehmerInnenschutzgesetz (ASchG)	<i>Health and Safety at Work Act</i>
Sicherheitsvertrauenspersonen (SVP)	<i>Health & Safety representatives</i>
Arbeitsschutzausschuss	<i>A health and safety committee</i>

Interesting links

– <http://www.svp.at> (Chamber of Labour)

Sources

Trade union contacts	Trade Union Federation (ÖGB)	Reifinger Ingrid
Other	<ul style="list-style-type: none"> – http://www.worker-participation.eu – questionnaire reply – The Austrian Social Partnership – Chamber of Labour, Department of Safety, Health and Work , "A strong team: representatives of employee safety and health and works councils" 	