



## Clarifying comment regarding amendments of current Austria´s working time regime

In January 2007, when formulating the chapter on working time, the new Austrian coalition government of the Social Democratic Party and the conservative Austrian People´s Party (ÖVP) adopted a joint proposal for “flexibilisation” of working time devised by Austria´s major social partner organisations in the autumn of 2006.

However, due to unclear and one-sided media cover on how to interpret the government agenda´s provisions on working time, some misunderstanding has emerged and facts have been distorted. In contrast to the interpretation of the conservative coalition partner and the employer organisations, stating that normal working hours are set to be extended, in fact most of the alleged amendments to working time regulations have been already in practice since 1997, when the Austrian Working Time Act was enacted, and will be only slightly adjusted.

In fact, the employers´ organisations attempted to cut labour costs by individual contract. But this attempt was not successful. As before, working time arrangements on extension of reference periods which do not attract compensation by overtime pay remain subject to collective bargaining only.

### Difference between maximum working hours and normal working hours

In Austria, a clear distinction exists between an extension of maximum working hours by additional overtime hours and an extension of normal working hours. However, some media preferred to ignore the difference and thus made the public believe that the trade unions in Austria agreed to an extension of normal weekly working hours, which was definitely not the case.

### Maximum working hours

Maximum working hours up to 12 hours a day and 60 hours a week exclusively apply to the maximum permissible overtime in special cases for

short periods. Currently, in the event of an unusual demand for labour, a works agreement allows for maximum working hours to be extended to up to 60 hours a week and 12 hours a day by overtime work (at a minimum of 50% premium pay). The Working Time Act stipulates that such a maximum amount of overtime could only be allowed in exceptional cases and only for a maximum of 12 weeks in a year. According to the government proposal, a maximum of 24 weeks in a year is now possible on the condition that the duration of this arrangement is limited to 8 weeks at a time, interrupted by 2 weeks of normal working hours without overtime. Moreover, such arrangements should now also be opened up to the parties to individual agreements in enterprises where a works council is absent and only provided if it is provided that no objections on grounds of occupation health are put forward.

### Normal working hours

By collective agreement it is already possible to stipulate normal working hours up to 10 hours a day, on condition that longer consecutive rest periods compensating for these longer working days are provided. Inevitably, 10-hour working days could only be arranged in the case of a working week consisting of only four working days with the then extended daily normal working hours.

### Flexible working time (Gliding time)

Flexible working time (Gliding time) provides the employees with the possibility to choose their own times for starting and finishing work within an agreed margin. With respect to gliding time, it is planned that normal working hours of up to 10 hours per day can be arranged (nine hours under current law).

### Continuous 12-hour shifts

With respect to shift work, continuous 12 hour shifts should be allowed by collective agreement, but should continue to be conditional on an individual workers' clean bill of health. Under the new regulation the working week can thus be reduced to three working days. However, such an arrangement for shift work will be only possible in exceptional cases.

### Working week consisting of 4 working days

Under current labour law a working week consisting of 4 working days may only be introduced by collective agreement. Now it can also be arranged by individual contract of employment.

### Making up for “bridging days”

Currently, in order to absorb “bridging days”, that is working days between two non-working days (holidays), normal working hours can be extended to 10 hours within a seven-week reference period. It is planned that this reference period will be extended to 13 weeks which will make it easier to make up for bridging days within a longer reference period.

### Partly continuous shift work

With respect to shift work the distribution of weekend rest period can be agreed more flexibly. Currently, the rest period has to start at Saturday 3 p.m. at latest if not continuous multi-shift work is done. In the future plants may operate the whole Saturday. This provision should enable more employee-friendly shift schemes, provided by partly continuous shift operation (morning shift/late shift with 10 hours each from Monday till Saturday; 4 days a week for each group of workers, the “Regensburg”-model instead of night work).

### Use of working time account

The envisaged amendment should enable employees to balance their individual working time accounts more in line with their individual needs and interests.

### Legal claim on overtime pay for part-time workers

In relation to part-time workers who until now did not receive any overtime premium for extra-work, a legal claim on premium rates of 25% will be introduced. Only in case, that the overtime hours (work beyond the contracted hours) will be balanced by paid time off within a three-month period, no premium pay will apply.

### Penalties for employers

Penalties for employers, violating working hours' regulations, will be tightened.