

Posting of Temporary Agency Workers in Europe Country Fact Sheet

Country: Austria

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National Regulation and provisions applicable to posted temporary agency workers

1. Employment and Working Conditions for posted temporary agency workers coming into your country

If any of this information is not available or unclear in current legislation please indicate in the box. If you know of practical examples please give details below.

Element of national regulation	Qualitative information on your country
<p>Definition of a posted temporary agency worker according to national legislation and collective labour agreements in the TAW sector.</p> <p>Does a temporary agency worker posted into your country have the same legal status as a temporary agency worker employed directly? If not please explain.</p>	<p>In general, Temporary Work Agencies based in foreign EU/EEA countries are permitted to hire agency workers in Austria. <u>They have the same rights as domicile agency workers.</u></p> <p>All Austrian legal and collectively agreed provisions are to be adhered to, including:</p> <ul style="list-style-type: none"> • Safety and health on the workplace • The protection of pregnant women and female employees nursing their children • The employment of children and young people • Working hours and rest periods • Hence, the provisions of the collective agreement for blue collar workers in the temporary agency sector as well as of the collective agreement for white collar workers in the sector apply
<p>Relevant and applicable provisions on equal treatment & equal pay for temporary agency workers. Do these apply to posted temporary agency workers?</p>	<p>Yes. As soon as the place of their assignment is within Austria, they are <u>entitled to equal treatment and payment according to specific legislation</u> (AÜG-Act on Hiring Out of Labour) and sectoral collective bargain agreements</p>
<p>Maximum work periods per day and per week for posted temporary agency workers. Is night work permitted for posted temporary agency workers? If so how many hours are allowed?</p>	<p>These regulations depend on the collective agreement and the specific legislation on night shift work regulated in the <u>customer's collective bargain agreement</u>. Regarding working time regulations, working hours may not be set below the expected hours neither by the agency nor by</p>



	the user enterprise. An extension of working time requires the explicit consent of the worker. In this respect they are treated equally with permanent workers.
Minimum rest periods per day and per week for posted temporary agency workers.	These regulations depend on the collective agreement and the specific legal provisions on working time the customer has to work with, as this is the basis the agency has to work with.
Applicable minimum rates of pay hourly, weekly or monthly. Is this decided by a collective agreement or by law? How is it enforced?	Our minimum wages are set by collective agreement. In our sector: Minimum wage € 1466,42 fulltime blue collar Minimum salary € 1.195,30 fulltime white collar
Applicable wage supplements, sick pay, social security, overtime and night work rates & allowances for temporary agency workers.	Yes: collectively agreed wage supplements, sick pay, overtime pay, etc. fall due
Applicable provisions and legislations on health & safety at work. Whose responsibility is it to ensure these provisions/laws are enforced (user company or temporary agency)? Which organisation is responsible for the health and safety of the workers?	Regarding guidance and supervision the user company is responsible for the agency worker. All other duties are in charge of the agency.
Minimum paid annual holiday (no. of days, rates) posted temporary agency workers are entitled to.	5 weeks annual holiday is usual (when working fulltime for one year....)
Main, general provisions of collective labour agreements concluded in the TAW sector that are relevant to posted temporary agency workers	There is only one sector-specific collective agreement covering blue-collar workers in Austria. In particular, it specifies a <u>minimum wage</u> that is applicable even if the worker is not actually hired out. In addition, industry-specific overpayments above the collectively agreed wage rates apply. During the periods of hiring out, the collective agreement covering the user company applies (<u>if its provisions are more favourable for the worker</u>). A similar regulation applies to the white-collar agency workers which are covered by the unspecific collective agreement for the crafts and trades industry. Besides payment, the TAW collective agreement also provides some protection against dismissal and assures continuing payment in cases of illness, birth of a child and others. Even if posted agency workers are not covered by full social insurance, they are entitled to attend trainings and to get one-off payments in case of unemployment out of the funds "Sozial- und Weiterbildungsfonds", as foreign TAW agencies have to contribute to this funds, too.
Specific provisions on posted temporary agency workers in the collective labour agreements in the	There are no specific provisions in the collective labour agreements in the TAW sector



TAW sector	
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II. Conditions for temporary work agencies to post a temporary agency worker in your country

Element of national regulation	Qualitative information on your country
Requirement to obtain a license	yes
Requirement to establish in the receiving country	yes
Mandatory Declarations	yes
Sectoral bans for temporary agency work activities	No. Only in health care there is a maximum of 15% temps allowed.
Applicable reasons for use of temporary agency work services	Flexibility and outsourcing of recruitment process
Applicable minimum and maximum length of temporary agency work assignments	There is no restriction so far.
Restrictions on labour contracts to be offered to posted temporary agency workers	There is no restriction in the labour contract allowed. All our contracts are open-ended.
Which services (if any) do you provide for the posted temporary agency workers? Are these workers charged any fees for these services?	No charge has to be paid by the workers.

Additional Information – Useful public sources

Do you know the country of origin of the posted temporary agency workers in your country/organization? If so please give details. Useful websites (Labour inspectorate, Ministry of Labour, Trade Union information etc...)	Yes. We have to know the country of origin. www.wko.at ; www.vza.at (employers' side). PRO-GE manufacturing union has a specific website with multilingual information for temporary agency workers (www.leiharbeit.at)
Contact people from the national social partner associations in the TAW sector	ProGe Herr Thomas Grammelhofer Thomas.grammelhofer@proge.at 0043 1 53 444 - 69580
Relevant publications	

If you have any questions on this factsheet, please contact the European Sectoral Social Partners:

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