

## Social Dialogue mapping

### Description scheme for country overviews

## AUSTRIA

### Sources:

1/ Eurofound Working Life Profiles <https://www.eurofound.europa.eu/country/austria>

2/OSH WIKI [https://oshwiki.eu/wiki/OSH\\_system\\_at\\_national\\_level\\_-\\_Austria](https://oshwiki.eu/wiki/OSH_system_at_national_level_-_Austria)

3/ ESENER-2 <https://osha.europa.eu/en/surveys-and-statistics-osh/esener/2014>

### Introduction on Social Dialogue in MS (1)

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There is no explicit concept of representativeness applying to collective interest organisations of labour and business in Austria. However, in relation to the capacity of voluntary organisations to conclude collective agreements, the Austrian labour law (the ArbVG) identifies some general preconditions a voluntary collective interest organisation has to meet: the (financial) independency (in particular, of the other side of industry); an extensive occupational and territorial coverage in terms of membership domain, which means that the organisation must at least be operative above company level; and a major economic importance in terms of the absolute number of members and business activities in order to be in a position to wield effective bargaining power. The criterion of representativeness is thus linked to the capacity of collective interest organisations to conclude collective agreements (the right to conclude collective agreements is conferred by the Federal Arbitration Board) and hence to their recognition as relevant social partner organisations.

### Trade Unions (1)

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- **About trade union representation**

Austrian constitutional law protects the right to organise within the framework of the general freedom of association (Vereinsfreiheit) guaranteed to all citizens by Article 12 of the 1867 Basic Law (Staatsgrundgesetz). It also guarantees the right to form associations for the protection of employment-related interests in accordance with the Associations Act (Vereinsgesetz) giving practical effect to the freedom of association. Moreover, the right to organise is guaranteed as an independent basic right in Article 11 (1) of the 1950 European Convention of Human Rights, which forms part of constitutional law in Austria. As a consequence, in Austria, individuals are given the right to engage in trade union activities and to join them. There is no category of workers or sectors excluded from this right.

The trade unions' involvement in public policy-making is highly institutionalised in Austria in that the ÖGB and its seven affiliates participate in a number of bodies and committees – on an informal rather than formal (legal) basis, however. Thus, sovereign tasks such as the administration of pensions or unemployment schemes are not performed by them. 'Yellow unions' are not at all an issue in Austria,

due to the tight procedure of recognition of interest organisations as social partners possessing the capacity to conclude collective agreements.

### • Main trade union confederations and federations

In Austria, there is only one trade union confederation: the ÖGB.

Long name	Abbreviation	Members as of 31 December 2015	Involved in collective bargaining?
Österreichischer Gewerkschaftsbund (Austrian Trade Union Federation)	ÖGB	1,196,538	Yes (in general through its affiliated unions)

## Employers' organisations (1)

### • About Employers' organisations

There are two main cross-industry employer organisations in Austria, the mandatory Austrian Federal Economic Chamber (WKO) and the voluntary Federation of Austrian Industry (IV), which organises large enterprises mostly in the manufacturing industry. All companies and entrepreneurs holding a business licence must register with the WKO (and its corresponding subunits), which is organised along geographical subdivisions (provinces, known as Länder) and sectoral sections, which are further subdivided into sectoral subunits. Companies holding more than one business licence are to register with all corresponding WKO sectoral groups; this means that there are more members than companies due to the fact that many employers hold more than one business licence.

For the IV and all other (sectoral) voluntary employer organisations, the principle of the general freedom of association as outlined above in the context of the trade unions equally applies to the employer side.

Apart from the WKO, the IV is the most important employer organisation in Austria. Its membership domain encompasses manufacturing, managerial staff in the manufacturing industry and enterprises associated with the manufacturing industry.

### • Main Employers' organisations

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Wirtschaftskammer Österreich (Austrian Federal Economic Chamber)	WKO	506,145*	2016	Yes (in general, through its subunits)

Long name	Abbreviation	Members	Year	Involved in collective bargaining (*)
Industriellenvereinigung (Federation of Austrian Industry)	IV	About 4,200	2016	No (waives the right to conclude agreements)

\*figure refers to active members (companies and entrepreneurs)

## Social Dialogue on OSH (2)

### • General Remarks on Social Dialogue on OSH

Due to Austria's highly developed system of corporatism, social partnership plays a central role in policy-making. Social dialogue is widespread and highly institutionalised at cross-sectoral, sectoral, and enterprise level, and in different policy fields [11]. According to an ILO study, changes in economic structures and the world of work have lead to decreasing trade union membership and works councils (correlates to a lesser extent with representation at sectoral and enterprise level).[12] The main social dialogue partners are anchored in Austria's political system, with the right to evaluate draft legislation, to draft legislation in their sphere of interest, and make recommendations to law-making bodies. They have the right of representation on numerous commissions, advisory boards and committees dealing with socio-economic issues, and to nominate candidates to act as lay judges at labour and social courts, as well as appointing assessors for the cartel court. They are also entitled to conduct collective bargaining.[11]

According to a Eurofound study on the Working Conditions and Social Dialogue in Austria[13], social dialogue regarding OSH is much less formalised than in the domain of income policy, and is initiated primarily on an ad-hoc basis.

### • National level

Nevertheless, the rights of social partners in OSH issues are regulated by law, such as the composition of the OSH Advisory Board, a tripartite body playing a crucial role in developing legislation. The establishment of an OSH Advisory Board (Arbeitnehmerschutzbeirat) is stipulated by §91 of the Health and Safety at Work Act [1] in order to advise the Ministry of Labour, Health, and Social Affairs and inform it on the work of the prevention centers run by the accident insurance bodies. The OSH Advisory Board is convoked by the Central Labour Inspectorate and includes two representatives each from the social partners and expert organisations, such as the Chamber of Engineers, the Chamber of Medical Doctors, as well as the Austrian Social Insurance for Occupational Risks. The activities of the OSH Advisory Board are honorary.

At regional and company level, bi-annual meetings of the social partners with the Labour Inspectorate are stipulated by law, as is the right of the social partners to participate in certain inspection visits.

Austria has a mixed system of collective interest representation, consisting of voluntary associations and statutory representative bodies <sup>[12]</sup>. Traditionally, there are four major actors: the **Austrian Trade Union Federation** (*Österreichischer Gewerkschaftsbund, ÖGB*)<sup>[14]</sup>, the **Federal Chamber of Labour** (*Arbeiterkammer, BAK*)<sup>[15]</sup>, the **Economic Chamber of Austria** (*Wirtschaftskammer, WKÖ*)<sup>[16]</sup>, and the **Presidential Assembly of the Austrian Chambers of Agriculture**. In addition, the **Federation of Austrian Industries** (*Industriellenvereinigung, IV*) <sup>[17]</sup> has been gaining significance and political influence since the 1980s. <sup>[12]</sup>

The Austrian Trade Union Federation is an umbrella organization for affiliated unions. It represents workers' interests in collective agreements and is based on voluntary membership. The ÖGB offers

legal advice and representation, as well as many other benefits to its members. It also has a major role in developing new laws; not only to initiate the drafting of bills, but also to provide reviews and comments on bills submitted by other bodies, which are then incorporated in the decision-making process.

The Federation of Austrian Industries is a voluntary body that represents the interests of Austrian industry, both domestically and in Europe.

## • Sectoral level

The traditional social partnership can be seen in the double chamber system in Austria. There are two distinct chambers, the Federal Chamber of Labour to represent workers, and the Economic Chamber of Austria for employers. Membership of these chambers is compulsory - the employers and workers pay a regular fee based on their wages to finance the chamber system. The chambers are involved in developing and monitoring legislation and public policy, providing advice, education and training on OSH questions.

The Federal Chamber of Labour consists of nine regional chambers and their umbrella organization the Vienna Chamber of Labour. It represents the interests of employees and consumers, including apprentices, those on maternity/paternity leave, as well as the unemployed and retired. Membership is compulsory for all employees, but civil servants and agricultural workers are exempt. Although involved in social partnership institutions, the Chambers of Labour do not negotiate collective agreements and do not represent their members internationally – these duties are exclusively performed by the trade union movement. The Federal Chamber of Labour also carries out and funds research to develop and support policy guidelines.

The Economic Chamber of Austria is made up of the Federal Economic Chamber (based in Vienna) and the nine Regional Chambers of the federal provinces. They are subdivided into seven industry sectors: (1) crafts and trades, (2) industry, (3) commerce, (4) banking and insurance, (5) transport and communications, (6) tourism and leisure, and (7) information and consulting. The sectors are divided into Trade Organisations, known as Trade Groups in the Regional Chambers and Trade Associations in the Federal Economic Chamber. In addition to the industry sectors, there are departments in the Austrian Federal Economic Chamber (based in Vienna) and in the Regional Chambers, which are responsible for tasks related to policy, organisation and service provision.

In addition to WKÖ, there are also chambers for agriculture (under the umbrella of the Presidential Assembly of the Austrian Chambers of Agriculture) and for the liberal professions (e.g. Austrian Medical Chamber, Austrian Pharmacists' Chamber, Austrian Lawyers' Chamber, etc.) [\[12\]](#).

## • Enterprise level

At enterprise level, the interests of employees are represented by works councils or, in the public sector, by staff representatives. The Austrian OSH act [\[1\]](#) stipulates that companies with more than 10 workers must appoint, depending on the number of employees, at least one safety representative (Sicherheitsvertrauensperson, SVP). For each workplace where more than 50 staff works regularly, a safety representative must be appointed. Safety representatives are appointed by the employer, and must be approved by the works council. If there is no works council in the company, not more than one third of the workers may object to the application. Safety representatives are appointed for four years. Employers must notify the Labour Inspectorate in writing of the appointed safety representatives. The Labour Inspectorate must then inform the employees' interest groups. In companies with more than 100 employees, an OSH committee must be established to act as an advisory and supervisory body at company level.