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EMCC

European Monitoring Centre on Change

Austria: Public authorities information and consultation on dismissals

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Austria

Phase:

Anticipation

Type:

Public authorities information and consultation on dismissals

Last modified: 16 May, 2019

Native name:

Arbeitsmarktförderungsgesetz (AMFG)

English name:

Labour Market Promotion Act (AMFG)

Article

45a

Description

If the employer wants to dismiss, within a 30 day period,:

- at least 5 employees in a company with more than 20 and fewer than 100 employees,
- at least 5% of employees in a company with 100-600 employees,
- at least 30 employees in a company with more than 600 employees,
- at least 5 employees aged 50+ irrespective of company size,

the employer must inform the regional office of the Austrian public employment service ([AMS](#)) in writing at least 30 days before the first planned dismissals.

The notification must include:

- the reason for terminating the employment contract,
- the timing of dismissals,
- the number and function of regular staff and of employees to be made redundant, as well as their qualifications, gender, age, tenure,
- selection criteria for dismissals,
- possible planned measures to mitigate the negative consequences for affected employees.

The employer also has to prove that the works council has been informed and consulted. If there is no works council in the company, a copy of the notification to the public employment service has to be submitted to all potentially affected workers.

The public employment service has to start consultations with the employer, the works council, trade unions and employers' organisations and inform the social assistance office. If needed, also experts could be involved. The consultation should consider the optimal use of public support, particularly as regards older workers.

If the employer provides a sound justification (for example, establishment of a social plan or economic necessity), the public employment service can also authorise the dismissals before the 30 day period.

Comments

Collective agreements can prolong the notice period of 30 days.

Cost covered by

Not applicable

Involved actors other than national government

Employer organisation

Public employment service
Trade union
Works council
Other

Involvement others

Experts

Thresholds

Company size by number of employees:

21

Number of affected employees:

5

Sources

-  DG Employment, Social Affairs and Equal Opportunities/Héra (2011), Selected companies' legal obligations regarding restructuring
-  Ius Laboris (2011), Individual Dismissals Across Europe, Brussels
-  Ius Laboris (2009), Collective Redundancies Guide, Brussels
-  [EMCC - Social partner and government agency involvement in the restructuring process](#)
-  [EMCC - Legal framework for restructuring](#)
-  Alpha Consulting (2003), Anticipating and Managing Change - A dynamic approach to the social aspects of corporate restructuring, European Commission, Brussels
-  [Arbeitsmarktförderungsgesetz § 45a](#)
-  [Arbeitsmarktservice Österreich \(public employment service\)](#)

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