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Factsheet for case **AT-2020-12/542**

Mandatory usage of holiday entitlements and time credits

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Country	Austria, applies nationwide
Time period	Temporary, started on 15 March 2020
Type	Legislation or other statutory regulation
Category	Employment protection and retention – Working time flexibility
Case created	13 April 2020 (updated 14 April 2020)

Background Information

When there is a lack of employment in times of crisis, the use of holidays or time credits is a way of coping with the situation. The employee retains his or her job and has no loss of pay. The employer does need liquidity because labour costs do not decrease in the short term. However, he can release provisions and must grant correspondingly less vacation after the crisis.

The variant of using compensation for time off is possible if it is agreed that overtime and overtime work is not paid in money but in free time.

Content of measure

Generally, on the use of holidays, there is an obligation to agree: The use of vacation must be agreed between employer and employee, if possible in writing and documented.

Time off in lieu must also always be agreed between the employer and employee.

Exceptionally, the employer can unilaterally order leave and time off if measures according to COVID-19-Maßnahmengesetz (especially VO 96/2020) lead to restrictions on entering holdings AND as a result of such measures, services cannot be provided.

In this case, the employer can (but does not have to!) order the consumption within the following framework:

- leave entitlement from previous years in full;
- leave entitlements from the current leave year to a maximum of 2 weeks;

In total, a maximum of 8 weeks of leave and time off in lieu can be order unilaterally by the employer.

The Civil Code auf Austria (ABGB) was changed accordingly in order to allow for this crisis measure.

Use of measure

no information available

Actors, target groups and funding

Actors	Target groups	Funding
National government Company / Companies	employees All companies	No special funding required

Social partners

Role of social partners	Consulted
Form of involvement	Direct consultation

The social partners were consulted in the COVID 19 laws.

Sectors and occupations

This case is not sector-specific.

This case is not occupation-specific.

Sources

- 25 February 2020: WKO Factsheet on the use of holiday and time credits (www.wko.at)