

## AUSTRIA

# Coronavirus (COVID-19) Short-Time Work

## Answers to new short-time work: This is how the state pays your personnel!

The regulations on short-time work were revised and extended several times during the COVID-19 crisis. The regulations apply to **all employers**, except for local authorities, political parties and legal entities under public law.

- **Retroactive effect:** Applications can be submitted retroactively to 1 March 2020.
- Short-time work is possible for **all employees**, including directors (if employed) and **apprentices** (if supervision and quality of the training does not suffer (and the Vocational Training Act (BAG) is amended). Short-time work is also **possible with flexitime and leased personnel**.
- **Duration: 3 months**, with the possibility to extend by **3 months**.
- **Working time: up to zero hours** is possible, but in the short-time work period the working time must be at least 10%.
- **Subsequent change in working time** is possible, if agreed by the employees concerned, of which the "*social partners*" (*i.e.*, Chamber of Commerce and union) must be notified 5 working days in advance.
- **Termination of employment** during short-time work and one month thereafter is **not permitted**, but can be agreed upon differently in special circumstances.
- **Overtime** is only permitted if agreed with the *social partners* and must be restricted to certain areas.
- **Employees must use up holiday entitlements from previous holiday years and time credits** before or during short-time work at the request of the employer.

This does not apply to "long-term credit", which means time off options, sabbatical models and the like. If short-time work is extended, a further 3 weeks of the current vacation must be used up during short-time work at the request of the employer.

The **new s.1155(3) and (4) General Civil Code (ABGB)** (probably in force as of 21 March 2020) also provides for a statutory obligation of employees to use up their vacation time at the employer's request, limited to a total of up to 8 weeks, no more than 2 weeks from the current vacation year and without time off options.

Employees in short-time work receive **reduced remuneration**, which amounts to **80-90%** of their previous remuneration, but not more than EUR 4,296.00. Apprentices receive 100%.

The employer receives the costs for lost working hours according to fixed flat rates in the next month. The flat rates include **all social security contributions, other wage-related employer's contributions and pro rata vacation and Christmas benefits**.

Required is an agreement between the *social partners*, a request to the employment agency (AMS) and a commercial justification. Authorisation should be granted within 48 hours, for which advance information to the AMS is advisable.

\*\*\*\*\*

For further developments subscribe to our newsletters at [www.benn-ibler.com/newsletter](http://www.benn-ibler.com/newsletter)

Author:

Mag. Ingo Braun

✉ [ingo.braun@benn-ibler.com](mailto:ingo.braun@benn-ibler.com)

☎ +43 1 531 55-700

Benn-Ibler Rechtsanwälte GmbH  
Tuchlauben 8, 1010 Vienna

This newsletter serves as general information and does not substitute individual advice.