

Austria

Worker Classifications

Historically, individuals were classified as Workers (e.g. blue-collar) or employees (e.g. white collar). In the present day, there is little difference between the two from an employment law perspective. Senior managers are occasionally exempt from certain labor laws and CBAs.

Fixed Term Contracts

There is no limit on the duration of a fixed-term contract. However, executing several fixed contracts without justification can cause them to be deemed permanent (e.g. "indefinite"). Fixed-term contracts can only be terminated before the agreed expiration for cause or by mutual agreement.

Probationary Periods

Except as it relates to apprentices, probationary periods cannot be longer than one month. During a probationary period, either the Worker or the employer can terminate the agreement verbally without a reason.

Holidays

In Austria, Workers recognize 13 paid public holidays. Unless otherwise dictated by CBA, work performed on a public holiday should be compensated at double pay.

Vacation

Workers on a five-day workweek are entitled to 25 days of paid vacation annually (30 for Workers on a six-day workweek). Accrued but unused leave carries over year to year for a maximum of two years.

Sick Leave

Workers are entitled to full salary for up to six weeks during a period of injury or illness. The entitlement increases to eight weeks after one year of service. After that period is exhausted, Workers are entitled to an additional four weeks of half-pay.

Working Hours

A regular workweek is Monday through Friday, eight hours per day, 40 hours per week. Workers are entitled to 36 consecutive hours of rest weekly, including Sunday.

Overtime

Unless otherwise stipulated or dictated by collective agreement, work in excess of normal working hours should be compensated at 150% of wages (200% in cases of night work or Sunday work). Overtime must not exceed 12 hours per day or 20 hours per week. Workers may refuse overtime in some instances.

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Mandatory Bonuses

Although not mandatory, many employers elect to offer 13th and 14th-month bonuses, each equal to one month's wages. The former is generally issued in June and the latter in December.

Termination

Except in cases of misconduct, terminating a Worker requires notice and, in some cases, severance. The notice required depends on the length of service. Workers with two years of service or less are entitled to six weeks' notice. Workers with more than two but less than five years of service are entitled to two months' notice. Good cause must also be provided for the termination of protected Workers (e.g. pregnant Workers, parents on parental leave, disabled persons, etc.).

Resignation

Workers must give at least one month's notice of resignation regardless of their length of service. The parties can contract to increase the notice period up to six months.

Other End Of Employment Rules

Employers must notify the labor branch of the public employment services (AMS) if they intend to dismiss a group of Workers if their total employee count meets a certain threshold. Failure to inform the AMS could result in the dismissal being deemed unlawful.

Mandatory Employer Costs

Generally, employers must contribute to social insurance (appx. 21%), a pension fund (appx. 1.5%), and a family equalization fund (appx. 4%). They must also pay municipal tax (3%).