

Austria¹

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N.B. Austria is a federal state.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the [Leave Network website](#)). To contact authors of country notes, see the [members](#) page on the [Leave Network website](#).

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*Mutterschutz*) (responsibility of Federal Ministry of Labour, Social Affairs, Health and Consumer Protection)

Length of leave (before and after birth)

- 16 weeks: eight weeks before the birth and eight weeks after the birth. It is obligatory to take leave; expectant mothers are prohibited from working during this time.

Payment and funding

- Maternity benefit (*Wochengeld*): 100 per cent of average net income for the last three months of employment before taking leave for employees, with no upper limit. Freelance workers receive an income-based maternity benefit: self-employed women who work in a trade or agriculture are eligible for 'operational support' (i.e. financial or other support to maintain their business) as a form of maternity benefits. If no operational support is granted, they can

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claim a flat-rate payment of €55.04 per day. Marginally employed, self-insured women receive a flat-rate payment of €9.30 per day. Eligible, unemployed women are entitled to 180 per cent of previous unemployment benefit (with the latter corresponding to 55 per cent of previous net income). Expectant mothers receiving the childcare benefit are entitled to 100 per cent of the childcare benefit if their Maternity leave starts before the childcare benefit ends.

- Funded by multiple sources: 70 per cent by the 'Family Burden Equalisation Fund' (FLAF – *Familienlastenausgleichsfond*) which is financed by contributions from employers (4.5 per cent of each employee's salary bill); by general taxes; and by public health insurance (30 per cent). In 2017, total expenditure on Maternity leave (i.e. maternity pay and the payment for operational support) was €517 million.

Flexibility in use

- None.

Regional or local variations in leave policy

- None.

Eligibility (e.g. related to employment or family circumstances)

- All employed women are entitled to 16 weeks of Maternity leave with 16 weeks' payment (100 per cent of average income), except for short-term employed women and self-employed workers who are eligible for Maternity leave only if they have a voluntary affiliation with the statutory social health insurance (SHI). Unemployed women are only eligible for maternity payment if they have completed three months' continuous employment or have been affiliated to the statutory SHI for 12 months within the last three years.
- Expectant mothers receiving the childcare benefit are entitled to 100 per cent of the childcare benefit if their Maternity leave starts before the childcare benefit ends. If the income-related childcare benefit has already ended and expectant mothers have not started to work again or are still on Parental leave (see 1c for details), they are not entitled to maternity payment.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother

- In case of danger to the health of the mother or unborn child, women are eligible to take leave earlier than eight weeks before delivery; in the case of premature births, multiple births, or births

by Caesarean section, women remain eligible for 12 weeks after birth (in exceptional cases, 16 weeks).

b. Paternity leave (responsibility of Federal Ministry of Labour, Social Affairs, Health and Consumer Protection)

Length of leave (before and after birth)

- For children born after 1 March 2017, fathers are entitled to a so-called 'family-time bonus' (*Familienzeitbonus*), which is a monetary benefit for employed fathers who dedicate their time to their family, i.e. interrupt their employment (in agreement with the employer) for a full-time leave period between 28 and 31 days (within 91 calendar days) after the birth of the child. There is no job protection during the 'family-time bonus.'
- Other collective agreements may provide a few days of special leave for fathers immediately after the birth of a child, during which time fathers receive full earnings replacement.

Payment and funding

- The family-time bonus amounts to €22.60 per calendar day. However, if the father later decides to receive the childcare benefit, the benefit will be lessened by the amount of the family-time bonus he received directly after the birth.
- Funded by the FLAF; see 1a for more details.

c. Parental leave (*Elternkarenz*) (responsibility of Federal Ministry of Labour, Social Affairs, Health and Consumer Protection and Federal Chancellery – Women, Families and Youth)

Length of leave (before and after birth)

- This leave lasts until the child reaches two years of age. The entitlement is per family.

Payment and funding

- A childcare benefit is available to all families who meet the eligibility conditions, whether or not parents take Parental leave.
- Parents whose children are born *after* 1st March 2017² can choose between the flexible flat-rate childcare benefit account and the

² For further details on Austrian leave policies before March 2017, see the Austrian country note in the *International Review of Leave Policies* for 2018 and 2017.

income-related childcare benefit. The flexible flat-rate benefit (childcare benefit account) enables parents to distribute an overall sum of about €12,366 (if only one parent receives the benefit) or €15,449 (if both parents receive the benefit) over a chosen time span, calculated in days. If only one parent applies for the childcare benefit, he or she might spend the overall sum across a period from 365 days (at a daily amount of €33.88), up to a maximum of 851 days (at a daily amount of €14.53). If both parents receive and share the childcare benefit (respecting a minimum of 20 per cent non-transferable days of all childcare benefit days requested), the money can be used within a timespan between 456 days (at a daily amount of €33.88) and 1,063 days (at a daily amount of €14.53).

- The income-related childcare benefit refunds 80 per cent of net income in the previous six months, for 365 days (if only one parent receives the childcare benefit) and up to 426 days after the birth (if both parents share the childcare benefit). The amount of the income-related option ranges up to a maximum of €66 per calendar day (€2,000 per month).
- Although calculated in calendar days, the childcare benefit is paid out monthly.
- For the flat-rate childcare benefit account, a parent may additionally earn 60 per cent of the income he or she earned in the calendar year prior to the child's birth, or at least €16,200 per year. For the income-related option, additional earnings may not exceed €6,800 a year.
- In case of employed parents, the length of the childcare benefit does not have to correspond to that of Parental leave. However, health insurance corresponds to receiving the childcare benefit and ends even if the parent might still be on Parental leave.
- If parents share their childcare benefit at a minimum ratio of 40:60, then each parent is entitled to a 'partnership bonus' payment of €500. Thus, together they receive a total of €1,000.
- Childcare benefit is funded from the FLAF; see 1a for more details. Total expenditure on this benefit in 2017 was €1,219 million.

Flexibility in use

- Parental leave may be taken by one parent only (mother or father) or by both parents on an alternating basis (the whole period can be divided into a maximum of three parts alternating between parents, with each part spanning at least two months).
- The two parents cannot take Parental leave simultaneously, except for one month the first time they alternate leave; during this month both parents can receive the childcare benefit (however, the overall sum of the childcare benefit stays the same); in this case, Parental leave ends one month earlier (i.e. one month before the child's second birthday).

- The parents cannot change their chosen childcare benefit option. Within the flat-rate childcare benefit account, they can change the duration once (which may lead to back payment or repayment demands). If parents choose the income-related option and one parent does not fulfil the employment or income requirements (i.e. was not employed or earnings were not high enough), he or she receives a childcare benefit of €33.88 per calendar day, which corresponds to the daily amount paid in the shortest duration of the childcare benefit account.

Regional or local variations in leave policy

- None.

Eligibility (e.g. related to employment or family circumstances)

- All employed parents are entitled to take Parental leave, regardless of their parental status (i.e. as biological, adoptive, or foster parents), partnership status, or sexual orientation. In addition, only legal residence in Austria is required (not citizenship) in order to obtain leave.
- There is no entitlement to take Parental leave for self-employed parents; however, they can claim both the childcare benefit options under the same conditions as applied to employees.
- All parents with a legal residence in Austria, regardless of their employment status and their citizenship, are entitled to receive the flat-rate childcare benefit account.
- In the case of parents living separately, but sharing custody of the child, both parents are eligible to receive and share the childcare benefit, in the same way as parents living together. There are no specific provisions for single parents.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent; or delegation of leave to person other than parent)

- In the case of multiple births, the amount of the childcare benefit account (not the income-related childcare benefit) is increased by 50 per cent for each additional child.
- In the case of one of the two parents being prevented from using the childcare benefit due to death, a prison sentence, or other extreme circumstances, the available parent may use the full amount of the childcare benefit account (not the income-related childcare benefit).³

³ Lone parents who do not yet receive alimony may receive the childcare benefit account (N.B. not the income-related childcare benefit) extended by a further 91 days. After divorce/separation, custodial parents should receive alimony

Additional note (e.g. employer exclusions or rights to postpone)

- Each parent has the possibility of postponing three months of Parental leave, up until the child's seventh birthday (or school entry).

d. Childcare leave or career breaks

- Employees have the possibility of taking between two and 12 months off for private reasons (e.g. further education or family reasons). It is based on labour legislation, a mutual agreement between employer and employee, and is unpaid: it is, therefore, not a statutory entitlement. This leave period is unpaid, though if leave is taken for educational reasons, it is possible to receive a further training allowance from unemployment insurance funds (though the employee also must meet the eligibility criteria for unemployment benefit and the employer must recruit a substitute for the duration of the leave).

e. Other employment-related measures

Adoption leave and pay

- For adoptive and foster parents, the same regulations for Parental leave and the childcare benefit apply as for other parents.

Time off for the care of dependants

- Two weeks' (average working week) leave per year, per employee to care for sick children under the age of 12, and one week for other dependants/family members needing care, with full earnings replacement.
- There are two different types of care leave. Firstly, employees have a statutory right to take a maximum of six months' family hospice leave (*Familienhospizkarenz*) for the purpose of nursing terminally ill family members or seriously ill children. If the leave is taken for severely ill children, it can be extended to nine months. The leave for care of severely ill children may be renewed twice (each time for another nine months). Those eligible for the family hospice leave are relatives within the direct ascending or descending family line, including adoptive parents, partners, and registered partners of a parent, and parents of children living in a separate household. Secondly, if their employer agrees, employees may take long-term care leave (*Pflegekarenz*) to

from their former spouses – if they do not, or the ex-partner does not pay, childcare benefit is extended.

organise care or provide care for frail dependants/family members for a duration of three months (initially) per dependent. The minimum duration for this leave is one month. It can be extended from three months to six months (per dependent) if the health status of the dependent person worsens substantially.

- Slightly different regulations apply for public sector employees, but self-employed persons are not eligible for these care leave models. Employees are entitled to a cash benefit (*Pflegekarenzgeld*) during long-term care leave or family hospice leave to care for sick children or dependants/family members respectively. Eligible family members are relatives within the direct ascending or descending line, including siblings, adoptive parents, step-parents, step-children, partners or registered partners of a parent, and in-laws. It amounts to 55 per cent of net average income per calendar day. The maximum duration for the payment is six months per employee (or 12 months per dependent person, if the leave is shared). Low-income families may claim subsidies for family hospice leave, if the leave causes financial distress (funded from FLAF, see section 1a). Since 2017, care by relatives has also become accounted for under inheritance law in Austria. People who have personally provided unpaid, intensive care for a close relative for at least six months in the three years before the relative's death may receive a financial compensation after the relative's death under this regulation.

Flexible working

- Parents with children born after 1 July 2004 are entitled to work part-time until the child's seventh birthday (or school entry) if they are working in companies with more than 20 employees, and if they have been continuously employed with their present employer for at least three years. The reduction in working time must amount to at least 20 per cent of their previous working time. It is not possible to work part-time for fewer than 12 hours per week. The regulations also include the right to change working hours within the day (e.g. from morning to afternoon) without reducing the number of working hours, as well as the right to return to full-time employment. Parents working in companies with fewer than 20 employees may enter into an agreement regarding part-time work with their employer, up until the child's fourth birthday.
- Parents are protected against dismissal until their child's fourth birthday if they work part-time under the entitlement outlined above. During the remaining period of part-time work (i.e. until the child's seventh birthday or school entry) they are protected against dismissal without grounds.
- Caregivers for frail or sick dependants/family members are entitled to work part-time (family hospice leave) or agree on a

part-time arrangement with their employer (long-term care leave). For long-term care leave, a minimum working time of ten hours per week is obligatory. Payment during both care leave models is calculated proportionately (and while considering the minimum income threshold, in alignment with the lower limit of the unemployment benefit scheme).

Specific provision for (breast)feeding

- Mothers are entitled to 'nursing' leave of 45 minutes per day out of 4.5 - 8 working hours. If a mother works 8 hours or more, she is entitled to a daily nursing leave of two times 45 minutes (or one break of 90 minutes).

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal Parental leave available in Austria is 24 months. There is an entitlement to ECEC from five years of age, though only for part-time kindergarten (16 hours per week): attendance is obligatory. That is to say, there is a gap of three years between the leave ending and ECEC entitlement beginning, and a gap of 46 months between the end of the income replacement benefit (if that option is chosen) and any ECEC entitlement. Levels of attendance at formal services for children under the age of three years are below the average for the countries included in this review and for OECD countries. However, they are close to the average for children over of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2018 (including proposals currently under discussion)

Since January 2019 employed parents have received an additional 'family bonus' (tax credit) of up to €1,500 per child, every year until the child's 18th birthday.

Since February 2019, discussion around a legal claim to a month of job-protected Paternity leave for all employed fathers has arisen. To date, fathers' employers must agree to a father's 'family time' (see 1b) and only employees in public services have a legal claim to take Paternity leave for up to four weeks.

4. Take-up of leave

a. Maternity leave

It is obligatory for employees to take Maternity leave and almost all mothers are eligible (see section 1a); the take-up of leave, therefore, corresponds to the number of births.

b. Paternity leave

No statutory entitlement, and therefore no data is available.

c. Parental leave

Data shows that almost all eligible (i.e. formerly employed) mothers – between 93 and 96 per cent – took up Parental leave in the final years of the previous scheme. Since replacing the Parental leave benefit with the new childcare benefit in 2002, there has only been information regarding the number of women and men taking up the new benefit, which is different from the number of people taking up Parental leave (i.e. both parents who are on leave and parents who are not on leave alike are able to receive the new childcare benefit). There is no way of using these recent figures to ascertain what proportion of parents take Parental leave, plus it is doubtful that such data will be available in the future.

Parental leave for fathers was introduced in 1990, and the proportion of men taking it has always been very low (between 0.6 and 2 per cent). As there are no official statistics on the uptake of Parental leave, it is difficult to know how many fathers currently take it. Some studies address this issue, but the percentages vary significantly depending on the population under study. Official statistics⁴ indicate that in about 19 per cent of all cases where parents received the childcare benefit, the father also received the benefit. Looking at the different options of the childcare benefit, fathers were recipients of the income-related childcare benefit in 30.7 per cent of all cases in this option, whereas in the flat-rate option, fathers' participation rates ranged from 10.3 per cent in the longest duration, to 26.7 per cent in the shortest duration (data from February 2018, applicable to children born before 1 March 2017). According to monthly statistics⁵ on the childcare benefit (cross-sectional

⁴ Austrian Federal Chancellery (2018) 'Statistics Childcare Allowance' (*Auswertung Kinderbetreuungsgeld und Väterbeteiligung*). Available at: <https://www.frauen-familien-jugend.bka.gv.at/dam/jcr:44ccac58-8d8b-40f4-9953-a85ffafeed65/Väterbeteiligung%20Bundesländer%20Stand%20April%202017.pdf>

⁵ See: <https://www.frauen-familien-jugend.bka.gv.at/familie/finanzielle-unterstuetzungen/kinderbetreuungsgeld-ab-1.3.2017/monatsstatistik.html>

data at a specific point in time), the percentage of participating fathers is much lower (about 5 per cent). This is for two main reasons: firstly, fathers generally take shorter periods of leave than mothers do and, secondly, the benefit is often shared between both parents. Therefore, fathers appear less often in the monthly statistics.

d. Other employment-related measures

In 2014, when the cash benefit for people on care leave (*Pflegekarenzgeld*) was introduced, there was a total of 2,323 recipients. Of these beneficiaries, 54.2 per cent used the long-term care leave model (*Pflegekarenz*); 5.3 per cent used the same model working part-time (*Pflegekarenzteilzeit*); and 40.5 per cent used the family hospice leave model. The number of beneficiaries has been steadily increasing, with 2,634 people using this paid leave model in 2017. In addition, 190 people received a means-tested subsidy in 2016.⁶ Schmidt, Fuchs, and Rodrigues (2016) report an uptake rate of 2.5 per cent, based on estimates regarding the eligible number of employees.⁷ The average duration of the long-term care leave model amounted to 82.6 days in 2014: i.e. slightly below the three months that this model allows for initially.⁸ About 70 per cent of employees taking leave from work to care for a frail or sick dependants/family members (i.e. long-term care leave or family hospice leave) are women.⁵ Reconciliation works only to a limited extent, according to a qualitative study carried out in 2015/2016.⁹

⁶ BMASGK (*Bundesministerium für Arbeit, Soziales, Gesundheit und Konsumentenschutz*) (2018) 'Austrian long-term care report' (*Österreichischer Pflegevorsorgebericht*); 'Parliamentary inquiry 6489/J on behalf of the Greens respective long-term care leave' Parlament (2015), (*Anfragebeantwortung der Anfrage Nr. 6489/J der Grünen betreffend Pflegekarenz und Pflegezeit*) (2015).

⁷ Schmidt, A.E., Fuchs, M., Rodrigues, R. (2016) 'Policy brief: juggling family and work – leave from work to care informally for frail or sick family members – an international perspective,' Vienna: European Centre for Social Welfare Policy and Research.

⁸ Parlament (2015).

⁹ Sardadvar, K. and Mairhuber, I. (2018) 'Employed family carers in Austria: the interplay of paid and unpaid work – beyond 'reconciliation', *Österreichische Zeitschrift für Soziologie*, 43, 61-72.