

# Austria<sup>1</sup>

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NB. 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 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.

*Payment and funding*

- 100 per cent of average income for the last three months of employment before taking leave for employees, with no ceiling. Freelance workers receive income-based Maternity benefit; marginally employed self-insured women receive a flat-rate payment of €8.91 a day; while self-employed women who pursue a trade and farmers are eligible for 'operational support' (i.e. financial or other support to maintain their business) as a form of maternity benefits, but if no operational support is granted, they can claim a flat-rate payment of €52.69 a day. Eligible unemployed women or women receiving Childcare benefit are entitled to 180 per cent of previous unemployment benefit.
- Funded partly (70 per cent) from *Familienlastenausgleichsfond* (FLAF – Family Burdens Equalisation Fund), financed by contributions from employers (4.5 per cent of each employee's salary bill) and from general taxes; and partly (30 per cent) from public health insurance. In 2014, the total expenditure on Maternity leave (i.e. maternity pay and the payment for operational support) was €461 million.

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*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 Maternity leave with 16 weeks payment (100 per cent of average income), except for short-time employed women and self-employed workers who are eligible for Maternity leave only if they are voluntarily health-insured.
- Unemployed women are eligible for maternity payment only if they have completed three months continuous employment or have been compulsorily health-insured for 12 months within the last three years.

*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 case of premature or multiple births or births by Caesarean section, women are eligible for 12 weeks after birth (in exceptional cases even 16 weeks).

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

- There is no statutory entitlement. Public sector workers are entitled to a month of leave, which is unpaid. Other collective agreements may provide a few days of leave for fathers immediately after the birth of a child, during which time fathers receive full earnings replacement.
- 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 exclusively dedicate their time to their family within 91 calendar days after the birth of the child, i.e. interrupt their employment (in agreement with the employer) for a full-time leave period between 28 and 31 days. The family time bonus amounts to € 22.6 per calendar day. However, if the father, at a later date, decides to receive the Childcare benefit, the benefit will be lessened by the amount of the family-time bonus he has received right after birth. There is no job protection during the take-up of the family time bonus.

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

*Length of leave (before and after birth)*

- Until the child reaches two years. This entitlement is per family.

*Payment and funding*

- **For parents whose children are born *before* 1 March 2017:**

A Childcare benefit is available to all families who meet the eligibility conditions, whether or not parents take Parental leave. Parents can choose between five payment options: four flat-rate and one income-related:

- €436 a month for 30 months or for 36 months if both parents apply for the payment (30+6 bonus months' option);
  - €624 a month for 20 months or 24 months (20+4 bonus months' option);
  - €800 a month for 15 months or 18 months (15+3 bonus months' option),
  - €1,000 a month for 12 months or 14 months for those earning less than €1,000 income a month (12+2 bonus months' option);
  - 80 per cent of the last net income for 12 months or 14 months for those earning between €1,000 and €2,000 a month (12+2 bonus months' income-related option).
- On any of the four flat-rate Childcare benefit options, a parent may additionally earn 60 per cent of the income they earned in the calendar year prior to the child's birth or at least €16,200 a year. For the earnings-related option, additional earnings may not exceed €6,400 a year.

**For parents whose children are born *after* 1 March 2017:**

- Parents may choose between the flexible flat-rate Childcare benefit account and the income-related Childcare benefit.
- The existing four flat-tax payment options were replaced with a new flexible payment scheme (Childcare benefit account), where parents can distribute an overall sum of about €15,449 (if both parents take leave) or €12,366 (if only one parent takes leave) over a specific time span. The amount of the Childcare benefit can range between €33.88 and €14.53 per calendar day and depends on the duration the benefit is received. If only one parent uses the leave, he or she might consume the overall sum within a time span of 365 (with a daily amount of €33.88€) to 851 days (with a daily amount of €14.53). If both parents take-up the Childcare benefit (respecting a minimum duration of 61 calendar days per parent), the money is to be used within 456 and 1063 days. A parent may earn an additional €16,200 or 60 per cent of the previous income per year.
- The income replacement option, however, will stay in place.
- If parents share their leave in equal parts or 60:40, then each parent is entitled to a 'partnership bonus' payment of €500.
- Childcare benefit is funded from the FLAF; see 1a for more details. Total expenditure on this benefit in 2015 was €1.135 million.

*Flexibility in use*

- 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 at least two months).
- The parents can change the chosen Childcare benefit scheme once (i.e. the combination of daily amount and duration).
- Each parent has the possibility to postpone three months of Parental leave, to use up to the child's seventh birthday (or school entry at a later date).
- Both parents cannot take leave at the same time 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 that case, Parental leave ends one month earlier (i.e. one month before the child's second birthday).

*Regional or local variations in leave policy*

- None.

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

- All employees are entitled to take Parental leave.
- There is no entitlement to take Parental leave for self-employed workers; however, they can claim Childcare benefit under the same conditions as applied to employees.

*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 case of multiple births, the amount of the Childcare benefit via the "account" option (not the income replacement option) will be increase by 50 per cent for each additional child.
- In case of one of the two parents being prevented from using the Childcare benefit due to death, prison or other severe reasons, the available parent may use the full amount of the Childcare benefit, usually only available if both parents take leave.

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

- None.

**d. Childcare leave or career breaks**

- Employees have the possibility to take between two and 12 months' time off for private reasons (e.g. further education, family reasons). It is based on labour legislation and on a mutual agreement between employer and employee and is unpaid; it is not, therefore, a statutory entitlement. The 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 has to meet the eligibility criteria for unemployment benefit and the employer has to recruit a substitute for the period of leave).

**e. Other employment-related measures**

*Adoption leave and pay*

- For adoptive parents the same regulations for Parental leave apply as for other parents.

*Time off for the care of dependants*

- Two weeks (average working week) leave a year per employee to care for sick children under the age of 12 years, and one week for other dependants/family members needing care, with full earnings replacement.

There are two different forms of care leaves. Firstly, employees have a statutory right to take at maximum six months of family hospice leave (*Familienhospizkarenz*) for the purpose of nursing terminally ill family members or seriously ill children. If the leave is taken for ill children, it can be extended to nine months. Entitled family members are relatives in the direct ascending or descending line, including adoptive parents, partners and registered partners of a parent, and children living in a separate household. Secondly, since January 2014, if their employer agrees employees may take a long-term care leave (*Pflegekarenz*) to organise care or 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 to six months (per dependent) if the health status of the dependent person worsens substantially. Slightly different regulations apply for public sector employees. Self-employed persons are not eligible for the care leave models while unemployed persons are. Since January 2014, 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. Entitled family members are relatives in 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.

#### *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 at a later date) 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 of working time must amount to at least 20 per cent of previous working time. It is not possible to work part-time below 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 and the right to return to full-time employment. Parents working in companies with less than 20 employees may enter into an agreement on part-time work with the employer to the child's fourth birthday (see above Parental leave).
- Parents are protected against dismissal until their child's fourth birthday. During the remaining period of part-time work (i.e. until the child's seventh birthday or school entry at a later date) protection against dismissal without grounds is provided.
- 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 leaves, a minimum working time of ten hours per week is obligatory. Payment during both care leave models is calculated proportionately (under consideration of a minimum income threshold).

#### *Specific provision for (breast-)feeding*

- None.

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

The maximum period of post-natal leave available in Austria is 24 months. As there are five payment options available, this is mostly paid at a low flat rate. However, there is one option available which is paid at 80 per cent of earnings over a 12-14 months period (high paid earnings-related Maternity leave runs until eight weeks after birth). There is an entitlement to ECEC from five years of age, though only for part-time kindergarten (16 hours per week); attendance is obligatory. So there is a gap of three years between the end of leave and an ECEC entitlement, and a gap of 46 months between the end of the duration of the income replacement benefit (if this option is chosen) and an ECEC entitlement. Levels of attendance at formal services for children under three years are below the average for the countries included in this review and for OECD countries; but are close to the average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2016 (including proposals currently under discussion)**

In March 2017, the new regulations on the childcare benefit, the family-time bonus and a partnership bonus came into force; see 1c for more details.

## **4. Take-up of leave**

### **a. Maternity leave**

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

### **b. Paternity leave**

No statutory entitlement.

### **c. Parental leave**

Data provide evidence that almost all eligible (i.e. formerly employed) mothers – between 93 and 96 per cent – took up Parental leave in the last years of the previous scheme. Since the replacement of the Parental leave benefit by the new Childcare benefit in 2002, there is only information on the number of women and men taking Childcare benefit, which is different to the number of persons taking up Parental leave (i.e. parents not on leave receive Childcare benefit as well as those who are taking leave). There is no way of telling from these figures what proportion of parents take Parental leave and it is doubtful whether data on the take-up of Parental leave will be available in the future.

Parental leave for fathers was introduced in 1990, and the proportion taking it was always very low (between 0.6 and two per cent). As there are no official statistics on the take up of Parental Leave, it is difficult to know how many fathers currently take Parental Leave. Some studies address this issue but the percentages vary significantly depending on the population under study. The monthly official statistics (cross sectional data at one point in time) on Childcare benefit indicate a very low percentage of participating fathers. This is due to the fact that fathers mainly take

shorter periods than mothers - they choose the shorter option more often than women, as the payment is higher than for the longer options -and therefore appear less often in the statistics. Looking at fathers who have taken any period of Childcare benefit, the percentage is much higher, varying between the different options from 10.99 per cent to 29.72 per cent (May 2016).

The official website of the Ministry of Families and Youth no longer reports on the use of the five Childcare benefit options *separately for mothers and fathers*. Therefore recent data for February 2017 refer to all parents during their first year of using the benefit: around 32 per cent opted for the long model (30+6 months), 26 per cent for the second model (20+4), six per cent for the model 15+3, six per cent for the flat rate 12+2 and around 29 per cent for the income related model 12+2.

#### **d. Other employment-related measures**

In 2014, when the cash benefit for people on care leave (*Pflegekarenzgeld*) was introduced, a total of 2,323 people received this benefit. 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 increased to 2,600 people in 2015<sup>2</sup>. Schmidt, Fuchs and Rodrigues (2016) report a take-up rate of 2.5 per cent based on estimates regarding the eligible number of employees<sup>3</sup>. 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<sup>4</sup>. About two thirds of employees taking a care 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<sup>5</sup>.

### **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

#### **a. General overview**

Research on Maternity leave is rare because the entitlement is so well established and widely accepted; research on Parental leave is often linked on the one hand to the broader issue of work–life balance and flexible working schemes for parents with young children; and on the other hand to the issue of gender equality and gender-

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<sup>2</sup> BMASK (Bundesministerium für Arbeit, Soziales und Konsumentenschutz) (2015), Ein Jahr Pflegekarenzgeld [One year cash benefit for long-term care leave], Wien, available at [http://www.sozialministerium.at/site/Startseite/News/Ein\\_Jahr\\_Pflegekarenzgeld](http://www.sozialministerium.at/site/Startseite/News/Ein_Jahr_Pflegekarenzgeld) (accessed on 10 April 2017); Parlament 2015, Anfragebeantwortung der Anfrage Nr. 6489/J der Grünen betreffend Pflegekarenz und Pflegeteilzeit [Parliamentary inquiry 6489/J on behalf of the Greens respective long-term care leaves], Wien 3.11.2015.

<sup>3</sup> Schmidt, A.E., Fuchs, M., Rodrigues, R. (2016) Juggling family and work – Leaves from work to care informally for frail or sick family members – an international perspective, Policy brief (September 2016), Vienna: European Centre for Social Welfare Policy and Research.

<sup>4</sup> Parlament 2015.

<sup>5</sup> Parlament 2015; AK NÖ (Kammer für Arbeiter und Angestellte für Niederösterreich), Analyse Familienhospizkarenz 2002-2012, Wien 2012.

specific division of paid and unpaid labour. In general there have been a lot of evaluation studies on leave-related policy measures – especially on the Childcare benefit – in the last few years. This is due to the recently introduced legal obligation to evaluate the effects of new regulations within two years. Particular attention in these evaluation studies (but also an issue for research in general) has been paid to the role of fathers and their participation in childcare. Recently, too, there are several evaluation studies on part-time work for parents.

## **b. Selected recent publications**

Schmidt, A.E., Fuchs, M., and Rodrigues, R. (2016) *Juggling family and work – Leaves from work to care informally for frail or sick family members – an international perspective*, Policy brief (September 2016), Vienna: European Centre for Social Welfare Policy and Research. Available at:

[http://www.euro.centre.org/data/1474279866\\_17410.pdf](http://www.euro.centre.org/data/1474279866_17410.pdf)

This Policy brief aims to draw some lessons for the design and improvement of care leave policies in selected countries (Austria, Germany, the Netherlands, France, Italy and Canada). Secondly, it highlights the challenges involved in implementing care leave regulations in practice. The findings in this Policy Brief are based on the in-depth examination of 22 existing care leave regulations in the six analysed countries. For the analysis, initially seven key policy objectives were defined which are deemed of particular relevance for improving reconciliation of employment and informal care for disabled, frail or sick relatives. These are caregivers' labour market attachment, universal coverage, legal security, flexibility, income security, social security, and gender equality. These also represent the dimensions against which the underlying rationales of care leave models are compared across countries. As a measure to relieve working carers for frail or sick relatives, the analysed leave models can be considered a unique form of support, especially in allowing carers to deal with a new situation at the (immediate) onset of a care need, and in caring for and spending time with dying relatives. However, the Policy brief also shows that in most cases care leaves do not exceed a few months, while the need for care and support frequently continues over several years.

Schiffbänker, H. and Bergmann, N. (2016) *Work-life Balance and Fathers in Austria? - Empirical Evidence at the Company Level*; In: Crespi, Isabella; Ruspini, Elisabetta (Eds.) *Balancing Work and Family in a Changing Society. The Fathers' Perspective*, pp. 113-128.

Against the background of changing formal care regulations in Austria, this contribution discusses the implementation of these policies at company level and its impact on men's care involvement. Two factors are seen relevant for fathers' to take up Parental leave and to realise a Work-Life-Balance (WLB) after re-entering labour market: an organisational culture that respects WLB issues as daily practice and where fathers are widely supported and a sector that is dominated by female employees with long experience in WLB-issues. The contribution demonstrates that for both, an organisational culture that puts WLB into practice and a sector with dominantly female employees, individual dispositions decide about if and how WLB is implemented at company level. It argues that more formalised equality policies like collective agreements and statutory standards with sanctions are needed to guarantee WLB in a broader perspective and to foster WLB as an issue also for men.

Schadler, C., Rieder, I., Schmidt E., Zartler, U. and Richter, R. (2017) *Key practices of equality within long Parental leaves*; *Journal of European Social Policy*, January 2017, pp. 1-13.

The birth of a child often reinforces an unequal division of employment and care work among heterosexual couples. Parental leave programmes that foster long leaves tend to increase this inequality within couples. However, by investigating a



particularly long Parental leave system, the article shows that specific practices enable parents to share care work equally. The ethnographic study includes interviews with heterosexual couples, observations in prenatal classes and information material available to parents. Specific sets of practices – managing economic security, negotiating employment, sharing information with peers and feeding practices – involved parents who shared care work equally and parents who divided care work unequally. Contingent on specific situated practices, the arrangement of care work shifted in an equal or unequal direction. Even within long Parental leaves, equality between parents was facilitated when economic security was provided through means other than income, when work hours were flexible, mothers had a close relationship to work, information on sharing equally was available and children were bottle-fed. Consequently, an equal share of care work is not the effect of solely structural, individual, cultural or normative matters, but of their entanglement in practices.

### **c. Ongoing research**

*Men and Reconciliation of Work and Family: Supporting the Path to Gender Equal Distribution of Parental Leave and Working Time (2015-2017).*

This EU project is supported by the European Union Program for "Rights, Equality and Union Citizenship" (2014-2020). It is coordinated by the Ministry of Labour, Social Affairs and Consumer Protection (project partners: BMGF, L&R, FORBA, social partners, AK, ÖGB and IV). The project pursues inter alia the target to identify promoting and hindering factors for a better reconciliation of work and family for men in Austria.

*Changing Families and Sustainable Societies: Policy Contexts and Diversity over the Life Course and Across Generations (Families And Societies) (2013-2017)* - funded by the European Union; Austrian partner: The Department of Sociology, University of Vienna.

The main objectives of this project are to investigate the diversity of family forms, relationships, and life courses in Europe; to assess the compatibility of existing policies with these changes; and to contribute to evidence-based policy-making. The project intends to extend the knowledge on how policies promote well-being, inclusion and sustainable societal development among families. See: <http://www.soz.univie.ac.at/forschung/drittmittelprojekte/>