

Austria¹

Eva-Maria Schmidt (Österreichisches Institut für Familienforschung/ Austrian Institute for Family Studies) and **Andrea E. Schmidt** (Gesundheit Österreich GmbH / Austrian National Public Health Institute)

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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 Social Affairs, Health, Care 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

¹ Please cite as: Schmidt, E.-M. and Schmidt, A.E. (2020) 'Austria country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2020*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

maternity benefits. If no operational support is granted, they can claim a flat-rate payment of €56.03 per day. Marginally employed, self-insured women receive a flat-rate payment of €9.47 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 2018, 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 Social Affairs, Health, Care 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.
- Since September 2019, all employed fathers who live in the same household with mother and child have a legal claim to a month of job-protected Paternity leave. These fathers are protected against dismissal four months before, during and four weeks after the 'family-time bonus.' Before, fathers' employers had to agree to a father's 'family time' and only employees in public services had a legal claim to take Paternity leave for up to four weeks.
- 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 Social Affairs, Health, Care and Consumer Protection and Ministry of Labour, Family 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 can choose between the flexible flat-rate childcare benefit account and the 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 2018 was €1,209 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).²

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. This regulation also applies for adoptive and foster parents of sick children. A leave can be taken for a partner's child only if the child lives in the same household. Accompanying a child under the age of 10 years during an inpatient stay at the hospital is also possible. If a medical certificate is requested by the employer, costs of the certificate need to be borne by the employer.

² 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 from their former spouses – if they do not, or the ex-partner does not pay, childcare benefit is extended.

- If the child's main carer falls sick or becomes unavailable (e.g. grandmother), parents are also entitled to stay at home with their child (based on the respective law *Urlaubsgesetz §16*).
- There are two different types of longer 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. 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 (i.e. in total up to a maximum of 27 months). Eligibility is the same as for the care allowance (*Pflegekarenzgeld*) described below.
- Secondly, if their employer agrees, employees who have worked with their employer for three preceding months³ may take long-term care leave (*Pflegekarenz*). This leave allows caregivers to organise (formal) care or provide (informal) 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. While in general the employer has to agree to this type of leave, a new regulation was introduced as of 1st January 2020 within this model: It foresees a right to a care leave for two weeks with possibility for extension for another two weeks. The right to care leave is granted only in enterprises with more than five employees.
- 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.

³ Exceptions to the minimum working time with their employer apply for seasonal workers.

Flexible working

- Parents 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 (*Elternteilzeit*). 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). In September 2019 a law was passed which grants employees the right to take a part-time care leave for two weeks from 1st January 2020 onwards, with possibility for extension of another two weeks. 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 the age 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 2019 (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. The new government in Austria, in place since January 2020, plans to increase the amount of family bonus up to €1,750 per child.

In September 2019 a law was passed which grants working caregivers of frail or disabled family members the right to go on care leave, applicable as of 1st January 2020. Up until then, the employer had to agree to the care leave (in the case of leaves exceeding a short period).

Policy response to the Covid-19 pandemic up to end June 2020

Childcare and schools

- ECEC has not been closed but officially was open for parents who needed it. However, during the first weeks most of the parents did not use ECEC and institutions were only open on demand. In particular, children from key workers were welcomed, i.e. people working in critical infrastructure (food, energy, health, social and public services, traffic, telecommunication).
- Schools were closed from 16/03/2020 until the end of April/mid May. They were re-opened step by step as of 04/05/2020 for those who were finishing their school career this year (about 100.000 pupils). On 18/05/2020 all pupils of compulsory school age started again (about 700.000 children). From 02/06/2020 onwards all non-compulsory upper grades and vocational training schools opened again. All classes were divided in two groups and only 50% were taught at once (in shifts).

Parental leave

- Regular leave options were accessible. Furthermore, parents' employers could agree to three weeks special leave due to closed schools and ECEC.

- Since 15/04/2020 parents can claim for a special compensation for hardships for families (*Corona Familienhärteausgleich*) when they receive family allowance (*Familienbeihilfe*), live in the same household with their child(ren) and when their main residence is in Austria. Parents can receive up to €1.200 per child and month for three months at the longest, depending on income and kind of hardship (short-time work, unemployment, etc). In sum, benefits amounting to 995.000 EUR have been approved, 775.000 EUR have been disbursed (as of 21/06/2020). Since 08/07/2020 funds for the special compensation for hardships for families have been doubled to support families in need (to a total of 60 Mio. Euro).
- Until 30/09/2020, parents' employers can agree to three weeks special leave (*Sonderbetreuungszeit*) in sum due to closed schools and ECEC; on a weekly, daily or half-day basis. Thus, only employed parents had access to this special leave. They have to make an agreement with their employer who has to continue salary payment and can claim for one-third of the resulting costs.
- Data from 23rd June 2020: 9.491 families have successfully claimed this special leave, nearly 12.000 children and elderly relatives have been cared for. Predominantly (98%), this leave has been used for caring for children up to 14 years. About 2.500 companies have submitted claims for a support. Update from 10th July 2020: In total, the number of families who have used the leave increased to 15.000.

Other measures for parents and other carers

- The special leave regulation also applies in case of care for a relative for whom privately paid assistant ("24-hour carer") is no longer available. These assistants are primarily migrants from Austria's neighboring countries who have been facing difficulties in entering the countries due to the crisis.
- In addition, the special leave is granted for caregivers of people with disabilities independent of the age of the person cared for. The special leave regulation applies if care is provided voluntarily at home or if the institution (e.g. day care) where the disabled person is usually cared for is temporarily closed. Similarly, people with disabilities who have a personal assistant who is not available due to the crisis, may be cared for using the special care leave regime, regardless of whether the caregiver lives in the same household or not.
- There are gastro-vouchers in Vienna, for all households living in Vienna, to support gastronomy after lock down.
- In September 2020, families are going to receive a special single benefit of €360 per child in the household together with regular family allowance.

4. Uptake 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

Monthly statistics on take-up of 'family time' show an increase in numbers of fathers that claim family time. Currently, about 900 fathers per month receive the 'family time bonus' during their paternity leave.

c. Parental leave

Data show 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

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>

February 2018, applicable to children born before 1 March 2017). According to monthly statistics⁵ on the childcare benefit (cross-sectional 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 (*Pflegekarengeld*) 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, 237 people received a means-tested subsidy in 2017.⁶

A study to evaluate the long-term care leave (*Pflegekarenz*) was recently published by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection (under the government in place from 2017 to 2019). The evaluation shows that two thirds of care leavers are women. Caregivers have a relatively low income and live in municipalities with a smaller population size. The study presents a detailed analysis of the labour market situation of caregivers before and after using the care leave.⁷

Schmidt, Fuchs, and Rodrigues (2016) report an uptake rate of 2.5 per cent, based on estimates regarding the eligible number of employees⁸,

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- ⁵ See: <https://www.frauen-familien-jugend.bka.gv.at/familie/finanzielle-unterstuetzungen/kinderbetreuungsgeld-ab-1.3.2017/monatsstatistik.html>
- 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' Parliament (2015), (*'Anfragebeantwortung der Anfrage Nr. 6489/J der Grünen betreffend Pflegekarenz und Pflegezeit'*) (2015); Information directly provided by the Ministry of Health, Social Affairs, Care and Consumer Protection
- ⁷ Klotz, J. and Scharf, R. (2020) *Studie zur Vereinbarkeit von Beruf und Pflege bei NutzerInnen von Pflegekarenz/-teilzeit: Integrierte Evaluierung durch Registerforschung und Befragung von NutzerInnen. Sozialpolitische Studienreihe, Band 27*. Vienna: Ministry of Labour, Social Affairs, Health and Consumer Protection.
- ⁸ Schmidt, A.E., Fuchs, M. and 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.

while Nagl-Cupal and colleagues (2018)⁹ report a take-up rate of 5 percent among main caregivers. 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.¹⁰ About 70 per cent of employees taking leave from work to care for 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 2015/2016.¹¹

⁹ Nagl-Cupal, M., Kolland, F., Zartler, U., Mayer, H., Bittner, M., Koller, M., Parisot, V. and Stöhr, D. (2018) *Angehörigenpflege in Österreich. Einsicht in die Situation pflegender Angehöriger und in die Entwicklung informeller Pflegenetzwerke*. Wien: BMASGK.

¹⁰ Parlament (2015).

¹¹ Sardadvar, K. and Mairhuber, I. (2018) 'Employed family carers in Austria: the interplay of paid and unpaid work – beyond 'reconciliation',' *Österreichische Zeitschrift für Soziologie*, Vol.43, 61-72.