



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	Austria
Title:	Last gender based element for the calculation of statutory pension is eliminated
Date:	25 February 2016
Expert:	Martina Thomasberger
<u>Context</u>	
Issue at stake:	Equal treatment in systems of social security, and equal actuarial factors for men and women
Ground of discrimination:	Sex
Sources:	Legislation
Field:	Statutory social security
Applicable law:	Paragraph 248 General Act on Social Security (<i>Allgemeines Sozialversicherungsgesetz</i>) and Ordinance BGBl III 557/1985 (<i>Verordnung betreffend Faktoren für den besonderen Steigerungsbetrag</i>)

Content

Law development: Austria is about to eliminate the last gender based differentiation of benefit calculation in the social security system. Austria has a contribution based statutory social security system that covers occupational accidents and diseases, health insurance, unemployment insurance, disability benefits, and retirement pensions. Retirement pensions are calculated based on a percentage of all gross annual earnings of employees or self-employed persons during the course of their occupational activity; in cases of unemployment or sickness and for parents during the first four years of child-rearing contributions are paid by the public authorities, but only on relatively low levels. The amount of actual pensions is dependent on the individual sum of contributions and on the duration of contribution payments during a work life.

Individual pension amounts can be increased by paying voluntary annual contributions into the social security system which result in an additional pension amount (*Höherversicherung*) based on special actuarial tables. The resulting additional amounts have until now been calculated according to actuarial factors that were different for men and women and that lead to slightly higher additional pension amounts for women.

Following the ECJ ruling C-318/13, X vs Finland, European Union member states are obliged to eliminate gender specific actuarial factors in all social security systems. The competent Ministry for Labour, Social Security and Consumer Protection (*Bundesministerium für Arbeit, Soziales und Konsumentenschutz, BMASK*) is therefore changing the ordinance that contains the actuarial factors for the increased pension amount. The new ordinance will enter into force on 1 April 2016 and will be applied to all voluntary contributions paid after this date.

Key points of analysis: The statutory social security systems do not contain norms for the calculation of benefits that are in any way based on gender specific factors, except for the now expiring actuarial tables for the additional pension amount (*Höherversicherung*). This is now being eliminated and replaced by unisex tables that do not differentiate between the sexes.

Internet link source: Not yet available.