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FLASH REPORT

Country:	Austria
Title:	Improved regulations for parental leave
Date:	18 October 2019
Expert:	Martina Thomasberger
Context	
Issue at stake:	Parental leave
Grounds of discrimination:	Sex, Gender
Field of application:	Family leave, Equal pay
Source:	National legislation
Applicable law:	Maternity Protection Act and Fathers' Parental Leave Act ¹

Content

Law: Early June 2019, the Government coalition of the conservative People's Party (*Österreichische Volkspartei, ÖVP*) and the right-wing Freedom Party (*Freiheitliche Partei Österreichs, FPÖ*) was ended in the aftermath of the 'Ibiza' scandal.² Parliament voted the Government out in a motion of no confidence, making way for the Federal president to install a transitory Government of experts until the next parliamentary elections in September 2019. The end of the coalition has opened parliamentary proceedings to find majorities among the different parties in order to pass legislative proposals that had been entered into parliamentary proceedings by the opposition but had been voted out of the plenary sessions by the coalitions parties, who held a majority of votes.³

The Social Democratic Party (*Sozialdemokratische Partei Österreichs, SPÖ*) had proposed a new regulation concerning an obligatory paternity leave period of one month for all employees and a new regulation allowing the factoring of complete parental leave periods into mandatory advancements in pay-schemes. These proposals were re-entered into the voting process after the dismissal of the former Government.

In the parliamentary sessions, in early July 2019, both proposals reached a majority of votes and will enter into force on 1 September 2019.⁴

¹ Austria, Maternity Protection Act (*Mutterschutzgesetz (MSchG)*), <https://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10008464/MSchG%2c%20Fassung%20vom%2030.08.2019.pdf>; Austria, Fathers' Parental Leave Act (*Väter-Karenzgesetz (VKG)*), <http://www.ris.bka.gv.at/GeltendeFassung/Bundesnormen/10008674/VKG%2c%20Fassung%20vom%2030.08.2019.pdf>.

² In 2017, two high-ranking members of the right-wing Freedom Party were filmed during an extensive conversation with two persons who had pretended to be wealthy Russians with an interest in gaining influence in Austrian politics. The video was published late in May 2019. Both Austrian politicians were forced to resign from their Government and parliamentary functions. The following political developments led to a parliamentary vote of no confidence against the Federal Chancellor, to the end of the coalition Government and to a parliamentary vote for premature elections in September 2019.

³ During a similar political constellation before the election of 2017, legislation for mandatory quotas for women on supervisory boards was passed.

Key points of analysis: Federal civil servants had been granted mandatory paternity leave by 2012, and social partners agreed to amend several sectoral collective agreements accordingly, granting employees in the relevant sectors paternity leaves from 14 days to 4 weeks.

In 2017, new legislation entered into force granting employees in the private sector the right to negotiate an agreement with their employers for voluntary leave of 28 to 31 days within the first 3 months after the birth of a child. Fathers were also granted the right to collect a benefit of EUR 700 for this period (which will reduce the amount of a possible later Small Children's Allowance (*Kinderbetreuungsgeld*) period).

The new regulation in the Fathers' Parental Leave Act now gives employees the right to a mandatory free period of paternity leave of one month after the birth of their child without any requirement of an agreement. The paternity leave runs parallel to the maternity leave period for mothers and is additional to existing parental leave regulations for fathers. It will consequently give young families more free time together. The regulations for the paternity leave benefit were not changed by this legislation.

The new regulation in the Maternity Protection Act requires employers of all sectors to calculate the salary of every employee according to their seniority, taking all periods of parental leave into account. The older regulations only allowed for the factoring of 10 months parental leave into seniority advancements.

Internet link source:

https://www.parlament.gv.at/PAKT/VHG/XXVI/A/A_00576/index.shtml,
https://www.parlament.gv.at/PAKT/VHG/XXVI/A/A_00338/index.shtml.