Corona
Your rights at work

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Short Time Work

Short time work refers to reducing working hours in businesses for a limited period of time, in order to cope with and bridge economic disruptions.

For mastering the Corona virus crisis, the social-partnership has negotiated a special short time working model was created. This model allows a reduction in working hours to as low as zero hours, while maintaining the employment relationship and granting an almost full wage compensation to employees. The aim of the model is to keep as many employees as possible in employment and to avoid (consensual) terminations.

Therefore, if your employer does offer the (consensual) termination of your contract, please expressly inform your employer about this alternative possibility!

Under the Corona short-time working model, non-wage labour costs are also largely covered by the AMS. The AMS currently formulates the exact details of the new short-time working model.

As soon as all details are worked out all information about the corona short-time work model can be found at the AK website and selected additional information on the website of the ÖGB. For personal advice, please contact our AK/ÖGB hotline by calling 0800 22 12 00 80.
Stay at home

How do I call in sick if I am not allowed to come to the doctor’s office? How do I obtain prescriptions?

People insured with the Austrian Health Insurance ÖGK, Österreichische Gesundheitskasse (private employees, workers) as well as people insured with the BVAEB, (Civil Servants, railroad workers), can report sick to contract physicians by telephone. If possible, also the provisional end date of the sick leave should be agree on. You can also use Telemedicine.

ATTENTION! If you are under quarantine due to an order according to the law on treatment of Epidemics. “Epidemiegesetz”. In this case, you only have to inform your employer about your quarantine, you don’t need to report sick to your attending physician.

Am I obliged to start work despite the announced restriction on freedom of mobility?

In principle, professional work that cannot be postponed is explicitly mentioned as an exception to the announced restrictions. Whether or not a professional job can be postponed or not, is up to the decision of the employer. In any case, you should declare yourself ready for work, in order to maintain your right to continued remuneration in case of a possible leave of absence.

Attention: In this context, the possibility of short time work should again be mentioned. This model allows a reduction in working hours to as low as zero hours, while maintaining the employment relationship and granting an almost full wage compensation to employees. The aim of the model is to keep as many employees as possible in employment and to terminations.

Am I allowed to stay home on my own for fear of the Corona virus?

In principle, no, unless there is a concrete risk of infection. This can be the case, for example, if an infection has already occurred in the immediate work environment.

If you suffer from a chronic disease and are therefore exposed to an above-average risk of infection, we recommend that you contact your attending physician immediately. If your doctor issues a report of incapacity to work, this must be sent to your employer without delay.

If you are not (yet) incapable to work, but have a medical recommendation to limit your employment best possible, the employer is obliged, as part of its duty of care, to protect you as much as possible from infection (for example by agreeing to a home office, a short-term leave of absence or an agreement on short time work).

What if I belong to a high risk group, concerning corona infections? (age 60+, diabetes, cardiovascular diseases,....)? Do I have to go to work?

The chamber of labour recommends that you contact your attending physician immediately. If your doctor issues a report of incapacity to work, this must be sent to your employer without delay.

If you are not (yet) incapable to work, but have a medical recommendation to limit your employment best possible, the employer is obliged, as part of its duty of care, to protect you as much as possible from infection (for example by agreeing to a home office, a short-term leave of absence or an agreement on short time work).

May my employer send me home unilaterally?

In principle, your boss is free to send you home, even if you are not ill. But then this is usually a "leave of absence" ("Dienstverhinderung"), not a sick leave. Therefore, healthy employees do not need to
obtain a confirmation of sick leave for the duration of the leave of absence. If your boss sends you home – despite your willingness to work – without a quarantine being imposed, the company must continue to pay your salary.

**My boss suggests that I terminate the employment relationship by mutual agreement and promises to re-employ me. Should I discuss that proposition?**

If the relevant deadlines and formal requirements are met, the termination of an employment relationship is legally possible at any time. However, the Chamber of Labour strongly recommends taking mitigating measures to bridge the current crisis situation while maintaining employment levels.

You should therefore point out to your employer the possibility of home-office agreements or short time work. During the financial crisis of 2008/2009, those alternative measures have contributed to avoiding terminations as best as possible!

**May my employer order me to work from home unilaterally?**

Yes, if there is already an agreement in the employment contract concerning this matter. If there is a so-called transfer clause in your employment contract, according to which the company can unilaterally transfer you to a place of work other than that originally agreed, you can be sent home unilaterally as well. If such a clause has not been agreed on, a home office is considered a relocation of the workplace and must be agreed between you and the company. An agreement with your employer must also be reached on the reimbursement of any expenses incurred (for example a flat-rate reimbursement of expenses).

In order to avoid further infections, the Chamber of Labour recommends: We live under special circumstances. Reach an agreement with your company. The company should also make sure that you have the necessary technology available.

**I think it is unfair: Some people are allowed to stay at home and thus can protect themselves from infection. Others, such as those who work in the food retail, risk their health. Why is there no right to protect oneself and one’s health and stay at home?**

The Federal Government has adopted clear orders and recommendations, which we should all comply with in order to protect as many people as possible. It is true that some occupational groups are treated differently from others. But there are hardly any alternatives: To prevent Corona from spreading rapidly, as many as possible must stay at home. At the same time, everyone working at home, in shops or at hospitals still need food, health care, public transport, and the supply of important services such as waste disposal, energy, etc. It cannot be in anyone’s interest to neglect these vital activities. The trade union gpa-djp is currently fighting to improve the situation of employees in the retail sector, for example by shortening opening hours. All trade unions and the AK are urging the employers to deal with this situation, which is hard for many employees, as fairly as possible.

[https://www.gpa-djp.at/cms/A03/A03_0.a/1342627339051/home/corona-gewerkschaft-gpa-djp-fordert-voruebergehende-einschraenkung-der-oeffnungszeiten-im-handel](https://www.gpa-djp.at/cms/A03/A03_0.a/1342627339051/home/corona-gewerkschaft-gpa-djp-fordert-voruebergehende-einschraenkung-der-oeffnungszeiten-im-handel)
Do I have the right to stay at home with my children if their school or kindergarten is closed?

The following measures shall apply until 3 April:

All schools from the 9th grade on (vocational schools, secondary schools, upper classes of the grammar school) will be switched to distance learning from Monday 16.03.2020 and attendance will be discontinued.

For everyone up to grade 8 and all childcare facilities (nursery school, kindergarten, elementary school, middle school, lower grade of the grammar schools) the change takes place on Wednesday, 18.03.2020: The obligation to send the children to school is set aside.

a. Those who can look after their children at home should do so, in order to reduce social contacts as much as possible.

b. The frequency of contact in education and care facilities for 0 to 14 year olds should be reduced as much as possible. However, these institutions will remain open for the care of those children whose working parents/care givers are unable to organize care in a private environment.

These measure should guarantee the necessary care of employees’ children. If this is actually the case, if care for your children is guaranteed, there will be no reason for leaves of absents for working parents! For this reason, we recommend compromise solutions between employee and employer.

What should I do if the school or kindergarten refuses childcare?

In principle, the responsible ministry has announced its intention to ensure nationwide childcare.

We have heard of some cases in which the school management has granted such a possibility only to certain professional groups.

If you have not been granted a childcare facility, even though your child needs to be looked after and despite the lack of availability of other caregivers, this is a legitimate reason for a leave of absence ("Dienstverhinderung"), and you have to report to your employer immediately.

What is "special care leave" and how do I get it?

The Federal Government also announced on 12.03.2020 that employees with care obligations for children under the age of 14 would be able to take paid special care leave for up to three weeks.

From a legal point of view, there is no reason for a leave of absence from work as soon as soon as alternative childcare (for example in school or kindergarten) is available. Therefore, in order to be granted special care leave a bilateral agreement is necessary. Employees as well as employees have to agree to this exemption.

Attention: Special care leave is neither a sick leave nor a holiday. You will continue to be paid in full. And your employer will get a refund for one third of the resulting wage costs from the federal government.
Is it possible for employers to terminate employment of parents on part time parental leave (Elternteilzeit), if the firm runs out of work?

If you are on part time parental leave, you are under special dismissal protection. Employers are not allowed to terminate your employment. Termination of employment in this case is only possible with the consent of the labour court.

Are there also three weeks of special care leave for older people in need of care?

According to the announcement the federal government made on 12.03.2020 for the time being it is to be assumed, that the claim for special care leave only exist in cases of necessary care for children under 14 years of age. We will of course inform you promptly of any changes to this planned measure.
Quarantine

What do I have to do if my workplace, the area I live in or I am put into quarantine, due to the danger of infection?

Health Authorities can put persons, workplaces, firms or even whole areas into quarantine. Currently whole areas in northern Italy are under virus isolation. In Austria the whole Valley of Paznaun comprising the Villages, Ischgl, Kappl, See and Galtür and the Village of St. Anton am Arlberg in Tyrol as well as the village of Heiligenblut in Carinthia are put into Quarantine.

If you live in an area, which is put into isolation while your workplace is outside of the area, you are not allowed to go to your workplace. The same holds if your workplace is in an isolated area and you are living outside of it, again you are legally prohibited from going to work.

Austrian labour law calls such circumstances “leave of absence” (“Dienstverhinderung”). You are obliged to inform your employer about the reasons for not showing up. You will not lose your job and you will get payed. Duration of the payment is limited so clarify with your employer.

Do I have to work from home (eg. home office) even if I am put into quarantine?

Yes, but only if

- You are still able to work so if you are not sick yourself.
- You are in quarantine because you are potentially infective. (§7 Epidemiegesetz)
- The necessary conditions for home office work are in place.

Will I still be paid if I am unable to work due to quarantine?

Yes: If you are unable to work or unable to reach your workplace because of quarantine due to the Corona virus (2019 nCoV) your employer still has to pay you. The employer will get a refund of the labour cost from the state. This also holds for so called “freie Dienstnehmer” (“independent contractors”).

The employer can apply for a refund of wage cost as well as social security contributions with the relevant district authority. The relevant district is the one which has ordered quarantine in the first place. Attention: Employers have to apply within six weeks from the order of quarantine. In Vienna the relevant authority is the Magistrate dep. 40. A40.

Will I get payed if the shop I work for is closed by legal order?

The current draft of the law only bans customers from entering shops to buy goods or services, shop owners and employees are still allowed to work there.

Employees still have to be ready for work. Employers are free to order their employees to do maintenance, revision jobs or to attend internal education. If the employer decides to send people home he still has to pay them even if they are not in the firm.

In this context, the possibility of short time work should again be mentioned. This model allows a reduction in working hours to as low as zero hours, while maintaining the employment relationship and granting an almost full wage compensation to employees. The aim of the model is to keep as many employees as possible in employment and to terminations.
If my boss is ordering me to do a different job than the one I usually do, do I have to obey?

Technically speaking the kind of job is part of the employment contract, therefore any change needs to be agreed upon.

Attention! In any case, employees and employers are obliged to help each other in case of extreme circumstances. Therefore doing a different job to avoid damages for a limited period can be required. However, you need agreement between employee and employer to permanently change the content of a job.
Protection at work

What kind of protection is to be provided by the employer?

Your company has a duty to take care for all employees. This means that it must take appropriate protective measures to prevent infection of its employees. However, these protective measures must also be "reasonable" for the company.

Such measures depend on the specific risk of infection. For this purpose, the risk of infection must be assessed for the various workplaces in the company. Someone with a lot of customer contact has a higher risk than someone who works alone in the office. It is highly recommended that employers seek advice from an occupational health professional.

Such protective measures can be:

- **Hygiene:** Regular hand-washing, if possible also hand-disinfection, increased and regular cleaning of jointly used rooms, disinfection of particularly often used objects or work equipment, regular ventilation of rooms. Many employees work in contact with people, but cannot often leave the workplace for hand hygiene, for example supermarket cashiers. For them, disinfectants must be provided directly at the workplace. If there is a factory kitchen, changes such as switching to packed lunches or delivery services are recommended.

- **Work organisation:** It is important that the recommendations of a minimum distance of one to two meters between one another are implemented - as far as this is operationally possible. To this end, work may have to be reorganised so that the recommended minimum distance to people at work, in cloakrooms, showers, etc. can be maintained. This may also be a restriction on the number of people who can be in a room at the same time. In shift work, the start and end of working time can be easily postponed so that employees on two shifts are not on duty at the same time.

- **Personal protective equipment:** Not all workers need to be equipped with personal protective equipment, such as a protective masks. It is important to know the risk of infection once the hygienic and organisational measures have been exhausted. Also note that there is no evidence that disposable protective masks provide effective protection for the mask wearer. However, in case of direct contact with infected persons, the employer must provide appropriate personal protective equipment. This includes protective clothing, protective gloves, protective goggles and suitable protective masks. In particular, the provision of protective equipment for health care personnel is a priority. Especially if these employees work with corona infected persons or acute suspected cases.

Which employees need special protection now?

Workers who currently come into close contact with many people at their workplace are currently at increased risk. These include cashiers, employees in pharmacies, security guards and many more. Measures must be taken to reduce the risk. In retail, for example, the minimum distance to customers must be maintained by allowing only a maximum number of customers into the store. The Labour Inspectorate provides information on the protective measures in these areas.

https://www.arbeitsinspektion.gv.at/inspektorat/Gesundheit_im_Betrieb/Coronavirus_COVID_19/Coronavirus_COVID_19
**Who helps with the protective measures in the company?**

The works council or other safety officers must be involved in the implementation of safety measures. Employees must be informed about the protective measures affecting them. For certain protective measures, such as the use of personal protective equipment, training for the specific workplace (instruction) is necessary.

**Can I wear a protective mask during my job without asking my employer?**

This depends on whether there is an increased risk of infection at your place of work. If there is no increased risk of infection the employer can prohibit the use of protective masks during work. However he has to weight the necessity to forbid the use of protective masks, i.e. to ensure personal recognition, against the desire of the employee to protect him or herself and the interest of the employer to avoid frightening customers by employees wearing a protective mask. Consider that in many cases protective masks, which are not specifically designed to protect against viruses, do not provide sufficient protection. In any case a decision is not easy and has to be made case by case.

**Are there special stipulations in case of pregnancy?**

According to the Austrian Labour Inspectorate (Arbeitsinspektorat) there is currently no general increase in specific health threads for pregnant women. For this reason, it has to be clarified in each company by means of “maternity protection evaluation” (“Mutterschutzevaluierung”) if pregnant women can be employed. In any case it is advisable to consult your occupational physician, or the local office of the Labour Inspectorate.

The Labour Inspectorate advises employers not to employ pregnant women in jobs involving direct contact to customers. In case of work in hospitals and other health related occupations consulting the occupational physician is advisable.
Commuting and Business Trips

The public transport systems stands still, roads are congested: What if I do not come to work or only belatedly?

If your current route to work is overloaded or even blocked, this may be a reason for a leave of absence. In this case, you are obliged to do everything within your reasonable power to reach your place of work—even by means other than the usual ones, or even if belatedly.

Only if such an alternative possibility does not exist or is unreasonable for you (for example because it would mean walking for kilometers), you are allowed to stay away from work for the duration of the hindrance of work with full pay. In this context, we always recommend that you contact your employer immediately.

May I refuse to go on a business trip to potentially endangered areas?

Yes, employees can refuse to go on a business trip if such a trip would pose an above-average risk to their health. This is the case if there is exists a travel warning from the Foreign Ministry. In the current situation, these warnings can change quickly. You can find the current list of travel warnings on the website of the Ministry of Foreign Affairs.

... and a business trip to another area?

Only if there is a particularly high risk of infection at the destination, employees can refuse a business trip to other areas. You should announce if you had a previous illness that indicates a higher health risk. However, if there is no explicit travel warning for your destination, you must always follow an instruction to go on a business trip even during a possible epidemic.

In individual cases, your attending physician will decide on your medical risk (for example in case of chronic diseases). If you fear for your health: Talk to your doctor and your company in order to see if there are alternatives to a business trip. Currently many companies use video conferences or telephone conferences instead.

I go to my family in the Czech Republic, Hungary, Germany or Slovakia every weekend. Can I come back to work on Monday or how do I deal with this?

In principle, your employer cannot dictate what you should do in your free time. However, the AK advises affected employees to thoroughly reconsider travelling abroad if, for example, re-entry to Austria, and thus a timely return to work, appears uncertain due to the current situation at national borders. Again, we strongly recommend to regularly review the situation at the borders on the website of the Ministry of Foreign Affairs.

What applies to civilian service (Zivildienst)?

Civilian service is not an employment relationship in the legal sense. Therefore, the principles of labour law do not apply to civil servants. The Civil Service Act also does not clearly regulate the "place of employment". The Zivildiener must obey all instructions that enable the proper performance of the assigned duties. These instructions are issued by the assigned institutions in consultation with the Zivildienstserviceagentur.

Attention: In the event of natural disasters, accidents of exceptional extent and extraordinary emergencies, such as the current Corona crisis, former civilian service conscripts can be made legally liable for “extraordinary civilian service” up to the age of 50. If they are currently in an upright employment relationship, a special protection against dismissal and termination applies. If you have
any questions regarding the “extraordinary civilian service”, please contact the Civilian Service Agency!

What applies to apprentices?

In connection with school closures, the Ministry of Education explicitly communicated that the lost time at vocational school does not have to be incorporated into the teaching process in the companies.

Instead, the lost time at vocational school has to take place “in the form of an independent learning and working process of the apprentices from home, which has to be accompanied by the teachers using different media”.

This means: Apprentices complete work orders and consolidate and deepen already acquired learning content at home, and they have to be released - as is usually the case when attending school – from work.

Attention: This explicitly does not apply to the apprenticeships "Retail trade with focus on food trade", "Retail trade with focus on sale of delicacies" and the apprenticeship "druggist". For compelling reasons and for reasons of public interest, the days from 16.03.2020 to 22.03.2020 are considered to be “school holidays”, so that apprentices have to work in their companies.
Information for unemployed persons

I just lost my job. What do I have to do?

To receive unemployment benefits, you have to submit an application to the AMS (Public Employment Service Austria). Currently, you do not have to apply for your unemployment benefits in person at the branches of AMS. Instead, you can apply via your eAMS-account or you can submit an online application here: https://www.ams.at/arbeitsuchende/arbeitslos-was-tun/eams-konto--ein-konto--vie-vorteile. If you do not have an eAMS account, register unemployed via telephone or e-mail.

If none of this works, then call the AMS and ask to get the application form by postal service. You can find all contact information here: https://www.ams.at/organisation/adressen-und-telefonnummern, the telephone number for Vienna 05 09 940. Thereby you can avoid going to the branches of AMS in person.

The AMS has assured that it will accept applications that are submitted late (by a few days) due to an overload of the AMS hotline and the e-AMS account.

Hint: You can find the relevant information directly at the webpage of the AMS: https://www.ams.at/arbeitsuchende/arbeitslos-was-tun/aktuelle-informationen-zum-coronavirus#kommunikation-mit-dem-ams

Thereby you can avoid going to the branches of AMS in person.

I have an appointment at the AMS. However, the government say that I should stay at home. What should I do?

If you already have an appointment or an obligatory meeting at your AMS-office, please clarify whether you have to keep the appointment by telephone or via eAMS. Write down the time of the call and the name of your contact.

Currently most of appoints are cancelled by the AMS, and the AMS will be contact you soon via your eAMS account or via E-Mail. Please do check your inboxes regularly. If, in special cases, personal appointments are nevertheless prescribed by your AMS advisor, you have to keep those appointments!

Can I postpone an appointment at the AMS?

Generally, you do not have the right to postpone an appointment at the AMS. Please contact your adviser to clarify if you have to meet the appointment. If a postponement is not possible, you have to meet the appointment.

I have fever, cough and difficulties to breath or I am under quarantine and have an appointment at the AMS. What should I do?

If you suspect that you were infected with the Corona-Virus, you have to call the Health-Hotline under 1450 and you have to stay at home.

Leniency for missing an appointment at the AMS is granted for:

- Persons that are sick and on sick leave;
- Disease suspects and their contact persons, which are under quarantine;
• Persons that can credibly show that they had contact with a Corona-infected person or persons that have symptoms of illness after a stay in one of the high-risk regions.

You have to notify the AMS if you are on sick leave, under quarantine or if there is a doubt of Corona-infection. After the removal of the cause of indignation, you have to report to the AMS immediately and bring a copy of your confirmation of illness.

I have a child at pre-school of school and now it should stay at home. What should I do?
Please contact your AMS-adviser via telephone or via eAMS and clarify the further steps. Write down the time of the call and the name of your contact.

My AMS-office is always very crowded. There are surely more than 100 persons present at the same time. Is it allowed to cancel the appointment and stay at home?
No. You have to comply with your appointment, if the AMS did not cancel the appointment or you are verifiable sick or under quarantine. To avoid crowds of people in the AMS-office, the AMS will only let people enter the office one after another.

Do I have to keep my agreed job interview at a company?
Please clarify with your AMS-adviser whether you have to keep the appointment.

Can the AMS still mediate me to a job in another federal state?
Yes, you can be mediated to a job in another federal state, if

• A reasonable daily travel time is not exceeded or accommodation is provided by the employer and
• You can continue to fulfil your care obligations.

Currently, I am still in an AMS-training or my training should start next week/beginning of April. Will it (still) take place?
No. The AMS close all trainings starting with Monday, 16.03.2020 and (presumably) until Eastern (incl. Monday, 13.04.2020). Up to this date, there will be also no new classes. The training providers will be asked to provide learning materials online or in hard copies. You continue receiving your financial benefits.

I receive a living wage subsidy (DLU) or a subsidy for the training costs for the participation in the AMS trainings or form y inter-company apprenticeship (überbetriebliche Lehrausbildung). Will the subsidies be canceled if the trainings are canceled?
No, also if the trainings are suspended, you will continue to get your DLU, your subsidies or your benefits from your unemployment insurance.

I am currently working at a socio-economic business or in a non-profit employment project. What does happen now?
Whether the work continues within the framework of an employment relationship in socio-economic businesses and non-profit employment projects is decided by your company. Please contact your employer!

In case you have a training ground and are doing a work training there, you can stay at home. However, please contact your training company and let them know.
Will my specialist scholarship be cancelled because my training center is closed?

No.

Do I lose my entitlement to continuing education allowance or part-time education allowance if the university or the training institution is closed and/or I cannot take my examinations?

To get your benefits please report that your training institution is closed to the AMS.

Will my retraining money be cancelled, because my classes are not held?

No.

Because for fear of the Corona virus I terminated my employment myself. Will I lose my employment benefit for the first four weeks?

This situation will be assessed on a case-by-case basis. Please let the AMS know why you terminated your employment. The AMS will decide whether there is a reason for leniency.

I have received an invitation to assess my ability to work at BBRZ or the competence center assessment of PVA. Do I have to keep the examination date?

If you miss an appointment for an assessment for no reason, the service will normally be discontinued. However, the AMS has promised that these appointments do not have to be kept as long as the official recommendations remain valid. If you do not wish to keep the examination appointment, please inform your adviser in the AMS.