
Equal opportunities and collective bargaining in the European Union

Selected agreements from Austria
Phase II

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by
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Summary

The Austrian reality with regard to equal treatment has been influenced primarily by the existence of two different pieces of legislation introduced by the Federal government (Buchinger, Gschwandtner and Pircher 1996). Whereas the 1993 Bundes-Gleichbehandlungsgesetz [legislation on equal treatment for public sector workers] makes it a requirement to introduce measures for the advancement of women, there is no comparable requirement in the Gleichbehandlungsgesetz, the private sector legislation on equal treatment, which was passed initially in 1979 and which has already been amended several times. The tangible effect of this distinction is that plans for the advancement of women do exist in the public sector, eg Federal Ministries and their associated agencies, but in the private sector they remain the exception. If we look at collective agreements and internal company agreements there are only isolated examples of binding written agreements which regulate the question of equal opportunities.

This situation with regard to statutory provision and collective agreements has inevitably had major consequences on the behaviour of companies. It is only in the last few years that any effort whatsoever has been made by Austrian companies to pursue issues such as the advancement of women and equal opportunities. As a result company agreements on equal opportunities are rare in Austria. Based on the results of our initial research we defined four types of agreement for study: collective agreements, company agreements, plans for the advancement of women and provincial legislation on equal treatment. In the end eleven agreements were included in the study divided between the four types of agreement as follows: one collective agreement concluded by the section within the Gewerkschaft der Privatangestellten (GPA) [union representing white-collar workers in the private sector] with responsibility for workers employed by social security organizations, three company agreements, six plans for the advancement of women and one piece of provincial legislation on equal treatment.

If we view the four types of agreement as a whole it is possible to identify the following positive and negative aspects with regard to equal opportunities and the advancement of women:

Generally speaking collective agreements do not see themselves as an instrument for the implementation of equal opportunities; it is rather that there is a self-declared assumption within agreements that the nature of their provisions are gender neutral. The only innovative example is an agreement concluded by the GPA. In addition to equality in the use of language this agreement also makes it a requirement to draw up a plan for the advancement of women, thus making it a binding commitment. However the possibility of concluding a general collective agreement on equal opportunities - ie a collective agreement between the Österreichischer Gewerkschaftsbund (ÖGB) [Austrian trade union federation] and the Bundeswirtschaftskammer [Federal chamber of business] - is not yet on the agenda in Austria.

At the company level very few binding written agreements have been concluded by Austrian companies. As a result of our investigation of company agreements we identified the following positive and negative aspects: If we bear in mind the prevailing situation in the private sector in Austria the mere existence of a company agreement on equal opportunities or an agreement containing references to the advancement of women can be classed as innovative and positive. It shows that company agreements can be an appropriate instrument for a detailed consideration of individual problem areas associated with the company's employment of women and for the related development of specific measures for their advancement. For example, in our view Nestlé's encouragement to women to apply for jobs which were previously seen as typically men's can be considered as innovative, as the company also helps women with the subsequent process of integration when they take on these jobs. In a similar vein the agreement on part-time employment concluded by the Oberösterreichische Gebietskrankenkasse [Upper Austrian regional health insurance fund] can also be regarded as positive. However on the negative side it should be mentioned that even with this type of agreement the question of realization and implementation is often left largely unregulated. This means that here too it depends upon the commitment and the relative authority of individuals whether and to what extent the implementation of measures is binding.

In essence we identified the following positive and negative aspects of the public sector plans for the advancement of women which we examined:

(a) Positive aspects

All Federal employees are covered by plans for the advancement of women. Several important issues such as job access, the whole question of reconciling work and family life, support for the career aspirations of women and access to training measures are included in the plans for the advancement of women. In addition the existence of equal opportunity officers, committees and working parties at a wide range of levels has resulted in a dense institutional network.

(b) Negative aspects

As the urgency of plans for the advancement of women is based upon the degree of their under-representation, the implementation of individual plans for their advancement requires a precise and meaningful analysis of current employment statistics. However the accuracy of employment data collected by the various Federal agencies is very variable which means that there is no comparable database. The extent of any obligation to implement the plan for the advancement of women (ministerial regulation or statutory instrument) will depend upon the "goodwill" of the relevant Minister. In addition the standards which apply to the plans for the advancement of women vary considerably (eg resources, timetable, staffing schedule). In the final analysis, therefore, various provisions relating to plans for the advancement of women can only be viewed as "dead law" and their effect is often no more than symbolic.

The enactment of legislation on equal treatment at provincial level has extended equal opportunity legislation to certain female employees who were previously excluded, namely those employed by provincial administrations. However, so far only three of Austria's nine provinces have passed such legislation. In our view it is important that equal treatment legislation is extended not only to all provinces but also that there should be uniform standards with regard both to content and organizational provision and to realization and implementation.

If we assign the agreements included in the research to the categories developed by the European Foundation¹, the result is as follows: agreements belong predominantly to the category of self-declared equal opportunity agreements (category i). These in turn come under the subcategory (ia), that is, they see themselves as agreements for the advancement of equal opportunities whether or not they have this effect in practice. Included in this category are agreements which regulate access to jobs, remuneration, the reconciliation of work and family life, promotion, etc. In contrast the company agreement, which includes a provision making sexual harassment grounds for dismissal, is an agreement which explicitly addresses discrimination (category ib). An agreement, which is considered good in context (category ii) is the agreement on part-time employment concluded by the Upper Austrian regional health insurance fund. Its aim is to avoid the negative effects of part-time employment. If we compare the above agreements with the relevant EU legislation² the former contain no provisions which go beyond those introduced by the European Union.

If we view the question from a different perspective, the following factors are primarily responsible for the current situation in Austria with regard to the advancement of women and equal opportunities. In view of the current statutory provision and the general political framework the following aspects are of crucial importance:

- Absence - even in the Gleichbehandlungsgesetz - of any concrete guidelines for the implementation of equal opportunity policies in the private sector (eg "positive action").

¹ "It is useful to indicate (...) some different ways in which a collective agreement (or provision therein) may be designated as 'good'. Here we adopt a working distinction between:
 (i) agreements which of themselves may appear to be good agreements, and
 (ii) those which appear good once they are considered in context. The first category - agreements which are good of themselves - has two (possibly overlapping) subcategories:
 (ia) self-declared EO agreements (those which declare an intention to promote equality of women and men, whether or not they have this effect in practice), and
 (ib) agreements which explicitly attempt to address discriminatory practice..." (Bercusson and Dickens 1996, p 26).

² Directives 75/117/EC; 76/207/EC; 79/7/EC; 86/378/EC; 86/613/EC; 92/85/EC; Recommendations 84/635/EC; 87/567/EC; 92/131/EC and 92/241/EC

- In many respects the provisions contained in the Bundes-Gleichbehandlungsgesetz for Federal public sector workers are of a general nature and as a result there is no binding obligation in the final analysis to implement them.
- In addition it is necessary to mention the dominant role which the culture of social partnership plays in Austrian employment relationships. This culture is characterized by informality, paternalism, lack of transparency and male dominance. It has impacted to a considerable extent on the provisions contained in agreements on equal opportunities and the advancement of women:

In principle all policies on the advancement of women and equal treatment, both in terms of collective agreements and internal company agreements, are characterized by a half-hearted approach. Where there is a specific reference to equal treatment this is primarily included as a demonstration of "goodwill".

There is no binding requirement to implement the agreements and no sanctions if they are not.

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1. Introduction

The central theme of the project is the current situation in Austria with regard to equal opportunities and the associated contractual provision. The specific aim of Phase II is to identify and describe innovative examples of agreements, which have a direct or indirect impact on conditions for equal opportunities. This phase of the project consists primarily of a study of collective and company-based agreements plus a study of public sector plans for the advancement of women at Federal level and innovative equal treatment legislation at provincial level.

The reality with regard to equal treatment in Austria has been influenced primarily by the existence of two different pieces of Federal legislation (Buchinger, Gschwandtner and Pircher 1996). The 1993 Bundes-Gleichbehandlungsgesetz [Federal legislation on equal treatment for public sector workers] imposes a statutory obligation to introduce measures for the advancement of women. However the Gleichbehandlungsgesetz [legislation on equal treatment for the private sector], initially passed in 1979 and already amended several times, imposes no statutory obligation. The tangible effect of this distinction is that the public sector - eg Federal Ministries and their associated agencies - has introduced plans for the advancement of women, whereas in the private sector they remain an exception. There are only isolated examples of a binding written agreement on equal opportunities in either collective or company-based agreements.

With regard to collective agreements the following factor is also crucial. Overt discrimination on the grounds of gender was largely eliminated during the 1980s following the enactment of the Gleichbehandlungsgesetz (Buchinger and Pircher 1994). As a result even the trade union side assumes that gender neutrality exists in collective agreements. The argument used to justify this assumption is that separate pay grades for women, separate job or employment titles depending upon gender and even gender-related differences in the rules relating to matters such as travel allowances were consigned to history some time ago. It is interesting that the question of the extent to which collective agreements discriminate indirectly against a particular gender has not been the subject of any academic research in Austria. Moreover it has not been the subject of political discussion.

The above situation with regard to statutory provision and collective agreements has inevitably had a significant impact upon the behaviour of companies. It is only in the last few years, therefore, that any effort whatsoever has been made by Austrian companies to pursue policies for the advancement of women and equal opportunities. The practical reality of measures by Austrian companies for the advancement of women can be

summed up as follows: so far only a few companies have bothered with initiatives which seek to improve equal opportunities. Experience has shown that initiatives are only introduced if there are specific players in a company, whether male or female, who have a particular interest in the issue and who are prepared to take action. There are only very few examples of companies with concrete written agreements on equal opportunities. In the vast majority of cases companies have restricted their efforts to an informal and non-binding approach. This means that initiatives can be suspended or stopped at any time and as a result company-based agreements on equal opportunities remain very much the exception in Austria.

Finally it should also be mentioned that the Government introduced an "austerity package" whilst our research was in progress. This package amends various pieces of legislation and many of the resultant measures will tend to have a negative impact on the employment, social and economic outlook for women. Some amendments took effect on 1 June 1996 and it is still too early to identify and assess whether and if so to what extent they will serve to increase discrimination against women.

The following report starts with a description of the research process used to identify collective agreements, company agreements, public sector plans for the advancement of women and an example of provincial legislation. It then examines the selected agreements in detail and concludes with a summary.

2. The research process

In the light of the situation described above it is easy to understand why the research process was both time-consuming and complex. This was particularly true of collective agreements and company-based agreements.

2.1 Collective agreements

According to the Department with responsibility for collective agreements within the Österreichischer Gewerkschaftsbund [Austrian trade union federation] (ÖGB) there are some 600 collective agreements in Austria. However of these only 330 are renegotiated on average each year (where a collective agreement is renegotiated, the changes generally relate to pay-related provisions). The remaining collective agreements are the subject of a one-off negotiation (eg collective agreements on environmental measures).

Current collective agreements are filed with the relevant occupational unions. In addition the Department at the ÖGB with responsibility for collective agreements maintains a database containing full details of collective agreements in Austria.

For our research into collective agreements we adopted a multi-track approach. In addition to a study of published literature we concentrated on written and telephone contacts and personal discussions with representatives from each of the 14 occupational unions. Our second approach was to run a search through the central database of collective agreements maintained by the ÖGB. The following key headings were used for this search process: the advancement of women/equal treatment; re-entry/return after career break; quota agreements; skills/development training; unpaid leave; part-time working; care-related leave; gender-neutral job evaluation; objectivization guidelines (eg gender-neutral job allocation, staffing, etc) and sexual harassment.

This search process confirmed the absence of any collective agreements with provisions targeted specifically at equality between the sexes. The concept of gender neutrality in collective agreements seemed to be understood in a general way. Against this background it was even more surprising, therefore, that certain collective agreements - eg agreements concluded by the Gewerkschaft der Privatangestellten (GPA) [union for private sector white-collar workers], the Gewerkschaft Druck und Papier [Printing and paper union] and the Gewerkschaft Agrar, Nahrung, Genuß [Agricultural, food, beverages and tobacco union] do at least include a

reference to the subject of equal treatment. In most cases however this was limited solely to a reference to the general legal framework for equal opportunities. For example the section on remuneration in the general collective agreement for Austria's Nahrungs- und Genußmittelindustrie [Food, drink and tobacco industry] includes the following under Item 8: "In terms of equal pay for male and female employees for work of equal value reference is made to International Agreement No. 100, ratified by Austria, BGBL [Austrian Federal law gazette] No. 39/1954 and/or the Gleichbehandlungsgesetz, BGBL No. 108/1979". The only innovative collective agreement in terms of equal opportunities is one concluded by the GPA (Service Regulations A and B, see Agreement 1).

2.2 Company agreements

Company agreements, unlike collective agreements, are only filed with the companies who have negotiated them. As a rule trade union representatives are called in by works councils only in exceptional cases, eg if there is a problem or conflict. This means that unions are not privy to current company agreements nor do they have access to them. However even where occupational unions do have access to company agreements they tend to treat them as confidential documents. In other words in the final analysis it is the company who decides whether to make an agreement public and this it rarely does. Even members of works councils, who have access to internal agreements concluded by the company, normally adhere to the company's policy in this respect.

In the absence of comprehensive data, representative research or a central database of company agreements concluded in Austria we adopted a multi-stage approach to our research into company agreements. In this respect it was considered important that contact should be made wherever possible with any institution, organization or source which might have information on agreements concluded by companies.

As an initial step we contacted the officials responsible for women's affairs at the 14 occupational unions in the nine Austrian Provinces, the eight ÖGB officials with responsibility for women's affairs at provincial level, the women's department of the ÖGB in Vienna and selected women's officers and experts from the Arbeiterkammer (AK) [Chambers of labour]. We asked them to comment on the following issues: In addition to questions on specific measures for the advancement of women and the current state of discussions on this issue within their occupational union or chamber of labour we were particularly interested in whether the person or organization in question was aware of company agreements, which had been concluded with the specific aim of promoting equal opportunities at company level or which at least contained individual provisions on equal

opportunities. It was significant that very few of the individuals/organizations we contacted responded to our enquiry. In the final analysis these contacts added very little to our existing knowledge.

As part of our trawl of published literature we studied research and publications from a range of disciplines. In order to include (grey) publications in addition to those in our possession and already evaluated (see Buchinger, Gschwandtner and Pircher 1996) we carried out a nationwide trawl of archives and libraries, documentation centres specializing in women's issues, university libraries and employment projects directed specifically at women. In addition we contacted female academics who had recently completed work on the subject or who were currently employed on a related research project (including Eva Cyba, Ulrike Pastner, Sylvia Ulrich and Ulrike Aichhorn).

Whereas the equal treatment of women in employment has been the subject of wide-ranging academic research since the mid-1980s (Pircher 1984, Talos 1990, Eichinger 1994, Aichhorn forthcoming), the same does not apply to policies for the advancement of women. The first research into the advancement of women in the public sector was by Kreisky and Schneider (1990). They carried out a comprehensive study of the plans for the advancement of women which had been introduced at the beginning of the 1980s. Haller, Liebhart and Rosenberger (1993) have evaluated the plan for the advancement of women employed by the provincial government of Salzburg.

There was no academic research into private-sector policies for the advancement of women in Austria until the early 1990s. For example in 1993 Schafferhans as well as Schreilechner examined the status of company-based policies for the advancement of women and surveyed individual companies who had developed policies for their advancement. These two surveys also formed the basis of a study into company-based policies for the advancement of women in Austria. This study, which was commissioned by the Arbeitsmarktservice Österreichs [Austrian Employment Service] (Pastner and Papouschek 1996) and which is the most comprehensive to date, examined a total of 20 companies throughout Austria with a known history of measures for the advancement of women. In the end they identified only three companies with either a concept for the advancement of women or internal guidelines or with individual provisions which, although not expressly identified as measures for the advancement of women, did have an impact on equal opportunities.

From our trawl of published literature we found first of all that, apart from the research and literature of which we were already aware, there has been very little empirical research recently (eg Pastner and Papouschek 1996) into the specific nature of measures for the advancement of women at company level. Secondly it was clear that the reliance by researchers on information from the minute number of companies with policies for the

advancement of women had had a massive impact on the research framework and the results of academic studies. It meant that a small number of companies had been the subject of repeated research. Moreover there is little evidence to indicate that there are any other companies who have binding agreements (eg company agreements on equal opportunities or the advancement of women). It is also worth noting that some published research (including Schreilechner 1993) identifies certain companies who apparently have concluded binding agreements on equal opportunities. However in the course of our research we found that these agreements were only of an informal nature and so could not be included in our survey.

Our third research method related to initiatives such as the "Action rather than Words" schemes (Vienna and Styria) and competitions run by the chamber of labour in the Tyrol: under these schemes prizes are awarded to companies who are "family and women-friendly", whereby the resultant publicity is designed to encourage others. By analysing the reports of these initiatives we obtained a comprehensive list of Austrian companies who, in the last four years - ie since the schemes started - had entered competitions of this type or had received an award (eg "The Glass Shoe"). An interesting feature of these awards is that no particular merit is given to the institutional nature of company policy on equal opportunities. The award is based on the actual situation in the company - eg the percentage of women in management positions, arrangements for childcare, part-time employment or the availability of development training. The existence of a women's officer is worth only one point and the awards take no account of the existence of a company agreement or other formal provision.

Finally on completion of the various research stages we made written and verbal contact with some 50 companies in Austria, whom we had identified from our trawl of published literature, from the reports on the various initiatives or from contacts with trade unions and chambers of labour. Our main interest here was to find out whether the individual companies had agreements which included provision for the advancement of women and so had an impact on equal opportunities within the company and if so what form they took.

A central but not surprising result of our research was that the vast majority of these companies had no binding written agreement on the advancement of women. To illustrate the tone of their replies we should like to quote from the responses of two of these companies:

"... please note that we have no written agreements which are specifically pro-family or pro-women. All working conditions are based on informal agreements." (Managing Director of a tax consultancy firm)

"...there are of course fixed surgery hours and working hours for our female doctors. However female doctors (all of whom have two or more children) may swap shifts if this is necessary for family reasons. I have never

found this to be a problem. Development training is encouraged. Our female doctors work part-time but in an emergency they may bring their children with them. This sometimes happens if they have to work extra shifts when there is no school.

Our receptionist was 52 years old when we employed her. We made an excellent choice there!!!

As you can see, the smooth running of our outpatient clinic is based on formal agreements combined with informal concessions whenever necessary. As a woman this is the only way to reconcile a return to work and family obligations. This is not difficult, if you have staff, as I do, who have a 100% commitment to the organization." (Manager, Outpatient clinic)

Several companies who, to our knowledge, had been working for some time on plans for the advancement of women have either not yet agreed on or not yet implemented them. One example, that is probably typical and is indicative of the situation with regard to the advancement of women, is the financial institution which was the subject of our research between 1992 and 1994 into invisible discriminatory practices (Buchinger and Pircher 1994). At that time the company already had detailed proposals for a plan for the advancement of women. These proposals, drawn up jointly by the works council and the personnel department, were intended to give particular encouragement to the promotion of women and their participation in development training. It would also have provided for the introduction of a quota system in order to give women a 25% representation in management positions. At the time of our study the head of personnel indicated that the company intended to finalize the plan for the advancement of women within one year and that the final plan would also reflect the main results of our research. This agreement has still not been concluded.

The representatives from some of the other companies we contacted emphasized in their replies that they would not operate a policy expressly targeted at the advancement of women. Their initiatives, eg flexible part-time working, programmes for those returning after a career break, company nursery, etc, were tailored to the needs of both male and female employees. Moreover the female personnel manager of a hotel chain indicated that its female employees were not in favour of "special treatment" through the introduction of specific measures for the advancement of women.

Most of the approximately 10 companies who, on the basis of their own comments or published literature, had already concluded a company agreement with provision for equal opportunities, were not prepared to make this material available to us. Broadly speaking they justified their refusal on the grounds that company agreements were internal documents and were not, therefore, intended for public consumption. In addition it would have been a breach of the trust placed in them by staff or works councils if these documents had been released.

Finally two companies, who had been the subject of several studies in recent years, were not interested in further academic research.

In the end we were able to obtain a total of three company agreements from different sectors for our description and analysis of company agreements (see Section 3.2).

2.3 Public sector plans for the advancement of women at Federal level

In the 1993 Bundes-Gleichbehandlungsgesetz § 41 introduces a requirement to develop and implement plans for the advancement of women. The aim of this requirement was to increase the percentage of women in each service unit attached to a Federal authority. Most federal agencies have operated programmes for the advancement of women since 1994. On the qualifying date of 1 January 1996 plans for the advancement of women had already been introduced by Federal Ministries, their dependent agencies and other public institutions such as the public sector law agency, the court of auditors and the Austrian postal and telecommunications authority. Although the individual emphasis may vary the plans for the advancement of women are based on the provisions of the Bundes-Gleichbehandlungsgesetz (§§ 40 to 44, see Annex). As a result all plans include the following: job access (job applications, selection procedure); career development (access to management positions); preferential consideration for further and development training. In addition some plans for the advancement of women include measures designed to reconcile work and family life. Under the Bundes-Gleichbehandlungsgesetz there is also a requirement to compile a report every two years showing the progress made in the implementation of plans for the advancement of women. This means that individual agencies have to draw up a new plan with new targets taking as its basis the achievements of the previous plan. Six plans for the advancement of women are considered below.

2.4 Legislation on equal treatment at provincial level

The Austrian Provinces of Vienna, Carinthia and Salzburg have their own legislation on equal treatment. The legislation is intended to eliminate direct discrimination on the basis of gender and to achieve equality between men and women by means of special measures for the advancement of women. An important provision, included for example in the Salzburg legislation, is the use of sanctions following sexual harassment in the workplace. The Salzburg legislation on equal treatment is described below as an example of provision at provincial level.

3. Agreements

This section gives a detailed description of individual agreements within each of the four types included in the study.

3.1 Collective agreements

Agreement 1

Collective agreement/Service Regulations B (DO.B) for doctors and dentists³ employed by Austrian social security organizations

1. Date of agreement:

Effective date of agreement: 1 January 1996

Duration of agreement: indefinite period

2. Parties to the agreement:

Employer side: Hauptverband der österreichischen Sozialversicherungsträger [umbrella body for Austrian social security organizations]

Employee side: Section within the GPA representing social security workers

3. Type of agreement:

National

Sector: Service industry - social security organizations

Institutions subject to public law

Professional groups: doctors and dentists

³ Under the Service Regulations personal designations relate to both men and women.

4. Sector:

Service industry/Austrian social security organizations

Percentage of women employed by all Austrian social security organizations: 60%; total workforce 28 000.

The Service Regulations DO.B apply to 1500 doctors and dentists, ie about 5.5% of those employed by Austrian social security organizations. Women account for around 40% of doctors and dentists, that is about 600 women.

The agreement covers all male and female doctors and dentists (the exceptions are listed below).

5. Articulation with existing agreements:

These Service Regulations are a revision of an earlier version of the Service Regulations for doctors and dentists employed by Austrian social security organizations. The main additions relate to equality in the use of language and to the advancement of women.

The social security organizations have also concluded another agreement, Service Regulations A (DO.A). Service Regulations A, which also came into force on 1 January 1996, apply to administrative staff, care staff and dental technicians employed by Austrian social security organizations. Its provisions with regard to equality are identical to those in Service Regulations B.

6. Advantages/Benefits of agreement:

Extent to which agreement sees itself as an equal opportunity agreement:

Page 11: "Appropriate action shall be taken to ensure equal opportunities for female and male doctors (...) The common aim shall be to bring about equality between men and women."

The agreement deals with:

The aspects specifically directed at equal treatment are equality in the use of language and the plan for the advancement of women:

Equal treatment in the use of language

Page 11: "If personal designations in these Service Regulations are only in the female or male form, they shall relate equally to women and men. If the reference is to specific individuals the correct gender-specific form shall be used."

Special features:

Access to jobs/equal access to management positions

- i. The implementation of equal opportunities is the responsibility of both the social security organization and the works council. On a gradual basis they shall seek to achieve an equal percentage of men and women in management positions whilst at the same time ensuring that skill levels are maintained: this provision shall apply to the following appointments: senior physicians, permanent deputies to the medical director as well as the medical directors themselves.
- ii. The social security organization shall keep permanent records of the actual percentage of men and women in the employ of the social security organization subdivided into the main areas of activity and into salary groups.
- iii. The works council and the social security organization shall discuss measures to improve equal opportunities at least once a year.

Human resource planning and staff development

- i. In the main areas of activity where women are under-represented, job vacancy advertisements should be targeted directly at women by the addition of the following sentence: "The social security organization is seeking to increase the percentage of women in this area of activity."
- ii. The equal opportunity plan shall cover human resource planning and staff development, details of vacancies arising in the medium term, continuing targeted further and development training and the encouragement of internal promotion for existing employees.

Further and development training

- i. A continuing training programme shall be developed in order to encourage internal equality and improve promotion and training opportunities for all employees.

- ii. All employees shall be advised specifically of training opportunities. Subject to work-load considerations employees shall be permitted to attend events which will further their professional training.
- iii. If an employee attends professional training, this shall be recorded in his/her personal file.

National context

1. Format of agreement:

The Service Regulations extend to 82 pages, of which 2 (pp 11 and 12) relate to equality.

2. Legal status:

The legal status of the Service Regulations is that of a collective agreement. This means that it is a legal agreement regulating the pay and working conditions of doctors and dentists employed by Austrian social security organizations.

3. Relationship with other current agreements:

4. Geographical area of application:

National

5. Field of application: Service industry:

All doctors and dentists working in establishments of the Austrian social security organizations

6. Field of application: Trade Union:

Doctors' professional group at national level, part of the social security section of the GPA; about 88% of eligible members of this professional group are members of the union.

7. Employee coverage: Areas of activity:

a) Employee categories

All female and male doctors and dentists employed by Austrian social security organizations

b) Groups expressly excluded

Duly appointed medical directors of hospitals in accordance with Paragraph 6 Z 1 letters a) to e), with whom there is a written agreement to relinquish the right to work in private practice and also visiting doctors (attending lectures/classes).

c) Groups expressly included

8. Employee coverage: Professional groups:
Doctors and dentists

3.2 Company agreements

Agreement 2

Company agreement concluded by Österreichische Nestlé Gesellschaft mbH

1. Date of agreement: 1994

Effective date of agreement: 31 August 1994

Duration of agreement: indefinite period

2. Parties to the agreement:

Employer side: Österreichische Nestlé Gesellschaft mbH

Employee side: Works council

3. Type of agreement:

National

Private company with four establishments in Austria

Sector: Manufacturing, Food and drinks industry

Professional groups: Blue-collar and white-collar workers

4. Sector:

Food and drinks

Percentage of women in workforce: 46%; Total workforce: 770, percentage of women amongst

blue-collar workers: 51.4%, percentage of women amongst white-collar workers: 40.5%,

female workforce: 350

The agreement covers all employees

5. Articulation with existing agreements:

Part of the existing company agreement

6. Advantages/Benefits of agreement:

Extent to which agreement sees itself as an equal opportunity agreement:

Page 1: "The Company declares its support for the implementation of equal opportunities for female employees at all levels, for compliance with all statutory provisions relating to equal treatment and for the consultation rights of the works council as specified in the Arbeitsverfassungsgesetz [Austrian legislation on employee representation]."

The agreement deals with:

Pay, gender-specific segregation, reconciliation of work and family life, promotion

Page 1: "Active support for the development of female employees is an essential element of our human resource policy. The aim is to increase the percentage of women in those areas of activity where they are currently under-represented."

Special features:

Pay

- i. Equal pay for equal work and work of equal value within the framework of collective agreements and special internal agreements.

Access to jobs/elimination of gender-specific segregation

- i. Identical working conditions in any given area of activity.
- ii. To encourage internal promotion by including female employees in all staff development and development training.
- iii. To make use of all possible opportunities for part-time employment. Vacancies shall also be offered to part-time employees so that they have an opportunity to transfer to full-time employment.
- iv. To encourage women to apply for jobs previously considered as typically men's work (eg field staff and production) and to help women integrate into these areas of activity.
- v. Internal and external recruitment to be based solely on ability without regard for gender.
- vi. No question which discriminates against women may be included on application forms or asked at job interviews.

National context

1. Format of agreement:
Number of pages of company agreement: 1 page
2. Legal status:
As a company agreement it is legally binding
3. Relationship with other current agreements:
4. Geographical area of application:
National
5. Field of application: Industry:
The entire company
6. Field of application: Trade Union:
Gewerkschaft Agrar-Nahrung-Genuß [Agricultural, food, beverages and tobacco] (for blue-collar workers); GPA (for white-collar workers)
7. Employee coverage: Areas of activity:
 - a) Employee categories
All employees
 - b) Groups expressly excluded
 - c) Groups expressly included
8. Employee coverage: Professional groups:
Blue-collar and white-collar workers.

Agreement 3

Company agreement concluded by the "Verein für Bewährungshilfe und Soziale Arbeit" [Association for probation and social work] (VBSA)

1. Date of agreement: 15 November 1995

Effective date of agreement: 1 January 1996

Duration of agreement: indefinite period

2. Parties to the agreement:

Employer side: Management of VBSA

Employee side: Works council of VBSA, GPA

3. Type of agreement:

National

Sector: Service industry

Association (non-profit-making)

Professional groups: white-collar workers (administrative staff, social workers, cleaning staff)

4. Sector:

Service industry (welfare association)

Percentage of women in workforce: 68.3%; Total workforce: 413, number of female employees: 282.

The agreement covers all white-collar workers employed by VBSA

5. Articulation with existing agreements:

The company agreement articulates with the following agreements:

Pay agreement 1994, Hourly rates for casual staff 1996; Company agreement on computerization 1995, Company agreement on telephone usage 1991; Specimen agreement on career breaks 1991; Framework agreement on employment conditions 1995; Car loans 1992; Company agreement on working hours for

employees in the central administration 1995; Agreement on working hours for employees in residential homes 1995; Regulations for recording hours of work 1994; Company agreement on holiday entitlement; Provisions of legislation on employee representation: Angestelltengesetz [legislation on white-collar workers]

6. Advantages/Benefits of agreement:

Extent to which agreement sees itself as an equal opportunity agreement:

The agreement deals with:

Unpaid parental leave, sexual harassment

Special features:

Unpaid parental leave

- i. Extension to unpaid parental leave: if requested by the employee VBSA shall grant additional unpaid leave of a maximum of twelve months, in exceptional cases and if justified a maximum of 24 months. This leave shall be taken immediately after a period of unpaid parental leave.

Sexual harassment

- i. In particular sexual harassment in the workplace may also be considered as grounds for dismissal.

Equality in the use of language

- i. Footnote, Page 1: "For reasons of better readability personal designations in the text are solely in the female form. We ask male readers for their understanding in this respect."

National context

1. Format of agreement:

8 pages, relevant passages on pp 5 and 7

2. Legal status:

Company agreement

3. Relationship with other current agreements:
See Item 5
4. Geographical area of application:
National
5. Field of application: Welfare association:
All those employed in the Association's establishments
6. Field of application: Trade Union:
The "Associations" section of the GPA
7. Employee coverage: Areas of activity:
 - a) Employee categories
All female and male white-collar workers of VBSA
 - b) Groups expressly excluded
 - c) Groups expressly included
8. Employee coverage: Professional groups:
White-collar workers in administrative functions, social work and cleaning

Agreement 4

Company agreement/Regulations for part-time working of the Oberösterreichische Gebietskrankenkasse [Upper Austrian regional health insurance fund] (OÖGKK)

1. Date of agreement:

Effective date of agreement: 1 January 1995

Duration of agreement: indefinite period

2. Parties to the agreement:

Employer side: Directors of OÖGKK

Employee side: Works council of OÖGKK representing white-collar workers

3. Type of agreement:

Regional (Province of Upper Austria)

Sector: Service industry - social security organization

Organization subject to public law

Professional groups: (administrative staff, medical technicians)

4. Sector:

Service industry/Austrian social security organization

Percentage of women amongst administrative staff 52.9%; percentage of women amongst medical technicians: 74.9%; total workforce: 2082, female workforce 1289, overall percentage of women: 61.7%

The agreement covers all male and female white-collar workers employed by OÖGKK

5. Articulation with existing agreements:

Articulates with the following agreements:

Service Regulations: DO.A, DO.B, DO.C

6. Advantages/Benefits of agreement:

Extent to which agreement sees itself as an equal opportunity agreement:

The negative side effects of part-time work, such as discrimination against women, restrictions on opportunities for promotion, are to be eliminated.

The agreement deals with:

Equality in the use of language, hours of work, reconciliation of work and family life, job access

Special features:

Reconciliation of work and family life

- i. Support for employees in respect of childcare and the upbringing of children
- ii. Decision by employee to work part-time must be voluntary
- iii. Length and timing of hours of work to be agreed jointly by employee and employer
- iv. Restrictions on overtime working

National context

1. Format of agreement:

2 pages

2. Legal status:

Company agreement

3. Relationship with other current agreements:
See Item 5
4. Geographical area of application:
Regional
5. Field of application: Service industry
All white-collar workers of OÖGKK employed in administrative functions and as medical technicians
6. Field of application: Trade Union:
"Social security" section of GPA
7. Employee coverage: Areas of activity:
 - a) Employee categories
All white-collar workers of OÖGKK
 - b) Groups expressly excluded
 - c) Groups expressly included
8. Employee coverage: Professional groups:
White-collar workers employed in administrative functions and as medical technicians

3.3 Plans for the advancement of women

Agreement 5

Plan for the advancement of women in the Federal Ministry of Foreign Affairs

1. Date of agreement: 14 January 1994

Effective date of agreement: 14 January 1994

Validity of agreement: until 31 December 1995

2. Parties to the agreement:

Federal Minister for Foreign Affairs

3. Type of agreement:

National

Sector: Service industry - Federal administration Organization subject to public law

Professional groups: Civil servants, public servants under contract, blue-collar workers

4. Sector:

Federal administration/Ministry of Foreign Affairs

Percentage of women: 49.9%; total workforce: 1676, female workforce: 836

The agreement covers all male and female employees

5. Articulation with an existing agreement:

No previous agreement

6. Advantages/Benefits of agreement:

Extent to which agreement sees itself as an equal opportunity agreement:

The agreement deals with:

Access to jobs/promotion, further and development training, reconciliation of work and family life

Special features:

Access to jobs

- i. Women to be encouraged to sit the relevant qualifying examinations for entry to senior grades in the Ministry of Foreign Affairs, so that the percentage of women is increased from its current 20% to at least 40%.
- ii. If equal qualifications female applicants to be given preference for posts in the higher echelons of the Ministry of Foreign Affairs until the percentage of women in the pay/service group a/A is at least 40% of the total number of permanent staff.
- iii. If equal qualifications women to be given preference for management positions at home and abroad, until a quota of 40% is achieved. (Similar provisions exist for the diplomatic service grades B/b, C/c, D/d and E/e)

National context

1. Format of agreement:

The plan for the advancement of women has 5 pages, all of which are relevant

2. Legal status:

The agreement is a ministerial regulation

3. Relationship with other current agreements:

Notification No. 174/1993, No. 231 from 1993 and No. 256/1993 Bundes-Gleichbehandlungsgesetz 12 February 1993, §41 on the advancement of women in the Bundes-Gleichbehandlungsgesetz, Federal law gazette No. 100/93

4. Geographical area of application:
National

5. Field of application: Federal administration:
Ministry including all establishments attached to it

6. Field of application: Trade Union:
Public services union: the agreement makes no reference to union representation.

7. Employee coverage: Areas of activity:
 - a) Employee categories
All staff in the service/pay group A/a; B/b; C/c; D/d; E/e as well as those in technical services

 - b) Groups expressly excluded

 - c) Groups expressly included

8. Employee coverage: Professional groups:
Civil servants, public servants under contract and blue-collar workers in all grades and service groups

Agreement 6

Plan for the advancement of women in the Federal Ministry of Finance

1. Date of agreement: 12 August 1994

Effective date of agreement: 8 September 1994

Duration of agreement: indefinite

2. Parties to the agreement:

Federal Minister for Finance

3. Type of agreement:

National

Sector: Service industry - Federal administration Organization subject to public law

Professional groups: Civil servants, public servants under contract, blue-collar workers

4. Sector:

Federal administration/Ministry of Finance

Percentage of women: 65.9%; total workforce: 12 735, female workforce 8400

The agreement covers all employees

5. Articulation with an existing agreement:

No previous agreement

6. Advantages/Benefits of agreement:

Extent to which agreement sees itself as an equal opportunity agreement:

The agreement deals with:

Access to jobs/gender-specific segregation; reconciliation of work and family life

Special features:

Access to jobs/elimination of gender-specific segregation

- i. If qualifications are similar preference to be given to women for all jobs in the service/pay groups in which they are under-represented.
- ii. Job advertisements to make reference to the preference given to women.
- iii. Appropriate representation of women on committees.

Reconciliation of work and family life

- i. Flexible working hours
- ii. Return to work programmes for employees on unpaid leave
- iii. Courses to be offered in individual provinces
- iv. Childcare facilities to be set up

National context

1. Format of agreement:

The plan for the advancement of women has 8 pages, of which 2 pages relevant

2. Legal status:

The agreement is a ministerial regulation

3. Relationship with other current agreements:

Bundes-Gleichbehandlungsgesetz 12 February 1993; Federal law gazette No. 100/93, in the version published in the Federal law gazette No. 16/1994

4. Geographical area of application:

National

5. Field of application: Federal administration:
Ministry including all establishments attached to it
6. Field of application: Trade Union:
Public services union: the agreement makes no reference to union representation.
7. Employee coverage: Areas of activity:
 - a) Employee categories
All employees
 - b) Groups expressly excluded
 - c) Groups expressly included
8. Employee coverage: Professional groups:
Civil servants, public servants under contract and blue-collar workers in all grades and employment groups

Agreement 7

Plan for the advancement of women in the Federal Ministry of Employment and Social Affairs

1. Date of agreement: 1995

Effective date of agreement: 1 January 1996

Duration of agreement: until 31 December 2001

2. Parties to the agreement:

Federal Minister for Employment and Social Affairs

3. Type of agreement:

National

Sector: Service industry - Federal administration Organization subject to public law

Professional groups: Civil servants, public servants under contract, blue-collar workers

4. Sector:

Federal administration/Ministry of Employment and Social Affairs

Percentage of women: 54.8%; total workforce: 1884, female workforce: 1033

The agreement covers all employees

5. Articulation with an existing agreement:

Replaces earlier plan for the advancement of women introduced by the Ministry of Employment and Social Affairs (valid from 1 November 1994-31 December 1995)

6. Advantages/Benefits of agreement:

Extent to which agreement sees itself as an equal opportunity agreement:

Page 8: "... to offset existing discrimination resulting from the division of labour by society and to improve the prerequisites for reconciling family responsibilities with career interests."

Page 9: "To open up new avenues of cooperation between women and men in the workplace and so create opportunity for both sexes. To this end the plan for the advancement of women contains a series of measures which shall be equally available to men, who increasingly wish to take their share of family responsibilities."

The agreement deals with:

Access to jobs/segregation in the workplace; further and development training/support for professional advancement/ support for those returning to work after a break/increasing the percentage of women on committees and advisory councils/ reconciliation of family and work life

Special features:

Reconciliation of work and family life

- i. Meetings to be held in core time so that part-time employees or those with childcare responsibilities can attend.
- ii. Work to be scheduled so that the work of individual employees can usually be completed within the normal hours of work.
- iii. In the case of overtime or work in excess of maximum working hours, account shall be taken of the time required for (child)care responsibilities.
- iv. To encourage part-time employment.
- v. To encourage part-time staff to participate in training initiatives.
- vi. To increase the acceptability of unpaid parental leave for men.

National context

1. Format of agreement:

The plan for the advancement of women has 41 pages in all, for the reconciliation of work and family life 2 pages are relevant (pp 15 and 16).

2. Legal status:
The agreement is a ministerial regulation
3. Relationship with other current agreements:
Bundes-Gleichbehandlungsgesetz 12 February 1993; Federal law gazette No. 100/93, in the version published in the Federal law gazette No. 16/1994
4. Geographical area of application:
National
5. Field of application: Federal administration:
Ministry including all establishments attached to it
6. Field of application: Trade Union:
Public services union: the agreement makes no reference to union representation.
7. Employee coverage: Areas of activity:
 - a) Employee categories
All employees
 - b) Groups expressly excluded
 - c) Groups expressly included
8. Employee coverage: Professional groups:
Civil servants, public servants under contract and blue-collar workers in all grades and employment groups

Agreement 8

Plan for the advancement of women in the Federal Ministry of Science, Research and the Arts

1. Date of agreement: 8 March 1994

Effective date of agreement: 31 March 1995

Duration of agreement: until 31 December 2000

2. Parties to the agreement:

Federal Minister for Science, Research and the Arts

3. Type of agreement:

National

Sector: Service industry - Federal administration

Professional groups: Civil servants, public servants under contract, blue-collar workers

4. Sector:

Federal administration/Ministry of Science, Research and the Arts

Percentage of women: 36.3%; total workforce: 33 706, female workforce: 12 262

The agreement covers all employees

5. Articulation with existing agreements:

No previous agreement

6. Advantages/Benefits of agreement:

Extent to which agreement sees itself as an equal opportunity agreement:

Page 3631: "The aim of the plan for the advancement of women is to increase the percentage of female employees in all service/pay groups and functions within the Federal Ministry of Science, Research and the Arts to at least 40%.

All measures without a direct or indirect impact on the quota for women shall be oriented towards this aim. The urgency of initiatives to encourage women shall be determined by the degree of their under-representation. A primary objective shall be, therefore, to increase the number of women appointed to senior posts in the academic world, posts in art education and lecturing in the arts (eg university and college professors and senior university and college lecturers appointed for an indefinite term) or posts in universities and colleges which specialize in the arts."

Page 3632: "The aim of measures introduced for the advancement of women shall be to increase by 20% the quota of women currently employed in each of the individual service/pay groups or service functions (women as a percentage of the total number employed by individual authorities in any given service/pay group or service function in accordance with § 1 Sections 2 and 3) until the quota of women reaches 40%. If the existing quota of women is less than 10%, the aim of measures for the advancement of women shall be to increase their existing percentage within two years of the publication of this statutory instrument by 100% in each case. If the percentage of women employed by an individual authority in a service/pay group or service function in accordance with § 1 Sections 2 and 3 is 0%, action shall first of all be taken in accordance with § 4."

The agreement deals with:

Access to jobs/elimination of gender-specific segregation; reconciliation of family and work life; further and development training

Special features:

Access to jobs

- i. The annual schedule of staffing requirements shall state which posts - both new jobs and replacements - divided by service group/pay group are to be filled exclusively by women.
- ii. Before advertising a vacancy a check shall be made to see whether there is a suitable internal candidate who could be promoted to the function associated with the relevant post.
- iii. All female applicants with the statutory qualifications specified for the position shall be invited to the interviews conducted as part of the selection process.
- iv. Any female applicant whose suitability for the position is not less than that of the best male applicant shall be given preferential treatment in the appointment process.

v. In universities and colleges which specialize in the arts the existing quota of women shall be increased within two years by 20% until the quota is 40%.

vi. In assessing qualifications (eg post-doctoral lecturing assessment) research into women's issues shall be treated in exactly the same way as other research topics.

vii. Service specifications and the suitability requirements associated with career planning shall not contain any criteria which discriminate against women or which are based on a stereotypical understanding of gender roles.

viii. All female staff, including part-time employees, shall be advised of further education and training during any absence covered by a statutory provision and should also have the opportunity to participate.

Reconciliation of work and family life

i. Annual assessment of demand so that appropriate action can be taken to cover the need for childcare places for children of staff employed in the relevant offices.

National context

1. Format of agreement:

43 pages, pp 3631-3674, the relevant section extends to 6 pages

2. Legal status:

The agreement is a statutory instrument

3. Relationship with other current agreements:

§ 41 of the Bundes-Gleichbehandlungsgesetz, Federal law gazette No. 100/1993

4. Geographical area of application:

National

5. Field of application: Federal administration:

Ministry including all establishments attached to it

6. Field of application: Trade Union:
Public services union: the agreement makes no reference to union representation.

7. Employee coverage: Areas of activity:
 - a) Employee categories
All employees

 - b) Groups expressly excluded

 - c) Groups expressly included

8. Employee coverage: Professional groups:
Civil servants, public servants under contract, and blue-collar workers in all grades and service groups

Agreement 9

Plan for the advancement of women in the Federal Ministry of Economic Affairs

1. Date of agreement: 16 March 1994

Effective date of agreement: 16 March 1995

Duration of agreement: until end 1995/beginning 1996

2. Parties to the agreement:

Federal Minister for Economic Affairs

3. Type of agreement:

National

Sector: Service industry - Federal administration

Organization subject to public law

Professional groups: Civil servants, public servants under contract, blue-collar workers

4. Sector:

Federal administration/Ministry of Economic Affairs

Percentage of women: 25.8%; total workforce: 6543, female workforce: 1690

The agreement covers all employees

5. Articulation with existing agreements:

No previous agreement

6. Advantages/Benefits of agreement:

Extent to which agreement sees itself as an equal opportunity agreement:

The agreement deals with:

Access to jobs/professional advancement, initial training and further training, reconciliation of family and work life; hours of work

Special features:

Career breaks

- i. Timely information to be given to staff on job opportunities following maternity or parental leave. This information to contain an invitation to the employee to return to work.
- ii. Immediately before work is resumed there shall be a discussion on deployment. If it is impossible to return to a former job it must be explained what other positions might be possible in terms of the requirements of the individual and the Ministry.
- iii. Contact with staff on leave shall be maintained (sending of staff journals, invitations to attend events).

Hours of work/part-time working

- i. Part-time working may at no time be the reason why an employee is excluded from promotion opportunities. Management posts shall be organized so that they are compatible with childcare and family responsibilities.
- ii. Job descriptions for management posts may not stipulate hours of work - within the general statutory framework - as a condition.

National context

1. Format of agreement:
Plan for the advancement of women has 22 pages, 2 of which are relevant (pp 3633 and 3634)
2. Legal status:
The agreement is a ministerial regulation
3. Relationship with other current agreements:
§ 41 of Bundes-Gleichbehandlungsgesetz, Federal law gazette No. 100/93; Notification No. 174/1993, No. 231 from 1993 and No. 256/1993

4. Geographical area of application:
National

5. Field of application: Federal administration:
Ministry including all establishments attached to it

6. Field of application: Trade Union:
Public services union: the agreement makes no reference to union representation.

7. Employee coverage: Areas of activity:
 - a) Employee categories
All male and female employees

 - b) Groups expressly excluded

 - c) Groups expressly included

8. Employee coverage: Professional groups:
Civil servants, public servants under contract, and blue-collar workers in all grades and service groups

Agreement 10

Plan for the advancement of women in the Arbeitsmarktservice Österreichs [Austrian employment service] (AMS)

1. Date of agreement:

Effective date of agreement: 1 January 1996

Duration of agreement: until 31 December 1996

2. Parties to the agreement:

Employer side: Managing Board of AMS

3. Type of agreement:

National

Sector: Service industry

Body subject to public law

Professional groups: Civil servants and white-collar staff covered by an AMS collective agreement

4. Sector:

Service industry,

Percentage of women: 60%; total workforce, approx. 4200, female workforce: approx. 2500.

The agreement covers all employees.

5. Articulation with existing agreements:

Collective agreement for employees of the AMS dated 1 January 1995;

Bundes-Gleichbehandlungsgesetz 1993; Arbeitsmarktservicegesetz [legislation on the employment service] dated 1 July 1994.

6. Advantages/Benefits of agreement:

Extent to which agreement sees itself as an equal opportunity agreement:

Page 1: The AMS is an organization which guarantees equal opportunities to women and men in the workplace in terms of recruitment, career advancement and appointment to management functions. This shall be achieved through its human resource policy and in accordance with the provisions of the plan for the advancement of women. The activities of the equal opportunity officers are seen as an important contribution to compliance with this official duty. The plan for the advancement of women shall also be taken into account when budgets and posts are allocated. All new employees shall be informed of the plan for the advancement of women and increased publicity shall be given to the advancement of women. Equality in the use of language is an obligation. Equal opportunity officers shall be granted extensive rights in respect of access to information.

The agreement deals with:

Reconciliation of work and family life; initial and further training; career advancement; resumption of work; sexual harassment; equal opportunity committee; measures to increase the percentage of women on committees

Special features:

Resumption of work

- i. Support when work is resumed after unpaid leave
- ii. Discussions with female employees on opportunities for deployment after unpaid leave
- iii. Targeted training in the first four months after a return to work
- iv. Preferential admission to specialist seminars (with childcare)

Sexual harassment

- i. AMS shall take all necessary action to protect female employees from sexual harassment

National context

1. Format of agreement:

13 pages

2. Legal status:
Plan for the advancement of women agreed by employer and employee sides, binding for five years
3. Relationship with other current agreements:
See Item 5
4. Geographical area of application:
National
5. Field of application: Service industry
Public sector agency
6. Field of application: Trade Union:
Public services union
7. Employee coverage: Areas of activity:
 - a) Employee categories
All employees
 - b) Groups expressly excluded
 - c) Groups expressly included
8. Employee coverage: Professional groups:
Civil servants and white-collar staff covered by a collective agreement

3.4 Legislation at provincial level

Agreement 11

Provincial legislation on the equal treatment of women and men and the advancement of women in the provincial administration of Salzburg (Landes-Gleichbehandlungsgesetz) [provincial legislation on equal treatment]

1. Date of agreement: 19 March 1996

Effective date of agreement: 1 July 1996

Duration of agreement: indefinite

2. Parties to the agreement:

Provincial government of Salzburg

3. Type of agreement:

Regional (Province of Salzburg)

Sector: Service industry - provincial administration

Organization subject to public law

Professional groups: Civil servants, employees under contract and blue-collar workers

4. Sector:

Provincial administration

Percentage of women: 59.8%; total workforce: 7550, female workforce: 4515

The agreement covers all employees of the Province (excluding teachers in the Province)

5. Articulation with existing agreements:

No previous statutory provision at provincial level

6. Advantages/Benefits of agreement:

Extent to which agreement sees itself as an equal opportunity agreement:

Page 129: "The aim of this legislation is to eliminate direct discrimination on the grounds of gender and any sexual harassment in the provincial administration and by means of specific measures for the advancement of women to achieve de facto equality between women and men."

The agreement deals with:

Equal treatment in general, the advancement of women, sexual harassment

Special features:

Access to work:

- i. The legislation stipulates that there must be equal treatment during the selection process for either an employment or training relationship.
- ii. This requirement in respect of equal treatment also covers the grading structure and job advertisements.

Remuneration:

Legal sanctions to be imposed if requirement in respect of equal treatment is breached in the following areas:

- i. the determination of pay
- ii. the granting of voluntary social benefits.

Structural measures:

- i. Sexual harassment: a major section covers sexual harassment and defines it as a breach of official duty.
- ii. Specifies individuals and institutions to deal with equal treatment and the advancement of women.
- iii. Establishes an equal opportunity commission and provides for an equal opportunity officer.
- iv. Specifies special measures for the advancement of women (plans for the advancement of women).

National context

1. Text format:
Legislative text, 9 pages (pp 127-135)
2. Legal status:
Provincial legislation
3. Relationship with other current agreements:
The "Programme for the advancement of women in the provincial administration of Salzburg" was introduced in 1991. This is now an integral part of the Province's legislation on equal treatment.
4. Geographical area of application:
Regional (Federal Province of Salzburg)
5. Field of application: Service industry
Provincial administration
6. Field of application: Trade Union:
Public services union
7. Employee coverage: Areas of activity:
 - a) Employee categories:
All public employees in the Province of Salzburg
 - b) Groups expressly excluded:
Teachers in the Province of Salzburg
 - c) Groups expressly included:
All women and men with an employment or training relationship with the Province of Salzburg or who are applying for the same.
8. Employee coverage: Professional groups:
Civil servants, employees under contract, blue-collar workers.

4. Summary discussion of results

4.1 Introduction

The process of researching innovative equal opportunity agreements in Austria and our analysis of these agreements have provided a clear picture of the situation in Austria. In essence it can be said that equal opportunity policies in Austria are only at a very early stage. The de facto situation in Austria with regard to equal treatment has been moulded to a considerable extent by the existence of two different pieces of legislation passed by the Federal government (Buchinger, Gschwandtner and Pircher 1996). It is significant that the Bundes-Gleichbehandlungsgesetz, the public sector legislation, makes it a statutory requirement to introduce measures for the advancement of women, whereas the Gleichbehandlungsgesetz, the private sector legislation, does not. The tangible effect of this is that the public sector has introduced plans for the advancement of women whereas they remain the exception in the private sector.

It was not until the early 1990s that Austria saw the emergence of measures for the advancement of women in the workplace. They were based on similar measures introduced by other European countries and emerged despite the absence of statutory provision. However the expectations that Austria would relatively quickly fall into line with international standards in this area have not yet materialized. In fact the opposite has occurred and the process has stagnated. This is clear not only from the small number of companies with a policy for the advancement of women but also from the fact that the private sector has almost no binding written agreements covering this subject. Moreover some companies, who have been working on concepts for the advancement of women for some considerable time, have either failed to agree to or have not implemented them.

In the following paragraphs we discuss the positive and negative aspects of equal opportunities and the advancement of women based on the four types of agreement included in our research.

4.2 Collective agreements

As described in detail in Chapter 2 collective agreements do not generally see themselves as instruments for the implementation of equal opportunities. Rather there is a self-declared assumption within an agreement that its provisions are gender neutral in character. In terms of collective agreements the only innovative agreement, which can be cited as a good example, is that concluded by the GPA, the union for private sector white-collar workers. In addition to equality in the use of language this agreement also stipulates a plan for the advancement of women, thus making it a binding requirement.

In conclusion it should be mentioned that apart from the almost total absence of any reference in Austrian collective agreements to equal opportunities, there have so far been no serious discussions, even by trade unions, on the possibility of concluding a general collective agreement - ie a collective agreement between the ÖGB and the Bundeswirtschaftskammer [Federal Chamber of Business] - on the equal treatment of men and women.

4.3 Company agreements

As already stated on several occasions binding written agreements remain the exception in Austrian companies. This means that company policy on the advancement of women is still in a state of "perpetual sleep" (Pastner and Papouschek 1996). Based on the company agreements included in our research the following positive and negative aspects can be identified.

Based on the situation which prevails in the private sector in Austria the mere existence of a company agreement on equal opportunities or an agreement which contains references to the advancement of women can be classed as innovative and positive. It shows that company agreements are an appropriate instrument for a detailed consideration of individual problem areas relating to the company's employment of women and for the related development of specific measures for their advancement. For example, we consider that Nestlé's encouragement to women to apply for jobs previously seen as typically men's is innovative, inasmuch as it is accompanied by help with the subsequent process of integration when they take on these jobs. In a similar vein is the agreement on part-time employment introduced by the OÖGKK, the Upper Austrian regional health insurance fund. However, on the negative side it should be mentioned that even in these cases the question of realization and implementation is often left largely unregulated. This means that here too it depends upon the commitment and the relative authority of individuals whether and to what extent the implementation of measures is binding.

4.4 The advancement of women in the public sector

In essence the following positive and negative aspects can be identified.

(a) Positive aspects

- Following the 1993 Bundes-Gleichbehandlungsgesetz the situation in the public sector has generally progressed further than in the private sector both in terms of discussions on equal opportunities and practical implementation. All Federal employees are covered by plans for the advancement of women.
- Several important areas such as job access, the whole question of reconciling work and family life, support for women in terms of career advancement and access to additional training are included in all plans for the advancement of women to a greater or lesser extent.
- In addition the existence of equal opportunity officers, committees and working parties at a variety of levels has resulted in a dense institutional network.

(b) Negative aspects

- As the urgency of policies for the advancement of women is based on the degree of their under-representation, the implementation of individual plans for the advancement of women require first of all a precise and meaningful analysis of current statistics (eg the percentage of women in management positions). However the accuracy of employment data collected by the various Federal agencies is variable with the result that there are no uniformly applicable and therefore no comparable databases, eg which are specific to smaller administrative units as well.
- Under § 41 of the Bundes-Gleichbehandlungsgesetz the relevant Ministries are required to draw up plans for the advancement of women. In most cases this has taken the form of a ministerial regulation. A ministerial regulation can also be regarded, so to speak, as an internal directive for the implementation of the legislation. In contrast a statutory instrument, which by its nature adds detail to the initial legislation, is more binding. In most cases the plans for the advancement of women introduced by Austrian Ministries and agencies have only been in the form of a ministerial regulation and, therefore,

are less binding. It is up to the goodwill of the relevant Minister, whether male or female, to decide the extent of any obligation to implement the plan for the advancement of women.

- In addition the standards which apply to the plans for the advancement of women vary considerably. This may be due to the fact that the provisions contained in the Bundes-Gleichbehandlungsgesetz are very general and are not binding. For example, there is no requirement to specify until the plan for the advancement of women is drawn up "in what timescale and with what personnel, organizational and training measures and in what service groups an existing under-representation or an existing discrimination against women should be eliminated" (§ 41 Section 3 Bundes-Gleichbehandlungsgesetz). In addition there are, for example, no minimum standards for the collection of current statistics. In some cases this has resulted in imprecise or incorrect source data. Moreover as no timetable was laid down for the preparation of plans for the advancement of women, some plans did not take effect until 1½ years after their intended start date. However, these delays and similar instances have not had consequences. In the final analysis, therefore, various provisions relating to plans for the advancement of women must be seen as "dead law" with an effect which often is nothing more than symbolic.
- Against this background it is easy to understand why, even with regard to plans for the advancement of women, it is the commitment and authority of specific individuals, which, in the final analysis, will determine the detail included in these plans, how comprehensive they are and which measures are implemented.

4.5 Provincial legislation on equal treatment

The enactment of legislation on equal treatment at provincial level has extended equal opportunity legislation to certain female employees who were previously excluded, ie those employed by the provincial governments. However so far only three of Austria's nine provinces have introduced such legislation. In our view it is important not only that equal treatment legislation is extended to all provinces but also that there should be uniform standards both with regard to content and organizational provision and with regard to realization and implementation. In this respect many aspects of the Salzburg legislation on equal treatment could serve as a model.

5. Conclusion

If we assign the agreements included in the research to the categories developed by the European Foundation⁴, the result is as follows: agreements belong predominantly to the category of self-declared equal opportunity agreements (category i). These in turn come under the subcategory (ia), ie they see themselves as agreements for the advancement of equal opportunities whether or not they have this effect in practice. Included in this category are agreements which regulate access to jobs, remuneration, the reconciliation of work and family life, promotion, etc. In contrast that company agreement which, for example, makes sexual harassment grounds for dismissal, is an agreement which explicitly addresses discrimination (category ib). An agreement, which is considered good in context (category ii), would be the agreement on part-time working concluded by OÖGKK, the Upper Austrian regional health insurance fund. Its aim is to eliminate the negative effects of part-time working. Compared with the relevant EU legislation⁵ there are no provisions in the above agreements which go beyond those of the European Union.

Viewed from a different perspective the following factors are mainly responsible for the current situation in Austria with regard to the advancement of women and equal opportunities. In terms of existing legislation and power structures the following aspects are of crucial importance:

- Absence - even in the Gleichbehandlungsgesetz - of concrete guidelines for the implementation of equal opportunity policies in the private sector (eg "positive action").
- In many respects the provisions contained in the Bundes-Gleichbehandlungsgesetz for public servants at Federal level are of a general nature and as a result there is no binding obligation in the final analysis to implement them.

⁴ "It is useful to indicate (...) some different ways in which a collective agreement (or provision therein) may be designated as 'good'. Here we adopt a working distinction between:
 (i) agreements which of themselves may appear to be good agreements, and
 (ii) those which appear good once they are considered in context. The first category - agreements which are good of themselves - has two (possibly overlapping) subcategories:
 (ia) self-declared EO agreements (those which declare an intention to promote equality of women and men, whether or not they have this effect in practice), and
 (ib) agreements which explicitly attempt to address discriminatory practice..." (Bercusson and Dickens 1996, p 26).

⁵ Directives 75/117/EC; 76/207/EC; 79/7/EC; 86/378/EC; 86/613/EC; 92/85/EC; Recommendations 84/635/EC; 87/567/EC; 92/131/EC and 92/241/EC

- In addition it is necessary to mention the dominant influence which the culture of social partners has on Austrian employment relationships. This culture is characterized by informality, paternalism, lack of transparency and male dominance. They impact to a considerable extent on the provisions contained in agreements on equal opportunities and the advancement of women. In principle the entire policy relating to the advancement of women and equal treatment is characterized by half-heartedness both at the level of collective agreements and at company level. If there is any specific reference to equal treatment this is primarily designed to demonstrate "goodwill". In most cases there is no binding obligation with regard to implementation and there are no sanctions. The company culture with regard to the advancement of women is characterized by informality and lack of transparency. One manifestation of this culture is the tendency to keep "secret" the contents of any agreements. However in the final analysis the lack of political will may be a significant factor in explaining why equal opportunity policy in Austria remains in a state of "perpetual sleep".

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7. Annex:

Agreement 1: Collective agreement/Service Regulations B (DO.B) for doctors and dentists⁶ employed by the Austrian social security organizations

Agreement 2: Company agreement concluded by Österreichische Nestlé Gesellschaft mbH

Agreement 3: Company agreement concluded by the "Verein für Bewährungshilfe und Soziale Arbeit" [Association for probation and social work] (VBSA)

Agreement 4: Company agreement/Regulations for part-time working of the Oberösterreichische Gebietskrankenkasse [Upper Austrian regional health insurance fund] (OÖGKK)

Agreement 5: Plan for the advancement of women in the Federal Ministry of Foreign Affairs

Agreement 6: Plan for the advancement of women in the Federal Ministry of Finance

Agreement 7: Plan for the advancement of women in the Federal Ministry of Employment and Social Affairs

Agreement 8: Plan for the advancement of women in the Federal Ministry of Science, Research and the Arts

Agreement 9: Plan for the advancement of women in the Federal Ministry of Economic Affairs

Agreement 10: Plan for the advancement of women in Arbeitsmarktservice Österreichs [Austrian employment service] (AMS)

Agreement 11: Provincial legislation on the equal treatment of women and men and the advancement of women in the provincial administration of Salzburg (Landes-Gleichbehandlungsgesetz) [provincial legislation on equal treatment]

⁶ Under the Service Regulations personal designations relate to both men and women.

Note: Photocopies of annexes may be requested from:

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