

# Overview

About the cross-sectional issue of disability in Austria

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# 1 Introduction

People with disabilities, their relatives and caregivers form a large group within the population and are therefore also an important political and economic factor. The WHO assumes (cf. World Disability Report 2011) that there are approximately 1 billion people with disabilities worldwide (**15% of the world population**). This WHO estimate is based on the evaluation of numerous studies. The sector of the population which has experience with disabilities also includes those people who have temporary mobility and other issues (e.g. people who have had accidents, those undergoing medical treatment, mothers/fathers with prams or pushchairs and small children). For all these groups of people, it is important that disability policy creates conditions that benefit as many people as possible. Of key importance here is that the environment must be designed to be as **accessible** as possible in every respect.

According to a micro census survey conducted by Statistics Austria on behalf of the Federal Ministry of Social Affairs, Health, Care and Consumer Protection (BMSGPK) in 2015, 18.4% of the resident population aged 15 and over in private households in **Austria** have a permanent disability. This represents a total of **around 1.3 million people**.

By far the most common permanent disabilities in the 2015 survey were problems with mobility. A projected total of around 1 million people, or 14.1% of the Austrian population aged 15 and older in private households were affected. 7.3% of the population reported more than one disability, which corresponded to about 534,000 persons with several permanent disabilities. Around 374,000 persons (5.1%) had disabilities other than those specified in the survey. Nerve-related or psychological problems were the third most common, accounting for about 270,000 affected persons (3.7%). People with problems with their vision were in fourth place (3.0% or around 216,000 people), with slightly fewer respondents reporting hearing problems (2.1% or around 157,000 people). Learning disabilities affected 0.8% of the population (around 60,000 people), and difficulties in speaking 0.4% (around 26,000 people).

Among those with mobility issues, 3.7% or 271,000 people had severe problems. Around 40,000 people (0.5% of the population aged 15 and over) reported being dependent on the use of a wheelchair. Of the 216,000 persons with visual impairments (3.0%) or 53,000 persons (0.7%) had severe problems. About 2,200 persons (0.03%) described themselves as

blind. A total of approximately 157,000 individuals reported hearing difficulties (2.1%), including 19,000 individuals (0.3%) with severe hearing problems.

Disability affairs in Austria are a multi-layered **cross-sectional** subject matter which also has a strong federal component (regional responsibilities). Disability policy at the federal level consists of independent strong **pillars in** important areas, for which detailed strategies are developed and detailed planning is carried out by the responsible federal ministries (such as in the areas of employment, long-term care and education). Based on the federal constitution, all areas of disability policy that are not explicitly a federal matter are the **responsibility of the regions (Land)**.

Although the Federal Constitutional Act does not contain a portfolio of competences for the field of "disability affairs", it nevertheless provided a basic norm in 1997 by including protection against discrimination due to disability. Accordingly, no one may be discriminated against due to disability (Art. 7 para. 1 B-VG). Furthermore, Art. 7 B-VG enshrined the commitment of the Federal Government, the regions and the municipalities to ensure the equal treatment of persons with and without disabilities in all areas of daily life.

In 2005, Austrian Sign Language was embedded in the Federal Constitution. Art. 8 para. 3 of the Federal Constitutional Act (B-VG) stipulates:

"Austrian Sign Language is recognised as an independent language. Further details are determined by the laws."

In many procedural laws it has already been regulated that the state has to bear the costs of sign language interpreters.

The **visionary goal is an inclusive society** in which people with disabilities and disadvantages can participate in all activities of society. In contrast to the integration and rehabilitation approach, inclusion overcomes the claim that people with disabilities must be "integrated" or must adapt as far as possible to the requirements of people without disabilities in order not to be excluded from social activities. Inclusion thus corresponds to the **principle of normalisation**, according to which the lives of people with disabilities should differ as little as possible from those of people without disabilities.

The main tasks of the Austrian Ministry of Social Affairs on this path are described on the following pages. It has three key legal instruments at its disposal - the Disability Employment Act (BEinstG), the Federal Disability Act (BBG) and the Federal Disability Equality Act (BGStG)



## 2 International Aspects

For years, Austria has been forcefully campaigning in international bodies for the implementation of disability **mainstreaming** and for the **rights of** persons with disabilities. In 2008, it was one of the first EU Member States to ratify the UNCRPD (**UN Convention on the Rights of Persons with Disabilities**), including the Optional Protocol, thus clearly signalling Austria's ambition to fulfil its obligations under this disability-specific human rights convention.

In the **UN Human Rights Council**, Austria actively supports negotiations on resolutions concerning the rights of persons with disabilities.

As a Member State of the European Union, in which up to 87 million people with disabilities or with long-term health problems live, Austria is actively committed to equality and the rights of people with disabilities. A separate National Action Plan (NAP on Disability) was adopted in 2012 to implement the UNCRPD.

Following a comprehensive evaluation of this NAP on Disability, a new NAP on Disability 2022-2030 was adopted by the federal government on 6 July 2022.

On 3 March 2021 the European Commission presented the new EU Disability Rights Strategy for the entire decade with the Communication Union of Equality: strategy for the rights of persons with disabilities 2021-2030. This builds, among other things, on the results of the evaluation of the European Disability Strategy 2010-2020. The aim is in particular to implement the UNCRPD at EU level. The strategy includes measures by the European Commission and calls on the Member States to take action. The strategy supports and complements Austria's activities to implement the UNCRPD. The content priorities of the EU strategy also largely coincide with the priorities of the Austrian NAP on Disability 2022-2030.

On 15 November 2010 the European Commission presented the Communication "European Disability Strategy 2010-2020: renewed commitment to an accessible Europe". This communication contains the new EU strategy in the field of disability, which extends over a period of ten years. It supports and complements Austria's activities to achieve accessibility and is in line with the UNCRPD. The main focus of the EU strategy also largely coincides with the priorities set in the Austrian NAP on Disability.

# 3 Disability

## 3.1 The participation in working life of people with disabilities

### 3.1.1 Group of registered disabled persons

In order to pursue the socio-political goal of integrating people with disabilities into the labour market, and in order to enable them to have a self-determined existence and social recognition, obliging employers to employ **people with disabilities** was and is the starting point. To implement this effectively, a legal definition is required of the people with disabilities whom companies have to employ as well as a definition of the employers who are subject to this employment obligation. Both are regulated in the Disability Employment Act (BEinstG).

The group of disabled persons receiving special support (registered disabled persons) includes people of working age who

- have a degree of disability of at least 50% and
- have Austrian citizenship or
- are EU or EEA citizens,
- Swiss citizens or refugees who have been granted asylum,
- or third-country nationals who are entitled to reside in Austria and to pursue employment, provided that they are deemed equivalent to Austrian citizens under applicable law.

Anyone who wishes to belong to this group can submit an application to the Office of the Ministry of Social Affairs. (Sozialministeriumservice) This initiates a so-called assessment procedure, in the course of which the degree of disability is determined by medical experts. The Office of the Ministry of Social Affairs then decides on the application by means of an official decision. If the person affected does not agree with the decision they can lodge an appeal with the Federal Administrative Court.

The legal basis for determining the degree of disability also includes the **Assessment Regulation**, in which modern medical criteria and parameters were created to determine the

degree of disability during an examination by medical experts. The assessment of a degree of disability or the severity of the disability has an impact in particular on the related individual support and assistance services offered by various agencies.

**Disability** within the meaning of the Assessment Regulation is "the effect of a not merely temporary physical, mental or psychological functional disability or **disability of** sensory functions which is likely to make **participation in** life in society, in particular in general working life, more difficult. A period of more than **six months is deemed to be** not merely temporary.

By applying so-called MAS diagnostics (Multi-Axial Classification Scheme Axis 6), **social aspects** are also taken into account in the **medical assessment** according to the Assessment Regulation. Social skills are thus also included in the assessment of mental abilities.

### 3.1.2 Employment obligation

Employers who employ 25 or more workers in Austria must employ one registered disabled person for every 25 employees. The number of registered disabled persons who must be employed (mandatory figure) is calculated by the Office of the Ministry of Social Affairs on the basis of the data reported to the health insurance institutions. The total number of employees is taken as a basis. Certain groups of persons are not taken into account when fulfilling the employment obligation (e.g. apprentices).

The legal requirements regarding the employment obligation are considered to have been fulfilled if registered disabled persons are employed in accordance with the prescribed number of employees. If the employer also belongs to the group of **people with disabilities**, they are included in the mandatory number.

The following persons, whose employment is particularly encouraged, are counted double in relation to the mandatory number:

- blind people,
- wheelchair users,
- registered disabled persons under 19 years of age,
- registered disabled persons for the duration of training
- disabled persons over 50 with a degree of disability of at least 70%,

- registered disabled persons over 55.

If the number of employees who are disabled persons receiving special support (registered disabled persons) falls below the mandatory number - for whatever reason - the employer has to pay a **compensatory levy**. This amounts to € 292 per month for each registered disabled person short of the mandatory number for the year 2023 for employers with 25 to 99 employees, € 411 for employers with 100 to 399 employees and € 435 for employers with 400 or more employees. These figures are increased annually by the pension adjustment factor.

The compensatory levy is calculated by the Sozialministeriumservice in retrospect for each calendar year and imposed by an official decision. The Federal Administrative Court decides on any appeal lodged against this decision.

Compensatory levies paid flow into the compensatory levy fund administered by the Ministry of Social Affairs. This is of great importance in efforts to integrate people with disabilities into the general labour market. It benefits them as well as companies and the economy in general. In concrete terms, these funds are primarily used for the occupational integration of people with disabilities, the establishment and expansion of integrative enterprises, and subsidies for employers.

If companies train registered disabled persons as apprentices, they receive a bonus in the amount of the respective basic rate of the compensatory levy (in 2023 € 292).

### **3.1.3 Protection**

Disabled persons receiving special support (registered disabled persons) are also subject to special protections, the best known of which is increased **protection against termination**.

This was newly regulated in an amendment to the Disability Employment Act in 2010, so a distinction must be made between the legal situation before 1 January 2011 and employment relationships concluded after that date.

Employment relationships entered into before 1 January 2011:

this **special protection against termination** applies to employees who belong to the group of **registered disabled persons, and applies** exclusively in the event of the **termination of the contract of a person in a permanent employment relationship** by the employer and if the employment relationship has existed for **more than six months** at the time of the notice of termination. This period does not apply if registered status was acquired as a result of an occupational accident within the first six months or in the event of a transfer within a corporate group.

Employment relationships entered into as of 1 January 2011:

in this scenario, the increased protection against termination does not apply until the **fifth** year of the employment relationship, unless registered status is acquired after the employee has started work. In this case, the increased protection against termination applies from the seventh month or immediately in the event of an accident at work or a change of job within a group of companies.

For all other forms of termination of an employment relationship (e.g. termination by mutual consent, expiry of a fixed-term employment contract or dismissal), the special protection does not apply.

For employment relationships of registered disabled persons which were newly established as of 1 January 2011, a longer probationary period therefore applies. For employment relationships established before 2011 there is no change in the legal situation (from the seventh month as previously).

However, the termination of a registered disabled person by the company **without the prior consent of the Disability Committee** is generally legally invalid unless consent is granted subsequently in exceptional cases. Such an exceptional case exists, for example, if the employer did not know and could not be expected to know at the time of the termination that the employee belongs to the group of registered disabled persons. Before giving notice of termination, the company must therefore submit a reasoned written application for approval of the termination to the Disability Committee at the competent regional office of the Ministry of Social Affairs (Sozialministeriumservice).

If such an application for termination has been submitted, the Office of the Ministry of Social Affairs first conducts an **investigation procedure** in which all parties involved have the

opportunity to present their points of view and provide relevant evidence. In this procedure, the works council, the disabled persons' representative and the staff representative(s) must also be heard.

Simultaneously with the implementation of the termination procedure, the Office of the Ministry of Social Affairs offers support and advice as well as measures in order to safeguard the employment relationship threatened by termination or to make it possible for the person to obtain a new job. This support may result in the application for termination becoming superfluous and therefore withdrawn.

If the application for termination is upheld, **the Disability Committee shall come to a conclusion on the basis** of the results of the investigation procedure in a non-public session by issuing an official decision. This committee meets under the chairmanship of an employee of the Office of the Ministry of Social Affairs. The organisations of persons with disabilities, employees and employers, as well as the regional office of the Public Employment Service (AMS) are also represented. Appeals against the decision of the Committee for Disabled Persons may be lodged with the Federal Administrative Court.

### **The Disabled Persons' representative**

In every company in which at least five disabled persons receiving special support (registered disabled persons) are permanently employed, a disabled persons' representative must be elected. If at least 15 registered disabled persons are employed in a company, two deputies must be elected for the disabled persons' representative, and three persons for 40 or more registered disabled persons. Disabled persons' representatives must be people with disabilities themselves. If possible, the election shall be held at the same time as the works council election. The provisions of the Labour Constitution Act on the conduct and contestation of the election shall apply. If at least five disabled persons belong to both the group of blue-collar workers and white-collar workers, one person with disabilities and one deputy must be elected from each group. Depending on the number of registered disabled persons in the company, the corresponding number of deputies must be elected for each disabled persons' representative. The term of office of the disabled persons' representative is four years.

If there is a central works council in a company, a **central disabled persons'** representative shall be elected from the group of disabled persons' representatives (deputy). This representative is authorised to convene a meeting of all disabled persons' representatives of the

company at least once and at most twice a year in order to report on their activities and to discuss matters of importance to the registered disabled persons in the company.

If a group of companies has a group representative body pursuant to Section 88a of the Austrian Labour Constitution Act, a **group disabled persons' representative** shall be elected. This representative is authorised to convene a meeting of all central representatives of the group at least once and no more than twice a year to report on its activities and to discuss matters of importance to the registered disabled persons of the group.

The (central) disabled persons' representative must attend to the economic, social, health-related and cultural interests of the registered disabled persons, and the works council must assist him or her and provide the necessary information.

The main task of the disabled persons' representative is to comply with the provisions of the Disability Employment Act, to draw attention to the special needs of workers with disabilities, and to report perceived deficiencies to the works council and the owner of the company, and to attend works council meetings in an advisory capacity.

### **3.1.4 Subsidies**

The Ministry of Social Affairs has reserved financial resources of around € 283.4 million from the Compensatory Levy Fund, the federal budget and the European Social Fund (ESF) for the promotion of the participation of people with disabilities in working life for the year 2023 as well as an additional € 38.2 million from the labour market budget within the framework of compulsory training.

These funds are used to finance the Office of the Ministry of Social Affairs' proven support services for the participation in working life of people with disabilities as well as the further development of existing services and the piloting of new services. The offers are strategically further developed on an ongoing basis, taking into account the current labour market policy framework conditions and subsequently implemented operationally by the Office of the Ministry of Social Affairs in all regions. The instruments include both project and individual support with the aim of obtaining or securing sustainable jobs on the primary labour market.

In the programme funding period 2021-2027, ESF funds will be used primarily to co-finance measures for young people with a need for assistance in the transition from school to training and work.

### 3.1.4.1 Projects

#### Network for Vocational Assistance (NEBA) of the Ministry of Social Affairs

The Netzwerk Berufliche Assistenz (Network for Vocational Assistance) with its offers of vocational assistance forms the “umbrella brand” for the differentiated system of support for people with disabilities, especially for young people who are excluded or at risk of exclusion. NEBA is a key instrument of Austrian labour market policy for people with disabilities.

The Youth Coaching, AusbildungsFit(TrainingFit) (including its pre-module previously known as Production School), Vocational Training Assistance, Vocational assistance scheme, NEBA Company Service and job coaching services form the core of the support landscape of the Office of the Ministry of Social Affairs.

#### Youth Coaching

The focus of this offer is on students from the individual 9th year of school attendance. However, young people outside the school system are also part of the target group. The aim is to enable young people in Austria to obtain higher qualifications and thus better opportunities on the labour market. When they leave compulsory schooling, young people at risk of exclusion, especially those with disabilities or socio-emotional disabilities, lack a comprehensive safety net or support system. **Youth coaches have the** task of working with the young people concerned to determine the most suitable individual package of measures for their integration into working life.

With the involvement of the relevant environment, an analysis of their strengths and abilities is made and, by means of practical experience on the labour market, the task of matching them with the requirements of the world of work is carried out. Problems that could prevent sustainable integration into a further education system are identified and a solution



to the problem is actively worked out together with the young people and their environment. In collaboration with cooperating agencies, individual recommendations for further future planning are developed and short-, medium- and long-term goals are defined.

The main features of the service are: preparation of an aptitude and suitability profile, the analysis of personal strengths and weaknesses, the identification and outlining of any need for further training, the identification of career prospects on the basis of an aptitude and suitability profile, and, based on this, the preparation of a career/development plan and a final report.

### **TrainingFit (formerly Production School)**

In TrainingFit, young people are made fit for vocational training after completing compulsory education. Deficits in defined basic skills (such as the use of new media or a lack of social skills) or in completing vocational training (or partial qualifications) are mitigated and ideally compensated for by these measures. They receive support in acquiring the competences and cultural techniques that represent the entry requirements for the occupational profile that best matches their potential and also offers them the best development opportunities based on their individual abilities. This combines practical activities with cognitive learning and sports. Individual coaching is also offered. This is to ensure that the young people recognise in which areas and in which way they can acquire new skills. The idea is for them to gain self-confidence and self-assurance and thus specifically train and develop areas that are needed for entry into training in their desired occupation.

Young people who, for various reasons, do not yet meet the requirements for participation in TrainingFit are also offered a low-threshold entry option as part of the pre-module in order to be gently introduced to TrainingFit.

### **Vocational Training Assistance**

This offer was set up for young people with disabilities who are unable to complete a regular apprenticeship. New needs-based forms of vocational training allow the individual needs of disadvantaged young people to be taken into account in a targeted manner. Thus, the training is either designed as an apprenticeship with an extended apprenticeship period of up to

two years, or only certain parts of an occupational profile are learned within the framework of a partial qualification.

The possibility of customised training means that individual needs can be addressed in a targeted way. The young people are accompanied and supported by vocational training assistants throughout the entire training period.

First, an apprenticeship or training contract is concluded. The vocational training assistants take care of the formalities. During the training, regular contact with the company and the vocational school is ensured in order to recognise and react to any problems or difficulties that may arise at an early stage.

They help trainees to learn the content of their training by organising learning aids before and during their time at vocational school. If necessary, they also involve job coaches who support the trainers in the company on site. In the critical phase of the completion of training, the vocational training assistants take over the preparation for the final apprenticeship examination or the organisation of the final examination in the case of partial qualifications.

### **Vocational assistance scheme**

The vocational assistance scheme is based on the idea of enabling people with disabilities to have better chances of participation in working life or averting a threatened loss of their employment through intensive personal preparation, counselling and support. The vocational assistance scheme offers people with disabilities vocational preparation and support in obtaining and securing employment.

An important part of this scheme is also contact with authorities, supporting agencies and other cooperation partners, as well as medical institutions if necessary. In a clarification phase, a support goal is worked out, contact is made with companies and an aptitude and suitability profile is drawn up. If this effort is successful, the vocational assistance scheme is also available to employees during the training period (up to three months).

Companies that want to hire people with disabilities also receive support from the vocational assistance scheme on questions about the legal framework, and help with problems in the company.

If a job loss is imminent, the vocational assistance scheme team contacts companies if necessary and mediates in discussions with superiors.

### **Job coaching**

This offer is aimed at private companies that want to hire and employ people with disabilities. Job coaching offers direct individual support in the workplace. The goal is the optimal and sustainable participation of people with disabilities in working life. The professional and communicative as well as the social competences of the employees are promoted so that they can fulfil the relevant requirements independently in the long term. Especially people with learning disabilities need these skills. Job coaching teams work in an advisory, accompanying and supportive capacity to enable employees to cope independently with their everyday working lives. The duration of the training period is agreed upon individually with the company and can extend for up to six months. The job coaches also provide support in existing employment relationships where an improvement in performance or retraining is required, or in the event of other difficulties or uncertainties.

### **NEBA company service**

The NEBA Company Service is a customised and unbureaucratic consulting and service offer focussed on the needs of companies. It supports them as a central point of contact for all concerns related to the topic of work and disability in order to motivate businesses to hire people with disabilities. The aim is to establish a long-term relationship and a basis of trust with the companies as a foundation for sustainable cooperation. The offer includes the provision of needs-based information on the framework conditions for the employment of people with disabilities, the potential added value for the company, awareness-raising on the topic of work and disability, and support in the search for suitable workers with disabilities. This is intended to create sustainable training and employment opportunities for people with disabilities or young people with a need for assistance. The focus is also placed on securing existing employment relationships.

**Interface to the Public Employment Service** The core task of the Public Employment Service (AMS) is to help unemployed people secure their livelihood by means of unemployment benefits and to find them a new job. The Public Employment Service supports the integration of unemployed persons with disabilities into the labour market with numerous support

and assistance services. The core target group of the Office of the Ministry of Social Affairs (Sozialministeriumservice), on the other hand, are those (registered disabled) persons whose participation can only be increased in the longer term by means of tailored offers. They are also the main target group for subsidies under the Disability Employment Act, which are provided either on a project or person-related basis.

### **Training until 18**

The Office of the Ministry of Social Affairs is entrusted with the nationwide and regional operational implementation of the tasks assigned as part of Training until 18 in accordance with the Compulsory Training Act (APfIG). The aim of Training until 18 is to support young people in their educational and training paths and to encourage them so that all under-18s complete some sort of training beyond compulsory schooling.

As part of compulsory training until 18, young people receive special support on their way into working life. With the so-called coordination centres at federal and regional levels, contact points have been created for young people and their parents. Counselling and support measures are initiated there. This is made possible by close networking with the Public Employment Service (AMS), the Office of the Ministry of Social Affairs (Sozialministeriumservice) and their offers within the framework of the Network for Vocational Assistance - NEBA for short- and its specific offers, in particular youth coaching. An individual support plan is drawn up with the young people which is tailored to their wishes and talents.

### **3.1.4.2 People**

#### **Wage subsidies**

#### **Integration allowance ("*Come back*") from the Public Employment Service**

With a few exceptions, all employers are eligible for this subsidy from the **Public Employment Service**. The employment relationships of long-term unemployed persons are supported:

- Jobseekers over 50

- who have been registered as unemployed for at least 6 months (for persons under 25 years of age) or
- have been registered as unemployed for at least 12 months (for persons aged 25 and over).
- Persons who are acutely threatened by long-term unemployment: persons with care responsibilities, people who have been away from the labour market for a longer period, persons with a lack of qualifications or who have qualifications which are not in demand, persons with physical, mental or cognitive disabilities, persons re-entering the labour market or graduates who have completed vocational training but lack practical experience, etc.

## Wage subsidies from the Public Employment Service

### Inclusion Grant and Inclusion Grant Plus

Companies that are obliged to hire (i.e. companies with 25 or more employees in Austria) can receive an inclusion grant if they employ a person with a degree of disability of at least 50% who can prove that he or she has already been awarded an integration grant by the Public Employment Service (AMS).

Inclusion Grant Plus, a 25% increase in the Inclusion Grant as an additional incentive, is awarded to companies that are not subject to the employment obligation under the Disability Employment Act or which employ **women with disabilities**.

### Inclusion bonus for apprentices

This supports companies in taking on apprentices with a disability card and is possible throughout the apprenticeship period. The age of the apprentice is irrelevant. The amount of the bonus is based on the applicable compensatory levy.

### Wage subsidy

In the case of an already existing employment relationship, an allowance can be granted by employers of disabled persons receiving special support ( registered disabled persons) if it

turns out that their contractually agreed level of performance is significantly limited as a result of their disability and cannot be improved by other support measures.

### **Job security grant**

If the job of a person with disabilities is acutely endangered, employers can be granted a job security grant as a contribution to wage and training costs for the period during which the job is endangered (max. 3 years - in exceptional cases up to max. 5 years).

### **Accessible workplace adaptation for people with disabilities**

Funding for accessible workplace adaptations for people with disabilities enables them to either retain their existing jobs or obtain new ones by providing them with personal or mobile technical work aids as well as training on how to use the work aids. The funding also covers other disability-related additional expenses in connection with employment and is provided as a subsidy up to the full amount of the costs. As a rule, technical work aids must become the property of the employee, while immovable technical work aids remain the property of the company.

### **Grant for accessible training and grant for training costs**

If persons with disabilities are in an apprenticeship or training relationship, they may be granted a subsidy for the period of schooling or vocational training in the event of additional expenses due to the disability after completion of the 9th school year.

In the case of a valid employment relationship, the costs incurred for retraining, in-service training or further education as well as for orientation and mobility training due to the disability can be covered in full.

### **Personal Assistance in the Workplace (PAA)**

This can be claimed by persons with disabilities of working age who have a degree of disability of at least 50% as determined by federal law or who meet the criteria for claiming benefits according to the provisions of the respective participation/opportunities (equality)/disability/social assistance law applicable to their region of residence, or who have a

learning or mental disability for which a need for personal assistance can be credibly demonstrated and who are able to give instructions to their assistants, and

- have the professional and personal aptitude for the profession exercised or aspired to
- are in a social insurance-compliant employment relationship or profit-oriented self-employment, or,
- with the help of PAA, are able to obtain an employment relationship under social insurance law that is a specific prospect, or are able to take up self-employment, or
- with the help of PAA can complete a degree programme or vocational training for the legally prescribed duration plus the additional semesters permitted for the receipt of a study grant, but require personal support due to their disability.
- PAA includes, for example, accompaniment on the way between home and the place of work or training, accompaniment during official obligations outside the workplace, support activities of a manual nature during the performance of their duties or during training, assistance with basic care (e.g. getting up, dressing and undressing, taking meals, personal hygiene) during work or training time and other assistance services required due to a disability (e.g. help with lunch, help getting in and out of a car, etc.).

### 3.1.5 Becoming self-employed

People with disabilities who want to earn a living through independent entrepreneurial activity can receive start-up funding from the Office of the Ministry of Social Affairs. For the verifiable costs incurred for the establishment of self-employment, grants can be awarded up to 50% of these costs, but no more than the amount of one hundred times the basic compensatory levy. The decision of the Office of the Ministry of Social Affairs depends on the financial circumstances of the applicant.

There is also a **bridging grant for self-employed persons** available from the Office of the Ministry of Social Affairs which can be granted to secure an already existing self-employed activity carried out by entrepreneurs with a degree of disability of at least 50% in order to compensate for ongoing disability-related additional expenses that must be made credible. The funding of accessible **workplace adaptations** for companies through technical work aids aims to secure or adapt jobs for people with disabilities. The aids supported must be disability-related and necessary for the performance of certain occupational activities. Training in their use can also be supported. This support from the Office of the Ministry of Social Affairs is based on various criteria, such as the degree of disability of the person with

disabilities and the level of performance of the company. As a rule, employers must contribute 50% of the total costs, unless there is a justified exceptional situation in which the full costs can be covered. This subsidy covers the initial and any replacement purchase, maintenance and training in their use.

Under certain conditions, the **Public Employment Service** supports the path to self-employment with the Business Start-Up Programme for the Unemployed. In this programme, unemployed persons have six or up to a maximum of nine months to prepare for the establishment of a company. They are accompanied by professional start-up advisors.

Financial support is also available for the acquisition of company-specific qualifications. During the period of business preparation and, under certain conditions, also during the start-up phase of self-employment, financial support is provided by the **Public Employment Service**.

### **3.1.6 Prevention Management - [www.fit2work.at](http://www.fit2work.at)**

Prevention management focuses on maintaining or restoring an ability to work (in particular also of older workers and the unemployed) who are already confronted with health disabilities or whose ability to work is threatened. The fit2work counselling and support service is designed to provide rapid assistance to people with incipient health problems by offering a wide range of counselling services, including case management.

These can be, for example, workers on (prolonged) sick leave after an accident at work or after the onset of an occupational disease. People with disabilities and/or impairments, with chronic somatic illnesses or with psychological problems can also participate in these measures. **Fit2work** is financed from the labour market budget (Federal Ministry of Labour and Economy, Public Employment Service), by the social insurance funds (Pension Insurance Institution Austrian Workers Compensation Board, Austrian health insurance fund) and by the Office of the Ministry of Social Affairs. The Ministry of Social Affairs is responsible for its nationwide coordination and administration.

**In case management**, counsellors support clients over a longer period of time in difficult cases and work with them to find a sustainable solution to the problem. The individual situation is clarified, a basic occupational health and/or occupational psychology check is car-



ried out, a development plan is drawn up, and the implementation of the measures is accompanied by regular discussions. At the end of the consultation, a feedback meeting is held with the case management team to reflect on the implementation of the measures. If necessary, further steps are agreed upon.

In addition to **counselling individuals**, **fit2work** also offers **counselling for companies**. Here too, the goal is to maintain the ability to work of employees with health-related limitations and/or a disability. By bundling existing offers, **fit2work** also serves as a navigation and coordination tool and offers orientation, advice and support from a single source.

### **3.1.7 Mobility support**

If the use of public transport cannot be reasonably expected due to permanently restricted mobility caused by a disability and this is noted in the person's disability card, the following workplace support is available:

- Grants for the purchase and accessible adaptation and retrofitting of a motor vehicle necessary to reach the workplace.
- A mobility allowance for employed persons who are dependent on their own motor vehicle for the purpose of exercising their profession or vocational training because they cannot be reasonably expected to use public transport.
- Payment of travel and transport costs
- Grants for the purchase of an assistance dog

In addition, holders of a parking permit, which is also issued by the Office of the Ministry of Social Affairs, are entitled to use specially marked parking spaces for the disabled.

### 3.1.8 Integrative Enterprises

The employment module of Integrative Enterprises currently provides around 1,770 jobs for people with disabilities (in full-time equivalents). These employees with disabilities are paid at least according to the collective agreement, are fully covered by social insurance and have a say in the running of the company as all other workers do. The financial management of integrative enterprises requires that the persons with disabilities employed in the Integrative Enterprises have a minimum level of economically usable working capacity. At the time of admission, this must be at least half the capacity of a person without disabilities in the same activity. If this is not the case, employment in an Integrative Enterprise is unfortunately not possible.

In addition to jobs, Integrative Enterprises also provide apprenticeships for people with disabilities. In the autumn of 2015, a new focus was placed on the vocational preparation module with the so-called IBL-Integrative Enterprises apprenticeship training. People with disabilities are offered not only a low-threshold qualification, but also access to high-quality vocational training in the form of an apprenticeship. Starting in the autumn of 2022, training can be continued in the form of a partial qualification as laid down by the Vocational Training Act if it is foreseeable in the course of a participant's apprenticeship training that its successful completion is not possible. For the year 2023, 315 apprenticeship training places for people with disabilities (including 106 regular apprenticeships, 204 extended apprenticeships and 5 partial qualifications) are planned within the IBL.

## 3.2 Social integration

### 3.2.1 Disability card

A disability card is official photo ID in credit card format to prove a disability (regardless of the type of disability). Possession of a disability card does not **entitle the holder to** any financial benefit. However, by presenting the document, one receives discounts at various events.

A disability card can be claimed by the following persons whose habitual place of residence or domicile is in Austria and who belong to one of the following groups:

- Registered disabled persons (see chap. 3.1.13.1.1.)
- Recipients of **long-term care allowance** or comparable benefits based on federal regulations
- Recipients of increased family allowance
- Recipients of a cash benefit due to invalidity, occupational disability, incapacity for work or a permanent disability

whose degree of disability or reduction in earning capacity is at least 50%.

Furthermore, people with disabilities who live abroad but regularly stay in Austria for work-related or private reasons can apply for a disability card.

In the absence of an official decision, finding or judgment by which the degree of disability has already been determined, medical personnel of the competent regional office of the Ministry of Social Affairs make an assessment of the degree of disability on the basis of the Assessment Regulation. As far as this is possible, the specialist does not perform an examination, but estimates the degree of disability on the basis of the available findings and the above-mentioned Assessment Regulation

An appeal against a negative decision of the Office of the Ministry of Social Affairs can be lodged with the Federal Administrative Court.

### 3.2.2 Parking permit

Since 1 January 2014, the Office of the Ministry of Social Affairs has been able to issue **parking permits** to holders of disability cards who have the additional entry "The use of public transport cannot be reasonably expected due to permanent mobility restriction as a result of a disability".

The parking permit for people with disabilities has a uniform design throughout Europe. This means that every person with a parking permit can use the benefits applicable in the respective EU Member State. It is forgery-proof and includes a photograph. Each parking permit bears the abbreviation of the issuing Member State, (e.g. A for Austria) surrounded by the EU symbol.

This parking permit entitles people to:

- park in spaces reserved for people with disabilities
- possibly have a personal parking space signposted,
- park for longer periods in short-stay areas,
- park in a no-parking area,
- stop in a no stopping area, and
- unload a wheelchair also in pedestrian zones during periods when loading activity is permitted.

Furthermore, with this parking permit you are also exempt from parking charges.

### **3.2.3 Support Fund**

Grants from this fund are available to persons with disabilities who have experienced social hardship as a result of an event related to their disability, provided that prompt assistance can alleviate or eliminate the hardship.

Close relatives who have been caring for a person in need of care for at least one year and cannot provide this care due to illness, holidays or other important reasons can also receive an allowance from the support fund as a subsidy towards those costs. The allowance is used to organise the professional or private substitute care that is required. A prerequisite is the receipt of a long-term care allowance of at least level 3; for people with dementia-related disabilities and for minors, a long-term care allowance of level 1 is sufficient.

Furthermore, as of 1 January 2023, close relatives of a person in need of care who is entitled to long-term care allowance at level 1 or higher may receive benefits from the Support Fund for Persons with Disabilities if they participate in one or more courses to learn about care and support.

### **3.2.4 Assistance and therapy dogs**

The Federal Disability Act (BBG) sets out the requirements for the recognition of assistance and therapy dogs and their quality-oriented assessment. With this regulation, which is valid for the whole of Austria, clarity was created as to which dogs are legally considered to be assistance dogs and therapy dogs.

Only those dogs that pass the examinations prescribed in accordance with Section 39a Federal Disability Act (BBG) are recognised by public authorities and funding agencies.

More detailed regulations for the assessment of assistance dogs and therapy dogs have been issued in the form of a directive which can be viewed on the website of the Ministry of Social Affairs.

Detailed information on the assessments can be obtained from the testing centre at the Research Institute of the University of Veterinary Medicine Vienna, which has been commissioned by the Ministry of Social Affairs to handle the assessments. Information at <https://www.vetmeduni.ac.at/messerli-forschungsinstitut>.

If you have any questions about a grant for the purchase of an assistance dog and its entry in a disability card, please contact the competent regional office of the Office of the Ministry of Social Affairs.

Based on the nationwide uniform definition of assistance dogs and therapy dogs, access regulations and exemptions from the dog ban can be issued by the federal government, regions, municipalities, public transport associations and private organisations in their area of responsibility.

### **3.2.5 Support by type of disability**

#### **Blind people**

Blind people can receive subsidies for technical work equipment, e.g. a telephone system for the blind, a Braille display for a computer and the associated training costs, or subsidies in the form of technical aids such as reading devices. Furthermore, funding is available to increase mobility and grants are offered for the purchase of a guide dog for the blind.

## **Deaf people**

For the deaf and profoundly hard of hearing, interpreting costs for work-related matters may be covered. Interpreting costs for training and further education measures can be supported if they are necessary to obtain or safeguard a job.

To supplement existing sign language and written interpretation, other communication supports for hard of hearing or deaf individuals needed for participation in working life can be tested. The use of new technologies - the cost of the actual time spent on these supports - can also be funded to establish communicative accessibility.

## **Wheelchair users**

As well as other people with severe mobility-related issues who cannot be reasonably expected to use public transport due to their disability, wheelchair users can receive subsidies to increase their mobility, such as a subsidy for the purchase of a vehicle, a subsidy for the accessible adaptation and retrofitting of a motor vehicle, or a mobility grant.

## **3.3 Tax relief**

This is available for persons who have to bear exceptional financial burdens because of their own disability or the disability of a child.

In this context, a person is considered disabled if the degree of disability is at least 25%. Sole breadwinners or persons whose (spouse's) partner's income does not exceed € 6,312 may also claim additional expenses due to the (spouse's) partner's disability. Lump sums depending on the degree of disability are available if no long-term care allowance is received.

In addition, people with physical disabilities who are unable to use public transport due to their disability and who own their own vehicle can claim a lump-sum allowance of € 190 per month. If they do not have their own vehicle, the actual costs for taxi rides can be claimed up to a maximum of € 153.

Likewise, non-regular expenses for aids as well as the cost of medical treatment (doctor's, hospital, health resort, therapy and medication costs) are taken into account to the extent proven, i.e. in addition to the lump-sum allowances.

The lump-sum allowances for reduced earning capacity and for meals for special diets due to illness, as well as non-regular expenses and the lump-sum allowance for a motor vehicle must be claimed as part of the tax assessment for employees.

Due to the fact that disability is a cross-sectoral issue and all policy areas are subject to disability mainstreaming, it is not surprising that especially in the case of the social rehabilitation of people with disabilities in Austria, several institutions are generally responsible. However, no-one needs to keep track of all these different competences in order to assert her or his rights: The "**one stop shop**" at the **Social Insurance Institutions** and the **open** customer reception at the Office of the Ministry of Social Affairs always aim to provide optimal advice and support.

### 3.4 Equality

In 1997, the Austrian National Council passed the following amendment to Article 7 (1) of the Federal Constitutional Act (B-VG) in Parliament with the votes of all parties:

"No one may be disadvantaged because of his or her disability. The Republic (federal, regional and municipalities) is committed to ensuring the equal treatment of persons with and without disabilities in all areas of daily life."

As a result of this constitutional provision and the **EU Framework Directive on Equal Treatment in Employment and Occupation**, which also applies to persons with disabilities, an equality package was introduced which came into force on 1 January 2006. The core of this package is the prohibition of discrimination on the grounds of disability contained in the following laws, as well as the creation of a Disability Ombudsperson in the Federal Disability Equality Act:

- **The Federal Disability Equality Act** contains provisions prohibiting discrimination in daily life.
- **The Disability Employment Act** contains provisions on the prohibition of discrimination in employment.

For reasons of competences, the protection against discrimination regulated by the Disability Equality Act only covers the area of **federal responsibility**. (The regions have enshrined protection against discrimination in working life within their area of competence, and individual regions have also enacted comprehensive anti-discrimination laws).

The Federal Disability Equality Act (Bundes-Behindertengleichstellungsgesetz, BGStG) provides legally enshrined protection against discrimination for people with disabilities in broad areas of daily life.

It applies in two main areas: on the one hand in the area of the **federal administration** and on the other wherever **access to and supply of goods and services available to the public** is involved (e.g. the purchase of commercial goods in a consumer transaction) and where the federal government has the regulatory authority to provide this protection.

The term federal administration covers the activities of federal authorities (e.g. tax offices) and other institutions that enforce federal law, such as the social insurance institutions or the Public Employment Service (AMS). Some areas, such as the schools sector, are partly federal and partly regional competences.

The prohibition of discrimination in the federal administration means that equal levels of **accessibility** must be ensured for people with sensory disabilities and also for participants with **impaired mobility**. The federal government is therefore required, for example, to make sign language interpreting possible or to offer official documents in a form that is also accessible to blind people. Many procedural regulations already contain binding provisions in this area.

At the same time, the buildings used by the Federal Government must be designed in such a way that they are also accessible to people with disabilities. The authority must also take accessibility into account in specific proceedings, such as when appointing persons who have been entrusted with the preparation of expert opinions as a part of the proceedings. Here, for example, it must select the experts in such a way that medical or occupational examinations can be offered in accessible premises.

In addition, the legislature has obliged the federal government to take **appropriate and specifically necessary measures** to enable people with disabilities to access its services and offers (including those outside official procedures). This includes, for example, information services such as brochures, folders and also the design of websites.



### 3.4.1 Protection against discrimination

Disability equality law prohibits discrimination on the grounds of disability in important areas of Austrian law. However, it is **not part of criminal law or administrative criminal law**, i.e. discrimination is not prosecuted ex officio (automatically, so to speak). Disability equality law in Austria is part of **civil law**, i.e. in cases of discrimination one has to go to court.

Disability equality law also does not stipulate in positive terms; for example what an accessible environment should look like. Since, for example, building law is the responsibility of the regions, this would not be possible for reasons of competence. It only regulates the **legal consequences of discrimination**.

If a court rules that there is discrimination in this context, the legal consequence of this discrimination is the **award of damages**. In many areas of working life, it is also possible to sue for withheld benefits (e.g. participation in a training measure, the continuation of a terminated employment relationship or the award of withheld salary).

Protection against discrimination includes **people with physical, mental, learning, and sensory disabilities**. Disability does not have to be formally established. However, it must be plausible that certain treatment of a person has taken place on the **basis of** a disability.

Relatives and other persons with a close relationship to persons with disabilities are also subject to protection against discrimination, as are, under certain conditions, witnesses or persons providing information who appear in proceedings or support a complaint by a person affected.

#### 3.4.1.1 Direct discrimination

**Direct discrimination occurs when** a person is treated less favourably than another person in a comparable situation because of her or his disability.

Protection against discrimination applies here under the following conditions:

- The unequal treatment must be on **the basis of** disability.
- The treatment must be less favourable than that of another person (i.e., a comparable person must at least be imaginable).

- The situations in which the person concerned and the comparable person find themselves must also be comparable.

#### 3.4.1.2 Indirect discrimination

**Indirect discrimination** occurs when seemingly neutral regulations or features of designed living environments can put people with disabilities at a particular disadvantage compared to other persons without this being objectively justified for special reasons. Features of designed areas of life in this context can also be **structural or other barriers**.

#### 3.4.1.3 Harassment

If someone is harassed on the basis of a disability, this is also considered discrimination.

However, the **harassment** must be significant in order to qualify as discrimination within the meaning of the relevant law. The legislation refers to conduct that is unwelcome, inappropriate or offensive to the person concerned, which has the purpose or effect of violating their dignity and creating an intimidating, hostile, degrading, offensive or humiliating environment for the person.

What is important in connection with harassment, however, is that there must be a **legal relationship** between the harasser and the harassed person.

**Inciting** another person **to discriminate** is also unlawful.

### 3.4.2 Areas of protection against discrimination

Protection against discrimination applies, on the one hand, to the **entire administration of the federal government**, including the self-governing bodies established under federal law such as the social insurance institutions or the Public Employment Service), and, on the other hand also to all private legal entities that offer **goods and services to the public**.

This includes, for example, all so-called consumer transactions (shopping, ordering goods from mail-order companies, restaurants, pubs and bars, using services such as legal advice

or medical treatment, etc.) or access to information (such as websites, trade fairs and information events, consulting services).

All of these areas are regulated by the **Federal Disability Equality Act**.

The **Disability Employment Act** regulates protection against discrimination in the context of an employment relationship (including job applications) and in the so-called other employment sphere (vocational training, vocational guidance and access to self-employment).

The protection of the Disability Employment Act only applies in the area of **federal competence**. For example, largely comparable protection against discrimination for regional and municipal employees is regulated in the respective regional laws.

### 3.4.2.1 In daily life

A major goal of the Federal Disability Equality Act is the **inclusion of** people with disabilities in society.

On the one hand, this relates to non-discriminatory access to consumer transactions in connection with publicly offered goods and services. On the other hand, the mere use of goods and services outside of a legal transaction, such as obtaining information and using service offers, is also protected against discrimination. This includes, for example, daily shopping at the supermarket, buying a car, visiting a cinema, theatre or museum (if an entrance fee has to be paid), buying a ticket for public transport or concluding an insurance policy.

In addition, it is always necessary to examine whether there is a federal competence, which is always the case in a **consumer transaction**. Consumer transactions occur when legal transactions are concluded between someone for whom the transaction is part of the operation of their business and someone to whom this does not apply. Therefore, for example, transport contracts with a transport company operated by a region or municipality also fall within the prohibition of discrimination in the Federal Disability Equality Act.

A distinction must be made between discrimination in everyday life and the area of employment. This is subject to the provisions of the Disability Employment Act, which are described in more detail in the following chapter.

## Legal action

- The legal consequence of discrimination determined by a court is a claim for damages. In addition to any **material damage** (e.g. if a person is not able to use a service), discrimination also causes **immaterial damage**, an affront or a negative personal impact. The legal consequence of discrimination, if it is established by a court, is the payment of damages by the discriminating person(s).
- In the event of **harassment**, since 1 January 2018 it has also been possible to take out an **injunction**.

## Accessibility

- To accompany the transitional provisions, the legislature has regulated the obligation to draw up staged plans. These are intended to specify planned measures to achieve the greatest possible degree of accessibility in specific areas for the period of the transition. According to the Staged **Plan for Federal Buildings**, all buildings used by the federal government had to be examined for structural barriers for this purpose, after which the options for removing barriers were considered. **This staged plan** contained the procedure for gradually achieving the greatest possible accessibility and was implemented by 31 December 2019.
- Secondly, transportation operators have created a plan to remove barriers associated with their transportation modes, facilities and equipment (**Staged plan for transportation**).
- The Federal Disability Equality Act defines the term accessible as follows: "structural and other facilities, means of transportation, technical commodities, information processing systems, and other designed areas of life are accessible if they are accessible to and usable by people with disabilities in the generally accepted manner, without particular difficulty, and generally without outside assistance."
- This means that people with disabilities should in principle have access to publicly provided services like everyone else, although the reasonableness test (in particular the test of the effort that would be involved in removing the barriers) always comes into play in individual cases.

## Reasonability

- The court carries out a reasonableness test in each individual case. Whether a measure is reasonable depends in particular on the effort that would be involved in this measure and on the financial capacity of the person(s) responsible for the barrier

(the possibility of claiming public subsidies must be taken into account) and how much time has passed since 1 January 2006.

- If it is not reasonable to achieve complete accessibility, this does not release the person responsible from his or her responsibility. In this case, there is an obligation to take reasonable measures to at least bring about a significant improvement in the situation in the sense of the greatest possible approximation to equal treatment.

### Collective legal action

- If the general interests of persons with disabilities are substantially and permanently impaired, the **Austrian Disability Council** can initiate collective legal action. **As of 1 January 2018, this possibility has also been available** to the Disability Ombudsperson **and the Claimants Association for the Enforcement of the Rights of Victims of Discrimination**. In collective legal action, a judicial finding that a certain fact constitutes discrimination can be asserted. **As of 1 January 2018, collective legal action can also be brought against large companies to cease and desist and eliminate discrimination.**

### Conciliation proceedings

- However, the purpose of the legal regulation of protection against discrimination is by no means to trigger a flood of lawsuits. For this reason, before alleged discrimination can be brought before a court, a compulsory attempt at conciliation must be made at the Office of the Ministry of Social Affairs.
- This conciliation proceeding is intended to bring about an out-of-court settlement in the interests of all parties concerned. The procedure is deliberately informal, and representation by a lawyer is not required. There are no limits to the imagination for finding solutions, as long as this solution is not illegal and as long as both sides agree to it.
- Within the framework of this conciliation, the parties to the conciliation can also make use of free external mediation (persons registered in the list of the Office of the Ministry of Social Affairs). Mediation means that a professionally trained neutral mediator helps the parties to resolve their conflict themselves.

### 3.4.2.2 In the world of work

The concept of the **world of work** includes employment relationships, employment contracts and **the remaining world of work**.

This refers to the following forms of training and employment: all employment relationships in a narrower sense (employment contracts), apprenticeships and training relationships (such as interns), and all employment and training relationships with the federal government, and also home workers.

Again, it is important to note that the prohibition of discrimination in the Disability Employment Act exclusively regulates those matters that fall within the competence of the federal government. Therefore, employment relationships with a region or an association of municipalities are excluded from protection against discrimination.

The disability does not have to be formally established; it just has to be credible that less favourable treatment is being given **because of** your disability.

**Protection against discriminatory termination** must not be confused with the **increased protection against termination for registered disabled persons** (see chap. **Fehler! Verweisquelle konnte nicht gefunden werden.. Fehler! Verweisquelle konnte nicht gefunden werden.**).

The following persons are protected against discrimination: persons with disabilities, persons close to them, and witnesses and parties in connection with a claim of discrimination.

Direct or indirect discrimination in employment is prohibited in particular

- when an employment relationship is being established,
- in the determination of pay,
- when granting voluntary social benefits that do not constitute remuneration,
- in relation to measures concerning education, training and retraining,
- in career advancement, especially promotion,
- in relation to other working conditions,
- at the end of the employment relationship,
- in access to vocational guidance, vocational training, continuing vocational training and retraining outside an employment relationship,

- in the case of membership of and participation in an employees' or employers' organisation or an organisation whose members belong to a particular professional group, including the use of the services of such organisations,
- in relation to the conditions for access to self-employment

Protection against discrimination also applies to **harassment** based on disability. In this case, action can be taken against both the harasser and the employer who fails to stop the harassment.

**Inciting somebody to discriminate** is also considered discrimination under disability equality law.

To conclude, the following comparison illustrates the differences between statutory protection against discrimination and statutory protection against termination.

Table 1 Comparison

Protection against the discriminatory termination of an employment relationship	Special protection against termination for disabled persons with special needs pursuant to section 8 BEinstG
Applies to any worker with disabilities (and also to dependants of people with disabilities).	Applies only to disabled persons receiving special support ( registered disabled persons) under the Disability Employment Act
Applies only if termination is due to disability	Applies in principle to all reasons for termination
Applies from the beginning.	Applies to new employment only after four years have elapsed.
Applies to any termination by the employer.	Applies only to termination (but unfair dismissal can also be challenged in court).
The termination can be challenged by employees in court. Prior to this, conciliation proceedings take place at the Office of the Ministry of Social Affairs.	The employer must apply to the Disability Committee for approval of the termination. The committee then decides whether the termination is permitted.
To assess whether the termination is discriminatory, it needs to be clarified whether the affected person was treated less favourably than another person (real or fictitious) because of their disability.	If the reasons for termination lie in the operational field, a social comparison must be carried out. If necessary, another person must be made redundant.

### 3.5 The Disability Ombudsperson

The Disability Ombudsperson has been in existence since 2006. She or he is responsible for **advising** and **supporting persons who feel discriminated against** within the meaning of the Federal Disability Equality Act or the prohibition of discrimination in the Disability Employment Act. He:She may hold office hours and office days throughout the federal territory for this purpose. The Disability Ombudsperson is **autonomous, independent** and not bound by any instructions from the government in the performance of his or her duties.

In addition, they can carry out research on the topic of discrimination against people with disabilities, and reports can be published and recommendations made on all issues affecting discrimination against people with disabilities. Cooperation and networking with the main actors in the field of equal treatment of persons with disabilities as well as public relations work, especially with regard to raising awareness for the protection against discrimination and equal treatment of persons with disabilities, are also part of the tasks of the Disability Ombudsperson.

He:She is a member of the Federal Disability Advisory Board, which advises the Federal Minister for Social Affairs, Health, Care and Consumer Protection on all important issues of concern to persons with disabilities.

Together with the employees, he or she conducts public consultation days, submits an annual activity report to the Minister of Social Affairs, and also reports orally to the Federal Disability Advisory Board.

The Disability Ombudsperson may initiate collective legal action under the Federal Disability Equality Act.

### 3.6 UNCRPD

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) is an international treaty in which signatory regions commit to promoting, protecting and ensuring the human rights of persons with disabilities.



In Austria, the UNCRPD has been in force since 26 October 2008. It must be taken into account in legislation and enforcement (administration and jurisdiction) by the federal government, the regions and municipalities.

The Ministry of Social Affairs has been designated as the contact point for coordination at the federal level. In the regions, these tasks are performed by the offices of the regional governments.

### **3.6.1 Monitoring Committee - [www.monitoringausschuss.at](http://www.monitoringausschuss.at)**

Based on the UNCRPD and an amendment to the Federal Disability Act, the Monitoring Committee was established to promote, protect and monitor the implementation of the Convention. It monitors compliance with the UNCRPD that are a matter for the federal government in terms of legislation and implementation. Within this scope, it also accepts individual complaints, but it does not have the role of an ombudsperson's office; instead, it takes individual cases as an opportunity to point out general omissions or shortcomings.

The Monitoring Committee issues recommendations and opinions concerning the rights of persons with disabilities in connection with matters within the meaning of the Convention. It may obtain opinions from organs of the administration in individual cases and reports regularly on its deliberations to the Minister of Social Affairs in the Federal Disability Advisory Board. The chairperson of the Monitoring Committee is a member of the Federal Disability Advisory Board.

The regions have established monitoring bodies within their areas of competence.

### **3.6.2 Ombudsperson Board**

In 2012, the Federal Law on the Implementation of the Optional Protocol of 18.12. 2002 to the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment assigned to the Ombudsperson Board the task of acting as an independent authority for the prevention of exploitation, violence and abuse in accordance with Article 16 (3) of the UNCRPD. To this end, commissions have been established to effectively monitor all facilities and programmes for persons with disabilities, such as long-term care facilities for persons with disabilities and psychosocial facilities as well as day care

centres for persons with disabilities (mechanism for the prevention of violence). A Human Rights Advisory Council has been installed by the Ombudsman Board as an advisory body.

### 3.6.3 National Action Plan on Disability 2022-2030

The National Action Plan on Disability is the government's **long-term strategy** for implementing the UNCRPD.

On 6 July 2022 the Federal Government adopted the National Action Plan on Disability 2022-2030 in the Council of Ministers. This NAP on Disability II is the successor to the NAP on Disability I which was adopted in 2012 and expired at the end of 2021. The University of Vienna evaluated the NAP on Disability I on behalf of the Ministry of Social Affairs and the results of the evaluation are available as a download in the brochure service of the Ministry of Social Affairs.

The NAP on Disability II presents the current situation of the subject areas in the form of a problem outline (baseline situation). It also contains almost 300 common policy objectives agreed upon by all federal ministries and the regions, as well as around 150 indicators to measure the degree to which each objective has been achieved. Finally, the NAP on Disability II contains 375 measures - divided into eight focus chapters - to be implemented by 2030.

The NAP on Disability II is the result of a broad **participatory process** lasting several years. The Ministry of Social Affairs, which is responsible for the coordination of the NAP on Disability and for the national coordination of the UNCRPD, has consistently paid attention to the participation of civil society and the involvement of representatives of persons with disabilities during the NAP drafting process.

Unlike NAP on Disability I, NAP on Disability II was drafted with the participation of the federal government and the regions, and the regions are also involved in the implementation of NAP on Disability II.

The federal ministries and the regions prepared contributions to the NAP in 26 expert teams which were used as a basis for the NAP. Many of these contributions contain very detailed strategies, objectives and measures at the federal or regional levels.

The implementation of NAP on Disability II will be continuously monitored at the expert level by the NAP Monitoring Group, which was already established in 2012 within the framework of NAP I, and in which the federal ministries, the regions and stakeholders of persons with disabilities are represented under the chairmanship of the Ministry of Social Affairs. In addition, the NAP on Disability II will be continuously evaluated within the framework of scientific monitoring and assessment.

The NAP on Disability II is available for download in the brochure service of the Ministry of Social Affairs. In the future, accessible versions of the NAP II (including one in easy language) and an English translation of the NAP will also be made available.

# 4 Care provision

## 4.1 Long-term care allowance

In Austria, around 470,000 people are entitled to long-term care allowance. Due to demographic trends, the need for long-term care has developed from an individual marginal phenomenon into a challenge for society as a whole. Austria was one of the first countries to face up to this problem and, after extensive preparations, created a uniform long-term care system in 1993.

The long-term care allowance is an earmarked benefit that is independent of income and is intended to cover additional care-related expenses only and is therefore not designed to create a general increase in income. Since the actual costs of care exceed the long-term care allowance in most cases, the long-term care allowance should be regarded as a lump-sum contribution to the costs of the care required. It enables people in need of care to enjoy a certain degree of independence and to remain at home (for longer).

The amount of the long-term care allowance is determined exclusively by the specific need for care and assistance. The permanent need for care due to a physical or mental disability, learning disability or sensory disability must have lasted for at least six months and amount to more than 65 hours per month on average. The granting of a long-term care allowance is independent of the cause of the need for care and the income, assets and age of the person concerned. Even though the long-term care allowance can be paid from birth, the majority of recipients are older people.

If the requirements are met, there is a legal entitlement. The rejection of an application can be contested at the Labour and Social Court.

Due to the structural reform of the Austrian social security system, there will be the following three decision-makers from 2020:

- Social Insurance Institution for the Self-Employed (SVS)
- Insurance Institution for Public Employees, Railways and Mining (BVAEB)
- Pension Insurance Institution (PVA)

Since 2020, the annual valorisation of the long-term care allowance has been based on the respective pension adjustment factor. The resulting amounts are determined annually by a regulation of the Ministry of Social Affairs.

The long-term care allowance is available at seven levels. The decisive factor is the determined care expenditure in hours per month (see Table 2: The long-term care allowance - overview):

Table 2: The long-term care allowance - overview

Levels	Care requirements in hours per month (2023)	Amount
<b>Level 1</b>	more than 65 hours	€ 175.00
<b>Level 2</b>	more than 95 hours	€ 322.70
<b>Level 3</b>	more than 120 hours	€ 502.80
<b>Level 4</b>	more than 160 hours	€ 754.00
<b>Level 5</b>	more than 180 hours as well as exceptional care	€ 1,024.20
<b>Level 6</b>	more than 180 hours, if uncoordinated care measures have to be provided regularly during the day and night, or the permanent presence of a caregiver is required when it is probable that the person could be a danger to themselves or others	€ 1,430.20
<b>Level 7</b>	More than 180 hours if no purposeful movements of the four extremities with functional realisation are possible, or a comparable condition exists	€ 1,879.50

The extraordinary care requirements at long-term **care allowance level 5** are present in particular if the permanent readiness, but not the permanent presence of a caregiver or regular checking up on the patient by a caregiver in relatively short time intervals is required. At least one follow-up visit must be required during night hours. Or more than 5 care units are required, including one during the night hours (between 10 p.m. and 6 a.m.).

**Classification at level 6** is assigned if a predefined care plan cannot be adhered to and thus the care must be provided immediately. The long-term care allowance is paid at this level also when a caregiver must be present at all times, for example to prevent aggressive acts.

**Long-term care allowance level 7** requires that no purposeful movements can be performed with the 4 extremities. A comparable condition exists, for example, if the person in need of care is dependent on the help of vital technical aids (e.g. a ventilator).

The detailed provisions for assessing the need for care are set out in the classification regulation of the Federal Long-term care allowance Act (Einstufungsverordnung zum Bundespflegegeldgesetz). The classification regulation contains definitions of care and assistance and estimated times for individual activities, e.g. for dressing and undressing, personal hygiene, preparing and taking meals, and mobility assistance.

A separate children's assessment regulation was issued for the uniform assessment of the need for care for children and adolescents up to the age of 15.

The basis for the award of long-term care allowance is an expert medical opinion. Qualified nurses can be consulted as experts for the assessment of long-term care allowances in the case of applications for an increase in the allowance. As a rule, the assessments are carried out in the form of home visits. Upon personal request, the presence and opinion of a trusted person (e.g. the caregiver) who can provide information on the specific care situation must also be facilitated during the assessment.

The special needs of people with learning and mental disabilities are taken into account by assigning the same importance to guidance and supervision as to care and assistance and by including an estimated time for a motivational interview. In 2009, hardship supplements were laid down as fixed values. This is intended to take into account factors that make care more difficult:

- for children with severe disabilities and adolescents up to the age of seven, 50 hours per month, and up to the age of 15, 75 hours per month;
- for persons with severe learning disabilities or mental disabilities and persons suffering from dementia from the age of 15, 45 hours per month (from 2023).

Individual groups have very typical, largely similar care needs because of a particular disability. Therefore, certain long-term care allowance levels are assigned to these disabilities.

### 4.1.1 Visual impairment

- severely visually impaired people: level 3
- blind people: level 4
- deafblind people: level 5

### 4.1.2 Wheelchairs as mobility aids

A fixed assignment to one of the long-term care allowance levels is also provided for persons who are reliant on the independent use of a mechanical or electric wheelchair. This applies to people who are at least 14 years old and can overcome their limited mobility and move around independently by using a wheelchair.

If independent use of a wheelchair is necessary because of paraplegia, bilateral leg amputation, genetic muscular dystrophy, multiple sclerosis, or infantile cerebral palsy, a level 3 long-term care allowance is provided.

If there is also faecal/urinary incontinence or bladder/bowel paralysis and no restrictions on the upper extremities, a diagnosis-related minimum classification of long-term care allowance at level 4 is possible. A functional restriction of the upper extremities (independent transfer to and from the wheelchair is not possible) justifies a level 5 long-term care allowance.

## 4.2 Long-term care fund

By means of the long-term care fund adopted in 2011, the federal government supports the regions and municipalities in the area of long-term care in order to be able to counteract the cost pressure resulting in particular from demographic developments.

Through the Long-Term care fund, the federal government makes a significant contribution to the costs of securing and expanding the range of long-term care services offered by the regions and municipalities in line with demand. Thus, special-purpose grants totalling € 4,140.6 million have been or will be made available from the long-term care fund for the years 2011 to 2023.

The funds divided among the regions according to their resident populations can be used for the following long-term care services:

- Mobile care and nursing services (also hospice and palliative care)
- Inpatient care and nursing services
- Partial day care
- Short-term care in inpatient facilities
- Case and care management
- Alternative forms of housing
- Support and company for several hours a day and services to relieve the burdens on other carers.

The Long-Term Care Fund Act stipulates that the special-purpose grants awarded under the Long-Term Care Fund are to be used as a matter of priority to develop and secure a range of mobile care services. This is intended to achieve a steering effect that takes account of the need for care services which enable people affected by care and disabilities to lead a self-determined life in accordance with the UNCRPD.

In addition to financing the safeguarding or expansion of existing services, the funding of innovative models and projects as well as quality assurance measures is increasingly being promoted in order to be able to meet the needs of the future and new requirements.

The Long-Term Care Fund Act also includes control elements and introduced an expenditure path in the area of long-term care modelled on the health care reform in the sense of a controlled increase in spending. This is intended to lead to harmonisation in terms of service provision in the regions.

An additional €18 million per year was earmarked for the expansion of hospice and palliative care services for the duration of the 2017 to 2021 financial equalisation period. These funds were provided in equal parts by the federal government, the regions and the social insurance institutions.



### 4.3 Hospice and Palliative Fund Act

Via the Hospice and Palliative Fund Act, the federal government supports the regions with special-purpose grants from the Hospice and Palliative Fund in the implementation of a nationwide hospice and palliative care service that meets needs and is organised according to uniform criteria so that support services adapted to the special requirements of those affected and their relatives in particular can be made available and are accessible and affordable.

In the years 2022 to 2024 alone, €108 million will be made available by the federal government for this purpose under the Hospice and Palliative Fund Act. From 2025 onwards, an annual increase in the special-purpose subsidy is planned by multiplying it by the revaluation figure pursuant to Section 108 (2) of the General Social Security Act.

The aim is to achieve one-third financing each by the federal government, the regions and the social insurance institutions. A prerequisite for the provision of federal funds is agreement at the respective regional level between the federal government, the regions and the social insurance institutions by means of a separate agreement within the framework of target management.

### 4.4 Support for caregiving relatives

A large majority of those affected by a need for care are looked after at home, primarily by close relatives. Strengthening and supporting these family members is one of the objectives of the Austrian long-term care system:

- Persons who care for a close relative with a long-term care allowance at level 3 or higher and who have had to give up or reduce their gainful employment for this reason can have pension insurance contributions paid free of charge by the federal government.
- Persons who mainly care for a child with a disability for whom increased family allowance is granted can also take out state pension insurance for themselves free of charge. This is possible until the child reaches the age of 40.
- Certain dependants are co-insured under the health insurance plan if they care for an insured person entitled to long-term care allowance at level 3 or higher, primarily in a home environment.

- Certain caregivers may, under specific conditions, insure themselves free of charge in the health insurance system if they are in need of social protection and are unable to work because they are caring for a close relative who is entitled to a long-term care allowance of at least level 3.
- Close relatives who have been primarily caring for a person in need of care for at least one year and are prevented from providing care due to illness, a holiday, or other important reasons may receive a financial allowance for the cost of substitute care.
- As of 1 January 2023, close relatives of a person in need of care who is entitled to at least level 1 long-term care allowance may receive allowances if they attend one or more courses to learn about care and support.
- For quality assurance purposes, qualified health care and nursing staff make home visits to recipients of long-term care allowances. The purpose is to provide information and practical advice. It is possible to request such a home visit. Family caregivers who feel psychologically burdened can also make use of confidential conversations with psychological specialists. If necessary, up to five appointments can be arranged.

## 4.5 Care leave benefit

Since 1 January 2014, employees in an employment relationship under private law, public employees and unemployed persons have had the option of taking care leave (in exchange for a total loss of pay) or part-time care leave (in exchange for a pro rata loss of pay), provided that certain conditions are met.

Since 1 January 2020, employees have had a legal right to two weeks of care leave/part-time care leave. As soon as the date of the start of the intended care leave/part-time care leave is known, the employer must be informed. Upon request, the need for care of the relative must be certified within one week and the relationship to the relative must be proven.

During these two weeks of care leave/part-time care leave, an extension can be agreed. If no agreement on care leave/part-time care leave is reached during this period, the employee is entitled to care leave/part-time care leave for up to a further two weeks (four weeks in total). The periods consumed in this way are credited against the legally possible duration of the agreed care leave/part-time care leave. This legal entitlement applies in companies with more than five employees.

In addition, employees can change their working hours or take leave of absence for a certain period of time in order to care for dying relatives or seriously ill children.

In order to provide financial support to family members who are providing care in the event of care leave or part-time care leave as well as family hospice leave or part-time family hospice leave, a legal entitlement to care leave benefits has existed since 1 January 2014 under certain conditions.

Those entitled to this are persons who

- have agreed on care leave or part-time care leave or are consuming care by way of legal entitlement;
- are taking family hospice leave or family hospice part-time leave for the purpose of providing end-of-life care to a close relative or to accompany seriously ill children; and
- have stopped claiming unemployment benefit or unemployment assistance for the purpose of care leave or family hospice leave.

In principle, care leave benefits can be drawn for up to six months for each relative in need of care (provided that at least two close relatives go on care leave/part-time).

In the event of an increase in the level of long-term care allowance, a new agreement on care leave or part-time care leave for the same family member(s) is possible once for a maximum of 12 months.

If the requirements for family hospice leave are met, care leave benefits are due for the duration of the measure as well as an allowance from the family hospice leave hardship fund.

The basic amount of care leave allowance depends on income, and the amount paid is generally the same amount as unemployment benefit (55% of daily net income). As working hours are reduced and income is reduced in the case of part-time care leave/part-time family hospice leave, care leave benefit is paid on a pro rata basis.

The point of contact for this benefit is the **Office of the Ministry of Social Affairs (Sozialministeriumservice)**.

## 4.6 24 hour care

The Home Care Act and the Trade Regulation Act are the legal basis under labour and trade law for legal up to 24-hour care in private households in the form of a dependent or self-employed care relationship.

For the purpose of supporting 24-hour care, the Ministry of Social Affairs has developed a funding model with which care services for persons in need of care and assistance can be funded. It is jointly financed by the federal government and the regions in the ratio of 60% by the federal government and 40% by the regions.

The subsidy can amount to up to € 1,280 per month in the case of dependent care relationships or up to € 640 in the case of self-employed care relationships. The income of the person in need of care must be less than € 2,500 net per month, whereby long-term care allowance, special payments, family allowance, child care allowance and housing allowance are not taken into account. For each dependent relative or dependant, the income limit is increased by € 400 or by € 600 for dependent relatives with disabilities. Any assets of the person in need of care have no relevance.

In addition, the following eligibility requirements apply:

- Existence of a care relationship within the meaning of the Home Care Act.
- Registration of the caregiver as a resident of the household of the person in need of care
- The carer is fully insured with regard to the provisions of social insurance law caregiver.
- The minimum weekly extent of the agreed care service is 48 hours
- A need for 24-hour care
- Entitlement to long-term care allowance at least in the amount of level 3.

The care relationship may take the form of the establishment of an employment relationship with the person in need of care or with relatives. It is also possible for these persons to contract with a non-profit provider. The path most often chosen at present is the employment of a self-employed carer. In order to ensure adequate quality of care services, it has been stipulated that carers

- must have theoretical training equivalent to that of home helps, or

- have been properly caring for the grant applicants for at least six months, or
- have a specialist authorisation for nursing/medical activities.

## **4.7 Social services**

Social services are offered by independent welfare associations, regions and municipalities. These services are staffed in particular by qualified nurses, nursing assistants, home helps, specialised social workers and certified social workers in the fields of work with the elderly, families and support for the disabled. About four fifths of the staff are women. The type and range of social services varies from region to region.

### **4.7.1 Mobile services**

Mobile services include home health care, home helps, family assistance, meals on wheels, visiting services or counselling services.

The use of mobile services amounted to about 16.5 million hours in 2021. According to the regions, a total of 151,537 people were cared for by mobile services in 2021.

### **4.7.2 Semi in-patient services**

Geriatric day centres or day care facilities are becoming increasingly important in the Austrian nursing and care landscape. In 2021, 7,564 people were cared for in semi in-patient day care facilities.

### **4.7.3 Inpatient services**

In 2021, about 96,338 people were cared for in nursing homes and homes for the elderly.

#### **4.7.4 Other social services of the regions**

In the regions, services are offered such as short-term care (e.g., when a family caregiver is unavailable), alternative forms of housing, case and care management (e.g., for counselling and coordination during the transition from hospitalisation to a care facility), and several hours of daily companionship and respite services (for several hours of care in the client's home environment to promote and maintain a self-determined lifestyle).

#### **4.7.5 Social Care Professions**

An agreement between the federal government and the regions on social care professions in 2005 made these professions much more attractive. The cornerstones were the creation of a modular training system and uniform training standards in Austria, harmonisation of job profiles and job titles, greater permeability between the individual occupational groups, uniform recognition of training for social care professions and quality improvement for the clients concerned.

#### **4.7.6 Community Nursing**

In order to close existing gaps in care and effectively support both older people living at home - with or without care needs - and their relatives, the federal government launched the Community Nursing project in 2021. Community nurses are key contact persons for health and care-related issues who are available at municipal level and thus close to home, and also carry out preventive home visits. They advocate for the concerns of the target groups, provide advice and information, and coordinate the services of various regional actors in the health and social sectors.

The goals of Community Nursing include the following:

- Preventing the need for long-term care and promoting the ability of older people to remain in their own homes by strengthening health literacy
- Improving the quality of life, well-being, health, autonomy and independence of the target groups
- Increasing the visibility and networking of general, nursing and health-related services in the municipality, town or region.

- Improving the framework conditions for the health of vulnerable groups of people.

Community Nursing is currently being implemented in all regions via pilot projects that will run until the end of 2024. More information on the project, including in which municipalities and regions community nurses are active, can be found on the website <https://cn-oesterreich.at>. The projects are being comprehensively evaluated.

Community Nursing is funded by the EU (NextGenerationEU) as part of the Austrian Development and Resilience Plan.

## 4.8 Young Carers

In the study "Children and Adolescents as Caring Relatives - Insights into the Situation of Current and Former Caring Children in Austria", the care situation of children and adolescents was surveyed for the first time in 2012 by the Institute of Nursing Science at the University of Vienna on behalf of Parliament.

Key findings include:

- 42,700 children and adolescents between the ages of 5 and 18 are affected;
- the average age is 12.5 years;
- 70% are female;
- migration does not affect the fact that care is being provided by children;
- young carers are involved in the direct care of the sick person in the form of physical and emotional support as well as in the home or in helping siblings;
- just under a quarter of young caregivers help more than average in all three areas; 14% said they provide five or more hours of support a day;
- negative effects are often expressed in physical, social and psychological terms (e.g. lower back pain, an excessive sense of control, feelings of guilt, fear of loss, etc.);
- positive effects include increased composure in the face of problems and a sense of being able to cope with life, as well as empathy and a feeling of growing up early.

In 2014 there was a subsequent research assignment called "Concept development and planning of family-oriented support measures for children and adolescents as family caregivers". The aim was to provide interested organisations and regions with a framework for implementing local support programmes.

Young carers bear great responsibility at an early age, which is usually not recognised by their social environment. In this context, the most urgent task of the Ministry of Social Affairs is to identify those affected, but also to raise awareness and sensitise those affected as well as relevant professional groups.

To support young caregivers in their everyday lives, the accessible app "Young Carers Austria" was developed. However, people in teaching, health and care professions can also find helpful information there.

The website [www.young-carers-austria.at](http://www.young-carers-austria.at) complements this support service for caring children and young people and their families.

## 4.9 Dementia Strategy

The topic of dementia has long since ceased to be a marginal issue, and is a central challenge within the framework of the Austrian care provision system. There are currently about 145,000 people living with dementia in Austria (Institute for Advanced Studies Vienna, IHS, 2021). Due to demographic trends and increasing life expectancy, a further rise in this number can be assumed.

With the development of the Austrian Dementia Strategy in 2015, the foundation was laid for an orientation framework to provide the best possible support for people with dementia-related disabilities and their relatives.

Already at that time, great importance was attached to a joint cross-political and cross-sectoral approach, and all relevant partners (stakeholders) - the federal government, regions, social insurance institutions, experts, affected persons and, last but not least, a broad public in the sense of participation - were involved in the development process.

The Dementia Strategy provides a framework of 7 impact goals and 21 recommendations for action, the achievement of which is intended to improve the living situation of people with dementia-related disabilities and their relatives as well as to provide a common orientation framework for goal-oriented cooperation between the stakeholders. On the basis of the specified recommendations for action, decision-makers (at federal, regional and municipal levels) will plan and implement measures in their respective areas of action in order to



jointly achieve the defined impact goals (Jurassovich, Sax, Rappold, Pfabigan & Stewig, 2015).

Throughout the implementation of the dementia strategy, the Federal Ministry of Social Affairs, Health, Care and Consumer Protection has been working in close cooperation with the regions, representatives of providers and experts since 2016 to support people with dementia and their relatives and to contribute towards a good life with dementia. To support a coordinated approach, the Dementia Strategy Platform was established in 2016. In the meantime, more than 100 implementation measures are documented on the website <http://www.demensstrategie.at>, which are realised by the responsible persons at the federal, regional and social insurance levels. Information for those affected and their relatives on living with dementia as well as nationwide measures for support can be found on the information platform [www.pflege.gv.at/leben-mit-demenz](http://www.pflege.gv.at/leben-mit-demenz) as well as <http://www.sozialministerium.at>. Information on the dementia strategy is also available in easy language.

The contact points for questions related to care and disability are the branches of the Office of the Ministry of Social Affairs established in the regions.

## 4.10 Quality assurance

### Quality assurance in home care

Since 2001, the Ministry of Social Affairs has commissioned home visits to long-term care allowance recipients who are being cared for in their own homes.

In addition, home visits have been mandatory since 2009 for applicants for 24-hour care pursuant to section 21b of the Federal Long-term care allowance Act. Home visits are coordinated by the Competence Centre for Quality Assurance in Home Care (Kompetenzzentrum Qualitätssicherung in der häuslichen Pflege), which is located at the Social Insurance Institution for the Self-Employed (Sozialversicherungsanstalt der Selbständigen) for all long-term care allowance decision-makers, and are carried out by appropriately trained qualified nurses (DGKP).

Since 2015, free home visits can be arranged at the request of the person in need of care or their family caregivers.

## **The Austrian Quality Certificate for Placement Agencies in 24-Hour Care**

Together with the Austrian Economic Chamber and with the involvement of other experts, the Ministry of Social Affairs developed the Austrian Quality Certificate for Placement Agencies in 24-hour care. This quality certificate is intended to be a visible sign of high quality standards and to strengthen the situation of all parties involved.

The quality certificate is a voluntary scheme and enables placement agencies that meet higher quality standards beyond the legally required obligations to be certified. Requirements for the qualification of personal care workers, in particular their training and practice, language skills and social competence, are assessed, as are regular home visits to ensure quality.

The right to use the certificate is granted for a period of three years, after which re-certification is possible. In addition, a management review is conducted by the agencies themselves after 1 ½ years. In the case of violations, the certificate can also be withdrawn. The certification process is carried out by the Association for the Promotion of Quality in Care for the Elderly, which has many years of expertise and experience in connection with quality development and assurance.

A current list of certified placement agencies can be found on the ÖQZ-24 website at <https://oeqs.at/sertifizierte-vermittlungsenturen/>.

# 5 Social compensation

Social compensation by the state regulates compensation in a number of so-called social compensation laws in those cases in which someone has suffered harm as a result of state measures (e.g., military service) or in connection with a special responsibility of the state such as internal security or health matters).

Social compensation laws mainly provide cash benefits and rehabilitation measures. They also offer different benefits for individual groups of people.

## 5.1 War victims

Austrian citizens who performed military service for the Republic of Austria, the Austro-Hungarian Monarchy or for the former German Wehrmacht after 13 March 1938 and suffered damage to their health as a result are deemed to be war victims under the **War Victims' Benefits Act**. Civilians who suffered damage to their health through no fault of their own as a result of military action or exposure to weapons are also included in this group of persons. Benefits are also provided for the surviving dependants of this group of persons.

Services:

- Measures for professional and social rehabilitation
- Medical care and orthopaedic care
- Basic pension, supplementary pension and other cash benefits
- Pensions for surviving dependants

Persons with Austrian citizenship who were taken prisoners of war in the course of the First or Second World War or were arrested and detained by a foreign power for political or military reasons during the Second World War or the period of occupation of Austria by the Allies, or were outside the territory of the Republic of Austria as politically persecuted persons within the meaning of the Victims' Welfare Act and were arrested by a foreign power for political or military reasons and detained after the beginning of the Second World War, receive benefits under the Prisoner of War Compensation Act, provided that their imprisonment (detention) lasted at least three months.

## 5.2 Damage due to military service

Persons who have suffered damage to their health as a result of military service or training in the Austrian Armed Forces have received compensation under the **Army Compensation Act** since 1 July 2016. Prior to that, compensation was provided under the Army Welfare Act. Benefits are also provided for the surviving dependants of this group of persons.

Under the Army Compensation Act, statutory accident insurance benefits are payable in accordance with the General Social Security Act (see Chapter 7.3.2. Accident insurance). Entitlements to benefits awarded under the Army Welfare Act remain valid.

## 5.3 Victims of crime

Austrian citizens, EU and EEA citizens and third-country nationals (if the crime was committed in Austria) who have suffered bodily injury or damage to their health as a result of a crime are compensated under the **Victims of Crime Act**.

Services:

- Medical, vocational and social rehabilitation (if they have no social insurance)
- Therapeutic welfare (psychotherapeutic treatment for those who require it), crisis intervention and orthopaedic care
- Compensation for loss of earnings or maintenance and other cash benefits (lump-sum compensation for pain and suffering)

## 5.4 Victims of political persecution

Victims of the struggle for a free democratic Austria and victims of political persecution from the dissolution of parliament in 1933 until liberation in 1945 receive benefits under the **Victims' Welfare Act**:

- Pensions, medical care and other benefits

## 5.5 Vaccine damage

Persons who have suffered damage to their health as a result of a vaccination against smallpox that was mandatory until 1980, a recommended vaccination (e.g., against polio, tetanus or rubella), or a vaccination mentioned in the mother-child pass are compensated under the **Vaccine Damage Act**.

Services:

- Rehabilitation measures
- Medical assistance and orthopaedic care
- Care and treatment in hospitals and at health resorts
- Pensions for physical damage and other cash benefits

## 5.6 Thalidomide victims

- Thalidomide victims who have received a one-off payment from the Federal Ministry of Health and do not receive benefits under the German Thalidomide Foundation Act have been entitled to a pension under the Thalidomide Assistance Benefits Act as of 1 July 2015. The benefit is based on the War Victims' Benefits Act and corresponds to a pension for a person who has suffered damage
- with a reduction in earning capacity of 80%.

## 5.7 Victims of abuse in homes

The Home Victims Pension Act entered into force on 1 July 2017. Victims who suffered violence as children or adolescents in homes, in hospitals, psychiatric institutions or sanatoriums or in comparable institutions of the regional authorities and municipal associations as well as in private institutions to which they were entrusted, corresponding church-based institutions or in foster families in the period from 10.5.1945 to 31.12.1999 receive a pension.

Pension benefits are generally payable from the date on which the insured person reaches the standard retirement age or draws his or her own pension.

## 6 The Office of the Ministry of Social Affairs -

[www.sozialministeriumservice.at](http://www.sozialministeriumservice.at)

The Office of the Ministry of Social Affairs (Sozialministeriumservice) with its nine offices in the regional capitals sees itself as the **central federal point of contact for** people with disabilities, illnesses or other disadvantages. The Office of the Ministry of Social Affairs is also available as a point of contact for their relatives and for companies that already employ disabled people or would like to do so in the future.

The main task of the Office of the Ministry of Social Affairs is to promote the participation of people with disabilities in working life. The focus is on the creation of employment opportunities for this group of people, a task which is managed with the support of cooperation partners in the regions (Public Employment Service, the region (Land) itself and private sponsors).

In order to monitor and implement the labour market policy objectives for people with disabilities in the regions and to achieve the policy goals, the Office of the Ministry of Social Affairs has the following tasks at a regional level:

- to set the necessary measures for vocational rehabilitation and integration in individual cases together with all relevant partners (cost units, interest groups, project executing agencies, businesses),
- ensuring the prompt and simple completion of all administrative and grant procedures via administrative agreements or other appropriate measures; and
- to arrive at joint support strategies and priorities via labour market policy analyses that correspond to the regional labour market situation, the company structure, the employment situation of people with disabilities and the existing offers.

In doing so, the aim is to use existing networking and coordination structures to the best possible extent or, if necessary, to establish them.

Thus, since 2012 the Office of the Ministry of Social Affairs has offered a networked set of support measures for people with disabilities and other disadvantaged groups to ensure and maintain paid work in the regular labour market. In the **Network for Vocational Assistance (NEBA)**, youth coaching measures, TrainingFit, vocational training assistance, the vocational assistance scheme, job coaching and company services are offered together with various project executing agencies specifically for the target group of young people with disabilities in the transition from school to work (see chapter 3.1.4. Subsidies).

Youth coaching and TrainingFit (formerly known as production school) are also essential components of the compulsory training programme adopted in July 2016 called Training until 18.

The Office of the Ministry of Social Affairs has been coordinating the **fit2work** programme throughout Austria since 2013. This programme provides **free information and counselling for people whose jobs are at risk due to health problems or who have difficulty finding employment for these reasons, as well as for companies to help them maintain their employees' ability to work** (see also chapter 3.1.6. Prevention management [www.fit2work.at](http://www.fit2work.at)).

In the area of the social inclusion of people with disabilities, the Office of the Ministry of Social Affairs issues passes (cards) for people with disabilities, and since 1 January 2014 has also been responsible for issuing parking permits in accordance with Section 29b of the Road Traffic Act (see Chapter 3.2.1. Disability card as well as 3.2.2. Parking permit ).

In addition, the Office of the Ministry of Social Affairs has developed into a central assessment authority in recent years. In this sense, it now prepares various expert opinions, e.g. for obtaining increased family allowance or for claiming the allowance for disability under the Income Tax Act 1988, etc. The Office of the Ministry of Social Affairs is supported in this activity by experts in the fields of medicine, occupational science and occupational psychology who draw on occupation-specific expertise in the integration of people with disabilities and also use psycho-diagnostic procedures to assess performance and determine resources.

As of 1 January 2006, the Office of the Ministry of Social Affairs was assigned another important task in the form of the enforcement of the Federal Disability Equality Act (cf. 3.4 Equality ).

The traditional tasks of the Office of the Ministry of Social Affairs include providing care for war victims, victims of political persecution, people who have suffered damage due to vaccinations, victims of crime, and people who have been abused in institutional care (see chap. 5. Social compensation).

In the area of 24-hour care and support for family caregivers, the Office of the Ministry of Social Affairs also grants financial subsidies. Since 1 January 2014, the Office of the Ministry of Social Affairs has also been responsible for care leave allowance (for more details see 4.4)

In all these matters, the employees of the Office of the Ministry of Social Affairs act as a competence centre for disability affairs and offer advice and support. They provide information about the range of services offered by the Office of the Ministry of Social Affairs and currently valid regulations or, if necessary, refer people to the relevant organisations. The first point of contact is the open customer reception, which, as a one-stop shop, is intended to help reduce some people's fears of government offices.



# 7 Interfaces

## 7.1 Federal ministries and the regions

The Austrian Ministry of Social Affairs is often automatically perceived by the public as the ministry responsible for all issues concerning people with disabilities. However, this is not the case, because we are dealing here with a cross-sectional matter, as already described in the introduction. The other ministries and also the regions (Land) must therefore act in accordance with the principle of disability mainstreaming within the scope of their competences.

Austria's ratification of the UNCRPD **means that** all federal ministries - but also the regions - must implement the Convention. A concrete example of this is the National Action Plan on Disability 2022-2030, which affects all areas of competence of the federal government as well as the regions.

### 7.1.1 The school system

Education in the sense of inclusion already begins in the nursery. Within the framework of this elementary education, children should be provided with a common basic and balanced education in the social, emotional, intellectual and physical fields. The next first of September after their 6th birthday is a key date for all children, because this is the day when compulsory schooling begins.

If there is any doubt about a child's readiness for school, the expertise of the staff of the Department for Inclusion, Diversity and Special Education can be called upon during the school enrolment process. They advise and support parents, the school administration and teachers. The aim is to organise the teaching of children with disabilities at general education schools in the best possible way. This is achieved, among other things, through the provision of human and material resources.

In an integration class or inclusive class, a reduced number of children with and without disabilities are taught together. A special needs teacher works together with the class or

subject teacher and supports the children according to their individual needs through her or his special training.

Within the framework of this elementary education, children are provided with a common basic and balanced education in the social, emotional, intellectual and physical fields.

For example, special education services are provided for those children who are unable to follow lessons due to a physical, learning or mental disability.

When transferring from primary school to a lower secondary school, parents and pupils can choose between attending a special school or an integrative/inclusive path in a middle school or lower secondary school of the Allgemein Bildende Höhere Schule (a secondary school with a focus on general education).

The joint education of children and adolescents with and without disabilities in primary and secondary schools has achieved a high level of acceptance for many years now. In order to ensure continuous support for pupils with physical or sensory disabilities also in vocational secondary schools and general secondary schools (upper secondary level), special legal regulations have been created which allow corresponding deviations from the curriculum as well as extended remedial teaching.

In 2011, a **participatory strategy** was launched to implement the UNCRPD in the Austrian school system. To this end, dialogue groups, conferences and information and discussion events were held.

The most important fields of action or measures identified so far concern:

- The educational and organisational development of schools and teaching,
- improving regional support structures,
- the promotion of pupils' development according to their needs and requirements,
- the training of educators, as well as
- academic monitoring.

## 7.1.2 University studies

Students with disabilities receive study grants worth up to € 5,040 more per year than normal grants depending on the severity of their disability. These grants are available if there is a disability of at least 50%. In such a case, persons receiving family allowance must prove that they are receiving increased family allowance. Older students can provide proof by means of a medical certificate.

Additional support for students is available for cases of special hardship, either as a one-off payment or in the form of a regular scholarship (such as bridging payments to students with disabilities until their eligibility for a study grant is restored).

Under certain circumstances, the **Office of the Ministry of Social Affairs (Sozialministerium-service)** can provide a subsidy for accessible education in the amount of up to € 10,512 (as of 2023). In addition, it also offers to cover the cost of technical aids required for the course of study.

Since the founding of the Integrated Studies institute, the framework conditions for students with disabilities have been gradually improved. The know-how developed here is passed on in specially developed university courses called Assistive Technologies and Accessible Web Design ([www.jku.at/iis](http://www.jku.at/iis)). The Centre for Distance Learning makes educational participation possible, especially for people with disabilities. The requirements of students with disabilities are taken into account very individually within the framework of the respective distance learning programme.

The Ombudsperson's Office for Students, founded in 1997, supports students and endeavours to act as a mediator in case of questions and problems arising in the course of their studies.

## 7.1.3 Accessibility

The **removal of barriers** is essential for the equality and inclusion of people with disabilities in society. The entry into force of the **Federal Disability Equality Act (BGStG)** on 1 January 2006 and the ratification of the UNCRPD in 2008 created important prerequisites for this.

The creation of a strategy for implementing the UNCRPD (National Action Plan on Disability 2012-2020/2021, NAP on Disability I) is another important step towards implementing the UN Convention.

The NAP on Disability I was comprehensively evaluated by the University of Vienna. On the basis of this evaluation, the National Action Plan on Disability 2022-2030 (NAP on Disability II) was drawn up in an extensive participatory process involving all federal ministries, the regions and representatives of people with disabilities.

This NAP on Disability II was adopted by the federal government in the Council of Ministers on 6 July 2022 and subsequently published (available on the internet at [/themes/social/people-with-disabilities/national-action-plan-disability.html](https://www.bmg.gv.at/themes/social/people-with-disabilities/national-action-plan-disability.html)). A separate chapter is dedicated to the topic of accessibility in the NAP on Disability II, which comprises 78 measures.

After intensive work involving the regions, all federal ministries and representatives of people with disabilities, the federal government adopted the National Action Plan on Disability 2022-2030 in July 2022 in the Council of Ministers. This NAP on Disability II follows on from the NAP on Disability 2012-2021 and forms the central strategy for implementing the UNCRPD in Austria for the period up to 2030.

Barriers can also lead to **discrimination** under disability equality law. To avoid financial hardship, disability equality law stipulates that the requirement for the removal of barriers must be reasonable. The legal consequences of discrimination are material and immaterial **damages** (for more details, see Chapter 3.4.1. Protection against discrimination).

Since 1 January 2016, accessibility according to the **Federal Disability Equality Act (BGStG)** applies to **all areas**.

In addition to the structural field, accessible information is essential. Due to the EU Directive 2016/2102, public websites have had to be designed so as to be accessible since 23 September 2019. At the federal level, the Web Accessibility Act was enacted for this purpose. In addition to the federal government, this also applies to institutions that fulfil tasks in the public interest and are predominantly financed by the federal government or are under its supervision. Websites already published at that time had to be (re)designed to be accessible since 23 September 2020, and mobile applications since 23 June 2021. For the area of responsibility of the regions and municipalities, the regions have enacted corresponding laws.

This is intended to give people with visual impairments in particular the opportunity to use public websites without restrictions.

Accessible websites of public authorities make it possible to complete numerous official procedures online using e-government applications. The trend is towards handling all procedural steps online, from the submission to the completion of an application. E-government not only simplifies many procedures, but also provides the opportunity for greater public participation. For example, participation procedures can be made accessible to a broad public, and participation in consultation procedures for legislative proposals is thus made possible.

Another important step towards strengthening accessibility is the **European Accessibility Act**. According to this EU directive from 2019, which is to be implemented at the level of the EU Member States, from 28 June 2025 manufacturers, importers and distributors may only provide certain products and service providers may only provide certain services in the EU internal market if these products and services meet the legally binding accessibility requirements.

These products include PCs, notebooks, tablets, smartphones, smart TVs, TV sticks, game consoles, e-books, payment terminals, cash machines, ticket machines and check-in machines. Examples of services covered by the European Accessibility Act include certain passenger transport services (e.g., websites, apps, electronic tickets and ticketing services, travel information), banking services for consumers, e-commerce services (online stores), electronic communication services such as voice and video telephony and online messenger services, as well as apps and websites for accessing audiovisual media services). The European Accessibility Act is implemented in Austria via a **new Accessibility Act**.

Information is not only available on the internet - brochures, studies, reports, etc. are also available in printed form. In this context, more and more departments are publishing **versions in easy language** for people with learning disabilities.

The equal participation of persons with disabilities in both civil and administrative court proceedings is made possible by corresponding regulations in the procedural laws, while their equal participation in official proceedings is also enabled by corresponding regulations in the procedural laws.

In order to ensure accessibility from the very beginning of the procurement process, the guideline "Digital Accessibility for Inclusive Procurement" was created from September 2021 to March 2022 under the auspices of the Federal Ministry of Social Affairs, Health, Care and Consumer Protection as part of the **Inter-ministerial Working Group - Accessible Information and Communication Technology (AG-BIKT)**.

The guide is aimed at contracting authorities and public procurers on the one hand and the persons responsible for the technical aspects and content of the services to be procured on the other. It deals with the accessibility requirements for digitally usable products and services. This creates the conditions for the inclusion of people with disabilities in all aspects of a modern digitised society, including education and employment. In order to achieve inclusion in all digital areas of life, accessibility must be taken into account by default as early as the conception stage and at all stages of the procurement process, as well as during the acceptance of the service provided.

The guide contains practical information, definitions, explanations on the implementation of inclusive procurement and contracting as well as technical and legal basics. Furthermore, it explains the emergence of typical barriers and their avoidance/prevention and presents the basics of assistive technologies. In addition to important examples, exemplary text modules for the design of contract and other procurement documents as well as the handling of procurement procedures in an accessible manner are also addressed. The ready-to-use contract supplements A to F contain information and specifications on the accessibility of written materials such as publications and documents, websites and web-based applications, desktop applications and non-web-based applications, mobile apps for smartphones and tablets, and also define minimum requirements for sign language videos and sign language translation videos, for sign language interpreting at live events, and for translations in easy language.

The guideline and contract supplements are available at the following link: <https://www.nabe.gv.at/leitfaden-digitale-barrierefreiheit/>

Promotion of accessibility by the Office of the Ministry of Social Affairs:

In 2018, the accessible companies campaign was launched against the backdrop of the general sociopolitical goal of establishing accessibility in order to create an incentive for companies and support them in offering their products and services in an accessible manner, thus enabling unrestricted accessibility for people with disabilities. Equal participation in

public life and the removal of barriers are an essential part of a self-determined life for those affected and make a significant contribution towards promoting the economy. A one-off subsidy can be granted towards the costs of structural and non-structural projects to implement accessibility.

#### 7.1.4 Increased family allowance

This allowance is a benefit of the Family Burdens Equalisation Fund. It amounts to the following sums per child per month (from 2023) regardless of the parents' income:

- from birth € 120.6
- from 3 years € 129
- from 10 years € 149.7
- from 19 years € 174.7

The total monthly amount of family allowance is increased for each child if there are several siblings, from € 7.50 for the first brother or sister to € 55 for seven or more children.

Together with the payment of family allowance for September 2023, an additional school start allowance of €105.80 is granted for those children born in the period from 1 January 2008 to 31 December 2017; no separate application is required. **Increased** family allowance has amounted to € 164.9 per month as of 1 January 2023. This is paid in addition to family allowance. It is available as long as general family allowance is granted and can also be awarded retroactively for a maximum of five years from the month of application.

Prerequisite:

- The degree of disability of the child is at least 50% or
- The child is permanently unable to support her- or himself

For proof of disability, an invitation to an examination by expert medical personnel appointed by the **Office of the Ministry of Social Affairs is issued** after the application has been submitted.

### **7.1.5 Compensation for tuberculosis patients**

In 1968, the Tuberculosis Act was passed. It was comprehensively modernised in 2016. The concept of tuberculosis was defined and the obligation to report and treat it was newly regulated. After the disease had long been thought to have been overcome in industrialised countries, there has been a gradual increase in cases of the disease due to migration, increasing poverty and the development of resistance to common drugs.

As soon as the disease has been diagnosed by a doctor's report, and unless there are similar claims against another benefit provider or under other statutory provisions, the Federal Government grants the following benefits:

- care and treatment in hospitals
- medical assistance and the supply of medicines, orthopaedic and other aids
- rehabilitation

## **7.2 Regions**

### **7.2.1 Aids for people with disabilities**

Since the affairs of persons with disabilities in Austria are typical cross-sectoral matters, the regions must also be mentioned in addition to the special responsibilities of the federal government and the social insurance institutions. Their aim is also to help people with disabilities to live as independently as possible in the community. The measures of the disability assistance programme are implemented by the regional governments and district authorities, where these benefits can also be applied for. The individual regional laws differ from one another, in some cases substantially.

The benefits provided by disability assistance are subsidiary. This means that regions only provide a benefit if there is no other possibility of receiving the same or a similar benefit from social insurance, the Public Employment Service (AMS) or the federal government.

Services:

- Medical aids
- Educational aids



- Aids for occupational inclusion  
Employment programmes of the regions in workshops  
Aids for social inclusion  
Personal assistance:

The Ministry of Social Affairs is conducting a project with the regions to harmonise personal assistance starting in 2023.

## 7.2.2 Employment programmes of the regions in workshops

At the interface with the federal government, the employment programmes of the regions in workshops can be highlighted in particular, as they deal with people who, due to the nature and extent of their disabilities, are not (yet) able to engage in gainful employment, even in a sheltered workplace or in an integrative enterprise. For this target group, the regions offer the possibility of employment in day and employment structures on the basis of their competences.

The focus of the work and activities provided varies. In addition to workshops with a day structure, facilities with residential homes are also offered. The aim is to promote and develop people's skills through expert supervision and activities tailored to their individual situation. Individual providers offer skills training groups to introduce people with disabilities to the labour market.

In the day centres there is no payment, but participants do receive pocket money, and their existing financial benefits such as family allowance or any pension remain unaffected.

The people with disabilities in these programmes are only covered by accident insurance, not by health and pension insurance. This is currently being examined to bring about a legal improvement of the situation.

**Admission** to a facility which forms part of the employment programmes of the regions in workshops takes place after consultation with a team of experts consisting of doctors, psychologists, certified social workers and skilled workers.

### 7.2.3 Residential and nursing homes

When personal care needs can no longer be met even by mobile social services, it is possible to move to a **retirement or nursing home**. Many of these homes are operated by the regions.

A person's income including long-term care allowance can be used to finance this inpatient care. The person who is cared for is left with 20% of their pension, their special payments and € 50.30 as monthly pocket money from the long-term care allowance. Since 1 January 2018, access to the assets of persons accommodated in inpatient care facilities is no longer permitted (abolition of the recourse to peoples' savings to finance nursing care).

Retirement and nursing homes also offer transitional care (e.g. after a hospital stay for rehabilitation), short-term care (if family caregivers cannot provide care for a certain period of time, such as for health or work-related reasons) or holiday care (to relieve family caregivers).

### 7.2.4 Social assistance

Disability can also result in an increased risk of poverty. Therefore, social assistance benefits are just as important and existential for people with disabilities as they are for all other people experiencing poverty.

In the area of relief for the poor, a basic federal law was created for the first time in 2019 in accordance with Art. 12 of the Federal Constitutional Act (Basic Social Assistance Act), which came into force on 1 June 2019. It contains specifications that the regions must implement in their own regional laws. Until these new implementation laws come into force, the current Minimum Income Act will still apply in the respective region.

Note: the Basic Social Assistance Act has no influence on regulations that the regions have created specifically for people with disabilities - e.g. by way of their own disability assistance laws.

Benefits under the Basic Social Assistance Act are intended to help support general subsistence and meet housing needs. In addition to regularly recurring expenses for food, clothing, personal hygiene as well as other personal needs, support can also be provided to ensure a

reasonable housing situation (= expenses for rent, household goods, heating and electricity, other general service costs and charges). In principle, an entitlement to social assistance exists only if sufficient financial security is not possible through other means (e.g. income, benefits from social insurance, alimony, etc.) or assets.

Social assistance is payable twelve times a year. According to the provisions of the Basic Social Assistance Act, the maximum rate for single persons or single parents in 2023 is € 1,053.64 and for couples € 1,475.10. The maximum rates originally provided for children were deemed unconstitutional by the Constitutional Court. The regions will therefore be able to determine the amount of these benefits themselves in the future. In 2022, benefits for children basically amounted to between around € 188 and € 264 per month. Most of the regions have staggered benefit levels depending on the number of children.

For single parents, the regions can grant a supplement graded according to the number of children, with which the basic benefit from social assistance can still be increased (between around € 126 (1st child) and € 32 (from the 4th child) per month; values for 2023).

In addition, the regions are required to grant a mandatory supplement for people with disabilities of around € 190 per month (as at 2023), unless they have already been awarded higher benefits for people with disabilities on the basis of other special provisions which can be offset against social assistance.

Overall, people with disabilities also receive special consideration in the Basic Social Assistance Act through the following measures:

- All benefits provided to cover special needs in the case of care or disability remain unaffected by the Basic Law. Special needs of people with disabilities can therefore continue to be taken into account without restrictions and may not be offset against social assistance;
- Permanently disabled persons may also be granted social assistance benefits for an indefinite period;
- People with disabilities may also be exempt from a proportionate reduction in their benefits due to budget capping, because they should receive their benefit unreduced.

Health insurance: people without health insurance coverage who receive the minimum income/social assistance are registered for statutory health insurance by the regions. In this

way, the minimum income/social assistance continue to ensure unrestricted access to medical services.

### **7.2.5 Accessibility**

Since Austrian legislation is divided into the responsibilities of the regions and the federal government, the federal government, as already mentioned, is not entitled, for example, to legislate on structural accessibility for reasons of competence alone.

Some of the regions responsible for building law have included provisions on accessible construction in their building regulations. However, the building regulations essentially only apply to new buildings and only affect existing buildings in the case of new construction measures (such as conversions and general renovation). In many cases, it is probably obvious that some buildings or parts of buildings (especially historical buildings) are difficult to make accessible (e.g. the spire of St. Stephen's Cathedral or castle ruins).

### **7.2.6 UNCRPD**

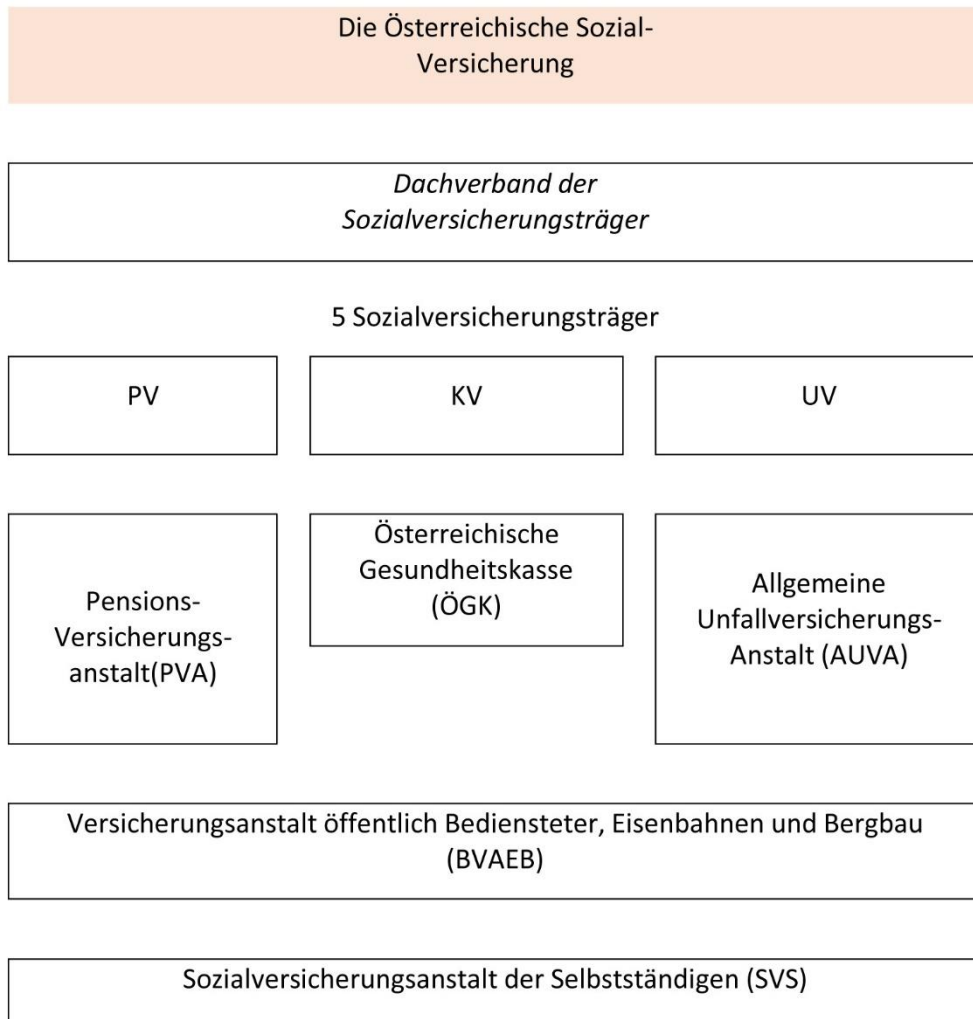
The UNCRPD as an international treaty must be implemented by the Republic of Austria in legislation, jurisdiction and enforcement. This obligation concerns all territorial authorities, i.e. the federal government, the regions and municipalities. For this reason, the regions have also set up contact and monitoring points within their area of responsibility in accordance with the UNCRPD.

## **7.3 Social security**

Austria has a social security system that has been developed and differentiated step by step over decades to cover a wide range of risks to which everyone is exposed in their lives and, of course, also applies to people with disabilities. Like everyone else, they too can become ill or unemployed, have an accident or retire.

The coordination of the enforcement activities of the social insurance institutions is the responsibility of the umbrella organisation of the social insurance institutions. There are five social insurance institutions which are organised on an occupational and federalist basis

Figure 1: The Austrian social security system - overview



Source: Federal Ministry of Social Affairs, Health, Care and Consumer Protection

A characteristic feature of this system is that a good part of it - especially in health, accident and pension insurance - is linked to gainful employment. This does not mean that every insured person must be employed: in health insurance, dependants are co-insured, but their co-insurance depends on the employment of one of their family members. Pension entitlements after the death of a partner (widow's or widower's pension) are comparable to this. The willingness and ability to work are important prerequisites for unemployment insurance benefits.

The Austrian social insurance system is a compulsory insurance scheme: anyone who is employed or self-employed has to be fully insured in the health, accident and pension insurance schemes provided that the legal requirements are met (i.e. the minimum income or insurance threshold is exceeded, a trade licence is held, etc.). The majority of employed persons are also insured against unemployment

Austrian social insurance is built on the principles of insurance and solidarity, but there are also strong elements of welfare. The **insurance principle** means that the benefits received by the individual when the risk materialises must be matched by his or her own contributions. The **solidarity principle means that** contributions and benefits do not have to be equivalent in the case of all individuals, but rather that there is a social equalisation within the insured community. The **welfare principle** is shown, for example, in the possibility of co-insurance for children. The benefits provided for children are not matched by their own contributions. The equalisation supplement in pension insurance, through which low pensions are raised to a legally defined minimum level from tax revenues, can also be seen as such. Here, however, social equalisation does not take place within the community of the insured, but via the federal budget. The same applies to federal subsidies to the pension insurance scheme, insofar as pension benefits are not covered by the contributions of the insured.

### 7.3.1 Health insurance

Health insurance benefits are provided to insured persons and their family members who do not have their own statutory health insurance coverage. In particular, these are spouses, registered partners and cohabitants (the latter if they have been living in the same household as the insured person for ten months and have been running the household free of charge for this period), children up to the age of 18 (in the case of vocational training or student status up to the age of 27), and under certain conditions also to parents and other relatives.

Health insurance includes both preventive and curative measures and ranges from preventive check-ups and annual adolescent check-ups to assistance in the event of illness (medical assistance with a free choice of doctors and equivalent services such as physiotherapy, medication, therapeutic aids, nursing care and treatment at home or in hospital, etc.).

Sickness benefit is generally granted from the 4th day of inability to for work up to a duration of 26 weeks. Under certain conditions, it is increased to 52 or 78 weeks. Sickness benefit is increased from the 43rd day.

Rehabilitation benefit is awarded at the same level as sickness benefit and is intended as a bridging benefit if there is temporary disability or occupational incapacity for at least 6 months and when occupational rehabilitation is not reasonable and expedient.

Increased sick pay is also used as a basis for calculating reintegration allowance, to which employees are entitled if they agree with their company on part-time re-integration after a longer period of sick leave. It is paid on a pro rata basis according to the agreed normal weekly working hours.

### **7.3.2 Accident insurance**

Accident insurance benefits include measures to prevent occupational accidents and diseases, to provide occupational medical care, first aid services for occupational accidents, accident treatment, rehabilitation and financial compensation after occupational accidents and diseases.

Work accidents are accidents that occur in connection with the insured employment or training in terms of their location, timing and cause (including accidents on the way to or from work or training). Certain accidents are considered equivalent to occupational accidents even if they involve persons who are not insured against accidents, such as accidents while rescuing a person from acute danger or while donating blood, accidents during the deployment of members of relief or rescue organisations, etc.

Occupational diseases are defined as damage to health caused by an insured activity. They are recognised as occupational diseases if they are listed as such in Annex 1 to section 177 General Social Insurance Act. They are treated in the same way as occupational accidents.

The treatment of accidents shall, by all appropriate means, eliminate the damage to a person's health or physical injury caused by an accident at work or an occupational disease and the resulting reduction in their ability to work and earning capacity, and shall seek to prevent any worsening of the consequences of an injury or illness.

The primary goal is the restoration of the person's health and their ability to work: in other words their rehabilitation. The intention is to enable the insured person to return to her or his former occupation or to another occupation, or to participate as independently as possible in community life. Financial compensation for occupational accidents and diseases includes disability pensions and pensions for surviving dependants.

### **7.3.3 Pension insurance**

In order to receive a pension, a sufficient number of insurance months must have been acquired in the course of a working life and certain (special) eligibility requirements must have been met. In addition to old-age pensions, there are also pensions for reasons of disability or occupational or professional incapacity. In pension insurance the following principle applies: rehabilitation must be attempted before a pension is awarded. In order to prevent a situation where a person is unable to work for a longer period or permanently, the pension insurance institution can prescribe rehabilitation measures. The aim of such measures is to restore the person's ability to work.

In accordance with the insurance principle, the amount of the pension is determined both by the contributions paid in and the number of months of insurance. If the pension remains below a certain amount determined annually, it is supplemented to this amount from budget funds - provided the legal requirements are met. This so-called equalisation supplement is set at separate amounts for single persons and couples.

In Austria, pensions are financed on a pay-as-you-go basis, i.e. employees pay their pension contributions to cover the pensions of those who have already left the labour force. The solidarity of the insured community thus also includes a vertical aspect in the sense of solidarity between generations.

Men retire at 65, while women currently retire at 60. Starting in 2024, the age for the payment of a regular retirement pension for women will gradually be raised from 60 to 65.

### **7.3.4 Unemployment insurance**

Employees are also insured against unemployment within the framework of social insurance, provided their income exceeds the marginal earnings threshold set by the legislator.



The transfer of social insurance contributions (employers' and employees' contributions) to the competent health insurance institution is made by the employer.

If the insured event of unemployment occurs, persons affected by unemployment are entitled to unemployment benefits provided that they fulfil the qualifying period and are available for work offered to them by the Public Employment Service. The qualifying period is deemed to have been fulfilled if certain periods of employment subject to unemployment insurance have been completed within a certain time frame (so-called framework period). Anyone who is capable of work, willing to work and unemployed, and who can and is allowed to take up employment, is available to the Public Employment Service (AMS). The length of time for which unemployment benefits are awarded depends on the duration of the proven periods of employment subject to unemployment insurance.

Unemployment benefit consists of a basic amount, possible family supplements and any supplementary amount. The basic amount is calculated on the basis of the average remuneration of the last twelve monthly contribution bases prior to the correction period of one year. It amounts to 55% of the net income corresponding to the gross income used for assessment. A supplement is also paid for dependants to whose support the unemployed person makes a significant contribution (family supplement). If the basic amount of the unemployment benefit granted is lower than the respective equalisation supplement reference rate, it must be raised to this level by means of a supplementary amount, but only up to a maximum of 60% (without entitlement to family supplements) or 80% (with entitlement to family supplements) of the net income according to the assessment basis.

If unemployment continues beyond the duration of entitlement to unemployment benefits, an application can be made for unemployment assistance. With the exception of the qualifying period, all the above-mentioned requirements must be met, and the applicant must also be in a precarious situation. The amount of unemployment assistance is generally 92 or 95% of the basic amount of unemployment benefit and any supplementary amount. In addition, family allowances are paid. The amount of unemployment assistance depends on the length of the period for which the previous unemployment benefit was awarded.

Unemployment assistance is granted for an unlimited period of time (as long as there is an emergency situation), but it is granted for a maximum of 52 weeks at a time. After that, a new application must be submitted.

## 7.4 The Public Employment Service - [www.ams.at](http://www.ams.at)

In accordance with the principle of disability mainstreaming, the entire range of services offered by the Public Employment Service Austria (AMS) can of course also be used by people with disabilities or health impairments provided that they are available for placement in the labour market.

The services include

- Needs-based training and careers information,
- comprehensive advice and support in finding a suitable job;
- individually tailored skills training or employment subsidies and support measures and, under certain conditions, subsistence benefits (unemployment benefit<sup>1</sup> or unemployment assistance ).<sup>2</sup>

This group of people is supported by trained rehabilitation advisors in the regional offices of the Public Employment Service. Taking into account their personal situation and problems, solutions are developed which are recorded in a binding support agreement. Priority is given to efforts to integrate the person into the primary labour market. If this does not succeed at the first attempt, a placement in an employment project can also be considered. These transitional jobs serve to improve the person's prerequisites in order to subsequently obtain employment on the open labour market.

## 7.5 The Ombudsperson's Office - [www.volksanwaltschaft.gv.at](http://www.volksanwaltschaft.gv.at)

The Ombudsperson's office monitors the public administration and promotes and ensures compliance with human rights. It audits authorities, offices and departments of the federal government, the regions and municipalities. The Ombudsperson's Office deals with complaints from citizens and monitors whether the administration is acting within the framework of the law and complying with human rights standards.

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<sup>1</sup> <http://www.ams.at/service-arbeitsuchende/finanzielles/leistungen/arbeitslosengeld>

<sup>2</sup> <http://www.ams.at/service-arbeitsuchende/finanzielles/leistungen/notstandshilfe>

Beyond the individual right to complain of every person with disabilities, the Ombudsperson's Office has a legal mandate to become active on its own initiative in accordance with Art. 16 para. 3 of the UNCRPD (see chapter 3.6.2).

## 7.6 Public Relations

### 7.6.1 Representation of people with disabilities

As part of the implementation of the corresponding NAP measure, a working group has drawn up a recommendation on the portrayal of people with disabilities in the media with the involvement of experts and disabled persons' associations. It was presented and published in May 2017. As one of the planned implementation measures, the web platform [www.barrierefreiemedien.at](http://www.barrierefreiemedien.at) was set up.

The National Action Plan on Disability 2022-2030 includes the following measures:

- Participatory development of images of people with disabilities in advertising together with the Chamber of Commerce and creative professionals and involving self-advocates from all groups of people with disabilities.
- Information measures on the image of people with disabilities in the world of work, involving disabled persons' organisations and social partners.

### 7.6.2 The Science Award Inclusion through Science and Technology (WINTEC)

As one of the NAP measures, the Science Award Inclusion through Science and Technology (WINTEC) was announced for the first time by the Ministry of Social Affairs in 2015. Since 2016, WINTEC has been awarded with increased prize money.

This science award recognises projects that contribute towards reducing barriers and strengthening participation.

All submissions that offer innovative solutions to improve the participation of people with disabilities are welcome. Submissions can be made from all fields of science without restriction to natural sciences or technology. Prizes are awarded to the top three submissions. For more details, see [www.sozialministerium.at/WINTEC](http://www.sozialministerium.at/WINTEC).

## 8 Non-state actors

The first organisation which should be mentioned here is the Austrian Disability Council (Österreichischer Behindertenrat - [www.behindertenrat.at](http://www.behindertenrat.at)). It is the umbrella organisation of the associations of people with disabilities in Austria which operates throughout the country and is financially supported by the Ministry of Social Affairs on the basis of a legal obligation in the Federal Disability Act. As the umbrella organisation of over 80 associations, it represents the interests of 1.4 million people with disabilities. It makes the wide-ranging topic of disability into an issue at various events, meetings and working groups, and in this way offers a platform for exchange and social transformation – going towards an understanding of disability based on the UNCRPD.

The tasks of the Austrian Disability Council are manifold; it is represented in numerous working groups and committees, and numerous laws state that it must be called upon to send representatives for consultation. It not only issues statements on domestic draft laws and policy papers, but also addresses the issue of disability beyond the borders of Austria. It acts as an interface between representatives of Austrian civil society and its international and European cooperation partners, in particular the European Disability Forum (EDF).

On behalf of the large number of initiatives for independent living, their umbrella organisation, Selbstbestimmt Leben Österreich (<http://slioe.at>) should be mentioned. Its goal is the equality of people with disabilities and the assertion of their rights as citizens. It is active in Austria as well as at an international level.

In the field of long-term care provision, an example worthy of mention is the **Interessengemeinschaft pflegender Angehöriger** (Association of Caregiving Relatives ([www.ig-pflege.at](http://www.ig-pflege.at))), an organisation which addresses the concerns and interests of family caregivers. In Austria, the majority of care and support in the home is provided by family caregivers. In most cases, this is in line with the wishes of the person in need of care and is a task that relatives face courageously and often as a matter of course. Relatives also often take on important tasks when accompanying and looking after people in need of care in inpatient facilities.

The main idea of the interest group is to jointly address and question the often difficult framework conditions and to work towards their improvement.

In addition, there are a large number of associations, interest groups, self-help groups and organisations, the listing of which would go beyond the scope of this brochure. Please refer to the website of the Ministry of Social Affairs ([www.infoservice.sozialministerium.at](http://www.infoservice.sozialministerium.at)).

The brochure Overview is also available in German.

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