

To the participants of the UNI Europa Working Time Conference –
To the Members and Substitute Members of the UNI Europa Executive Committee

Solidarity with Austrian workers – New Working Time Law

Dear Colleagues,

The Working Time Conference in Vienna is getting closer and I look forward to meeting you there.

As you may be aware, our Austrian colleagues are having a big conflict with their liberal, right-wing government, over the introduction of a new law allowing a 12-hour-workday and a 60-hour-workweek. This new law will come into force on 1 September 2018. Our Working Time conference takes place in at a very critical moment in the national discussion.

To show our solidarity, GPA-djp invites all presidents and representatives of the various European trade unions present at the Working Time conference and at the UNI Europa Executive Committee, to sign the “letter of protest”. It is addressed to Sebastian Kurz, the Austrian Chancellor, who will be presiding the European Council this semester.

Attached you find the “Letter of protest” as well as a short introduction to the new working time law in Austria. Could you please insure that you have a mandate to sign the letter on behalf of your union? We intend to sign the letter at the end of the conference, Tuesday 11 September 2018 before 14:00. It would be of the utmost importance to show our solidarity with GPA-djp in their struggle for fair working time arrangements and will probably receive big coverage in the Austrian media.

Thank you and best regards,



Oliver Röthig
Regional Secretary

Open protest note to Austrian Chancellor Sebastian Kurz

Working time policy must look to the future, not to the past!

Dear Federal Chancellor Sebastian Kurz!

We address you as representatives of the Austrian EU Presidency to express our concern about current developments in Austria. As the host country of the EU Presidency, you have the opportunity to set a good example and set a new tone for the further development of the European Union.

For decades Austria has been an important vehicle of social progress, broad protection of employees and social partnership at the inter-company level. So we are all the more dismayed to see that your government is breaking with these values.

We - presidents of trade unions from all over Europe - have gathered here in Vienna at the invitation of the Association of European Services Workers Unions UNI Europa and GPA-djp to discuss the working time models of the future. Our experience in our countries shows: Flexibilisation of working hours only works if employee representatives and trade unions are involved and if it is accompanied by a reduction in the volume of work and a reduction in working hours.

With the introduction of the 12-hour day and the 60-hour week, you have committed an extreme break with the principle of social partnership. It is not worthy of Austria's democratic tradition to push through a law of this scope without any evaluation or involvement of the social partners and even to anticipate its entry into force by four months. In so doing, you are massively worsening the quality of life of employees in Austria and presenting families and single parents with unsolvable problems.

In doing so, you are also opposing a European trend which, with a view to the future of the world of work, aims to relieve the burden on employees and reduce working hours. We expect the Chancellor of the country holding the EU presidency in particular to have progressive policies, not recipes from the 19th century. These legislative initiatives have only the profit of corporations in mind and not the well-being of people.

Chancellor, you have a responsibility towards the Austrians - but you also have a responsibility towards Europe. You are a supporter of the doctrine that the EU must act "less but more efficiently" and are in favour of a small EU budget. However, you are thus actively restricting the EU's room for manoeuvre and rejecting the social policy agenda. Your current policy threatens social cohesion within the EU and clearly opposes social progress. We would like to express our protest against this. We stand wholeheartedly behind the Austrian trade unions and will support them in their protest measures. As a European trade union movement, we will monitor developments in Austria and support employees.

Yours sincerely,

.....

What will change in Austria as a result of the amendment to the Working Hours and Rest Period Act?

As of 1.9.2018, far-reaching changes in Austrian working time law come into force. Here are the most important changes in brief.

- **Increasing the maximum daily and weekly working hours**

The statutory normal working time does not change, but remains basically 8 hours a day or 40 hours a week. However, the legal maximum working hours will be extended from 10 hours per day and 50 hours per week to 12 and 60 hours, respectively. The only prerequisite for this is an "increased need for work" on the part of the employer. Up to now, such an expansion was only possible with a works agreement, which is also linked to stricter conditions. This requirement will now be abolished, so that the 12-hour day or the 60-hour week can become the rule.

Flexitime

The maximum daily working time limit for flexitime can now basically be raised from 10 to 12 hours, five times a week. The now possible 12 hours thus become normal working time without surcharge within the framework of flexitime. However, you can only increase the normal working time to 12 hours if the flexitime agreement stipulates that time credits can be used for the entire day (that is, full-day time compensation is possible) and usage in connection with a weekly rest period is not excluded (that is, time compensation can be combined with the weekend). However, there is no legal entitlement for employees to take up time compensation unilaterally. In addition, accompanying measures, such as core time restrictions or the establishment of a maximum number of 12-hour days, which could compensate for longer working hours, are missing.

- **Extension of overtime**

The number of overtime hours allowed per week has increased from 10 to 20 hours. A maximum of 416 overtime hours per year are now possible instead of a maximum of 320 (this number results from Art 16 lit b in conjunction with Art 6 of the EU Working Time Directive, which stipulates that on average no more than 48 hours may be worked in a calculation period of up to four months). **The permissible overtime will thus increase by almost 30 %!**

In addition to the right of refusal introduced for the 11th and 12th hours (employees may refuse without giving reasons those overtime hours which lead to the daily working time of 10 hours or the weekly working time of 50 hours being exceeded), the EU Working Time Directive is the only corrective measure so that employees are not excessively often used by their employer for 12 hour days. However, the following calculation examples show that even this limit can (potentially) hardly prevent extra-long working hours over a longer period of time.

Example.: 13 weeks of continuous 60 hours, followed by 4 weeks free time;

Or: 60 hours for 5 weeks, 50 hours for 5 weeks, 38 hours for 7 weeks according to collective agreement = 816 hours in total.

Exceptions to weekend and holiday rest

As of 1.9.2018, it will be possible to allow exceptions to the weekend and public holiday rest four times a year and per employee in the event of "temporary special work requirements" by company agreement. Until now, this was only permissible by collective agreement with otherwise threatening economic disadvantages and to safeguard employment. Although the exception may not be used on four consecutive weekends or public holidays, the provision still leaves a large margin for manoeuvre in terms of the focus on each individual employee.