



Austria

Trends, Recent Developments, Active Inclusion and Minimum Resources

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1. Key Trends in Austria - General Overview

1.1. Growth

Economic growth started to slow down in early 2005 and is expected to remain below the long-term average. Yet the Austrian economy in 2005 performed significantly better (growth - 2005: 1.9 percent) than the EU-15-average (growth - 1.4 percent) as well as the EU-25-average (1.6 percent) (*WIFO* 2006; *Eurostat*, New Cronos Database 3/2006). Still the Austrian data reveal a gap compared to the OECD-average (+ 2.6 percent) (OECD, Main Economic Indicators, 2/2006). Economic growth in Austria within the period 2000-2005 has been primarily based on booming exports in central and Eastern Europe, reduced unit labour costs and the Euro-devaluation. The impact of all these factors in 2006/2007 is expected to continue. For the period 2006-2007 the Austrian National Bank prognosticates economic growth on the level of 2.3 percent per year.

Yet the budget consolidation reversed its tendency. Between 2002- and 2004 public Revenues decreased from 59.428 million Euros down to 59.236 million Euros, while public expenditures increased slightly from 61.818 million Euros in 2002 up to 62.666 million Euros in 2004. In 2005 expenditures reached 64.420 million Euros, which were covered by revenues in the amount of 58.969 million Euros (*BMF* 2006, p.25).

Therefore the budget deficit rose from 1.1 percent in 2003 to 1.9 percent of the GDP in 2005. Between 2000 and 2005 the fiscal revenue (as measured by the GDP in percent) declined from 49.8 percent of the GDP down to 48.0 percent of the GDP. The expenditures decreased from 51.4 percent of the GDP down to 49.6 percent (*Statistik Austria Report* 4/2006).

1.2. Income Distribution

The inequality of income distribution has increased significantly (*Guger/Marterbauer* 2005): the adjusted share of wages in the national income dropped from 72 percent in 1979 to 58 percent in 2004. Moreover, still taxation in Austria hardly has distributing effects (*Predl* 2005). Admittedly social insurance and welfare benefits favour in contrast the lowest social strata (*Schlager* 2001; *Marterbauer* 2004).

The average individual net-income per capita and year increased between 2000 and 2003 from 16.934 up to 17.148 Euros in 2003 (*Statistisches Jahrbuch* 2006, p.228). The Austrian Income Report 2005 submitted by the Austrian board of audit (*Rechnungshof* 2005) showed pertaining to the period 2000-2004 an increasing inequality of male and female wages. The average household income in Austria in 2004 scored 25.784 Euros (2.149 Euros by the month). The weighted income per capita amounted 16.969 Euros (1.414 Euros by the month) (*Statistik Austria* 2006).¹

¹ While female blue collar workers on the average gained 9.500 Euros per year (before taxes), male blue-collar workers earned 21.230 Euros per year – which is equivalent to a wage-drift amounting to 223 percent. The corresponding figures with the clerical workers are 18.540 Euros on the average compared to 33.140 Euros per year before taxation. The growth of the index of agreed minimum wages slowed down about 2.4 percent (2002), 2.2 percent (2003) and 2.1 percent (2004). It decreased another time in 2005 down to 1.8 percent

1.2.1. Indebtedness

The growing inequality of income in Austria has precarious consequences for the indebtedness of households. Only in 2004 the number of private insolvencies exploded about 32 percent. Meanwhile (2005) more than 130.000 Austrian households are heavily indebted (*ASB-Factsheet 2006*). 170.000 households without assets cannot make their ends meet. These 300.000 households have a burden of debts which averages out at 63.550 Euros. 47 percent of the heads of the afflicted households are in employment, 37 percent are unemployed, 16 percent are pensioners (or in another status). In 2005 the Austrian counselling services recorded 19.250 cases of indebtedness (+ 3.5 percent compared to 2004). 6.550 consumer insolvencies were recorded in 2005 (+ 14.1 percent compared to 2004) (*ASB-Factsheet 2006*). Besides that 6.500 petitions of bankruptcy had to be recorded in 2005. The courts administered 1.18 million distrains.

Over-Indebtedness is usually caused by low income, unemployment and hazardous consuming habits. The following factors were – similar to the previous years - shaping the appearance of over-indebtedness in 2005 (*ASB-Factsheet 2006*):

Reduction of income (unemployment)	21.9 percent
Hazardous consuming habits	15.3 percent
Abortive self-employment	14.5 percent
Divorce	10.1 percent
Bails and guarantees	6.9 percent.

1.2.2. Minimum Wages

Despite an ongoing discussion Austria has not yet enacted minimum wages (*Hermann 2005*). Nonetheless area-wide collective agreements constitute a certain level of minimum wages. At this the index of collectively agreed minimum wages mounted up from 172.3 up to 179.8 (*Statistik Austria 2005*) between 2002 and 2004 and in 2006 amounted the level 183.8². Therefore a minimum wage is in fact already established. At the same time the GINI remained relatively stable (1999: 26; 2001: 24; 2003: 24.1) despite the growing number of extremely wealthy households as well as the growing inequality of income between men and women.

1.3. Wealth

As already discussed in the previous reports the Wealth Report submitted in 2004 (*Höferl/Pöchhacker 2004*) estimated the worth of assets in Austria mounting up to 2.100 billion Euros. *Eizinger et.al. (2005)* on the other hand made a rough estimate on the assets with 945 billion Euros. Consistent data on wealth are still not available.

According to the existing reports the inequality of wealth-distribution in Austria has been rising between 1994 and 2004, when the government abolished the taxation of wealth. In 2002 the top decile possessed 35 percent of the capital, more than 70 percent of real estate and 100 percent of the shareholder value (*Eizinger 2005, p.248*). As a result 10 percent of the population own 70% of all assets located in Austria. In 2003 more than 60.000 millionaires (calculated in US-\$) lived in

² http://www.statistik.gv.at/fachbereich_03/tariflohn_txt.shtml

Austria (based on the aggregation of capital assets, without estates, objects of art and miscellaneous assets).

1.4. Employment

The number of employees increased between 2003 and 2005 from 3,184 million to 3,234 million (Annex 1). In March 2006 a total of 3,223 million people were on the payroll. This embodies a slight increase compared to 2005 (+ 1.2 percent).

In the first instance this has to do with the increased supply of labour, which rose from 3,424 million up to 3,487 million.³ (*Alteneder et.al. 2005, p.18*) Indeed most of these newly created jobs are not full-time: in December 2003 37.1 percent of all employed women were only part-time engaged.⁴ In contrast to that only until 2009 about 130.000 persons will additionally offer their manpower on the labour market (*Alteneder 2005, p.6*). The latest employment outlook by the AMS forecasts that more than 44.000 jobs will be lost by 2009 in the production of physical goods, while new jobs will grow in the service sector.

Still the employment of elder workers embodies a social problem. Only 30 percent of the workforce aged between 55 and 64 are on the payroll (Germany: 38.6 percent; Sweden 68 percent; Great Britain 53.5 percent). Early retirement hallmarks the Austrian labour market as well as the trend towards atypical employment (*OECD 2005*).

1.4.1. Atypical Employment

The increase of the number of jobs 2003 – 2005 is generated by a boost of mini-jobs, part-time-jobs and atypical self-employment (*Fink et.al. 2005*). In the distributive trades already 70 percent of all jobs are part-time.⁵ These part-time jobs cause two problems: firstly the problem of low-income, secondly the lack of access to higher qualified (and better paid) jobs (*Schulmeister 2004, p.88*).

1.4.2. Unfair Employment Conditions

Unfair contract terms in labour contracts are a widespread phenomenon. A study on behalf of AK and ÖGB between 11/2005 and 01/2006 revealed that more than 92 percent of all interviewees mentioned to be confronted with such contract terms. More than 50 percent have signed a contract with alteration clauses pertaining to the place of work. More than 45 percent have to bear a volatile assignment of tasks. 25 percent have signed an all-inclusive-endorsement which allows for work overtime without premium. More than 50 percent have committed themselves to do overtime work even on Saturday or Sunday. More than 30 percent have signed a non-competitive clause: they cannot change on their own free will their employer or even the place of work. 25 percent have signed a pledge which obliges them to refund training costs in case of a termination of their work contract.

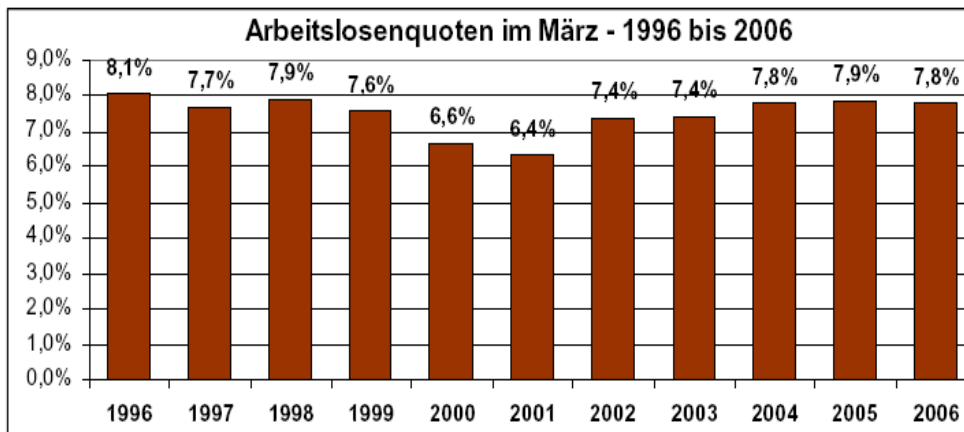
³ http://www.statistik.gv.at/statistische_uebersichten/deutsch/pdf/k15t_2.pdf

⁴ http://www.statistik.gv.at/statistische_uebersichten/deutsch/pdf/k15t_1.pdf

⁵ Interview: Maria Stossier, shop-steward ADEG/EDEKA

1.5. Unemployment

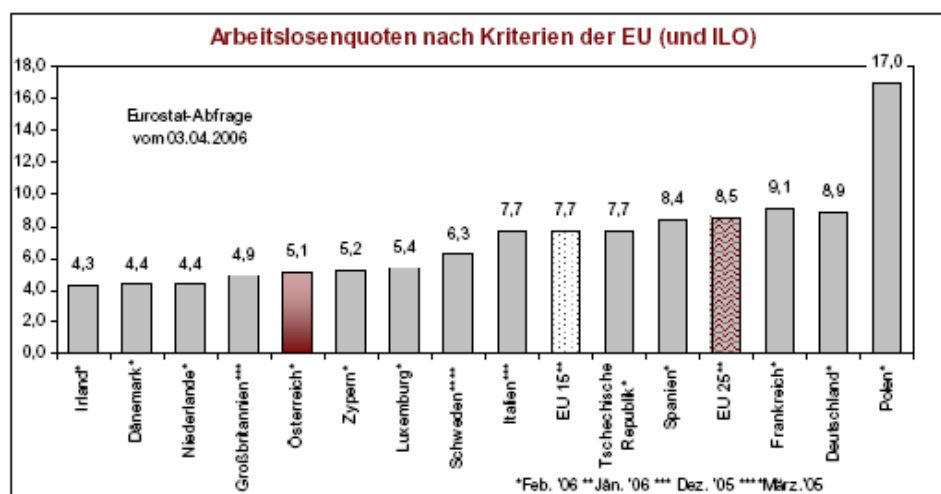
While in 2004 a total of 778.000 persons were - at least for the duration of one day - affected by unemployment, the corresponding figure raised up to 796.000 in 2005. Between 2004 and 2005 the number of registered unemployed persons per month mounted up from 244.000 up to 253.000.⁶ In March 2006 a total of 299.000 persons were out of job.⁷ Seen on the long run the employment rate in 2005 reached the level of 1998. Between 2005 and 2006 the unemployment rate de creased slightly by 0.1 percent due to the extension of training and education measures.



(Source: BMWA: Presseinformation – Arbeitsmarktlage Ende März 2006)

1.5.1. Trends in Unemployment

Unemployment figures rose constantly between 2003 and 2005 (2003: 4.3 percent; 2004: 4.5 percent; 2005: 5.2 percent).⁸ The number of unemployed persons (average per day) increased between 9/2003 and 9/2005 from 240.079 up to 269.973 (including participants in training measures) (AK 2005; *Synthesis* 2005). In April 2005 a total of 297.197 persons were registered as unemployed. Unemployment since 2000 rose 4 times faster compared to the EU-average. Yet the Austrian position in an EU-wide comparison of unemployment rates has to be described as 'good':



(Source: BMWA: Presseinformation – Arbeitsmarktlage Ende März 2006)

⁶ http://www.statistik.at/jahrbuch_2006/pdf/K07.pdf

⁷ <http://www.arbeiterkammer.at/www-579-IP-4565.html>

⁸ <http://www.statistik.at/cgi-bin/presstext.pl?INDEX=2006009811>

The allocation of unemployment was very uneven then: the city of Vienna had the highest unemployment rate to cope with. Recent trends show a growing regional disparity. While unemployment in Burgenland, Styria and Salzburg is decreasing remarkably between 03/2005 and 03/2006, Carinthia and Tyrol – both of them “Länder” with problems of ‘structural change’ - recorded an increase by more than 8.3 percent.

According to the Austrian mode of calculation between 1999 and 2004 unemployment increased from 7.5 percent up to 8.2 percent - including persons registered in training measures).

Registered Unemployed Persons	Rate of Unemployment	Unemployed in training measures	Job-Seekers	Unemployment and Training
1999: 221.743	6,7	1999: 26.608	1999: 248.351	1999: 7,5
2000: 194.314	5,8	2000: 28.585	2000: 222.899	2000: 6,7
2001: 203.883	6,1	2001: 31.615	2001: 235.498	2001: 7,0
2002: 232.418	6,9	2002: 35.434	2002: 267.852	2002: 7,9
2003: 240.079	7,0	2003: 41.480	2003: 281.559	2003: 8,1
2004: 243.880	7,1	2004: 42.645	2004: 286.525	2004: 8,2

(Source: <http://wien.arbeiterkammer.at/www-397-IP-23724.html>)

In 03/2006 62.430 people took part in training and qualification measures. The number of participants reached 121.5 percent compared to the level in 2005.⁹

Within the same period the structure of unemployment changed radically: while the number of long-term unemployed could be reduced significantly, the number of juvenile unemployed increased alarmingly. Following the Synthesis-prognosis, between 2005 and 2009 unemployment will increase by more than 30.000 persons (*Alteneder 2005, p.6*).

1.5.2. Youth Unemployment

Between 3/2000 and 3/2006 the unemployment rate among persons aged between 15 and 24 (youth unemployment) increased by 70 percent from 5.3 percent (35.498) up to 10.4 percent (60.404; 18.836 of them in schooling and training-measures; according to Eurostat-criteria).

While the unemployment ratio of afflicted persons older than 19 decreased remarkably between 2003 and 2004 especially the ratio of unemployment amongst juvenile persons (15-19) increased considerably. 9.547 juveniles without access to apprenticeship or vocational training were registered as jobseekers in December 2004 (4.775 in 2003).

In September 2004, 36.608 persons aged less than 25 were recorded as jobless. This was equivalent to 17.5 percent measured by all unemployed persons in Austria. Added 17.167 juveniles in schooling and training measures, 21.2 percent (53.775) of all unemployed registered in September 2004 in Austria were subsumed under the category “youth unemployment.

⁹ BMWA: Pressinformation – Arbeitsmarktlage Ende März 2006

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Registered Age Brackets - in Austria				-	Registered Training Measures sorted in Age Brackets				in
Year	15-19 years	19-25 years	über 50 years	Year	15-19 years	19-25 years	over years	50	
1999	4.189	27.715	50.636	1999	3.345	4.464	2.259		
2000	3.902	24.044	43.580	2000	2.951	4.600	2.947		
2001	4.230	26.705	42.827	2001	3.217	5.220	3.494		
2002	4.630	31.998	48.369	2002	4.554	6.185	3.327		
2003	4.775	34.591	49.565	2003	6.330	8.010	3.406		
Year	15-19 years	20-24 years	über 50 years	Year	15-19 years	20-24 years	über years	50	
2004	9.547	29.201	46.099	2004	9.540	7.720	4.529		

(Source: <http://wien.arbeiterkammer.at/www-397-IP-23724.html>)

In 1995 Austria ranked first in an EU-comparison of the rates of juvenile unemployment. Since 2000 youth and juvenile unemployment is rising permanently (from 5.3 percent to 9.8 percent in 2005; this is equivalent to 84 percent – the highest increase of all member states). Therefore Austria has lost its pole position.

1.5.3. Long-Term-Unemployment

The ratio of long-term unemployed decreased from 31.3 percent (2000) down to 21.0 percent (2003) (AMS 2004). In 2004 163.690 persons were unemployed for a period longer than 180 days. Between 2002 and 2004 the ratio of long term unemployment as measured by the labour force increased only slightly from 1.1 percent up to 1.2 percent.

Only between May 2004 and May 2005 the number of long-term unemployed (longer than 12 months) dropped by 9.144 (- 43.3 percent) down to 11.958. Between January 2005 and January 2006 the number of long-term unemployed dropped another time by 6.239 (- 38.6 percent) down to 9.940 persons. In March 2006 only 9.546 long-term unemployed were to be recorded (Annex 2).

1.5.5. Disabled

At the same time the unemployment rate of disabled persons decreased - due to ongoing integrated policies passed on the Austrian "Behindertenmilliarde"-program (job assistance, job coaching) - considerably from 31.040 in 2002 to 28.860 in 2004.

1.5.4. Penalties

Between 12/1990 (3000 cases) and 12/2004 (15.000 cases) the number of penalties (stoppage of payments) imposed by the labour market administration grew about 400 percent. This development is not generated by growing misuse or misemployment but by the growing number of unemployed persons (1990: 566.000; 2004: 790.000).

1.6. Pension Reform

As already discussed in the previous reports the Pension reforms 2001, 2003 and 2004 had an extremely negative impact especially on the social security of women. The reform in 2000 brought about reductions of pension benefits up to 10.5 percent. The reform in 2003 extended the basis of assessment stepwise from 15 up to 45 years. Together the cuts in benefits were limited to 10 percent. The following reform in 2004 brought about new restrictions. Employees aged fewer than 30 had to face reductions up to 35 percent. Moreover, within the period 2000-2005 the adjustment of pension benefits did not reach the average rate of inflation (2005: + 10.3 Euros at the most by the month).

1.7. Fiscal Policy

Issues of fiscal policy have been already addressed in the previous reports (August 2005). As shown 2.5 million people were not affected by the reform 2005 because so far they did not pay any income tax. Every wage-tax payer has been discharged about 5 Euros per month. The reduction of wage tax and income tax by 1.13 Bill Euros has been immediately compensated by rising prices.¹⁰ At the same time the level of negative income tax remained unchanged which favours directly and indirectly a number of 2.2 million persons. Recently *Einhaus/Kitzmantel/Rainer* (2006) indicated that even compensative measures in the context of fiscal policies alleviate the income discrepancies only by less than 10 percent.

1.8. Budget deficit

The government deficit increased between 2002 and 2005 from 1.1 percent up to 1.7 percent according to the Maastricht-criteria (*Matznetter* 2004; *Statistik Austria* 2005)¹¹. Due to the in 2005 enacted tax-reform, high unemployment figures and the weak domestic demand the deficit will further mount up to 1.9 percent in 2006 (*Marterbauer* 2006).

1.9. Immigration

1.9.1. Demography

“Statistik Austria” delivered a prognosis in December 2005¹² whereupon Austria’s population will increase between 2006 and 2015 from 8.17 million up to 8.54 million and further on up to 8.84 million inhabitants in 2030. This reasonable rise could be generated by a constant immigration. The balance of migration scored 50.582 persons in 2004 and 36.303 in 2005. In 2004 76.800 emigrants were compensated by 127.400 immigrants. “Statistik Austria” acts on the assumption that between 2006 and 2015 the migration balance will level down to 20.000 persons per year. Indeed the recent policy of family reunion and naturalisation yields remarkable social risks. Since 1995 the number of naturalisations per year increased constantly.

¹⁰ <http://news.glb.at/news/article.php?story=20060225181109776>

¹¹ <http://www.wirtschaftsblatt.at/pages/449170>

¹² www.statistik.at/fachbereich_03/bevolkerungsprognose_05.pdf

Tab.: Number of naturalisations between 1995 and 2004

1995	14.366
1996	15.627
1997	15.792
1998	17.786
1999	24.678
2000	24.320
2001	31.731
2002	36.011
2003	44.694
2004	41.645

Source: Statistics Austria

On the basis of a new legislation regulating the settlement and residence (“Fremdenrechtsepaket 2006”; Niederlassungs- und Aufenthaltsgesetz¹³; see chapter 3.5) the numbers of naturalisations will foreseeable decrease beginning with April 2006. This is because the new Settlement and Residence Law (NAG) codifies new rules for immigration into Austria. As a general rule the application for a first-time residence title has to be issued personally at the Austrian diplomatic representation abroad.¹⁴ Applications for the renewal of residence titles can be issued at national authorities only during the period of validity of the old residence title. The competent authority to decide on all applications is the Governor of the federal state (province) in which the applicant intends to (continue to) reside. Aliens/third state citizens applying for a residence title have to meet preliminary conditions. That means especially that no grounds of refusal must be existing at the time of decision. Moreover, the integration agreement has to be signed before. Additionally, applicants for settlement permits are subject to quota regulations. Such settlement permits can only be granted in accordance with the settlement regulation issued by the Ministry of Internal Affairs. This regulation limits the purposes and numbers of foreigners that are allowed to receive a right of settlement according to established quota.¹⁵ The quota limit the number of first-time residence permits and also the renewal of old permits with a change in purpose. In addition to the quota for settlement permits settlement regulation also contains a maximum number of short-term employed aliens as well as agricultural helpers according to the law on the occupation of aliens.

As far as families are concerned the new regime is based on the differentiation between “real” free-movement-situations and “imaginary” free-movement-situations. Family members (see the definition in article 2/2 of the regulation 2004/38/EC) of EEA citizens who are third country nationals are strictly obliged to report their presence to the officials and to apply for a “permanent residence card” (§ 54 NAG), whereas family members of naturalised Austrians have to apply for a special residence permit as a “family member”. Family members in the sense of Article 3/2 of the Regulation 2004/38/EC are partners who can prove a continued relationship in the country of origin or other family members who actually received subsistence in the country of origin by the EEA citizen. Only family members can be granted a quota free ‘settlement permit’. Additional to that the reunifying EEA citizen has to issue a declaration concerning liability. Last but not least the third country national has to prove (!) the essential characteristics of the familial relationship.

Therefore the number of naturalisations increases remarkably between 01 and 03 2006 where 10695 persons received the Austrian citizenship (+ 19.8 percent compared to 2005).

¹³ BGBl I Nr 100/2005.

¹⁴ Only Swiss and EEA citizens and their relatives, third-country nationals that apply as scientists, children born in Austria up to the age of six months are exempted from this rule.

¹⁵ From 1 January 2006 onwards, this regulation is valid for a period of one calendar year and is renewed yearly.

1.9.2. Integration Agreement

The previous NAPs focused on the integration-agreement¹⁶ - which was put into force in 2003.¹⁷ The integration-agreement forces third-state-citizens who are outstaying for a period of more than 12 months to prove their linguistic abilities in using the German language. The agreement targets the ability to read and write in German language as well as to take part in economic and social life.

The agreement depicts in fact a compulsory measure. Due to the fact that the federal state does not subsidize these courses immigrants have to pay the cost of 1875.-Euros¹⁸.

As a matter of fact this agreement met harsh criticism. As Upper Austria's minister of social welfare put it: "a legal regulation which allows for exceptions for 85 percent of its addressees does not make any sense".¹⁹ Therefore the legislator reduced the number of possible exceptions with the "Niederlassungs- und Aufenthaltsgesetz" (2005).

Some of the "Länder" already follow the model "integration by empowerment" and abstain from disciplinary measures (*Schröttner/Sprung* 2003).

1.9.3. Housing

In general migrants have fewer housing space at their disposal. At the same time they pay substantially higher rents than the average (*Volf* 2001, p.245). In Vienna 56.4 percent of the citizens of Turkish origin and 64.6 percent of the citizens of former Yugoslavia live in substandard flats²⁰ -compared to 7.8 percent on the average.

In fact only Vienna and Salzburg (*Kohlbacher/Reeger* 2003) allow for the access of migrants to social sector flats (*IOM* 2004). In Salzburg only 10 percent of the social sector flats are open to third-state-citizens if they comply with the relevant preconditions. Moreover, in 7 out of 9 "Länder" immigrants (third state citizens) are not entitled to claim housing allowance or an access to publicly subsidized housing (*König/Schwab/Zuser* 2000). As a result of unequal access to housing third-state-citizens now as before are living in ethnically segregated, disadvantaged quarters and communities (*Giffinger/Wimmer* 2003). These living conditions are part of their low social status (*Dangschat* 2002), especially in Vienna (*Volf* 2001).

1.9.4. Labour Market

The Austrian labour market is faced with an increase of the number of immigrants who offer their manpower (*Biffi/Bock-Schappelwein* 2005). Besides that also the number of short-term employees dispatched from foreign countries is rising. This intensifies the competition on the market for low-skilled labour. Immigrants in the first as well as in the second generation often cannot comply with the standards and requested qualifications on the labour market (*Biffi* 2004,

¹⁶ This agreement includes the obligation to acquire proficiency in German (A-Level of Common European Reference Framework for Languages).

¹⁷ Amendment from Nov 15th 2004 including the reform of the „Fremdengesetz“ (1997) (FrG-Novelle 2002) as well as the „Asylgesetz“ 1997 (AsylG-Novelle 2002).

¹⁸ Instead of 182.- Euros according the former immigration law.

¹⁹ <http://www.oe-journal.at/Aktuelles/!2005/0205/W4/52202ackerlOoe.htm>.

²⁰ Category D = tap or water closet outside the flat.

p.77). Due to their disadvantages in the education sector they were between 2001 and 2003 three times more often affected by unemployment than the average (*Evrinsel/Höbart* 2004). In 2005 their unemployment rate reached 11.3 percent (compared to 5.2 percent/average).²¹

Besides that the legal framework provides for a multi-staged access to the labour market. Only the 'permanent establishment allowance'²² - which is granted to those who can prove a legal stay in Austria for a period of at least five years - enables the migrant to offer his manpower on the labour market without any restriction.

Moreover, *Biffi* (2002, p. 281) and *Volf* (2001, p.54) argued that migrants are often marginalized within the social hierarchy of the factory. As a result they have few promotion prospects on hand.

1.9.5. Poverty

The standard of living by socio-economic characteristics reveals that migrants score only 78 percent of the average. Naturalised Austrians score 84 percent while Citizens who were born in Austria top 103 percent (*Statistik Austria* 2006, p.27). At the end of the day a naturalisation does not alter substantially the social status of immigrants. This has not only to do with issues of discrimination but also with education/qualification, religious beliefs and family structures.

The poverty risk (household income at or below the poverty line) of immigrants is between two and three times higher as of the Austrian average (*Gächter* 2001, p.208). Moreover, deprivation within the migrant population in Austria is four times higher than the average. Definitely the phenomenon of long-term or persistent poverty affects migrant households far the worst: 9 percent of households with a third state citizens as head of the household are recorded (income) poor over a period of 48 months; 12 percent are recorded as deprived of essential goods and services (*Förster/Heitzmann* 2003, p.82).

The 2004 28 (2003: 27) percent of all migrants in Austria were recorded as (income) poor (*Statistik Austria* 2006, p.32) Within the group of migrants Turkish households ran the highest risk (34 percent) of poverty. A study on the Viennese situation submitted by IHS/SORA in 1998 (*Evrinsel/Höbart* 2004) revealed nearly the same result (average households of third state citizens = 17 percent; Turkish households = 27 percent). A naturalisation hardly alleviates the poverty risk. Regularly the poverty risks of migrants are generated by low income and a lack of qualification (*Biffi* 2002; *Förster/Heitzmann* 2003).

1.9.6. Social Assistance

In general social assistance does not avoid poverty because the transfer level does not reach the poverty threshold (*Statistik Austria* 2006, p.32) (Annex 4). Moreover third state citizens in Austria are not entitled to claim social assistance (*König/Stadler* 2003, p.240) as well as they are not entitled to insurance benefits or public assistance benefits for payment of nursing care. They can receive assistance only in the context of the private-sector-administration. That means that they are not entitled to request a formal notice of the respective administrative decision. Moreover they are not in the position to appeal against an administrative decision.

²¹ <http://www.statistik.at/cgi-bin/presstext.pl?INDEX=2005004015>

²² Fremden-gesetz 2002; „unbefristete Niederlassungsbewilligung“

In many cases the communal welfare administration is closely cooperating with the aliens' police. Taking up social assistance (benefits) therefore often leads to a loss of the residence permit. In this respect it is not exaggerated to assume that third-state-citizens embody a large part of the "non-take-up" – population.

According to § 21 Abs 5 Ziff 1,2 and 3 FrPolG²³ the alien has to prove an existing social insurance, his physical and mental health, adequate and sufficient resources to pay for his/her maintenance as well as for the travel back to his/her country of origin. Furthermore, the alien has to be rejected if his/her condition could render a financial burden for any local or regional authority. In any of these cases he/she is not entitled to cross the Austrian border. These regulations are also applicable in cases where an alien who is already in Austria on the basis of a settlement permit for a period of time which is shorter than eight years tries to take up social assistance, if he/she is not covered by health insurance, if he/she does not dispose of an adequate flat/housing and if he/she embodies a financial burden for a local or regional authority.

However, the law states in § 55 Abs 1 and 2 FrPolG that in general aliens are not to be expelled, if they try to regain their financial independency by gainful employment or occupation, if this seems not to be futile or unpromising and if they were already longer than five years resident in Austria.

1.10. Poverty

Still the Austrian 'poverty population comprises immigrants, unemployed, single-mothers and working poor (*Statistik Austria 2006*).

1.10.1. General

1.04 million persons (13.2 percent of the whole population) were earning an income below or at the poverty line in 2004. 460.000 persons (5.9% of the whole population) are affected by threats of deprivation and social exclusion (*BMAGS 2005*). Between 2001 and 2003 the number of the (income) poor has increased from 12 percent up to 13.2 percent.

In 2004 14 percent of women and 11 percent of men were poor (*Statistik Austria 2006*, p.31). Since 2002 the relation between men and women changed in favour of men: their poverty rate dropped from 12.8 to 11. 55 percent of the poor in Austria in 2004 were female (*Höferl 2005*). In 2004 570.000 women were recorded as housewives without an income of her own (*BMAGS 2005*, p.221). 20 percent of the 418.000 households with a female householder are recorded as poor. 470.000 women in Austria had difficulties in 2004 to pay their rent (*Höferl 2005*, p.3). 28 percent of all female lone parents are working poor (*ibid*).

1.10.2. Juvenile poverty

Nearly 28 (1993: 24) percent of the poor were children (126.00 boys and 147.00 girls; 273.000) in 2004 (*Statistik Austria 2006*, p.59). 113.00 of them suffered under precarious living conditions (deprivation). More than a third of these children lived in a household with two or more siblings.

²³ BGBl. I Nr. 100/2005.

All in all 20 percent of all families with three or more children were poor. Nearly 35 percent of all poor children stem from a migration-background.

With every additional child the statistical probability is increasing to live in poverty: one child: 7 percent; two children: 14 percent; three or more children: 20 percent).

1.10.3. Duration of Poverty

More than 30 percent of the poor are long-term poor. 50 percent of all persons living under conditions of severe poverty (deprivation) are leaving their status within 12 months.²⁴

1.10.4. Poverty Treshold

Data published in march 2006²⁵ summarizing income equality in 2005 show that in single households the average net income per capita in Austria in 2004 did not exceed 1.414 Euros per month. The lowest quarter earned less than 12.868 Euros per year while the highest pulled down more than 22.404 Euros. 13 percent of the population (that is equivalent to 1.03 million inhabitants) earned less than 10.182 Euros per year (848 Euros per month): their income did not reach the poverty threshold.

1.10.5. Poverty and Immigration

The poverty risk of immigrants in 2004 has been twice as high as the Austrian average (28 percent). A detailed observation reveals that

- 11 percent of those who were born in Austria,
- 23 percent of Austrians who were born abroad and acquired the citizenship subsequently and
- 28 percent of third state citizens

dispose of personal income below the poverty threshold (*Statistik Austria* 2006).

1.10.6. Poverty and Education

Still the lack of education and qualification has to be perceived as a substantial poverty risk. More than 20 percent of those who left school after compulsory education are recorded as "income poor" (*BMAGS* 2005, p.219). On the other hand only 10 percent of those who finished their apprenticeship are recorded to be poor (*ibid*; *EU-SILC* 2003).

1.10.7. Working Poor

Anyway, employment can be regarded as an effectual safeguard against poverty threats: 8 percent of all persons integrated in the labour market between 20 and 64 years (250.000) are recorded as working poor (*Statistik Austria EU-SILC Data Presentation* 2006).²⁶ On the other

²⁴ http://www.armutskonferenz.at/armut_in_oesterreich_armut_ist.htm.

²⁵ <http://www.google.at/search?hl=de&q=working+poor+2006+%C3%B6sterreich&meta=cr%3DcountryATtp://www.statistik.at/cgi-bin/presstext.pl?INDEX=2006009805>.

²⁶ <http://www.statistik.at/cgi-bin/presstext.pl?INDEX=2006009805/>.

hand 13 percent of all pensioners, 19 percent of all apprentices, scholars and students, 22 percent of all housewives and 32 percent of all unemployed are recorded as income poor.

2. Minimum Income (MI) schemes

The chapter as below follows Annex 1 (active inclusion and minimum resources, part 2: scope of the thematic chapter).

2.1. General

The status quo (2003) has been discussed already in the previous report. The Austrian minimum income model is consisting out of two components: social assistance (“Sozialhilfe”) provided by the federal states (“Länder”) on the one hand and equalisation payment (“Ausgleichszulage”)²⁷ as a minimum pension transfer provided by the central state and the federal states on the other. The unemployment insurance does not provide for a minimum transfer pertaining to unemployment benefit or unemployment relief.

At the present time the system of social assistance is based on 9 different frameworks on behalf of the federal states. Therefore the level of social assistance ranges between 398 Euro in Salzburg and 511 Euro in Upper Austria (standard rate for one adult person). Also the rates pertaining to the second adult in the household as well as children according to their age differ significantly. Additionally several (different) regulations on housing, health-insurance or social services were put into force. Moreover, the federal states enacted different regulations on the payback of benefits already received. Finally, the federal states (but also the districts) are implementing the respective legal frameworks in quite different ways, which is caused primarily by cultural differences. As a result one of the poorest federal states in Austria, Carinthia, reports to subsidize only 900 persons in its social assistance.

Presently nearly 50 percent of the whole population of clients receiving social assistance in Austria are living in Vienna. In Vienna the number of welfare assistance recipients increased between 2000 and 2004 from 41.737 to 70.333. Recent publications estimate the number in 2005 with 78.000²⁸ or 80.000 (long-term recipients and short-term recipients). At least between 2002 and 2004 the number of registered clients mounted up by 47 percent. More than 30 percent of the recipients in Vienna can be registered as working poor. The main groups of the recipients are long-term unemployed, immigrants and young persons without job chances.²⁹ This causes serious problems within the social welfare administration. At the present time queue times (waiting periods to get the chance to place an oral claim) fluctuate between 6 and 8 weeks. Since 2004 the magistrate does not offer counselling and immediate help in cases of emergency any more. As a matter of fact many administrative bodies suffer from insufficiently qualified personnel.

²⁷ Legal regulation: §§ 292 – 299 ASVG idF BGBl I 71/2005.

²⁸ derstandard.at/?url=/?id=2348135.

²⁹ wien-web, 8.6.05.

2.2. Extent of Minimum Income Support Schemes

2.2.1. Social Assistance

In 2003 (recent data not available)³⁰ the federal states provided cash benefits in the amount of 140.45 million Euros. Besides that the federal states granted benefits in kind amounting to 141.10 million Euros. Moreover, the central state and the federal states granted housing benefits on the basis of tax relief regulations, council housing and housing allowances as well as social assistance regulations, amounting to 212.15 million Euros. In a large part these expenditures pertain to the construction of freehold flats. Regrettably the data provided by the municipalities, the federal states, the Ministry of Social Affairs and 'Statistik Austria' do not match.

Expenditures	Social Exclusion and Housing 2000-2003 ³¹						
	2000	00>01	2001	01>02	2002	02>03	2003
mill Euros							
Housing	187,92	+6,4	200,08	+6,1	212,21	+/- 0	212,15
Social Assis-	111,00	+1,3	112,51	+7,9	121,38	+15,8	140,54
tance (Cash Benefits)							
Social Assistance (Benefits in kind)	104,78	+6,7	111,88	+3,9	116,27	+21,3	141,10
Social Assis- tance (provided by the federal states)	416,34	-0,2	415,29	+6,2	441,07	+4,4	460,63

Pratscher (2005) makes clear that cash benefits provided by the social assistance administration are often totalized as gross amounts. They do not take into account reimbursements from third persons or the clients themselves. Some of the federal states are well known for their malpractice to grant benefits on the one and to regress previous allowances with the other. As a result it is often a gross for net – calculation which is delivered by the federal states.

2.2.2. Minimum Pension Transfers

In 2005 the budgets concerning minimum pensions mounted up to 490 million Euros (*Voltran/Wörister* 2006,245). The level of the minimum pension transfer in 2006 mounts up to 690 Euros per month for a person living in a single-person household. A two-person household (regularly: two adults) is entitled to 1.055,99 Euros. Additionally children of pensioners receiving minimum pension transfers obtain 72,32 Euros per month.

³⁰ Data pertaining to 2004 will be published in June or July 2006.

³¹ *Pratscher* (2005); Statistik Austria: Statistisches Jahrbuch 2006, Wien 2005; calculations by the author

2.3. Adequacy of Minimum Income Transfers

2.3.1. Social Assistance

Besides that standard rates used within the social assistance framework show remarkable differences in a comparison between the federal states (single-person household: 398 Euros in Salzburg and 511 Euros in Upper Austria, 2004). In contrast the poverty-threshold reached 10.182 Euros (727,28 Euros per month) for a single-person household in 2004. In 2006 the highest standard rate (Upper Austria) amounted 532,20 Euros (7.450,80 Euros including supplementary grants; without housing assistance).

2.3.1. Minimum pension transfers

In 2004 the level of equalisation payment amount 653.19 for a single-person household (662.99 in 2005 and 690,00 in 2006). Contrasted with the poverty-threshold (10182 Euros = 727.28 Euros x 14 = 848 Euros x 12 in 2004)³² the equalisation payment in 2004 as before did not reach the poverty threshold (the poverty threshold for 2005-2006 is not yet published). Albeit a number of indicators hint that the level of equalisation payment did not keep pace with the average cost of living: between 2000 and 2006 the prices for energy (fuel), heating and running costs increased by 23.6 percent, while the level of average rents increased by 17.2 percent.

Moreover, 299.000 women do obtain a pension transfer below the level of equalisation payment without access to the minimum pension scheme due to the income of their husband. It has to be mentioned in this context that an average pensioner receiving 600 Euros pension transfer (without equalisation payment) per month lost in total 1780 Euros between 1/2000 and 1/2006³³ due to the respective steps of the pension reform. In 2001 he lost 40.4 Euros, in 2004 355 Euros and in 2005 519 Euros. 165.000 recipients of equalisation payment transfers (out of 228.000) in 2004 were female. These women lost 406.60 Euros between 2000 and 2006 – taking inflation (13.2 percent between 2000 and 2006) into account. In 2005 these women lost 181.7 Euros. Taking into account the increase of the equalisation payment in 2006 (up to 690 Euros) the loss has been reduced to 30 Euros (per head and year).³⁴

2.4. Take-Up-Rates

2.4.1. Take-up-rates in social assistance

The take-up-rates of permanent social assistance in private households have dramatically increased between 2000 and 2003 from 29.735 up to 32.288 (+8.6 percent).³⁵ Consistent data pertaining to 2004 and 2005 are not yet available. Data on hand show substantial differences between the federal states. Alone Vienna shows a mercurial increase in the number of clients between 2000 and 2004 from 41.797 to 75.782 (+ 81.3 percent).³⁶ In 2005 according to the governing major (Häupl)³⁷ of nearly 80.000 clients received social assistance benefits in Vienna. While in 2000 the city of Vienna had to expend 91 million Euros for 41.737 recipients in 2005 the

³² <http://www.wu-wien.ac.at/sozialpolitik/forsch/armut1>.

³³ <http://www.arbeiterkammer.at/www-192-IP-26673.html>.

³⁴ <http://www.arbeiterkammer.at/www-192-IP-26673.html>.

³⁵ See Annex Chart 1.

³⁶ Source: Magistrate Vienna.

³⁷ <http://www.wien.spoe.at/online/page.php?P=13252&PHPSESSID=c8a1d7867d67fc89c56e37f2fb2db0a1>.

Viennese budget provided for assistance payments on the level of 161 million Euros for 80.000 persons. In Lower Austria the number of recipients of social assistance rose between 2002 and 2004 from 6.975 up to 8.920 (+ 27.6 percent).³⁸ In 2005 3.518 received non-recurring cash benefits in the amount of 2.547 million Euros, 7.235 families (householders and/or their dependants) received permanent cash benefits on the basis of social assistance in the amount of 22.226 million Euros. The number of families receiving means tested benefits rose between 2000 and 2005 by 51 percent.³⁹ In Salzburg⁴⁰ the number of recipients increased by 10.7 percent between 2002 and 2004. Thereby the number of clients in single-person household increased from 3.942 to 4.660 (+13.1 percent) between 2003 and 2004, while the number of householders nearly remained unchanged (+ 3.4 percent). In contrast the number of assisted children and housewives increased by 11.8% which is a clear indication on the poverty risk of families.

In Austria the total number of persons receiving means tested benefits increased between 2000 and 2003 from 107.334 up to 148.966 (38.8 percent), the better part of them only receiving temporary assistance (*Pratscher* 2005). Between 2004 and 2005 (consistent data are not available) most of the new clients were receiving temporary assistance which supplemented unemployment benefits or unemployment relief. Above all the main reason for this development can be found in the structure of the unemployment insurance: unemployment insurance benefits actually do reproduce the level of the former net income. The insurance does in fact not provide for a minimum income. Therefore the better part of the growth of subsidized persons goes back to supplementary benefits ("Richtsatzergänzungen") which supplement the level of unemployment benefits.

The number of clients in private households increased between 2000 and 2003 about 46 percent from 65.751 up to 96.102. *Pratscher* (2005) made clear that the development on the long run shows that between 1997 and 2003 the number of clients in nursing homes retained unchanged while the number of clients in private households nearly doubled from 56.172 to 96.102. This indicates that extreme poverty in Austria is focusing on clients/recipients of working age, families and children. Data pertaining to Salzburg, Styria⁴¹ and Upper Austria⁴² indicate that *Pratscher's* observations are applicable also for the period 2003-2005. In Salzburg the number of clients living in nursing homes increased between 2002 and 2004 from 2.301 up to 2.311 (- 7.5 percent between 2003 and 2004).

First evaluations show that the trend (growing numbers of recipients in private households) is not to stop in 2004/2005 (expect a growth rate between +6.5 and +14.5 percent). 32.288 welfare recipients receiving permanent social assistance (*Pratscher* 2005) have to be perceived alongside the total of 480.260 persons living in living in consistent poverty (*Statistik Austria/EU-SILC* 2005).

2.4.2. Equalisation payment

Between 2000 and 2004 the number of recipients of equalisation payment fell from 235.000 down to 228.000. 2004 to 2005 the number of recipients of minimum pension transfers decreased another time down to 226.569.⁴³

Retirement pension insurance including minimum pension transfers⁴⁴

³⁸ Source: Federal State of Lower Austria, Welfare Department.

³⁹ <http://www.webway.at/info/bz/content3.php?dmy=jep&mehr=jep&welche=7&nr=20654>.

⁴⁰ Land Salzburg: Sozialbericht 2004, Salzburg 2006.

⁴¹ <http://www.soziales.steiermark.at/cms/beitrag/10176328/5352/>.

⁴² http://www.land-oberoesterreich.gv.at/cps/rde/xchg/SID-3DCFCFC3-369B507E/ooe/hs.xsl/sozialbericht2001_DEU_HTML.htm.

⁴³ Source: HV der Sozialversicherungsträger, Monatsstatistik Dezember.

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	2000		2001		2002		2003		2004	
Expenditure pension insurance, bn Euros	22,39	+4,7	23,30	+4,1	23,99	+2,9	24,74	+3,1	25,43	+2,6
Pensions covered by social security schemes (direct pensions; pensions in favour of widows and orphans); without civil servants; 1.000	1.978	+0,1	1.983	+0,2	2.006	+1,1	2.015	0,4	2.041	+1,2
Number of persons insured, 1.000	3.170	+1,5	3.197	+0,9	3.201	+0,1	3.219	+0,5	3.244	+0,7
Number of pension transfers (without civil servants), 1.000	1.978	+1,7	1.993	+0,8	2.008	+0,7	2.015	+0,4	2.042	+1,3
Number of cases of early retirement (including long term unemployed), 1.000	150	-0,3	139	-7,3	135	-2,2	132	-2,2	121	+8,3
Average level of all pensions, in Dec., Euros, 14 times a year, before taxes, including minimum pension transfers (2005: 899 Euros)	804	+2,9	822	+2,2	842	+2,4	859	+2,0	880	+2,4
Minimum pension scheme										
Standard rate, one person, Euros	604,06	+2,5	613,14	+1,5	630,92	+2,9	643,54	+2,0	653,19	+1,4
Number of recipients of equalisation payment/ minimum pension transfer, 1.000	235	-2,9	231	-1,7	229	-1,1	228	-	228	-

2.5. Non-Take-Up-Rates

2.5.1. Social Assistance

Since 1990 (*Dimmel* 1990), the non-take-up-rate has been estimated to range between 100 percent and 190 percent on the basis of the take-up, considering mutual obligations on the basis of the family law, private wealth including real properties and savings. That would mean that in the worst case only one third of the entitled population is willing to take up its social rights. The reasons therefore have been widely discussed. At least one should consider that in 2004 possibly 447.972 persons (480.260 – 32.288) were living in extreme poverty. Even if we take into consideration savings, real estates or family ties the ratio of non-take-up is impressive.

⁴⁴ http://www.statistik.at/fachbereich_03/sozial_tab.shtml; AK Österreich: Wirtschafts- und sozialstatistisches Taschenbuch. 2005, Wien 2006, published in may 1006; Statistik Austria: Statistisches Handbuch 2005, Wien 2006; statistical data pertaining to 2005 not available; calculation by the author.

Admittedly, there are no specific data available on that issue. But as a matter of fact, “only” about 146.000 persons had at least once in the year (2003) received monetary social assistance benefits. Based on 96.012 persons living in private households receiving social assistance the non-take-up-population is at the most four times higher than the population which actually (de facto) takes up its rights. Recently the AK (2006) assessed that the ratio of non-take-up increased between 1999 and 2003 by 50 percent. 2003 only 1.2 percent of the population (0.9 percent in 1997) took up social assistance, while 5.9 percent were recorded as extremely poor. The reasons for that are founded in fear of repression and social control, shame and the lack of legal knowledge.

2.5.2. *Non-take-up of equalisation payment*

Data pertaining to the problem of the non-take of equalisation payments are not available. Albeit the possibility of a non-take-up is resulting from the legal framework: in general every application for retirement pension includes the administrative checkup if the applicant is eligible to equalisation payment. But in cases where the possible entitlement to equalisation payments is emerging after the first pension-notice the pensioner has to apply for the benefit separately.

2.6. Labour Market Participation of Welfare Recipients

Despite the implementation of the TEP (territorial employment pact) social assistance and active labour market policies are not yet intertwined (*Riesenfelder 2000*). Due to constitutional reasons measures of labour market policy are not subject to the social planning of federal states and municipalities. Yet many of the federal states (Upper Austria; Vienna, Tyrol; Salzburg) pursue respectively different strategies to improve the access of social assistance recipients to the labour market.

The Austrian case is consisting out of two different models:

- a) welfare to work
- b) social-economic enterprises

2.6.1. *General*

Data on the employability of recipients of social assistance are not (yet) available.⁴⁵ Nonetheless there are urgent needs. The reason therefore is evident. Between 2000 and 2004 in Salzburg (data from other federal states are not available) nearly 20 percent of the persons receiving social assistance were unemployed. Between 2000 and 2004 the number of unemployed in need for social assistance supplement payments rose from 16.8 percent to 19.7 percent. This group already received unemployment benefit or unemployment relief, has to prove permanently its willingness to take up work. Therefore it cannot be seen as a primary target group within which strategies to improve the employability could be enforced with high prospects of success. Another 21.8 percent in Salzburg (2004) were old-age pensioners/retirees who in more than a third of the cases benefited from the equalisation payment scheme, which in fact did not cover their needs. 13.9 percent of the affected population in 2004 had an earned income at their disposal which did not cover the necessities of life (2002: 16.6 percent).

⁴⁵ A study by ZSI (Vienna) is to be published at the end of the year.

34.6 percent had no income at all (2002: 31.9 percent). If anything this particular group could be subject to respective strategies to improve their employability.

2.6.2. Social-Assistance-Work

In 1998 Upper Austria developed its own, comprehensive model of “Social-Assistance-Work” (“Sozialhilfearbeit”) on the legal basis of §§ 8, 10 and 14 OÖSHG⁴⁶. The model is comparatively complex. In general clients who receive social assistance have to prove their ability and willingness to work. In many cases (data are not available) applicants are subject to sanctions in case they do not accept offers to work. Since 1998 unemployed clients living on social welfare assistance (without unemployment benefit or unemployment relief) are given the chance to work in public services for a limited period of time. Recipients of unemployment only have access if they receive an integration-allowance (“Eingliederungsbeihilfe”) by the AMS (labour market administration). This is to allow them to find a regular job on the primary labour market on their own. This “social-assistance-work”-model replaces the eligibility (entitlement) to cash benefits by a benefit in kind. The administrative authority has to check and verify, if the benefit in kind not only improves the employability of the person favour but also facilitates the targeting of respective goals within the framework of case-management (“Hilfeplan”). The Upper Austrian model does not offer places of employment for a period longer than five years. Within these five years the client has to switch into the primary labour market. The respective jobs have to comply with regular standards of employment law (social insurance; collective agreements). The weekly labour time is limited to 30 hours. The structure and intensity of work (stress, mobility) has to be adjusted according to the individual capacities and handicaps of the client. As a result some of these working places resemble the model of “sheltered work”, known from the context of disability policies. Every case-management-plan has to be arranged between clerks and social workers (or therapists). Cities and districts are allowed to cooperate with for-profit-enterprises, social-profit-enterprises as well as other public administrations.

The city of Linz (Upper Austria) has developed its own model already at the beginning of the 1930es (!), called “help to work” (“Hilfe zur Arbeit”). This model addresses people who are excluded from the primary labour market and offers them a working place in the municipal services, guided by social workers. Meanwhile 220 persons (67 of them are disabled) are taking the opportunity to take part in the program (data: 2005), most of them with serious mental and/or physical problems (drug abuse). The clients have to accept a contract which includes 25 hours working-time a week and social insurance. The wage amounts up to 650 Euros which is more than the standard rate for a single-person household. In 2000 62 percent of the persons in favour were female. Roughly 30 percent of the participants were disabled. 10 percent were immigrants. The bigger part of all clients was between 30 and 50 years old. In 2002 more than 24 percent of the participants found a regular working place after leaving the measure. 30 percent of them obtained a new eligibility to unemployment insurance payments.⁴⁷

Since 1998 Vienna (WAFF = Wiener ArbeitnehmerInnen-Förderungs-Fonds) carries out a similar project called “Jobchance” which is designed as a project to improve the sustainability of work – after having taken up a job. Target-group of this project is exclusively recipients of social welfare assistance. The project is legally based on §§ 9, 10 WrSHG⁴⁸. This regulation provides for measures to prove the willingness to work. In practice the labour market administration (AMS) on the one hand and the social assistance administration (MA 12) on the other focus on different

⁴⁶ LGBl.Nr. 82/1998 idF LGBl Nr 9/2006.

⁴⁷ Rest: retirement pension, self-insurance, maternity leave or sickness leave or unknown.

⁴⁸ LGBl. Nr. 11/1973 idF LGBl. 15/2005.

groups of clients. The MA 12 does not attend to clients who are taking up unemployment benefit or unemployment relief. Only people who are not eligible to unemployment benefit or unemployment relief have access to the offers and programs provided by the MA 12. These clients obtain a so-called "AA-card" which is used to control the willingness to work by MA 12 and AMS. In case of contested "unwillingness" the standard rate is to be reduced regularly about 20 percent and 50 percent at the outmost. A subcontractor ("Start-Arbeitsintegrations-GmbH") looks after the clients for a period of 12 months and attends them during their integration in the primary labour market. During these 12 months the social workers urge the clients to take part in courses and training measures (psychological stabilization to train promptitude, accuracy, reliance and the social behaviour in groups). The social workers and psychologists try to place their clients by techniques of self-presentation and acquisition requests. The matching-process includes an analysis of strengths and weaknesses, motivational factors and handicaps of the client. Between 1998 and 2000 572 people could be transferred into regular employment, 276 of them for a period longer than 6 and 132 longer than 12 months. Therefore Vienna allows for in-work-benefits, which enable the take-up of social assistance besides a regular earned income (3400 cases per year in 2004/2005). A fiscal analysis from 1999 showed that the MA 12 (magistrate of the city of Vienna, welfare division) could reduce the expenditure for social welfare assistance by 9.4 million ATS while granting subsidies in the amount of 4.7 ATS to "Jobchance".⁴⁹

Yet activation-measures, psychological counselling and preventive social work can hardly be carried out in an appropriate way. Experiences made in the last years show that nearly 25 percent of the clients receiving social assistance who participate in activation measures could be placed on the primary labour market. Indeed, there are several preconditions to be considered: first of all the capability of participants has to be taken into account while designing tailor-made measures. Three EQUAL-projects developed between 2000 and 2004 revealed: training has to take place in a "sheltered environment". Training and counselling have to be combined with measures to cope with over-indebtedness and to get over homelessness (*Dimmel* 2000). Vienna has – and this could also be perceived as an example of "good practice" – shown that an essential prerequisite lies with the frictionless cooperation between social assistance agencies and the Austrian "labour market service" (AMS).

In Styria IDA (Integration by work) several projects aim at the transmission and delivery of social skills and industrial capacities. They allow for employment by the hour, counselling and the participation in training-measures by way of trial. STYRIA-Integra made accessible new paths between school and wage-work in favour of young persons with handicaps and disabilities. Meanwhile a number of projects – IDA („Integration durch Arbeit“ = integration by work), WAYS TO WORK and IRMKA („Integration durch Modellbildung und Konzertierung von Angeboten“ = integration by the coordination of offers) follow the purpose to create labour market insertion strategies for vulnerable groups. These strategies aim at sustainable development, social inclusion (participation), health promotion and social integration (social insurance). Most of the participants were unemployed for a period of more than 10 years.

The good practices developed by the "Länder" are for the better part focused on the transition between education, training and work. These labour market insertion policies implemented and carried out by the "Länder" are at least partly successful for a rough quarter of their users.

⁴⁹ www.armutskonferenz.at/00/wissen/wissen_arbeitsLos_aam.html.

2.6.3. Social-economic enterprises

Social-economic enterprises embody regularly non-profit service providers. They provide for sheltered, temporary working places ("transit-work") in favour of people difficult to place in the primary labour market. Between 1980 und 1999 more than 113 enterprises could be established in Austria. In 2006 (Zauner 2006) 78 enterprises employed 4.463 clients (45.6 percent of them female). Lechner (2000) showed that these enterprises have persons with multiple handicaps on their target. In average their clients are unemployed for a period of more than 290 days. 64 percent of their clients are badly qualified. 96 percent of their clients have to cope with multiple restraints: psychic problems, alcohol and other drug abuse, police records, over-indebtedness. Regularly "transit-workers" are employed for a period of 12 months. Since 2004 the labour market service reduced the transit period in respective federal states down to 6 months. "Transit workers" are in favour of a regular job (social insurance, wage based on collective agreement = 1.000 Euros). 12 percent of the clients leave the measure within the first month, further 30 percent leave within the second and third month and more than 20 percent stay for the whole period. All studies at hand show that only a third of the clients do in fact find a regular job on the labour market. The rest is divided between part-time, temporary employment and self-employment.

2.6.4. Integration-allowances („Eingliederungsbeihilfen“)

Integration-allowances embody temporary promotions of jobs in the non-profit- sector. They target on the integration of long-term unemployed and are designed to create new jobs within the respective enterprises. Regularly the AMS grants wage-subsidies up to two thirds of the wage based on a collective agreement. The duration of the promotion is given a limit of 24 months. The program BESEB ("Aktion 'Come Back'") revealed that the benefit of the program could be found in the combination of placement and (social) counselling: 49 percent of the clients leaving the program had improved their self-confidence, 31 percent had broadened their social network, 25 percent had improved their physical condition and 47 percent reported that they had regained a "vocational perspective". 70 percent of the people who took part in the program for a period longer than 6 months were regularly employed after leaving the measure (Mitterauer/Reiter/Riesenfelder 1999; WAFF 2002; AMS-Info 57).

2.6.5. Training

Training-measures (vocational orientation, activation) provided by the AMS are in some cases addressed toward recipients of social welfare assistance. The access to training measures is oriented towards people with serious placement handicaps (physical, mental or intellectual). The assigned facilities therefore focus on "learning by doing". 44 of all clients have one of those handicaps (AMS-Info 26; Neue Arbeit 2005). Training-measures target industrial virtues like accuracy and promptitude. Only a third of the training places are based on unqualified manual work. Most of the trainees are working back office or are carrying out administrative duties. More than 40 percent of the trainees do have access to the regular labour market after finishing their training.

2.7. Providers of services and resources

Providers implementing policies and measures of active inclusion and minimum resources are federal states, cities (municipalities) and non-profit enterprises. Budgets dedicated for active inclusion and minimum income are partly provided by the federal states and the labour market service (AMS). The AMS is partly funded by the ESF, depending on target groups and project-design.

There is no utilisable data available pertaining to the relation of budgets comparing AMS and federal states. In 2003 the AMS expended 1.436 bill Euros (*Statistik Austria 2006,213*) for issues of active labour market policies including activation and training. At the same time the federal states expended 460.67 million Euros for social assistance (general purposes) and 282.63 million Euros for social services (which include activation measures as well as in-work benefits and “social-assistance-work”. In 2006 the AMS-budget comprises 796 million Euros dedicated for measures of active labour market policy.⁵⁰

The following table⁵¹ (AMS 2006) shows that between 2001 and 2005 the budget for training, qualification, re-education and assisted labour has nearly doubled from 910 million Euros to 1.554 million Euros in 2005.

⁵⁰ <http://wien.arbeiterkammer.at/www-397-IP-20528.html>.

⁵¹ [elis.bmwa.gv.at/LeistbilAMS/ Leistungsbilanz%20des%20AMS.pdf](http://elis.bmwa.gv.at/LeistbilAMS/Leistungsbilanz%20des%20AMS.pdf).

Tab.: Expenditure and number of cases in active labour market policy

Aktive Maßnahmen	Gen. Förderfälle bzw. Ausgaben 2001	Gen. Förderfälle bzw. Ausgaben 2002	Gen. Förderfälle bzw. Ausgaben 2003	Gen. Förderfälle bzw. Ausgaben 2004	Gen. Förderfälle bzw. Ausgaben 2005
Aktive und aktivierende Maßnahmen AMS und BMWA					
ohne unternehmensbezogene Arbeitsmarktförderung des BMWA (inkl. SV-Beiträge und Altersteilzeitgeld - ab 2002 ohne KV)	910,4 Mio €	1.065,5 Mio €	1.395,5 Mio €	1.539,7 Mio €	1.554,7 Mio €
darunter: AMS-Förderungen (ohne aktivierende Ausgaben)					
Qualifizierungsmaßnahmen (AMS DWH)	414.897	484.951	582.081	629.548	720.256
Ausgaben für Qualifizierungsmaßnahmen gemäß AMS-DWH und NAP Umsetzungsberichte	352,7 Mio. €	391,0 Mio. €	452,8 Mio. €	413,2 Mio. €	395,3 Mio. €
Förderung von Bildungsmaßnahmen (BM)	115.347	124.146	149.754	170.600	179.809
Ausgaben für BM (Training, Aus- und Weiterbildung etc.)	182,1 Mio. €	202,2 Mio. €	221,7 Mio. €	225,2 Mio. €	235,1,2 Mio. €
Kinderbetreuungsbeihilfe (KBH)	15.051	13.097	11.859	10.963	11.244
Ausgaben für KBH	8,4 Mio. €	7,7 Mio. €	6,4 Mio. €	5,5 Mio. €	5,3 Mio. €
Betriebliche Eingliederungsbeihilfen für Problemgruppen (BEBE)	18.326	18.005	21.707	21.241	23.962
Ausgaben für BEBE	118,2 Mio. €	84,8 Mio. €	81,4 Mio. €	76,1 Mio. €	80,2 Mio. €
Gemeinnützige Beschäftigungsprojekte (GBP)	3.517	3.827	3.520	3.533	4.930
Ausgaben für GBP	32,6 Mio. €	36,1 Mio. €	40,7 Mio. €	40,0 Mio. €	40,8 Mio. €
Sozialökonomische Betriebe (SÖB)	5.571	5.669	5.541	5.592	5.834
Ausgaben für SÖB	38,8 Mio. €	48,5 Mio. €	51,3 Mio. €	54,2 Mio. €	49,7 Mio. €
Frauen in Fördermaßnahmen	276.219	313.977	359.664	385.627	437.572
Förderausgaben für Frauen *	293,5 Mio. €	305,2 Mio. €	339,2 Mio. €	299,5 Mio. €	304,0 Mio. €
Menschen mit Behinderung in Fördermaßnahmen	71.317	72.542	78.963	82.395	91.324
Förderausgaben für Menschen mit Behinderung *	102,3 Mio. €	94,9 Mio. €	94,1 Mio. €	91,5 Mio. €	90,7 Mio. €
Summe der genehmigten Förderfälle insg. gemäß AMS Geschäftsbericht	495.304	578.280	685.025	739.359	832.329

Source: AMS 2006

Legend: AMS-DWH = qualification measures; BM = re-education and retraining; KBH = child care allowance; BEBE = integration allowance; GBP = qualification in specialized facilities; SÖB = Social-economic enterprises;

2.7.1. Impact of ESF and ERDF

A report submitted by WIFO/LR (2005) stated that 9.4 percent of the total budget of active labour market policy stems from the ESF. Compared to 2003 this was equivalent to a increase by 6.3 percent.

Tab.: Promotions granted by AMS; in million Euros

Förderausgaben 2003/2004 nach Maßnahmenarten in Mio. €				
Förderausgaben	2003	2004	Anteil von Gesamt in %	Veränderung zum Vorjahr in %
Beschäftigung	178,63	173,16	26,9	-3,1
Qualifizierung	452,76	413,22	64,1	-8,7
Unterstützung	60,38	58,22	9,0	-3,6
Gesamt	691,77	644,60	100,0	-6,8
davon AMS-Mittel	634,49	583,70	90,6	-8,0
davon ESF-Mittel	57,28	60,90	9,4	6,3
davon Zuschüsse	676,82	629,20	97,6	-7,0
davon Werkverträge	14,95	15,40	2,4	3,0

Quelle: AMS

Source: Labour Market Service (AMS), 2005

Legend: Beschäftigung = employment; Qualifizierung = qualification; Unterstützung = maintenance; Zuschüsse = subventions, allowances; Werkverträge = contract for services

A report on active labour market policies submitted by the *BMWA* (2006) reveals in a mid-term comparison that the portion of ESF-resources within the budget of the AMS decreased between 2001 and 2005 from 75 million Euros down to 60 million Euros. Between 2000 and 2005 the percentage of ESF-resources compared to the whole budget of active labour market policies decreased from 9.7 percent to 8.4 percent.

2.9. Developments in National Legislation

See chapter 3.6.

2.10. Policy Debates on Active Inclusion in Austria

Since 1999 the social policy debate on active inclusion focussed rather on an activating access to the labour market (*Kapeller* 2003) than on adequate cash benefits in case of unemployment. Nonetheless the term "activation" has been understood quite differently depending on discourse and actors. While representatives of the AMS (*AMS-Info* 36), NGO's and social-profit-enterprises understood (understand) the term rather in the sense of "preventive empowerment" (*Adam* 2002), others (*BMWA* (2002) and right-wing political parties) understood the term more in the sense of disciplinary measures (*WKO* 2005).⁵²

Besides that authors stress the disciplinary as well as destructive dimension of the already existing training measures (*Haidinger* 2006). They argue that training and activation would only fulfil statistical requirements without any practical impact on the life-course of the persons affected. *Hofer* (2006) underlines on the contrary the imperative of life-long learning and the need of positive incentives to improve the take-up rate of re-education and retraining measures. Also the Styrian territorial pact for the period 2005-2006⁵³ stresses the network-character of all actors involved (districts, cities, federal state, AMS) as well as all issues to be taken into account (training, family, maintenance, housing), especially when it comes to the labour-market-integration of women.

⁵² <http://www.wkw.at/docextern/sverkehr/Newsletter%20STV/0515-Konjunkturpaket%20f%C3%BCr%20C3%96sterreich.doc>.

⁵³ www.bab.at/step-05_06.pdf.

In 1999 the *BMAGS* (1999) submitted a study based on a comparative analysis of poverty, working poor, social assistance and access to the primary labour market. Since then the socio-political debate (*Talos* 2003) focused on the question of demand-oriented social security transfers. Demand-orientation also includes a focus on the labour market participation of the recipients of social assistance. Nonetheless, the model focuses on the question “how to make work pay”. The reform-debate around the issue of social assistance repeatedly stressed the question of the “production of working poor” (*Polz-Watzenig* 2004; *Ritzinger* 2004; *Glantschnigg-Alberer* 2000). Following this approach social inclusion presupposes more than an access to employment on the labour market. It requires an integrated approach of social inclusion, including health (*Fernandez* 2004), the access to rights or housing. As already discussed in the previous report income inequality as well as the inequality of the distribution of wealth is rising constantly since 1997. Given the fact that the levels of social assistance as well as the level of unemployment benefit and unemployment relief does not prevent from poverty the activation-debate should definitely integrate the issue.

While social democrats and the green party prefer models of demand-orientation the parties representing the government stress the idea of repressive activation (*Pichler* 2004). As already discussed on the level of the federal states the debate on activation has already begun in the first half of the 1990es. In the context of social assistance, disability payments and youth welfare the instrument and method of activation has been understood as part of a substantially wider approach including social counselling, job assistance, expert monitoring and supervision. Therefore the federal states focus more on the sustainability of social interventions and transfers on the long run instead of the production of success which can only be read in the form of short-term indicators.

In the last two years the financial resources dedicated to active labour market policy have been reduced (see above). Therefore the question of sustainability and the twofold character of work as an instrument for maintenance and social inclusion are crucial. The recent debate on the quality, sustainability and inclusion focuses on the following questions which could also be perceived as indicators for the quality of measures⁵⁴:

- Voluntariness instead of sanctions as an instrument of labour market policy (enfranchise the clients) (*Dimmel* 2000)
- Empowerment-perspectives instead of short-term discipline
- Rights-based approach instead of administrative arbitrariness
- Tailor-made measures which give the client a “voice” (voicing-paradigm)
- Social activation instead of schematic placement
- Prevention of poverty and social inequality instead of employment at any cost
- Gender Mainstreaming instead growing income inequality between men and women
- Family commitments are part of the assessment of the individual’s employability.
- Focusing on target groups vertically (juvenile, women, elderly, disabled) as well as horizontally (gender mainstreaming, diversity management).

⁵⁴ http://www.armutskonferenz.at/armutskonferenz_news_eu_soziale_agenda_vollmann.htm.

3. Current Developments in Welfare and Social Law

In the following section some of the substantial changes in the legal framework of the social and welfare state will be outlined.

3.1. Social Services

3.1.1. BAGS

After 6 years of bargaining (1997-2003) the collective agreement on social welfare services⁵⁵ (BAGS-KV) became effective on July 1st 2004 (*Löschnigg 2006*). It covers health services, youth and social welfare services, disability services as well as labour market services.

The federation of employers (BAGS) comprises more than 100 members. On May 1st 2006 a total of 70.000 employees were covered by the BAGS-KV. Due to its constitution the collective agreement applies also for those organizations which are not formally member of the BAGS. Meanwhile some of the "Länder" accepted the conditions of the BAGS-KV and made them the baseline for service level agreements. The BAGS—KV comprises minimum-wages, occupational groups, working-time-arrangements (38 hours per week) including flexible solutions for nursing care homes and services as well as qualification standards. The BAGS-KV replaces more than 200 different factory agreements and raised the standards in a number of social service sectors. In many cases the BAGS improves the income of employees and therefore could also increase the cost of services. Since May 1st 2006 all employers which offer services for disabled persons have to implement all provisions of the BAGS-KV.⁵⁶

On 11.5.2005 the Austrian Supreme Court (OGH; ObA 31/05g) ruled that the collective agreement is stringently applicable to all individual contracts of employment. Besides that free factory agreements which are not covered by law or collective agreements abide as part of individual contracts. The BAGS replaced formally all previous collective arrangements between the republic and the federal states on the one side and the social service organizations on the other.

3.1.2. Alternative Civilian Service Reform 2005

The Alternative Civilian Service since 1974 embodies an integral part of the social services in Austria (rescue, social welfare, services in favour of disabled and handicapped persons). The service has in large part to be rendered with public or private welfare institutions like the 'red cross' ("Österreichisches Rotes Kreuz"), the Samaritans ("Arbeiter-Samariter-Bund") or institutional day-care facilities for disabled people. In 2005 more than 10.000 persons were appointed to carry out necessary civilian duties.

The Alternative Civilian Service Reform in 2005 reduced the period of service from 12 to 9 months. This will in the foreseeable future cause serious problems within the social services affected. Moreover, the reform was intending to solve a constitutional problem: in Oct 2004 the constitutional court gave a judgment in which it declared the outsourcing of the Austrian Civilian

⁵⁵ „Kollektivvertrag für Arbeitnehmerinnen der Gesundheits- und Sozialberufe“; BAGS.

⁵⁶ http://www.ots.at/presseaussendung.php?schluessel=OTS_20060505_OTSO170&ch=politik.

Service Administration unconstitutional. The court substantiated its judgement using the argument that Alternative Civilian Service epitomises nothing more than a service which replaces the military service: military service as well as Alternative Civilian Service constrict both the individual use of constitutional rights. The constitutional court concluded that the Alternative Civilian Service is bound to be administrated by a governmental administration. Therefore the reform 2005 reinstalled the old framework.

3.2. Social Insurance

3.2.1. Harmonization of pension systems 2004

During the pension reform in 2003 (Budgetbegleitgesetz 2003) the Austrian government announced to harmonize all pension systems not later than in 2005. The intention addressed all persons employed and younger than 50. For all who had already reached the age of 50 the former regulations retained their legal effect. On Jan 1st 2005 a “general pension act” (Allgemeines PensionsG; APG) went into force.

Therewith a unitary pension insurance scheme has been established applicable to all persons younger than 50. The new regulation comprises the provision, that after 45 years of employment and uninterrupted contribution the insurant (if he/she has already reached the age of 65) receives a pension which amounts 80 percent of the average monthly net income at the utmost.

Moreover, the reform not only comprised an extreme extension of the assessment period (from 15 to 45 years). It also increased the level of monthly contributions as well as severe reductions of the pension transfer in case of early retirement.

In the rough this would have disembogued in reductions up to 25 percent in exceptional cases. Mostly women would have been confronted with severe cuts in pension benefits. Due to the ongoing political resistance not only by trade unions, the chambers of work as well as the social democratic party the government limited the losses with 10 percent of the monthly pension benefit. Further on the level of maximal loss has been reduced to 5 percent in 2005 and will be raised step by step up to 10 percent in 2024.

Every person subjected to the APG will be provided a personal account, which sums up all payments of contributions as well as all valorisations. Periods of parenting as well as periods of military service will henceforth be valued with 1.350 Euros/month. A pension corridor will enable persons to switch into retirement in between 62 and 65. People who carried out heavy labour are entitled to their retirement already when reaching the age of 60.

3.2.2. Anti Fraud Act (Sozialbetrugsgesetz 2004)

The Austrian Parliament passed a bill in Dec 2004, which allowed for criminal charges against employers who are ensnarled in cases of clandestine or illegal employment. Accordingly several provisions in the Austrian social insurance act (ASVG) were reasonably tightened. These provisions pertained to the beginning and ending of employment as well as to the commercial register and the bankruptcy proceedings. The overarching target was the containment of social insurance fraud (“Sozialbetrug”).

3.3. Labour Market Policy and Unemployment Insurance

3.3.1. Labour Market Reform 2004

In June 2004 the Austrian parliament passed a bill (Arbeitsmarktreformgesetz 2004; BGBl I 2004/77) which intended a reform of the Austrian labour market. The reform included a considerably tighter definition of the reasonableness of the employment of labour compared to the previous legal position (§ 9 AIVG 1977). The reasonableness of labour is now based on the examination of the ability and willingness to work. If the unemployed person is not willing to take up the assigned labour, the labour market administration is authorised to cease the unemployment benefit transfer.

3.3.2. Service Cheque 2005

The Service Cheque Act (9.6.2005; BGBl I 2005/45) introduced a new provision addressing the supply and rendering of personal services which became effective on Jan 1st 2006. At the same time changes/amendments within the social insurance act (ASVG), income tax act (EStG) as well as the procedural social law (ASGG) were put into force. The reform was tracking two different targets: on the one hand it was intending to combat illegal employment; on the other hand it pursued a policy to integrate most of the employees rendering household services (cleaning, washing, and ironing) into the social insurance.

The Austrian model provides for cheques (each equivalent to 10.2 Euros) which can easily be purchased at tobacconists or post offices. 20 Cent of the cheques price are dedicated for accident insurance and administration. The employer has to make sure that his employee is entitled to legal residence. Moreover he has to control the labour permit of his employee. Finally he has to conform to the Austrian “domestic worker act”⁵⁷.

The total amount of cheques the employer is liable to hand over to his employee must not exceed 323 Euros which is equivalent to the threshold of negligibility. Otherwise the employer-employee-relationship cannot be conducted by using the cheque. The employee has to report the number of cheques accepted to the compulsory health insurance on a monthly basis.

In Oct 2005 the “employment promotion act”⁵⁸ introduced in § 34a AMStG combined wages⁵⁹ to promote low wages (below 1.000 Euros; the labour market service “AMS” awards a grant in the extent of 15 percent of the wage) in the Austrian labour market. The government determined juvenile persons until the age of 25 as well as long-term unemployed over 45 as target groups of the respective measures. Paradoxically the combined-wage model embodies an incentive addressed to employers to split up full-time-jobs into flexible part-time jobs. Moreover, the measure will aggravate the discrimination of women on the Austrian labour market. Mainly badly qualified women will be stigmatized and somehow “cemented” in the low wage sector. Besides that experts expect that the service cheque will replace qualified employees in nursing homes and nursing services.⁶⁰ Social service providers like the Austrian “Hilfswerk” claim that nursing services and health maintenance services should be exempted explicitly.⁶¹ Also the catholic movement of women (“Katholische Frauenbewegung”) states that the service cheque will not

⁵⁷ Hausgehilfen- und Hausangestelltengesetz.

⁵⁸ Beschäftigungsförderungsgesetz.

⁵⁹ „Kombilohn-Modell“.

⁶⁰ <http://www.oegkv.at/index.php?id=565>.

⁶¹ http://www.pflegenetz.at/pflegenetz/index.php?option=com_content&task=view&id=349&Itemid=101.

reduce the ratio of clandestine employment due to the fact that the majority of people rendering household services have no labour permit at all.⁶²

As a result the service cheque yields reasonable disadvantages in the access to sickness insurance and pension. It will not reduce the high number of people who are not covered by health insurance (between 110.000 and 160.000 persons). And it will force the personnel who render those services to a permanent “job-hopping” between different “employers”. The cheque makes possible a chain of short-term working contracts. Thereby the “employees” are debarred from substantial regulations of the labour law like the claim to continued remuneration in case of sickness. If the “employee” becomes sick between two service-contracts he/she is treated like a contract-worker. They also cannot claim a settlement payment in case of dismissal. There is no entitlement to leave or holiday. Last but not least the service cheque has to be seen in the context of the latest pension reform which implicated an extension of the assessment period from 15 to 45 years. Women who carried out service work on the basis of the service cheque will obtain a “mini-pension” at the best.⁶³

3.3.4. Vocational training and education act 2006

The amendment of the Vocational training and education act (BAG, BGBl I 2006/5) was put into force on Feb 1st 2006. The new regulation reshapes the legal framework of modular teaching, apprenticeships, trade tests as well as school-leaving examinations.

Modular teaching for the future comprises not only vocations in trading but also in other vocations in carpentry or locksmithery. Basic modules which will last two years will be complemented flexibly by specialized modules. Basic modules are designed to convey those abilities and qualifications which are substantial for the vocation within a branch or sector. Specialized modules are designed to qualify within a certain type of profession. Currently the field of vocational training and education comprises more than 260 different vocations. The reform targets to reduce this number. The minimum time of vocational training is alleged with three years and it must not exceed four years.

3.4. Disability Policies

3.4.1. Equal opportunities act 2005

In Jan 2006 a package of legal regulations on equal opportunities and equal treatment of disabled persons went into force. It contains an “equal-treatment-act” (Behindertengleichstellungsgesetz)⁶⁴ as well as an amendment of the act on the employment of disabled persons (Behinderteneinstellungsgesetz)⁶⁵. The package contains the interdiction of any discrimination by reason of disability, disorder or impairment. The protection against every kind of discrimination addresses physical, mental sensual as well as intellectual disabilities, disorders and impairments. It comprises every kind of harassment and discrimination in wages, benefits, working conditions or the termination of a work contract. As a legal consequence in cases of discrimination the anti-discrimination-act determines compensation payments for damages.

⁶² <http://www.dioezese-linz.at/pastoralamt/ka/kfb/aktuelles/dienstleistungsscheck.php3>.

⁶³ http://www.ots.at/presseaussendung.php?schluessel=OTS_20050405_OTSO231&ch=politik.

⁶⁴ BGBl. I Nr. 82/2005.

⁶⁵ BGBl.Nr. 22/1970 idF BGBl. I Nr. 82/2005.

3.4.2. Ombudsman for disabled people

An amendment of the Austrian disability act („Bundesbehindertengesetz“)⁶⁶ introduced an ombudsman for disabled people into the legal framework of Austrian disability policies. The ombudsman is in charge of counselling and assistance for disabled who claim of being discriminated. The ombudsman acts independently. He/she is not bound to instructions.

3.5. Immigration Policies

The ‘immigration law package’ 2005 consisted out of amendments of the asylum law, the law relating to aliens as well as the laws regulating the access of aliens to the Austrian labour market. The old regulation on immigration, residence and stopover in Austria (“Fremdengesetz” 1997) has been abolished. It has been replaced firstly by the ‘aliens police act’ (“Fremdenpolizeigesetz”; FrG)⁶⁷ and secondly by the ‘permanent establishment and residence act’ (“Niederlassung und Aufenthaltsgesetz”; NAG)⁶⁸. This legislation changed the access of foreigners to the Austrian labour market in a substantial way.

3.5.1. Seasonal worker from third states

Henceforth seasonal workers from third states outside the European Union need to apply for their residence permit in the Austrian embassy in their respective mother countries. The prolongation of an already existing permit issued by Austrian authorities ceased to exist. The regulation also pertains to citizens from Croatia, Romania and Bulgaria. The residence permit is preconditional for the issue of an employment allowance by the labour market service. Every seasonal worker staying for a period longer than three months has to notify his residence to the alien’s police.

3.5.2. EU-citizens

EU-citizens, who stay for longer than three months has to notify their residence to the district-administration. They have to account for an existing health insurance as well as the means of their subsistence (employment contract; pay-slip).

3.6. Social Assistance

3.6.1. General

Meanwhile it is taken for granted that social assistance is an insufficient instrument in order to provide for a minimum living standard. Social assistance is not suited to cover generalized, in a regular way upcoming risks, since it is focused on an item-centred view and is belaying on individual cases. Therefore a bunch of evaluative works and analyses over the last few years produced came more or less to the same results: the first social net, e.g. the social insurance

⁶⁶ BGBl.Nr. 283/1990 idF BGBl. I Nr. 82/2005.

⁶⁷ BGBl. I Nr. 100/2005.

⁶⁸ BGBl. I Nr. 100/2005

system has to be reformed to include regular risks, above all those generated by the modernization of the first labour market.⁶⁹

Furthermore the second social net fails under the weight of risks externalized by the social insurance system. For some exposures like long-standing (chronic) sickness or life events like accidental disability the social insurance covers the respective risks including the allowance for long time care. Almost three quarters of the population who receive social assistance are only in need of financial transfer; one quarter needs further social assistance or clearing measures by means of social work.

3.6.2. Social Assistance Reform

In several of the federal states the reform approaches can be traced over a long history of legal reform. The current federal initiative to achieve the long discussed goal of a harmonization of the respective regulations on social assistance (reaching from entrance-rules and procedural rules down to the level of standard rates) could carry into effect a far-reaching reorganization of the procedural law and social administration. The reform could improve the social welfare regulation in a fundamental manner. For the time being it cannot be predicted whether this initiative will be successful within the nearest future or not. In front of the background of obviously suppressed problems some of the social departments involved have reason to fear that the current reform movement will probably dismantle practices of unequal treatment.

Not only in this distinct context the NAP-Incl does not tackle the problem of (proper) application of social law and particularly neglects the difference between “law in the books” and “law in action”. As in other fields of social law policing has to take into account the fact of differential take-up-rates, knowledge and “social competences”.

The efforts to carry on the social assistance reform have grinded to a halt.⁷⁰ Neither the Austrian federal states nor the Ministry of Social Affairs contributed essential proposals since 2004. Still the presumed costs of financing the urgently needed reform overshadow the discussion and impede a possible compromise.

3.6.3. Tyrol

In 2005 new Tyrolian ‘secure existences act’ “Grundsicherungsgesetz”⁷¹ abolished the old social assistance act. The new regulations provide for a better access to law (written notification; rule of law; procedural rights) as well as allowable deductions in case of release from detention. Also lone-parents receive additional benefits, conditional upon their labour market status. The ‘welfare-to work’-approach of the Tyrolian model (“Hilfe zur Arbeit”) is similar to the ‘social assistance act’ in Upper Austria (1998). Moreover, the “Länder” Carinthia and Styria are preparing for amendments of the respective social assistance acts.

⁶⁹ A more differentiated view of the Austrian social landscape would clarify that apart from the regular job market a second, third or fourth job market in the respective federal states has evolved. These job-markets are based on different standards and basic conditions, not strictly following or pertaining to regular labour law.

⁷⁰ The preceding reports discussed in detail what could be the mitigating effect of a reform which would unify the systems of social assistance among the federal states.

⁷¹ Tiroler Grundsicherungsgesetz; LGBl.Nr. 20/2006

APPENDIX

Annex 1: Labour Market

15.2 Beschäftigung und Arbeitsmarkt (Überblick)

Employment and labour market (overview)

Berichts- periode	Unselbständig Beschäftigte									Vorgemerkte Arbeitslose	Arbeitskräfteangebot ¹⁾			Arbeitslosigkeit			Offene Stellen ⁵⁾
	Insgesamt	davon					darunter				Insgesamt	davon: Ausländer	davon: Männer	Arbeitslosenquote ³⁾	Arbeitslosenquote ⁴⁾	Leistungszonier	
		Männer	Frauen	Arbeiter	Angestellte	Beamte	Präsenz- und Zivildienst	Karenzausub ²⁾	Ausländer								
© 2003	3.184,1	1.730,8	1.453,3	1.274,6	1.596,9	322,6	20,4	102,3	349,6	240,1	3.424,2	11,3	1.870,5	7,0	4,3	218,3	21,7
© 2004	3.199,0	1.730,8	1.468,2	1.273,5	1.618,3	307,3	20,3	110,5	361,8	243,9	3.442,9	11,7	1.871,0	7,1	4,0	220,7	23,8
© 2005	3.234,6	1.740,8	1.493,8	1.279,5	1.665,3	299,8	20,2	114,8	373,7	252,7	3.487,3	12,0	1.865,1	7,2	5,2	...	26,2
2005 III.	3.185,9	1.703,2	1.482,6	1.244,8	1.639,9	301,2	19,5	112,9	365,7	272,6	3.458,5	12,0	1.870,3	7,9	6,0	245,5	26,4
IV.	3.203,3	1.734,6	1.468,7	1.260,5	1.642,8	300,1	21,5	113,4	364,2	245,8	3.449,1	11,6	1.867,7	7,1	6,0	223,0	28,9
V.	3.233,4	1.752,8	1.480,6	1.285,8	1.647,5	300,1	22,2	113,6	375,7	223,4	3.456,8	12,0	1.872,1	6,5	6,1	198,8	29,3
VI.	3.260,6	1.765,7	1.494,9	1.311,5	1.649,8	299,3	21,9	114,6	384,6	211,3	3.471,9	12,1	1.877,3	6,1	6,1	185,4	28,6
VII.	3.331,2	1.802,6	1.528,7	1.350,9	1.681,2	299,1	21,9	114,9	391,2	210,9	3.542,1	12,0	1.912,0	6,0	6,1	187,7	28,2
VIII.	3.314,4	1.795,3	1.519,2	1.344,0	1.671,7	298,7	21,4	115,5	390,5	219,3	3.533,7	12,0	1.907,0	6,2	6,2	191,1	28,7
IX.	3.281,6	1.778,8	1.502,8	1.320,3	1.663,1	298,3	16,8	116,4	387,9	220,5	3.502,1	12,1	1.892,8	6,3	6,2	189,5	27,9
X.	3.266,2	1.771,8	1.494,4	1.297,8	1.671,3	297,2	20,2	116,8	379,2	237,6	3.503,8	12,0	1.893,8	6,8	6,3	206,8	26,8
XI.	3.245,1	1.753,9	1.491,2	1.272,9	1.675,5	296,7	19,4	117,5	370,6	257,3	3.502,4	11,9	1.890,8	7,3	6,2	228,9	24,1
XII.	3.208,2	1.698,1	1.510,1	1.241,2	1.671,7	295,4	17,7	117,6	368,0	307,3	3.515,6	12,1	1.892,4	8,7	6,2	280,4	21,8
2006 I.	3.185,9	1.674,3	1.511,6	1.219,0	1.672,4	294,5	20,6	117,3	365,9	326,7	3.512,6	12,2	1.889,5	9,3	6,1	...	29,8
II.	3.197,1	1.681,4	1.515,7	1.225,7	1.678,0	293,4	20,1	117,4	371,1	311,7	3.508,8	12,2	1.885,9	8,9	6,0	...	28,1
III.	3.223,6	1.714,8	1.508,8	1.250,4	1.680,4	292,8	20,1	116,4	377,6	271,6	3.495,2	12,2	1.881,6	7,8	6,0	...	28,7

Q: Beschäftigungsverhältnisse: HV, Jahresdurchschnitte bis 1997 von der STATISTIK AUSTRIA errechnet, ab 1998 gleitende Jahresdurchschnitte vom HV errechnet. Arbeitsmarkt: Arbeitsmarktservice Österreich (AMS).-1) Unselbständig Beschäftigte und vorgemerkte Arbeitslose.-2) Ab Jänner 2002 Karenz- und KinderbetreuungsgeldbezieherInnen mit aufrehtem Beschäftigungsverhältnis.-3) Vorgemerkte Arbeitslose in % des Unselbständigen-Arbeitskräfteangebotes.-4) Arbeitslose lt. ILO-Definitionen in % der Erwerbspersonen lt. ILO-Definitionen; Basis: mit Daten zur registrierten Arbeitslosigkeit fortgeschriebene Mikrozensus-Ergebnisse, saisonbereinigt. Ab 1/1996 von EUROSTAT berechnet und publiziert.-5) Beim Arbeitsmarktservice Österreich gemeldet.

Annex 2: Labour Market

WICHTIGE ARBEITSMARKTDATEN
März 2006


	Zusammen	Veränderung gegenüber dem Vorjahr	
		absolut	in %
ARBEITSKRÄFTEPOTENTIAL	3.494.670	+ 36.042	+ 1,0
UNSELBSTÄNDIG BESCHÄFTIGTE***	3.223.013	+ 37.119	+ 1,2
unselbst. aktiv Beschäftigte***	3.098.115	+ 33.181	+ 1,1
GERINGFÜGIG BESCHÄFTIGTE*	227.934	- 653	- 0,3
FREIE DIENSTVERTRÄGE*	27.007	+ 1.480	+ 5,7
SELBSTÄNDIG BESCHÄFTIGTE**	383.315	+ 3.795	+ 1,0
VORGEMERKTE ARBEITSLÖSE	271.557	- 1.077	- 0,4
Vorgem.arbeitslose InländerInnen	221.611	- 1.849	- 0,8
Vorgem.arbeitslose AusländerInnen	49.946	+ 772	+ 1,6
Vorgem.Arbeitslose im Alter v. 15-24 Jahre	40.593	- 1.235	- 3,0
Vorgem.Arbeitslose im Alter v. 50 u. m. Jahre	52.109	+ 285	+ 0,5
Bestand an Langzeitarbeitslosen >6 Monate	41.152	- 4.892	- 10,2
>1 Jahr	9.548	- 4.429	- 31,7
Vorgem. Arbeitslose mit Einstellzusage - Arbeitsaufnahme	72.904	+ 8.750	+ 13,6
mit Einstellzusage - Sonstige	5.954	+ 2.099	+ 54,4
ARBEITSLÖSENQUOTE (Registerquote)	7,8%	- 0,1	
GEM. OFFENE STELLEN	28.673	+ 3.297	+ 13,0
STELLENANDRANG	9,5	- 1,3	
Arbeitslosenquote nach EUROSTAT****	5,1%	0,0	

Annex 3: Pension Reform

year	Loss in percent	year	Loss in percent
2004	5	2015	7,75
2005	5,25	2016	8,00
2006	5,50	2017	8,25
2007	5,75	2018	8,50
2008	6,00	2019	8,75
2009	6,25	2020	9,00
2010	6,50	2021	9,25
2011	6,75	2022	9,50
2012	7,00	2023	9,75
2013	7,25	2024	10,00
2014	7,50		

Annex 4: Social Assistance Standard Rates in 2005

SOZIALHILFE RICHTSÄTZE 2005

	Alleinunterstützte ("Alleinstehende")	Hauptunterstützte ("Haushaltsvorstände")	Mitunterst. ("Haushaltsangeh.")	
			ohne Familienbeihilfenanspruch	mit
Burgenland	414,10	342,70	250,-	122,70
¹⁾	467,40	396,-	293,40	166,10
Kärnten	414,-	341,-	250,-	123,-
¹⁾	485,-	414,-		
NO	481,40 (327,70) ²⁾	422,70	232,70	130,50
OO¹⁾	519,50 (384,90) ²⁾ 538,- (408,10) ²⁾	471,60 491,10	298,20 325,20	144,30
Salzburg	404,-	364,-	233,-	108,50
Steiermark	486,-	444,- ²⁾	296,-	150,-
Tirol	411,-	351,60	244,60	136,70
Vorarlberg	464,40	389,80	248,70	151,50
Wien	401,61	391,55	201,12	120,41
¹⁾	624,78	769,73		
1) Erhöhter Richtsatz für "Dauerunterstützte" (insb Erwerbsunfähige, Hilfebe-bedürftige im Pensionsalter).				
2) Geringerer Satz für an sich alleinunterstützte Personen in Haushaltsgemeinschaft mit ihnen gegenüber nicht Unterhaltspflichtigen (zB Geschwistern).				

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