

Country fiche AUSTRIA
Implementation of the Council Recommendation on a Quality Framework for Traineeships
(2014/C 88/01)

General description – open market and ALMP-type traineeships

Austria has not introduced any new legislation to implement the Quality Framework for Traineeships. There is no relevant legislation or social partner agreement in the pipeline either. Current legislation complies with QFT only to a limited extent.

Traineeships can have two main forms of contracts in Austria, depending on whether they are training/educational relationships or employment relationships. The decision on the contractual form of the specific traineeship has to be made for each case separately. Jurisdiction mentions several criteria for an employment relationship, e.g. the embeddedness of trainees into the normal working process, fixed working time, a workplace etc. Most traineeships in Austria are employment relationships and are thus subject to general labour law, including the applying collective agreement and company agreements. One special form of employment related traineeships are those which underlie a freelance contract. This kind of traineeships is not or is just partially protected by the labour law. Only the legal requirements concerning the termination of employment have to be used within this form of traineeship. Educational related traineeships on the other hand are not regulated by law.

In addition the Law against Wage and Social Dumping (*‘Lohn- und Sozialdumping Bekämpfungsgesetz - LSDB’*), in force since 2011, contains instruments to fight underpaid or unpaid employment related traineeships. In this context, intensified social insurance audits were carried out.

As of December 2015, the level of the basic wage has to be specified in the position specification statement (*Dienstzettel*). This document is required if no work contract was concluded. All employment related contracts are subject to this regulation. This might enhance transparency concerning wage or compensation level.

In general, for employment traineeships (which are the majority) while QFT recommendations regarding working conditions and transparency on financial conditions are well respected, there is no legislation to ensure a high quality learning content of traineeships.

Remaining challenges

- No legislation to ensure high quality learning content (learning objectives and mentor/supervisor)
- No transparency of hiring chances
- Duration can exceed 6 months
- The use of 'educational traineeships' can allow traineeship providers to refrain from offering adequate working conditions

Assessment of open market as well as ALMP-type traineeships in terms of compliance with QFT

	Open market traineeships	ALMP-type traineeships
Written traineeship agreement		
Written traineeship agreement concluded		
Learning and training objectives		
Objectives clarified		
Mentor/supervisor assigned		
Working conditions applicable to trainees		
Health/accident insurance and sick leave clarified		
Allowance/compensation and amount clarified		
Reasonable duration		
Duration limited to 6 months		
Conditions of longer duration clarified		
Termination allowed		
Proper recognition of traineeship		
Proper recognition through certificate		
Transparency requirements		
Allowance/compensation		
Health/accident insurance		
Hiring practices in recent years		
Employment services on financial conditions		

	Fully compliant
	Partly compliant
	Not compliant