WORKING FROM HOME

EVERYTHING YOU NEED TO KNOW ABOUT WORKING FROM HOME

64 FREQUENTLY ASKED QUESTIONS



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>BESSER INFORMIERT Die Ratgeberreihe der AK Wien



Renate Anderl AK PRÄSIDENTIN

Working from home is more than just a matter of trust – an effective legal framework is essential, too!

WORKING FROM HOME

EVERYTHING YOU NEED TO KNOW ABOUT WORKING FROM HOME

>

New regulations on working from home came into effect on 1 April 2021. This improved framework came about thanks to the efforts of the AK and the trade unions in negotiations between the social partners.

> More and more people in Austria are now working from home. It's practical, removes the need for a daily commute and enhances flexibility. But it also involves a number of downsides: how can you keep your work and private life separate? What happens if members of a team no longer see each other in person? And can your employer actually order you to work from home – and expect you to cover the associated costs yourself?

This guide gives you the answers to these and many other questions. One thing is clear, though: we still need to make more improvements.



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64 FAQs about working from home

The trend towards working from home is changing the world of work – and increasingly influencing our private lives. This guide answers questions on both aspects. It covers the following topics:

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From question 15
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Remote working, working from home, teleworking, display screen equipment (DSE) work, clickworking and crowdworking – different terms are appearing all the time as new ways of working emerge. You can find some detailed definitions in questions 9-14. In this guide, we mainly use the term "working from home" to refer to employees performing job-related tasks at home.

The current situation

What does the boom in working from home tell us?

Overnight, the Covid-19 crisis made working from home a viable proposition for all employees. According to surveys conducted by the AK between May and October 2020, over 40% people in employment in Austria were working from home at least some of the time.

And if so many people are doing their jobs differently than before the pandemic, we also need a suitable legal framework that addresses the change in the situation. Minimum requirements for workspaces are also essential.

With this in mind, the social partners negotiated the key requirements for people who work from home regularly or permanently. The Chamber of Labour (AK) and the trade unions fought successfully to achieve this.

We need clear rules to establish fair relations between employers and employees. The AK continues to push for further improvements to the framework for working from home and for the removal of the remaining loopholes in the regulations.

Nationwide survey results

What do most workers think about working from home?

Opinion research institute IFES conducted a survey on working from home in May 2020. 58% of respondents stated that working from home had had a positive impact on their job satisfaction. 30% said there had been no change in their satisfaction levels, while only 12% identified negative effects.

The survey also painted a clear picture of the prevailing mood: a substantial majority of the respondents – fully 70% – said they would like to continue working from home more often after the pandemic. Another survey, commissioned by the Austrian Employment Ministry, found that the majority of employees would be happy to work from home one or two days a week.

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Nationwide survey results

What did respondents see as the main advantages and disadvantages?

The IFES survey participants took a more positive view of the following points when working from home compared with working at the company's offices:

- Ability to work independently without interruptions
- Structuring breaks during the working day
- Length of the working day

However, they gave more positive ratings to some aspects of working at the company's premises:

- Contact with colleagues
- Coordinating tasks
- Clear separation between work and free time

In terms of workload, the respondents found that there was not much difference between working from home and working in the office.

But they did not see any improvements when it came to doing unpaid work. Women still do most of the childcare, housework and caring for elderly and sick family members.

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Legal framework

Do I have a legal right to work from home?

In principle, no. As an employee you are not entitled to work from home unless you reach an agreement with your employer that allows you to do so.

Conversely, your employer cannot force you to work from home if you do not want to.

Working from home is only permitted on a voluntary basis and must be agreed by the employer and the employees concerned. The AK believes that regulations outlawing discriminatory dismissal must be integrated into the legal framework in order to safeguard this principle of voluntary agreement. Employees must continue to be provided with a suitable workstation at the company's offices. And if an employee is dismissed for refusing to work from home, they must have the possibility to contest the decision.

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Legal framework

What conditions can be included in my work-from-home agreement?

The collective agreement for your sector might include a framework or a sample work-from-home agreement. If so, you can use it when drafting your personal agreement on working from home. Agreements on regular working from home must be made in writing, either as part of your employment contract or in the form of a supplementary agreement.

Sample agreements

Sample agreements, such as the one from the Salaried Private Sector Employees Union (GPA), contain all of the key conditions related to working from home. You can use such agreements as a basis for negotiations with your employer.

www.arbeiterkammer.at/beratung/arbeitundrecht/corona/Muster-EV_ho-23-03-2021.pdf (German only) If your company has a works council, it should negotiate a company agreement on working from home with your employer.

You can find a list of current collective agreements at <u>www.kollektivvertrag.at</u> (German only)



Legal basis

Can my work-from-home agreement be cancelled unilaterally?

Yes, if there is a compelling reason, either you or your employer can terminate the agreement. One month's notice from the last day of any given calendar month must be given.

Compelling reasons include significant changes at the company, or changes in the employee's home situation that make it impossible for them to work from home.

The written work-from-home agreement could also include details of possible compelling reasons for cancelling the agreement.

At present, voluntary company agreements on working from home are possible. The AK calls for introduction of enforceable works agreements containing mandatory minimum conditions, including how working time is split between the company's premises and the employee's home working desk for working from home, regulations on the level of reimbursement of expenses, and a procedure regarding the right to terminate the agreement.

Company agreement on working from home

Should my company conclude a company agreement?

Working from home raises a number of structural questions. It poses various challenges for you and your employer and leads to changes in day-to-day activities.

In the interests of everyone concerned, companies and their employees should reach clear agreements on how to structure this new form of collaboration.

> Under the package of legislation on working from home, works councils and employers can conclude voluntary company agreements that set out frameworks for working from home tailored specifically to the company's requirements. These frameworks could include regulations on providing equipment or reimbursement of costs incurred for setting up a home workplace.

> It's important to note that certain measures related to working from home still require the agreement of the works council. For example, control measures – using software, for example – that have an impact on human dignity require the works council's approval. If the company does not have a works council, then the employees themselves must agree to measures like this.

> All employees must be notified about the company agreement, regardless of the content. You can usually find company agreements on your employer's intranet. And if you have any questions, you should contact your works council (if your company has one).

Company agreement on working from home

Which topics should a company agreement cover?

The most important elements of a company agreement include:

Definition of terms What does working from home actually mean at your company?

Day-to-day collaboration

How can you maintain communication with your colleagues?

Training and development

How can you take part in courses when you are working from home?

Equipment What equipment does your employer provide you with?

Costs Which costs for home workplaces can be reimbursed and how much will you receive?

Working hours

How do you have to record your working hours?

Workplace

Which ergonomic and safety requirements need to be met?

Data protection

How must confidential data and information be protected? What encryption measures do you need to take?

The AK demands safeguards to ensure that remote workers have the right to return to their specified, personal workspace at their place of employment at any time.

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Definitions

What is a DSE workstation?

According to section 67 of the ArbeitnehmerInnenschutzgesetz (Employee Protection Act), a DSE workstation is a single functional unit consisting of:

- A display unit, e.g. PC and monitor
- A keyboard or other control unit
- Possibly an information storage device, e.g. a CD-ROM drive

The definition includes workspaces with a stand-alone PC or a mobile device such as a laptop.

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Section 68(3) Employee Protection Act

If you spend a significant amount of your working time at a DSE workstation, you have certain entitlements under section 68(3) of the Employee Protection Act – see <u>questions</u> <u>35-39</u>.



Section 1(4) Bildschirmarbeitsverordnung (DSE Work Order)

As an employee, you are classified as spending a significant amount of your working time at a display screen if you work there for

- more than two hours without interruption or
- a total of three hours each working day



Definitions

What is teleworking?

Work is referred to as teleworking if two conditions are fulfilled:

- You do your work outside the workplace that your employer makes available to you
- You use IT equipment to do your work

This form of work is evolving extremely quickly due to rapid technological advances over the past few years. This means a broad-based definition that covers a wide variety of circumstances and approaches is necessary.

Here is a modern definition of teleworking:

"Teleworking is a set-up where work is regularly performed outside the employer's workplace using information technology, as part of an employment relationship."



The AK calls for a precise definition of teleworking to be included in the Employee Protection Act.

Definitions

What does not count as teleworking?

You can make a distinction between teleworking and other forms of work that you have to perform outside the company's premises due to the nature of your job.

Here are some examples of tasks that are not considered to be teleworking:

- Customer service activities
- Assembly work
- Business trips

Platform-based forms of work such as **clickworking or crowdwork**ing are also not considered to be teleworking. These usually involve small assignments allocated to an anonymous group of registered users. The person who delivers first, or achieves the best results, is paid. On the surface, there are some similarities between teleworking and crowdworking, but look more closely and you will notice some significant differences in the respective organisational structures.

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Definitions

What is working from home?

According to section 2h(1) of the Arbeitsvertragsrechts-Anpassungsgesetz (Employment Contract Adaptation Act), you are classified as working from home, if, as an employee, you regularly do your job at home

This includes IT-based work, as well as tasks you complete using other equipment, such as processing paper documents.

Definitions

What is an external workplace?

Under section 2(3) of the Employee Protection Act, you are seen as having an external workplace if you work outside the company premises but do not carry out any construction activities.

Examples of external workplaces include:

- Locations where field staff perform work
- Locations where cleaning staff perform work
- Drivers' vehicles
- Private residences where professional nursing care is provided



Working from home is also an external workplace where you carry out DSE work outside the workplace of the company that employs you.



The AK demands explicit clarification that teleworking from home is also classified as work at an external workplace.

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Definitions

What is remote working?

The defining feature of remote working is that you can choose your place of work – it is outside your company's workplace and outside your home.

In contrast to working from home, you could do work in a cafe, on a train or outdoors.

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Home workplace design

How can DSE work affect your health?

If you regularly spend long periods sitting at a monitor, this places particular strain on your musculoskeletal system and eyes – regardless of whether you are working at your company or at home.

This is why employers are obliged to ensure that DSE workstations have an ergonomic, healthy design in accordance with the Employee Protection Act (sections 67 and 68). Previously, the regulations only applied to DSE workstations at companies – in other words, at an employee's workplace – and some workstations outside company premises.

If you work from home, it is your responsibility to make sure you use a room in your house or apartment that is suitable for DSE work.

The AK believes that if your work set-up requires teleworking in your home workplace as part of your job for an extended period, the same ergonomic requirements should apply as at your company's workplace.

Home workplace design

Is any room suitable for use as a home workplace?

When you are choosing a room for your home workplace you should bear a few things in mind in order to safeguard your health and wellbeing.

Sections 23-29 of the Arbeitsstättenverordnung (Workplace Order) include some general requirements for workspaces at companies. These are designed to protect your health. You can use these minimum requirements as a guide when choosing a room for your home workplace

Minimum requirements for a healthy home workplace:

- Sufficient daylight make sure it does not cause glare on monitor
- Enough artificial light use an additional lamp if necessary
- It should be possible to ventilate the room either by opening the windows or using a ventilation system
- Individual room temperature control heating and cooling
- Sufficient space the room should be at least 8 square metres in size, including 2 square metres of free floor space at workstation
- Ceiling height of at least 2.5 metres
- Shades, e.g. blinds or curtains, if the sun shines directly into your home workplace



The diagrams in the appendix provide an overview of requirements for the design of company workplaces containing DSE workstations.

Home workplace design

What equipment do I need for DSE work when working from home?

It goes without saying that you need suitable equipment for DSE work. The type of equipment depends on the nature of your job. But generally speaking, you will need electronic equipment and ergonomic accessories, as well as appropriate furniture for your work.

Here are a few examples:

Electronic equipment:

- PC or laptop including software
- Monitor
- Mouse
- External keyboard
- Internet connection
- Smartphone or mobile phone
- Headset
- Printer

Furniture and ergonomic accessories for work:

- Desk
- Swivel office chair
- Trays, shelves, etc. for storing documents
- Document stand
- Laptop stand
- Palm rests for mouse and keyboard
- Foot rest
- Lamp if necessary

Equipment in your home workplace

Are there any regulations on equipment for DSE work?

The general requirements for DSE workstations in the Employee Protection Act also apply to the equipment you use in your home workplace.

According to the Act, the equipment that your employer provides must meet current technological standards and ergonomic requirements.



Section 67 Employee Protection Act

Your employer is not obliged to provide suitable desks, workspaces or seating outside the workplace. If your employer has supplied furniture for your home workplace, it must meet all of the ergonomic requirements. The related standards set out the minimum requirements for these kinds of equipment.

Section 2h Employment Contract Adaptation Act

If you regularly work from home, your employer must provide you with the necessary electronic equipment. However, you can also agree to provide this equipment yourself. In this case, your employer must reimburse the costs – the amount you receive must be appropriate and cover all necessary expenses. The employer can also pay a lump sum to cover your costs.

If the employee provides equipment, this must be taken into account in the workplace evaluation.

This point also needs to be considered specifically in the obligatory information and training on the ergonomic design of DSE workstations.

The AK demands specific regulations on the equipment that employers are obliged to provide for employees who work from home, e.g. printer, office swivel chair, etc. Employers should also offer to supply a desk.

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Electronic equipment

What should I bear in mind regarding the laptop I use when working from home?

If you work on a laptop at home, you must have an external keyboard and a suitable mouse. A laptop without these devices is not suitable for a DSE workstation. Other accessories such as laptop stands and document holders are often also necessary so that you can work comfortably in an ergonomic set-up.

The size of your display screen must be suitable for the work you do. In many cases, the limited diagonal measurement of the viewable screen area of a laptop display is not large enough. In this case, you will need a separate monitor. See <u>question 21</u> for further details.

According to the DSE Work Order, a laptop alone is not sufficient for DSE work.

Your employer must provide you with an external keyboard and a mouse.

You can find the precise definitions of DSE work and a DSE workstation in <u>question 9</u>.

Electronic equipment

What features are important when it comes to my keyboard and mouse?

Typing a lot puts strain on your fingers and wrists. From an ergonomic point of view, a small mouse – which is often used for short spells when working remotely – is not recommended; use a standard, normal-sized mouse instead. Using a keyboard and mouse with an ergonomic design helps you to prevent problems caused by excessive strain. An insulated hand rest for your keyboard and mouse (mousepad) are also recommended. Vertical or trackball mice can be used instead of a standard mouse.



Wireless input devices help to save space and prevent annoying cable clutter on your desk.

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Electronic equipment

When do I need an additional monitor?

If you regularly work with several programmes at once or do graphic design work, a small laptop screen is not enough. In this case, your employer must also provide you with an additional, larger monitor for your home workplace.

Recommended screen sizes:

For text editing only: diagonal screen measurement of at least 15 inches or 38cm

- For layout design and similar work: diagonal screen measurement of at least 17 inches or 43cm
- For CAD: diagonal screen measurement of at least 20 inches or 51cm

Office furniture

Why are ergonomic factors so important?

If you keep ergonomic criteria in mind when setting up your home workplace, you can prevent – or at least reduce – various types of physical strain. At present, your employer is under no obligation to supply a suitable desk, seating – such as an office swivel chair – or workspace if you work from home.



If you have to set up a workstation in your home office yourself, keep in mind the minimum requirements for ergonomic design. By doing so, you will protect your personal health.

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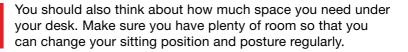
Ergonomic office furniture

What kind of desk do I need?

The desktop should be large enough so that you can easily arrange all of the equipment you need. As a minimum, depending on the work you do, you will need space for a laptop, mouse and keyboard. In many cases, you might need space for an external monitor or other devices such as a printer as well. There should also be enough space for documents and other materials you need for your job.

Standard specifications for desktop sizes:

- For DSE-only workstations: min. 160x80cm
- For paperless DSE workstations: min. 120x80cm



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Ergonomic furniture

Do I really need an office swivel chair?

Yes, because swivel chairs are better for your health. You can adjust them in many different ways, which allows you to make sure that your chair is perfectly adapted to your body. If you have adjusted your chair properly, you can normally use it without starting to feel tired, which means you minimise the short-term and long-term strain that DSE work can cause.

DSE Work Order – important characteristics for office swivel chairs:

- Height adjustable
- Tip-resistant
- Adjustable backrest

Armrests are not required under the DSE Work Order, but they are strongly recommended because they help to reduce strain on the shoulder area. You should also check whether a chair has adjustable seat depth and lumbar support.

Ergonomic home workplace design

What are the basic principles for an ergonomic desk set-up?

Most importantly, your workstation should be tailored precisely to your body. You might need some additional equipment to do this: for example, if you are not so tall or your desk is not height-adjustable, you might need a footrest. Alternatively, use a desk where you can adjust the height manually and set it to your height.



Electric height-adjustable sit-stand desks offer many ergonomic benefits. By alternating position, you avoid putting strain on one part of your body all the time.



The AK believes that if your work set-up requires teleworking from home as part of your job for an extended period, then the same ergonomic requirements should apply as at your company's workplace.

Ergonomic home workplace design

How can I set up a laptop workstation properly?

If you only work on a laptop, you will usually need a laptop stand or console so that, ergonomically speaking, the screen is in the right position. It normally does not matter whether you use an additional monitor or not.

For a complete DSE workstation, you will need a separate keyboard and mouse in addition to the laptop.

If you regularly work with hard copies of texts or data, you might need a document stand that you can position between the monitor and the keyboard.



For advice on ergonomic set-ups from your workspace, contact your company's occupational physician or health and safety expert.

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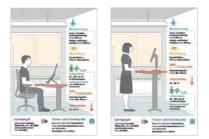
Ergonomic home workplace design

How can I set up my workstation?

After you have chosen a suitable room, there are a few additional points to bear in mind when setting up and positioning equipment.

Some of the most important points are outlined below.

In the appendix, you will find the following two diagrams which give you important information about workspaces and the working environment:



Desk position

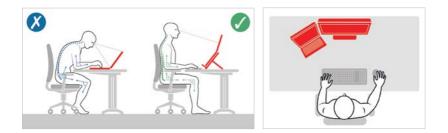
Position your desk so that sunlight comes from the side. This prevents light from reflecting off the monitor. Adjust the height of your chair and desk to your height. Your knees, hips and elbows should all be at a 90° angle.

Laptop and additional devices

You should leave enough space between the edge of the desk and the keyboard to rest the balls of your hands. When you are sitting upright, position your screen so that the centre is about 25° below eye level when you look straight ahead. The position of the top edge of the screen depends on the diagonal screen measurement. The laptop screen should be at a 90° angle to your line of sight.

External monitor

If you use a larger monitor in addition to the laptop, you should do your main tasks there. This monitor should be directly in your field of view, with the smaller one to the side. Both screens should be at the same height.



The AK guide on DSE work gives you detailed instructions on how to set up an ergonomic DSE workstation. These principles also apply when you are working from home. You can download the guide free of charge at <u>wien.arbeiterkammer.at/service/broschueren/Arbeitnehmerschutz/</u> <u>broschueren/Bildschirmarbeit.html</u> (German only)

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Additional expenses for your home workplace

Which costs can I have reimbursed?

In principle, your employer must reimburse any expenses that arise while you are performing work for – and in the interests of – the employer. This includes working from home.

Electronic equipment

The Employment Contract Adaptation Act includes specific regulations for electronic equipment, which includes IT hardware – laptops, keyboards, mice, laptop stands and monitors, and in some cases also headsets, printers, scanners, etc. – and software. And electronic equipment also includes the required data connection and telephones.

If you regularly work from home, your employer must provide you with

the necessary electronic equipment. As an employee, if you agree to supply electronic equipment yourself, your employer must compensate you appropriately for all the necessary expenses. The employer can also pay a lump sum to cover your costs.

Some expenses are tax-deductible - see question 29.

You need to reach an agreement with your employer about who assumes costs related to working from home. The best way to do this is to agree a lump sum.

You can also keep an eye on whether your company is encouraging staff to work from home in order to reduce office space and cut expenses. Simply shifting costs to employees is not allowed!

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Tax and working from home

How can I claim expenses related to working from home against tax?

The **legislative package on working from home** was passed in 2021. It includes tax-related measures for work performed at home. The regulations apply initially for the 2021 to 2023 tax years. However, the regulations can also be partly applied to 2020.

In connection with working from home, what does "home" actually refer to?

If you are an employee: your private house or apartment

- The house or apartment of your partner
- The house or apartment of a close relative

Restaurants, libraries and public spaces such as parks are not classified as homes.

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Tax and working from home

What is a working from home tax relief?

This amount will be automatically deducted in the employee tax assessment from 2021 onwards. It covers general costs associated with working from home, as well as costs for electronic equipment. Electronic equipment includes computers, monitors, keyboards, printers, mobile phones and internet connections.

You must meet the following requirements to qualify for working from home tax relief:

- You do not have a study for which you already claim a tax deduction
- You have a work-from-home agreement with your employer, e.g. a company or personal agreement

Tax and working from home

What does the working from home tax relief amount to?

You can claim EUR 3 per day for up to 100 days of working from home per year. In other words, the maximum tax deduction is EUR 300 a year. Important: a working-from-home day means that you spend the day working exclusively in your home office.

From 2021 onwards, your employer is obliged declare the number of days that you worked from home to the tax authorities on your L 16 annual payslip.

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Tax and working from home

What does working from home tax relief cover?

This allowance covers the costs of electronic equipment you use for work. If the actual costs are higher – for example, because you had to buy a computer for work – you can also claim the difference. However, you have to declare the full amount in your employee tax assessment. This amount is deducted automatically by the tax office.



The excess costs are only offset against the business expense allowance.

Tax and working from home

What if my company pays a work-fromhome allowance?

You may already benefit from a tax-free work-from-home allowance as part of your monthly pay. This will definitely be deducted from your taxable income.

If your company's work-from-home allowance is less than the statutory daily allowance, the difference between this amount and the daily rate of EUR 3 is a deductible business expense – this is not offset against the business expense allowance.

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Tax and working from home

What other expenses can I claim against tax?

Furniture

Besides a working from home tax relief, you can also claim expenses of up to EUR 300 per year for ergonomic furniture that you buy for your home workspace – e.g. desk, swivel chair, lights, etc.



To claim these expenses, you must have worked from home on at least 26 days during the year.

Is there an exemption for 2020 and 2021?

Yes. You can claim a total of EUR 300 for furniture for 2020 and 2021, but the maximum amount you can claim for 2020 is EUR 150.

If your expenses were less than EUR 150 in 2020, you can claim the difference between your actual expenses and EUR 300 for 2021. If you spent more than EUR 150 in 2020, the excess amount can be offset against your allowance for 2021.

However, the total amount for both years must not be higher than EUR 300.

You must include your total expenses for furniture in the employee tax assessment for the year in which you bought the items. The tax authorities will automatically allocate the costs to the following years.

In April 2020, John Smith buys a desk for EUR 300 and an office chair for EUR 250 for his workstation at home. EUR 150 was included for the furniture in his employee tax assessment for 2020. This means EUR 400 is still to be allocated to the following years.

Expenses: EUR 550 - EUR 150 for 2020 employee tax assessment

= EUR 400 for 2021 and 2022 employee tax assessments

In 2021, the tax office will automatically deduct another EUR 150 from John's tax assessment, and the remaining EUR 250 will be deducted in 2022.

Requirements and entitlements for working with DSE in my home office

What are the requirements for a DSE workstation?

If your set-up includes a DSE workstation, your employer must:

- Identify and assess hazards (workplace evaluation)
- Provide suitable and user-friendly software

If you spend a significant part of your working time at a DSE workstation (see <u>question 9</u> for definition), you have certain entitlements:

- Regular changes of activity or breaks
- Regular eye examinations
- Visual aids

In the workplace this applies due to the Employee Protection Act:



These requirements are based on section 68 of the Employee Protection Act, sections 1 and 10-12 of the DSE Work Order and the employer's duty of care.

In a home office environment, these requirements are partly covered by the Employee Protection Act and the DSE Work Order, and partly arise from the employer's duty of care.

Your employer's duty to provide an ergonomic DSE workplace differs for DSE work in home office and workplace environments. Further details are provided in <u>question 18</u>. The regulations on DSE work date back to the 1990s! They have long since been overtaken due to the pace of digitalisation in the world of work. The AK is calling for these legal loopholes to be closed as soon as possible, to establish legal certainty for all.

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Requirements and entitlements regarding DSE work in my home office

What breaks and changes of activity am I entitled to?

After 50 minutes of DSE work, you are entitled to a break or a change of activity for 10 minutes.

But what if it is not possible to stop what you are doing after 50 minutes? Then you can put your break or the change of activity back by an hour. However, in such cases you will need to schedule 20 minutes instead.

> The change of activity must give your eyes a chance to recover. Only work that compensates for the high strain on your eyes during DSE work qualifies as a change of activity. Reading and writing on paper instead does not count. Your eyes need a time out!

Possible change of activity:

- Making a phone call without using the screen at the same timeFiling
- Sorting through physical mail



Screen breaks and activity changes count as working time.

Requirements and entitlements regarding DSE work in my home office

How many eye examinations am I entitled to?

Your employer is obliged to offer you eye tests. They must pay the costs and give you the necessary time off:

- At the beginning of your DSE work
- Every 3 years
- If eye problems occur that may be related to DSE work

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Requirements and entitlements regarding DSE work in my home office

Do I need screen glasses?

If your eye test shows that you need glasses specifically for DSE work, your employer must provide them for you – and pay the costs. A prescription to this effect from an ophthalmologist is required.



Screen glasses, or computer glasses, are specially designed with the distance to the screen in mind. As a rule, this is between 60 and 90cm. The AK says: worker protection measures need to be clarified to cover working from home. The right to eye examinations and visual aids in particular must be ensured.

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Requirements and entitlements regarding DSE work in my home office

What do I need to be informed of?

The general regulations of the Employee Protection Act (sections 12 and 14) also extend to compliance with information and instruction obligations – to the extent they are applicable to DSE work in a home office.

If you work at a DSE workplace, your employer is required to provide you with all the necessary information on the subject. Both before you start the activity, and when significant changes occur!

What you need to be notified of:

- Whether DSE work accounts for a significant part of the working day
- Your right to have your eyes examined and your eyesight tested
- Vour right to a visual aid specifically for screen work (glasses)
- Your right to breaks and changes of activity

In addition, you must receive instruction on the following:

- Proper use of DSE
- Ergonomic principles for the workplace
- Correct adjustment of work equipment (table, swivel chair, monitor)
- Proper configuration of work equipment

Your dedicated safety expert and occupational physician are experts in ergonomics. They can help you to set up a workstation in a way that safeguards your health, and go through the key aspects with you – e.g. screen settings, brightness.

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Liability

To what extent am I liable for any damage I cause in my home office?

You can't make an omelette without breaking eggs. As elsewhere, mistakes can happen to you (or other people in your household) when you are working from home. For example, your company laptop may fall onto the floor and is damaged.

The social partners have negotiated an improvement to the legislative package on working from home when it comes to liability: the liability relief under the Dienstnehmerhaftpflichtgesetz (Employee Liability Act) for damage caused to the employer or its property by employees who are working from home has now been extended to family members in the shared household. This means that an employer's right to damage es – depending on the degree of fault – may be reduced. In the case of minor issues, liability for damages may even be waived altogether. The AK can provide you with support on a case-by-case basis.

Day-to-day work in my home workplace

What are the advantages of working at home?

Studies have highlighted numerous positive effects associated with working from home.

Some of the advantages for you as an employee:

- Working in your familiar home environment
- Greater autonomy and freedom
- Better work-life balance
- Less time spent commuting to and from work
- Fewer disruptions when working
- Greater job satisfaction

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Day-to-day work in my home workplace

And the disadvantages?

Working in a home office calls for a higher degree of self-discipline and personal planning. As travelling to and from work is no longer a factor, it can be more difficult to make a clear mental distinction between work and leisure time when working from home. This increases the risk of the lines between work and leisure time becoming blurred.

Possible negative implications of working from home

- Erosion of boundaries, and working excess hours
- Isolation and loneliness
- Poorer relations with colleagues

- No contact with employee representatives
- Missing information, making work more difficult



The AK says: any mental health implications of working from home must also be evaluated and covered by an implementing regulation!

From an industrial and organisational psychology point of view, permanent isolated working from home should be avoided. However, alternating between home office and office set-ups can promote motivation and health.

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Working with colleagues when working from home Why is contact with colleagues so important?

Working well with other people within the organisation and cultivating a good working atmosphere calls for strong personal connections between employees.

Although new digital media such as video calls and chat groups can support direct and informal exchange, they will never replace a quick chat by the coffee machine or a friendly smile when passing a colleague in the corridor.

For most people, social interaction is also an important source of motivation and strength. As a result, you should avoid lone, isolated home office scenarios and extensive periods of working from home over the long term as far as possible. Communication with colleagues is also necessary when you are working from home. Make sure that you stay in touch by phone, mail, chat or video call. Checking in by video is a form of interaction that comes closer to real-life encounters.

The AK says: each employee must have access to a workstation at their company's premises. Employers must not abolish physical workstations in the company's completely. And increased use of home office solutions must not result in bypassing the requirements of the Austrian Workplace Regulation!

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Working with colleagues when working from home

How do I stay in touch with the rest of my team?

Seek out direct interaction with your colleagues. There's lots of ways for you to do so – by phone, mail, chat or video software.

Your supervisors should also make a conscious effort to ensure that...

- ...the connection to employees is not broken and
- employees who work from home more often are not overlooked.

The AK says: employers need to ensure that employees are treated equally. Especially when it comes to access to teleworking (working from home), promotion, in-company training opportunities and access to different working time models – such as flexitime.

Working with colleagues when working from home What do I need to keep in mind when choosing which communication channel to use?

You should be especially careful with newer communication channels such as WhatsApp and Snapchat. Not all software complies with security requirements and the applicable data protection regulations.



Clarify with your employer in advance which software you are allowed to use at your company.

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Tips and tricks

How can I organise the time I spend in my home office to be both efficient and healthy?

Physically separate work and personal space

Don't have a separate room for working? Try to set up a desk or fixed workstation at the very least. This will make it easier for you to keep home and working life separate.

Schedule fixed working hours

Clearly define a start and end point for your working day – and communicate these times to your superiors and colleagues.

Ensure a disturbance-free work environment

You need peace and quiet, especially when you need to concentrate. Put your mobile phone on silent and turn off your e-mail programme. Let your family, colleagues and, if necessary, your supervisors know in advance if you should not be contacted for a specific period of time. Most messengers have standard notifications for eventualities like this, such as "Do not disturb" or "Busy". To avoid disagreements within your team, it is advisable to agree on rules for scheduling work that requires your full concentration in advance.

Setting goals

A sense of achievement deepens personal satisfaction. You are more likely to stay motivated if you have realistic daily and weekly goals that you are likely to achieve. Especially important when working from home: specify goals with your boss more precisely than usual! This way you can avoid mismatched expectations and feeling overwhelmed.

Take breaks

Breaks are essential for productive and healthy work. Every break increases your ability to concentrate and reduces your susceptibility to errors.

A rule of thumb: take a short break after 1.5 hours and a longer break of 30 minutes after 6 hours at the latest. Also make sure that you get up and move around regularly in between. This helps relieve tension and helps with concentration.

Enjoy the time after you finish work

Communicate clearly to your boss and colleagues when you are working and when you are not. This will help you to avoid disruptions outside working hours.

Mark the end of the working day – ideally with some form of ritual: one option would be to pick and always listen to an after-work song when you switch off the computer. Or simply close your eyes for a moment and relax. This lets your brain know that you have finished work for the day. And deservedly so after all that time spent working from home!

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Working hours when working from home

Do I also have fixed working hours when I'm working from home?

Yes. This is because the Arbeitszeitgesetz (Working Hours Act) defines what constitutes working hours. The current rules still apply.

Section 2(2) Working Hours Act

The time during which you perform your work at home or any other place outside the company is also considered to be working time. As a result, all of the provisions that apply to working at your company's premises also apply to your home workspace.

That said, it is important to note that just because you are working from home, it does not mean that you can spread your working hours throughout the day exactly as you please.

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Working hours when working from home

Where are my working hours regulated?

Working hours must always be regulated somewhere: for example, in your collective agreement, in your company agreement or on a caseby-case basis, e.g. in your employment contract.

The usual working hours you have agreed upon – including overtime and extra hours, if applicable – also apply in principle when you are working from home.

Working hours when working from home

Are there any other regulations in place?

You cannot set your working hours completely as you wish when you work from home. The same working hours apply as in the office.

Want to nip out and run an errand during your actual office working hours and would rather make up for the time before or after? If you want more flexible working hours, you will need to discuss this with your works council or your employer.

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Working hours when working from home

Do I have to document my working hours when I'm working from home?

Keeping a record of the hours you work is very important, especially when you are working from home: This enables you to keep track of everything yourself and provide details of your activities. It can also be used to prevent possible disputes with your employer.

At any rate, you should definitely keep a record of your working hours when you are working from home using a tool such as the AK Vienna time tracking software: <u>wien.</u> <u>arbeiterkammer.at/services/rechner/AK Zeitspeicher.html</u>

Working hours when working from home

What rest periods apply when I am working from home?

A survey by AK Vienna has shown that people find it much more difficult to keep their work and leisure time separate when they are working from home.

Even so, you must observe statutory rest periods when you are working from home. This means taking an uninterrupted period of rest lasting at least 11 hours after the end of your working day (section 12 Working Hours Act).



Excessive working hours and lack of rest have a negative impact on health. Especially when working from home, you need to make sure that you stick to your working hours and draw a clear distinction between work and your free time.



The AK and the trade unions insist that the nightly rest period of 11 hours must still apply when employees work from home.

Home office monitoring

What is the legal basis?

In principle, the same regulations on control measures in the workplace apply for your home office.

The exact provisions are set out in the following laws:

- Arbeitsverfassungsgesetz (Labour Relations Act)
- Employment Contract Adaptation Act
- General Data Protection Regulation (GDPR) and Austrian Datenschutzgesetz (Data Protection Act)

Not everything that can technically be monitored is also legally permissible. It also depends on the degree of control. And: your employer must inform you and the works council about them.



Home office monitoring

What regulations apply at companies with a works council?

According to section 96(1)(3) Labour Relations Act, control measures affecting human dignity require approval by the works council. Both the works council and the employer must have concluded a company agreement to this effect.

Control measures that have an impact on human dignity include:

- Monitoring of e-mail traffic
- Monitoring of internet use
- Automated telephone systems that collect personal data
- Systematic recording of work performance by technical means



The use of all these methods is illegal without a specific company agreement. The employer must remove any technology installed for this purpose.

Home office monitoring

What regulations apply at companies without a works council?

According to section 10 Employment Contract Adaptation Act, companies without a works council can only implement control measures affecting human dignity with the approval of the individual employee.



Home office monitoring

What is absolutely prohibited?

Measures that violate human dignity!

Control measures that have an impact on human dignity include:

- Secret interception of telephone conversations
- Constant webcam recordings documenting when the employee is sitting in front of the PC

Monitoring through seamless recording of keyboard and mouse activity

As such control mechanisms are disproportionate in their intensity, they do not satisfy the definition of legitimate controls. They represent constant monitoring and can even impinge upon the employee's right to privacy. As a result, they are prohibited.

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Home office monitoring

What about data protection?

Data protection regulations must be observed in all home office control measures, in addition to the labour law regulations outlined above!

This is because the monitoring technologies involved generate a large amount of personal data that can be attributed to individual employees. They are stored, and can be retrieved, linked and further evaluated.

And as such they must comply with the EU General Data Protection Regulation and the Austrian Data Protection Act, which determine what is and what is not permitted under data protection law.

Your employer must be able to demonstrate compliance with the principles set out in Article 5 of the GDPR for all data processing. These include:
Lawfulness
Transparency
Purpose limitation
Data minimisation
Storage limitation

There must be a legal basis – i.e. permissible circumstances – for any personal data processing. Data processing is permitted, for example, if it is necessary for the fulfilment of the employment contract or for the fulfilment of a legal obligation on the part of the employer. Additionally, such processing is allowed if you have given your consent. And you must be fully informed whenever your personal data is processed!

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Data protection and data security

What do I need to keep in mind?

Compliance with the GDPR and the Data Protection Act

Protection of data and information must be ensured in your home office in the same way as it is provided for in the workplace. Both your employer and you as an employee must ensure compliance with the GDPR and the Data Protection Act.

Under data protection law, your employer is responsible. They must take the necessary technical and organisational measures to ensure appropriate data security. This also includes training and instruction for employees.

What do you have to pay attention to as an employee?

Protection of confidential data

You must safeguard confidential data and information in such a way that third parties cannot gain access to it – this also applies to persons living in the same household as you. To do this, you must store and secure work equipment and documents, passwords, etc. in such a way that third-party access is not possible.

Insurance cover in my home office

When is an accident a work accident?

An accident counts as a work accident if it is clearly related to the work activity:

- The cause must stem from the work activity
- It must happen in a location related to the work activity
- It must occur during working hours

This applies both to accidents that occur at the workplace and elsewhere (e.g. when visiting a customer, on business trips – or even in your home office).

In addition, some accidents are treated as equivalent to work accidents (e.g. accidents on the way between the workplace and childcare or between the workplace and a doctor's appointment).



On the whole, the risk of accidents when doing office work in your home office is low. The most conceivable causes of accidents are trips and falls when walking around your home.



Insurance cover in my home office

Does accident insurance cover also extend to my home office?

In principle, statutory accident insurance cover relates to accidents arising from work activities. Accidents that do not have a connection with work are not covered. And this is one of the issues with accidents when people are working from home. As a result, assessing whether an accident in the home was in fact a work accident must be determined on a case-by-case basis. Previous case law, however, shows that this is far from simple.

> During the coronavirus pandemic it was clarified by law that employees' home offices were deemed a place of work when it came to accidents between 11 March 2020 and 31 December 2020. This explicitly stated that accident insurance coverage also applies to both short breaks from work (e.g. toilet breaks, making a cup of coffee, etc.) and lunch breaks taken in the immediate vicinity of the designated home office space (e.g. on the way to the supermarket, restaurant, bakery, etc).

The clarification originally created for the duration of the pandemic – i.e. accidents that took place when employees were working from home being considered occupational accidents – was permanently adopted in the legislative package on working from home.

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Employment protection for employees working from home

Can I work from home if I am pregnant?

Yes, if you have a valid teleworking agreement with your employer that extends to your home office.

Employment protection is extended to various groups such as young people, people with disabilities and pregnant women. It covers: Working time (e.g. maximum number of hours) Breaks (e.g. daily rest period)

Protection of working mothers (measures to protect pregnant and breastfeeding women)

All of these requirements are set out in the Behinderteneinstellungsgesetz (Disabled Persons Employment Act), the Working Hours Act, the Arbeitsruhegesetz (Rest Period Act) and the Mutterschutzgesetz (Maternity Protection Act) and also cover employees working from home.

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Insurance cover in my home office

What do I need to keep in mind if I am apprentice?

Are you an apprentice and interested in working from home? Specific working-from-home arrangements must be agreed with your employer. You need to remember that this will only be possible in some sectors and in exceptional situations as your company is obliged to fulfil its training and guidance obligations.

Even if working from home is possible in your particular case, home office-only arrangements should be kept to an absolute minimum so that the training and guidance obligations are met in full.

Preventive (occupational health) services

Who is responsible for me?

For the preventive specialists to be able to look after you in a remote working location that is not your employer's premises, you will be assigned elsewhere or to the company's registered office. Your employer and the respective preventive specialists are then responsible for you.

Your working from home is defined as a remote working location outside your employer's place of work. The Employee Protection Act applies. This includes provisions on safety and occupational health care (section 7).

> Remember that neither preventive service specialists nor your employer have the right to enter your home office. It is your home! You don't have to let anyone in if you don't want to.

In this case, your company is obliged to find an alternative solution for health and safety consultation. After all, serious complications such as tennis elbow, back pain or tension headaches can quickly develop if the ergonomic set-up of your workstation is unsuitable.

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Preventive (occupational health) services

What does an assessment of my work-from-home set-up involve?

Workplace-related regulations do not apply to telework – i.e. work set-ups outside the employer's place of work. The Employee Protection Act, which defines a DSE workplace, applies without restriction; special emphasis should be placed on **section 67**. The desks and seats provided must meet ergonomic requirements – for your own personal health and safety! Section 68(7) on software is now particularly significant. Workplace assessment in **sections 4 and 5 of the Employee Protection Act** is also relevant: potential hazards in your home office set-up are noted and evaluated, and countermeasures are planned and implemented.

There are sample evaluations for assessments of set-ups in employees' private homes.

The sample assessment and other documents on health protection and your safety in the home office must be attributed to your workplace.

Setting up your workplace in your home office with the support of the safety expert

Ideally, you should work with your designated preventive specialist to ensure that your home workplace set-up is compatible with your health needs. The consultation can take place via video call, or based on a photograph that shows your specific situation.

Every company must have specialists to advise them. Don't hesitate to take advantage of the support available – ideally from the occupational physician and the safety expert.

Occupational psychologists

Involving occupational psychologists when social circumstances change – e.g. isolation, increased demands for independent time management – is also urgently recommended. (Recourse to occupational physicians and other experts is enshrined in sections 82a and b of the Employee Protection Act).

Organising your work

Physical separation of your working and private spaces is important. The Austrian Workers' Compensation Board (AUVA) also recommends scheduling in a fixed office day each week for in-person exchange, communication and information. Especially with the support of safety experts trained in working from home, as they are able to help with the numerous questions that arise in connection with the subject.

Ergonomics consultation with an occupational physician

As an employee, education and training are particularly important for your health and wellbeing: specialist consultation can be used to help you create a healthy and ergonomic working-from-home set-up that matches your particular needs.

Make the most of the multimedia services that your employer has to offer: watch videos for tips on dynamic posture when sitting. Switch to a standing position from time to time. And set up automatic notifications to remind you to take regular breaks.

Workplace assessment

Is the labour inspector entitled to come and inspect my private home?

No, of course not. A labour inspector can only enter your private residence if you expressly permit them to do so.

If you work in a home office, remember you have every right to request a home visit – as well as support from preventive specialists on helping to design your working-from-home set-up.



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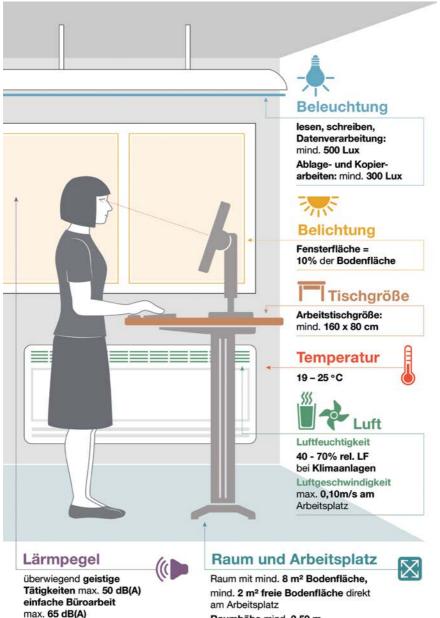
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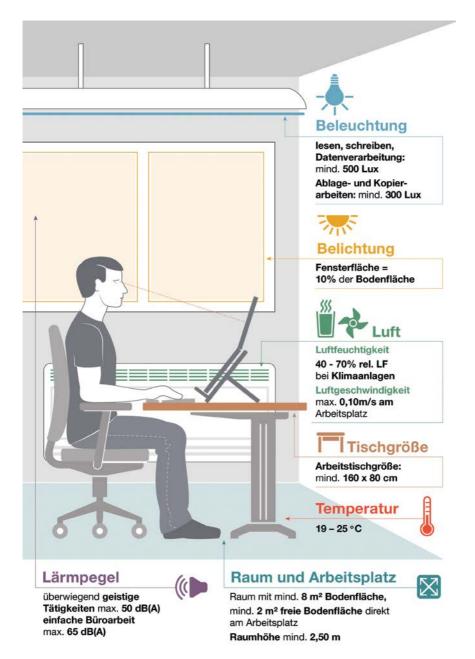
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THE APPENDIX TO THIS GUIDE CONTAINS TWO DIAGRAMS CONTAINING LINKS TO FURTHER INFORMATION AND USEFUL ADDRESSES.



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Links to further information

GPA irgendwie-irgendwo-irgendwann (Anywhere Working) guide (German only)

https://www.gpa.at/themen/datenschutz/irgendwie---irgendwo---ir-gendwann-

AK guides: Screen work

wien.arbeiterkammer.at/service/broschueren/Arbeitnehmerschutz/ broschueren/Bildschirmarbeit.html

AK Screen Tibetans

wien.arbeiterkammer.at/service/broschueren/Arbeitnehmerschutz/poster/12_Tibetans_-_Poster.html

AK time tracking system

wien.arbeiterkammer.at/services/rechner/AK_Zeitspeicher.html

AUVA leaflet: Mplus 022 Teleworkplaces

www.auva.at/cdscontent/?contentid=10007.816900&portal=auvaportal &viewmode=content

Information on workplace assessment for your home office https://www.eval.at/arbeitsplatzevaluierung/evaluierung-homeoffice

Labour Inspectorate website

https://www.arbeitsinspektion.gv.at/Arbeitsstaetten-_Arbeitsplaetze/ Arbeitsplaetze/Telearbeitsplaetze-Home_Office.html

Working from Home – employee protection guide, Federal Ministry of Labour, Social Affairs, Health and Consumer Protection <u>https://tinyurl.com/homeoffice-leitfaden</u>

DGUV bulletin 215-410, Bildschirm und Büroarbeitsplätze – Leitfaden für die Gestaltung, Deutsche Gesetzliche Unfallversicherung, July 2019

publikationen.dguv.de/regelwerk/dguv-informationen/409/bildschirmund bueroarbeitsplaetze-leitfaden-fuer-die-gestaltung

Useful addresses

Chambers of labour

The Austrian Chamber of Labour and its organisations in each province are your first port of call when it comes to protecting your rights as an employee. Where to find us:

Chamber of Labour for Vienna

Prinz-Eugen-Str. 20-22, 1041 Vienna Tel. +43 (0)1 50165-1208 Department of Safety, Health and Labour

Chamber of Labour for Burgenland

Wiener Strasse 7, 7000 Eisenstadt Tel. +43 (0)2682 740-0

Chamber of Labour for Carinthia

Bahnhofplatz 3, 9020 Klagenfurt Tel. +43 (0)50477

Chamber of Labour for Lower Austria

AK Platz 1, 3100 St. Pölten Tel. +43 (0)5 7171

Chamber of Labour for Upper Austria

Volksgartenstrasse 40, 4020 Linz Tel. +43 (0)506906-1

Chamber of Labour for Salzburg

Markus-Sittikus-Strasse 10, 5020 Salzburg Tel. +43 (0)662 8687-0

Chamber of Labour for Styria

Hans-Resl-Gasse 8-14, 8020 Graz Tel. +43 (0)57799-0

Chamber of Labour for Tyrol

Maximilianstrasse 7, 6020 Innsbruck Tel. +43 (0)512 5340-0

Chamber of Labour for Vorarlberg

Widnau 2-4, 6800 Feldkirch Tel. +43 (0)5522 306-0

Austrian Trade Union Federation (ÖGB) and trade unions

ÖGB and trade union contacts:

ÖGB Social Policy

Dorottya Kickinger Johann-Böhm-Platz 1, 1020 Vienna Tel.: +43 (0)1 53444-39043 E-mail: Dorottya.Kickinger@oegb.at www.gesundearbeit.at www.oegb.at

ÖGB Opportunities Office

Johann-Böhm-Platz 1, 1020 Vienna Tel. +43 (0)1 53444-39592 E-mail: <u>chancen.nutzen@oegb.at</u>

Salaried Private Sector Employees Union

Isabel Koberwein Alfred-Dallinger-Platz 1, 1034 Vienna Tel. +43 (0)50301-21202 E-mail: <u>isabel.koberwein@gpa.at</u> www.gpa.at

Union of Public Services

Kerem Gürkan Teinfaltstrasse 7, 1010 Vienna Tel. +43 (0)1 53454-301 E-mail: <u>kerem.guerkan@goed.at</u> <u>www.goed.at</u>

Younion

Collective agreements and work humanisation Maria-Theresien-Strasse 11, 1090 Vienna

Tel. +43 (0)1 31316-83693 E-mail: humanisierung@younion.at www.younion.at

Union of Construction and Woodworkers

Andreas Huss Johann-Böhm-Platz 1, 1020 Vienna Tel. +43 (0)664 6145534 E-mail: andreas.huss@gbh.at <u>www.gbh.at</u> Federal Secretariat

Wolfgang Birbamer Johann-Böhm-Platz 1, 1020 Vienna Tel. +43 (0)1 53444-59555 Mobile. +43 (0)664 6145558 E-mail: wolfgang.birbamer@gbh.at

Rudolf Silvan Gewerkschaftsplatz 1, 3100 St. Pölten Tel. +43 (0)1 40147-269 E-mail: rudolf.silvan@gbh.at Lower Austria

VIDA

Peter Traschkowitsch Johann-Böhm-Platz 1, 1020 Vienna Tel. +43 (0)1 53444-79690 E-mail: peter.traschkowitsch@vida.at www.vida.at

Union of Postal and Telecommunications Workers

Petra Bauer Johann-Böhm-Platz 1, 1020 Vienna Tel. +43 (0)1 534 44-49440 Mobile. +43 (0)664 6145558 E-mail: petra.bauer@a1.at www.gpf.at

PRO-GE

Gabriela Hiden and Patrick Christian Bauer-Ondricek Johann-Böhm-Platz 1, 1020 Vienna Tel. +43 (0)1 53444-69620 / +43 (0)1 53444-69621 E-mail: gabriela.hiden@proge.at, / patrick.bauer@proge.at www.proge.at

Labour Inspectorate

Central Labour Inspectorate at the Federal Ministry of Labour

Postal address: Taborstrasse 1–3, 1020 Vienna Office: Favoritenstrasse 7, 1040 Vienna Tel. +43 (0)1 71100 630 502 E-mail: ii@bma.gv.at

Labour Inspectorate Ombudsman

Central point of contact for complaints, suggestions and positive feedback on the activities of the Labour Inspectorate Tony Griebler, Favoritenstrasse 7, 1040 Vienna Tel. +43 (0)1 71100 630 520 E-mail: ombudsstelle@arbeitsinspektion.gv.at

Standby service for reporting occupational accidents:

Tel. +43 (0)664 251 70 00

Local labour inspectorate finder: <u>https://www.arbeitsinspektion.gv.at/Kontakt/Standorte-</u> <u>Zustaendigkeit/Standortuche.html</u>

Insurers

Austrian Workers' Compensation Board (AUVA)

AUVA headquarters Vienna Twin Towers Wienerbergstrasse 11, 1100 Vienna E-mail: kontakt@auva.at www.auva.at

Important

While we take great care in preparing the content of our guides, we are unable to guarantee that all of the information provided is complete and up to date, and that no relevant changes of law have been introduced after going to print.

Our guides are intended to be used as an initial source of information. They contain answers to frequently asked questions, lots of useful examples, tips about avoiding potential pitfalls and an overview of key legal provisions. For help with specific questions call our hotline on (01) 501 65 0

You can also find further information online at: www.arbeiterkammer.at

All current Federal Chamber of Labour publications can be downloaded here: wien.arbeiterkammer.at/publikationen

You can also order copies by contacting us directly:

- E-mail: mitgliederservice@akwien.at
- Order hotline: (01) 501 65 1401

Article number 330 1st edition, June 2023

Publication details

Media owner: Kammer für Arbeiter und Angestellte für Wien, Prinz-Eugen-Str. 20-22, 1040 Vienna, Tel: +43 (0)1 501 65 0 Information pursuant to section 25 Mediengesetz (Austrian Media Act): wien.arbeiterkammer.at/ impressum (German only) Cover photo: © pressmaster – Adobe Stock Further illustrations: U2-© Alissar-Najjar Graphic design: www.christophluger.com Übersetzung: FOX COFFEY KG

Last updated: June 2023



STRONG SUPPORT

WHY IS THE CHAMBER OF LABOUR IMPORTANT?

We are always on hand to stand up for employees' rights and defend workers' interests on the political stage. Because all workers have rights. This is why we take steps to ensure that employees' interests are not overlooked.

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