

Working Time Reform 2018

Entry into force of the amendments of the Working Time Act (AZG) and the Hours of Rest Act (ARG) on 1 September 2018

What is new

- **Maximum number of working hours** (§ 9 (1) Working Time Act – AZG): Extended from 10 to 12 hours per day and from 50 to 60 hours per week (including overtime).
- **Flexi-time arrangements (flexible working hours)** (§ 4b (4) AZG): Option to extend standard working hours up to 12 hours per day if time credit can be compensated by taking full days off and consumption in combination with a weekly rest period is not impossible.
- **Revised overtime limits** (§ 7 (1) AZG): Overtime is admissible up to the limit of the EU Working Time Directive (= within a reference period of four months the average working time for each seven-day period, including overtime, may not exceed 48 hours); overtime per week may not exceed 20 hours.
- **Refusal of overtime** (§ 7 (6) AZG): Workers can refuse to work overtime if working time exceeds 10 hours per day or 50 hours per week.
- **Compensation for overtime** (§ 10 (4) AZG): Right to choose between monetary compensation and time off in lieu for work exceeding 10 hours per day or 50 hours per week.
- **Additional exemptions to the scope of application of the Working Time Act and the Hours of Rest Act** (§§ 1, 19b (3) AZG, § 1 ARG): Apart from managing executives, other persons with autonomous decision-taking powers and family workers are also exempt.
- **Clarification on multiple time credit transfers** (§ 4 (7) AZG): Collective bargaining agreements can allow multiple transfers of time credit and time debt to the next reference period/s.
- **Work on weekends and public holidays** (§ 12b ARG): Additional exceptions from legislation – which provides for weekend rest and rest on public holidays – for a temporarily increased workload on company level.

What stays the same

- Austrian definitions of working time, standby duty and on-call duty remain unchanged.
- The introduction of a general statutory standard working time of 12 hours a day is a myth. **The statutory standard working time remains 8 hours per day and 40 hours per week.**
- The amendments do not lead to any form of wage cuts. **The definition of overtime remains unchanged.** The statutory overtime premium remains 50 per cent of a regular salary per hour of overtime (up to 100 per cent in case of a corresponding regulation, e.g. in a collective bargaining agreement).
- Workers are not disenfranchised by the working time reform. **Social partnership on a company level** will continue to play a crucial role in the future. Flexi-time arrangements and shift-work arrangements on company level remain to be set up by works council agreements. Moreover, workers can refuse to work overtime if working time exceeds 10 hours per day or 50 hours per week.