



Employment Q & A for Austria (per December 2012)

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Q1: Am I allowed to end the contract at any time?

Austrian labour law differentiates between “Salaried Employees” and “Workers”. Both Salaried Employees and Workers on the one hand and the employers on the other are allowed to terminate the contract at any time by observing the notice periods. If the duration of such notice period has not been agreed in the labour contract, the statutory notice periods of § 20 Salaried Employees Act (*Angestelltengesetz*) or § 1155 Austrian Civil Code (*ABGB*) in case of Workers or the applicable tariff agreement (*Kollektivvertrag*) apply. Contracts for a fixed period of time can only be terminated if they include a clause which opens the possibility of a termination during the term of the contract. Contracts of employees with special protection against termination (i.e. handicapped persons, pregnant women) are subject to special regulations.

Q2: Is anyone to be informed before firing an employee?

The employer is obliged to notify the works council.

If an employee is handicapped, the employer needs the approval of the Handicapped Persons Commission's (*Behindertenausschuss*) before the termination.

If the employee is pregnant, the employer needs the approval of the local Labour Court.

Q3: Is there a prescribed form for the termination of a labour contract?

No.

Q4: Are redundancy payments mandatory?

Only for labour contracts signed with Salaried Employees before 1.1.2003 there are mandatory redundancy payments as provided for in § 23 Salaried Employees Act (*Angestelltengesetz*).

Q5: How can an employee fight the decision of dismissal?

He/she can take legal action before the local Labour Court.

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