



Bundesministerium

Arbeit, Familie und Jugend

Covid-19

Frequently Asked Questions
about Labor Law

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Table of Contents

Chapter 1: General Labor Law.....	2
Will employers be reimbursed for continued pay?.....	2
May employees stop going to work if they are afraid of getting infected?	2
May employees stop going to work if their home, their commute to work or their employer is located in an area for which authorities have imposed an official measure (quarantine)?	3
May employees stop going to work in order to take care of their children if kindergartens or schools are closed due to a quarantine?.....	3
May employees refuse to go on a business trip if the trip is to a risk zone?	3
In which cases is telecommuting an option?	4
Are employers required to take measures to prevent contagion at their company?.....	4
Are employees required to report a coronavirus infection to their employer?	4
May employers send their employees home independently of orders imposed by the authorities (quarantine)?.....	4
What rules apply if employees cannot return home due to specific preventive measures (state of emergency, quarantine, limited public transport) at their holiday destination? Is that a reason for dismissal? Are they entitled to continued pay?	5
May employers forbid employees to go on a vacation in a risk area?	5
May employers ask employees if they spent their vacation in an area with high risk of contagion?	5
Chapter 2: Labor Law and Childcare	6
What do I do if schools close?.....	6
Which labor law provisions exist for employees to ensure childcare?	6
When are employees entitled to exceptional childcare leave?.....	6

Chapter 1: General Labor Law

Are employees entitled to continued pay if they cannot reach their workplace due to measures imposed by the authorities (for example a quarantine)? Will employers be compensated for this continued pay?

Will employers be reimbursed for continued pay?

Pursuant to the Employees Act and the Austrian Civil Code, employees are entitled to continued pay if they cannot perform their work for short periods of time due to important reasons that affect them personally and for which they are not at fault. This also includes public obligations such as a quarantine and the actual impediment this causes to the performance of one's work.

As defined in the Austrian Epidemic Act, employees who cannot perform their work due to an imposed quarantine are entitled to reimbursement for loss of pay by the federal government while the quarantine lasts.

Employers shall continue to pay the remuneration due to employees and the federal government shall reimburse employers for the remuneration paid to employees: within six weeks after the quarantine has been lifted, employers may request the reimbursement of the remuneration paid as well as the associated employer contribution to the statutory social security from the federal government by contacting the district administrative authority in charge of the area where the quarantine was imposed.

May employees stop going to work if they are afraid of getting infected?

As a general rule: no, unless an actual threat of contagion exists. This is the case if the virus has previously spread in the immediate working environment. This does not apply to employees who work in healthcare (hospitals, pharmacies, nursing homes, patient transport, etc.). For such employees, employers shall provide adequate protection (as defined in the employee protection legislation).

May employees stop going to work if their home, their commute to work or their employer is located in an area for which authorities have imposed an official measure (quarantine)?

Yes, if employees, due to measures imposed by the authorities, cannot reach their workplace without violating such orders. This is considered a justified absence from work and includes continued pay by the employer as long as the order imposed by the authorities lasts. The federal government shall reimburse employers for the remuneration paid. Employees must inform their employers immediately if they are prevented from going to work.

May employees stop going to work in order to take care of their children if kindergartens or schools are closed due to a quarantine?

The answer is yes if and as long as a child needs childcare predominantly because of his or her age. Therefore, employees, in view of their family obligations, are entitled to stop going to work and are entitled to continued pay for a short period of time (one week, up to two weeks if exceptional circumstances apply).

May employees stop going to work in order to take care of their children if kindergartens or schools are closed due to a quarantine?

An employer's duty to give assistance also includes preventive measures for protecting his or her employees' lives and health. This protection includes all measures designed to prevent occupational accidents and employees' illnesses.

If a travel alert for a specific area exists because the risk of contagion in that area is high, employees may rightfully refuse to go on such a business trip because going on such a trip would pose a specific danger to his or her health or life as substantiated by an existing travel alert. If there is no travel alert or any other proof of a high risk of contagion (e.g. by the declaration of the state of emergency or the imposition of a quarantine) at the destination or on the travel route, such a refusal is not deemed to be legitimate.

In which cases is telecommuting an option?

If the employment agreement includes a provision about telecommuting or a clause about a transfer stating that the employee may be transferred to a different location even without his or her approval, employers may require employees to telecommute.

If these preconditions do not exist, employer and employee also have the option of agreeing on telecommuting.

Are employers required to take measures to prevent contagion at their company?

At companies where employees interact with clients and that are located in areas where an actual risk of contagion exists, employers are required to take effective and adequate measures for keeping the risk of contagion to a minimum in order to protect employees from infections.

Such measures may include hygiene measures (hand hygiene) as well as providing disinfectants.

The necessary protective and preventive measures depend on the infection risk. In the case of direct contact with patients (e.g. healthcare professions), personal protective equipment shall be provided (single-use gloves, adequate protective clothes, respirator, eye and face protection) and the employer shall instruct employees about the use of such equipment.

Are employees required to report a coronavirus infection to their employer?

Yes, this follows from the employee's duty of good faith towards the employer and allows the employer to take preventive measures for the rest of the staff.

May employers send their employees home independently of orders imposed by the authorities (quarantine)?

Yes, an employer may waive the performance of work but shall provide continued pay as long as he or she releases employees from work. Employees shall give credit for any savings accrued due to such a release.

What rules apply if employees cannot return home due to specific preventive measures (state of emergency, quarantine, limited public transport) at their holiday destination? Is that a reason for dismissal? Are they entitled to continued pay?

An actual or legal impediment that prevents an employee from traveling back is a justified reason for absence from work and such an employee may therefore not be dismissed.

In such a case, employees are entitled to continued pay by their employer for a short period of time (up to one week).

May employers forbid employees to go on a vacation in a risk area?

Employers may not forbid employees to do that. If an employee gets sick during his or her vacation in a risk area, the employer might, under certain circumstances, refuse to provide continued pay because the employee caused his or her unfitness for work by gross negligence.

May employers ask employees if they spent their vacation in an area with high risk of contagion?

Yes, because given an employer's duty to give assistance to other staff members, he or she must take adequate preventive measures to protect them.

Chapter 2: Labor Law and Childcare

What do I do if schools close?

Since schools and childcare facilities are gradually closing, employees with childcare duties face a new situation. Employees with childcare duties who have a pressing need for third-party childcare will still be able to send their children to school or other childcare facilities.

This includes employees who work in critical areas such as healthcare and caregiving, medical products and medical devices, emergency services, public security, food retail, pharmacies, drugstores, public transportation, agricultural trade, gas stations, security and emergency products and maintenance, banks, postal services and telecommunications, delivery services, cleaning and hygiene, tobacconists and newspaper stands, maintenance of critical infrastructure etc.

Which labor law provisions exist for employees to ensure childcare?

The basis for the right to get released from work for childcare duties is the Austrian Employees Act and the Austrian Civil Code. The right to get released from work for childcare duties is granted as the need arises (as a general rule, for a period of one week, up to two weeks if exceptional circumstances exist).

When are employees entitled to exceptional childcare leave?

In non-critical fields of work, employers may grant exceptional childcare leave to employees who have childcare duties for children under the age of 14. Employers may release their employees from work if they need to provide childcare. The Republic of Austria will financially support such exceptional childcare leaves for up to 3 weeks with a third of labor costs (limited to the maximum ASVG (Act on General Social Insurance) assessment base) until the start of Easter vacations.