

# Austria

## About

The principle of equality is embedded in the Federal Constitutional Law (Bundes-Verfassungsgesetz, B-VG), whose Article 7 states that ‘all nationals are equal before the law’ and excludes any privilege based on sex (among others). In 1998, an amendment to this Article provided the constitutional basis for the implementation of gender mainstreaming by introducing the responsibility for authorities at all levels (federation, *Länder* and municipalities) to implement measures to achieve de facto equality of women and men. The gender mainstreaming tool of gender budgeting has been enshrined in the Constitution since 2009.

The government gender equality body, the Department for Women and Equality, started its activities in the latter half of the 1990s. The earliest government action on gender mainstreaming dates back to a cabinet Decision in 2000 that established the Inter-ministerial Working Group for Gender Mainstreaming (IMAG GMB) for the purpose of implementing gender mainstreaming at the federal level, as a horizontal strategy involving all ministries. In 2011, another cabinet Decision established gender mainstreaming criteria for all ministries and departments, as well as in legislation, funding programmes and public procurement. Gender mainstreaming (including gender budgeting) and gender-neutral language have since been very successfully implemented.

The Committee for the Elimination of Discrimination Against Women, in reporting on the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW, 2018), particularly commended the State party on the achievement of gender budgeting as a tool to enhance the national machinery for the advancement of women. At the same time, the Committee recommended that the State party allocate adequate human, financial and technical resources to the Federal Ministry for Health and Women /Department for Women and Equality each year, to enable them to act in a coordinated and effective way [1].

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## Legislative and policy framework

Article 7(2) of the Austrian Constitution includes a commitment to gender equality to promote de facto equality between women and men, in particular by eliminating existing inequalities. In the Austrian Federal Constitution, the federation, *Länder* (broadly-speaking, regions) and municipalities all commit to aim for the equal status of women and men. Austria has, politically and legally, put itself under an obligation to implement a gender mainstreaming strategy in its national policies. Its outcome-oriented objectives for the annual budget require criteria for budget definitions of gender equality. Gender budgeting thus became a financial policy tool for implementing the gender mainstreaming strategy.

The national foundations for the implementation of gender mainstreaming are set out in Article 7 of the Federal Constitutional Law and five subsequent resolutions passed by the Council of Ministers. At the *Länder* level, resolutions on the implementation of gender mainstreaming were passed by the provincial parliaments, the government and numerous municipalities. Additionally, according to Article 13(3) of the Federal Constitutional Act (Bundes-Verfassungsgesetz, B-VG), federal, state and local governments must strive for the actual equality of women and men in financial management, which translates into a federal commitment to gender budgeting.

Efforts to implement a gender mainstreaming strategy are published regularly (biannually) by the Austrian Ministry of Women's Affairs. In these reports, the Ministry describes how other ministries implement gender mainstreaming in their respective policy fields. These reports are more a description of different steps taken by the ministries than an assessment of the impact of the measures, but nevertheless document the various efforts put in place by all ministries to contribute to gender equality [2].

Since 1979, the Equal Treatment Act has regulated the equal treatment of women and men at work in private enterprises. Despite this, gender equality policy is scattered and depends on the commitment of different ministries, departments and other public agencies. As a consequence, most gender equality experts typically focus on the analysis of specific areas, such as employment rates, rather than assuming a systemic approach. Experts criticise these unsophisticated systems, particularly when it comes to targets and indicators, which are not always linked to the relevant policies and vice versa. The patterns of gender equality policy are neither well-known nor reflected [3].

Some strategies, like the National Action Plan for Gender Equality in the Labour Market [4] of June 2010, ended in 2018, with no follow-up strategy. In addition, the 50 % quota for distributing the budget for active labour market policy will be cancelled as of 2020. The elimination of gender-specific inequalities in employment, labour market, access to qualifications, income and paid/unpaid work are important issues in Austria's gender equality policy and legislative framework.

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## Structures

### Government responsibilities

The Department for Women was founded in 1997 within the Federal Chancellery. In 2000, the Department was incorporated into the operational area of the Federal Ministry for Social Security and Generations, but moved to the newly founded Federal Ministry for Health and Women in 2003 and then, in 2007, returned to the Federal Chancellery. From March 2014 to June 2016, the Department for Women belonged to the Federal Ministry of Education and Women's Affairs, while from 1 July 2016 to 7 January 2018, the Department was integrated into the Federal Ministry for Health and Women's Affairs. Finally, on 8 January 2018, the Department for Women and Equality moved back to the Federal Chancellery under the Amended Ministerial Law [5].

Today, the Department for Women and Equality comprises six departments. Its central task is to share information and raise public awareness of women's issues and equality issues. This includes investigation and analysis of fundamental research and statistical data, as well as the realisation of gender-specific projects, representation in national and international bodies, provision of information and comments on legislation. It also promotes the so-called Women's Projects, with part of the Department's budget used to support about 250 projects each year, chiefly providing counselling and support services to women. The Department for Women and Equality monitors and reports on issues such as the elimination of discrimination against women and equal treatment, and reports to the Committee on the Elimination of Discrimination Against Women. These reports are regularly published in order to provide information on the status of gender equality to parliament and citizens.

The Department for Women and Equality is responsible for the management of the Inter-Ministerial Working Group on Gender Mainstreaming/Budgeting (IMAG GMB), which was set up in 2000 based on a resolution of the Council of Ministers. The [IMAG GMB](#) aims to create a basis for the implementation of the gender mainstreaming strategy at federal level, in compliance with Austria's international obligations. Its tasks are:

- to support and monitor the implementation process of gender mainstreaming in all departments and at all political levels;
- to exchange information and best practice initiatives in the various departments, as well as domestic and foreign best-practice examples;
- to develop criteria for the implementation of the gender mainstreaming strategy; and
- to monitor and evaluate ongoing projects, measures and application of gender mainstreaming objectives.

Members are termed 'GM agents' (GM Beauftragte) and are appointed within the ministries and supreme organs (Constitutional Court, Supreme Administrative Court, Court of Auditors, Ombudsman Board and Parliamentary Directorate).

Policies on women and equality are a cross-cutting issue, meaning that comprehensive implementation is only possible in cooperation with all ministries, states, policy makers, etc. The Department for Women and Equality leads the coordination of administrative action on women's issues and equality issues. Firstly, within the Department for Women and Equality, the Commission on Equal Treatment and the Federal Equal Treatment Commission deal with all questions of a general or individual nature that involve discrimination in employment or other areas of life based on sex, ethnic origin, religion or belief, age or sexual orientation. The Equal Treatment Commission was set up to scrutinise matters relating to discrimination under the Equal Treatment Act. It is a special institution designed to support labour, social and civil courts.

The Federal Ministry for Health and Women's Affairs compiles biannual reports on the initiatives taken by ministries and other public authorities to reduce discrimination against women. These outline the standalone initiatives taken by different ministries and other public agencies (most recently the Bundesministerium für Gesundheit und Frauen (2019)).

## Independent gender equality body

The Ombud for Equal Treatment for the private sector (Gleichbehandlungsanwaltschaft) is the main point of contact for all persons who believe they have been discriminated against in employment and occupation on the grounds of sex, ethnic origin, religion or belief, age or sexual orientation. It was set up under Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation, and took effect on 1 July 2004.

Its specific functions are supporting victims of discrimination, conducting research and surveys, offering policy advice, promoting good practices, raising awareness and engaging with civil society.

## Parliamentary bodies

As per representative elected bodies, the Equal Treatment Committee (Gleichbehandlungsausschuss) is in charge of gender equality and women's policy. The principle of the parliamentary procedure is that a decision on an item in the plenum of the National Council is preceded by a preliminary discussion in a committee. This is to ensure that expert members of parliament can discuss issues in small groups, perhaps alongside external consultants. The final decision is reserved for the plenum of the National Council, however.

## Regional structures

Austria consists of nine federal states, which have an important role in implementing gender equality and women's policy. In the Austrian Federal Constitution, the federation, *Länder* (federal states) and municipalities all commit to aiming for the equal status of women and men. Although the national obligation is the same for all federal states, implementation depends on political commitment, funding and the priority given to gender equality and women's policy by the various federal governments and administrations.

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## Methods and tools

Note: the methods and tools listed under this section were the focus of EIGE's 2018-2019 assessment. If certain methods and tools are not mentioned in this section, this does not necessarily mean that they are not used at all by Austria.

## Gender budgeting

Gender budgeting was included in the Austrian Constitution in 2009 and the IMAG GMB has the task of promoting gender budgeting at all levels. Members are drawn from all ministries, as well as the supreme authorities, the union of public service and representatives of the federal provinces. It is chaired by the Federal Minister within the Federal Chancellery for Women, Families and Youth. As of 1 January 2013, all federal ministries are obliged to **consider gender equality in the planning**, implementation and evaluation of budgetary measures and to implement effective equality between women and men as one of the principles of outcome-oriented impact assessment [7].

Gender budgeting/gender impact assessment in Austria is based on two pillars.

Firstly, within the regular budget cycle, the federal ministries and supreme authorities are obliged to formulate at least one gender equality objective and one measure for its implementation, as one of (at most) five objectives and measures. These must be included in the budget documents and are legally binding. The obligatory *ex ante* impact assessment of laws, directives and major programmes proposed at federal level must also explicitly consider the potential effects on gender equality in practice.

Secondly, the Federal Ministry of Finance is obliged to define one gender equality objective and one related measure for its implementation. Since the introduction of gender budgeting/impact assessment in 2013, the gender equality objective of the Federal Ministry of Finance has been to address the influence of the tax system on the distribution of paid and unpaid work between women and men.

The gender equality objective included in the most recent medium-term budgetary framework (adopted in April 2016 for the period 2017 to 2020) is stated as: 'A more equal distribution of paid and unpaid work between women and men is supported by the tax system'. The more disaggregated yearly budget plans for the years 2014 to 2017 contained various **concrete measures** that essentially aimed to screen income tax law for gender pay gap-relevant provisions in order to eliminate them and reinforce positive employment incentives.

Since 2013, the annual Federal Budget Act (itself a key government document) has shown the medium-term political objectives of gender equality for the federal ministries and supreme authorities. The results-oriented objectives are measured by yearly monitoring and evaluation of key indicators that address identified gaps. The 'Annual Report on Outcome Orientation' delivers the evaluation results (i.e. progress made in gender equality) to parliament for discussion and political oversight. This reform of public financial management resulted in the development of a comprehensive gender-oriented budget and reporting framework that has been integrated into the government's performance budgeting system. Gender budgeting has thus become a key policy tool for the gender mainstreaming strategy.

## **Training and awareness-raising**

Although there is training in the individual ministries, there is no legal obligation for specific training and/or awareness-raising activities. The management academy (Verwaltungsakademie) offers [specific courses](#) to raise gender competence at federal level.

Training courses may aim to foster and improve knowledge of the legal framework to facilitate the implementation of the relevant provisions, they may train executives to support equal treatment of women and men as employees, or train female employees to better communicate their aims and preferences with a view to career progression. These courses are not obligatory, however.

## **Gender statistics**

The National Statistical Institute is the most important agency for sex-disaggregated data in Austria. Although there is neither a specific unit responsible for promoting the production of sex-disaggregated data within the Institute nor a network of focal points to promote the production of sex-disaggregated statistics within different areas of research, an operational unit is in charge of producing sex-disaggregated statistics (among other tasks). The mandate of the unit includes the collection, compilation, communication and publication of gender-relevant data and analyses of the gender pay gap. This includes the areas of demography, education, the labour market, income and poverty and their impact on income, employment and education. The unit is active in data-gathering and analysis. The results are published online, in books and in brochures and flyers. Special activities are set up to coincide with International Women's Day (8 March) and particular attention is paid to analysing the gender pay gap in Austria.

Although there is no legal obligation for the national statistical offices to collect and/or disseminate data disaggregated by sex, there are ad hoc agreements to collect, analyse and disseminate data. Almost all data related to individuals is collected, compiled, analysed and presented by gender and other relevant characteristics.

[Statistics Austria](#) presents a compilation of data and facts of the situation of women and men in the country. The aim is to use selected statistics to provide a brief overview of the economic and social situation of women and men in different areas of life. The [website of Statistics Austria](#) makes available gender statistics on the topics of demography, education, the labour market, reconciliation of work and family, income, pensions and the poverty or exclusion risk, at both national and regional level.

A compilation of gender-specific data and statistics are available in the report 'Equality in numbers', published each year since 2011 by the Ministry of Women's Affairs [8].

Finally, the [national statistical office](#) also has a section on gender statistics.

[Browse all Austria methods and tools](#)



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## Good practices

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## Endnotes

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