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Women's Politics and Social Policy in Austria

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Abstract

The social policy in Austria changed to a neo-monetarism in the social policy field since the right-populist government was installed in Austria. The government broke with the tradition of state interventionism on behalf of the citizen, and introduced the monetarian self-estimated way of constructing the social policy.

The abolition of many women's centres and consultancy centres was followed by the introduction of the night work also for women and the children's payment after birth instead of the maternity leave-payment. Both discussed for one year were finally introduced and changed the social policy area accompanied by a hostile integration package against foreigners and migrants.

1. Introduction

The conservative and right populist government in Austria has established a successful austerity programme on budget policy and social policy and can refer to all kind of right legal acts of the European Unions, especially in the regulation of the legal acts of women's work and the women's payment for children's care.

The social policy innovation were introduced by the Freedom party and its austerity programme in the field of social policy and the battle against poverty. Most controversial the direct policy domain where the take-over of the socialist ministry for social security and generation, gave the Freedom party the enormous influence on the politics for seniors, handicapped, women and children as well as all kind of labour regulations.

For the first time in Austrian history the representative for women's interests is a man, a minister for women, a public function which was criticized from the very beginning.

The EC guidelines and directives in regulating the social policy and the battle against poverty were well received as the common debate focused on the poverty of other member-states and in how far the others are obliged to follow an austerity programme. Innovative the approach of amending the member-states in the budget consolidation methods or their deficit spending.

The concrete interventionist culture joined the action plans of the European Union against poverty and the national plan finding for a solution in the fight against poverty. The social situation in the European Union (2001) was explained in a comparative way in order to achieve a common goal for the social policy in the European Union and Austria's ambition focused on the critique of the comparative data.

The European Union shoes the term social cohesion which "relates to the degree to which individuals and groups within a particular society are bound by common feelings of consensus, share common values and goals and relate to one

another on a co-operative basis” (The Social Situation of the European Union, 1999, p. 13)

The criteria's are the extent of inequalities in terms of income, health and other living conditions, the effective reduction of these inequalities and the trends in social participation, as well as the impact of existing patterns of inequality of new macro-developments and the degree of which trends towards greater individualization take place.

The chapters summarized by the EU are f.e. gender, such as “equal opportunities between men and women is still an important issue. The number of women in education has improved and their participation in the labour market has risen in the last decade. Nevertheless they still tend to have lower pay and to be underemployed compared to men” (Social Situation of the EU, 2001, p. 17)

Uncertainty, family payment, great individualism and immigrants are the key words for a large amount of reports and knowledge on the social situation of the EU. The data available from the statistical office were concluded and showed the following: participation related to work and employment, evolution of the social dialogue, participation of civil society and volunteering and increasing share of social economy. Further the trust in political institutions and social organisations is a sign for the best political system and shows a high percentage of Austria for organized memberships in political parties.

Or the discussion on the unemployment rate is revealing: “In 1999, the total number of unemployed people in the EU stood at 15.7 million or 9.2 per cent of the labour force. The decrease of 0.7 percentage points in the EU unemployment rate between 1998 and 1999 confirms the annual decrease since 1996. The rate fell in all member-states except Denmark, where it remained at 5.2 per cent and Greece where the rate continues to rise. The largest decreases were recorded by Spain and Ireland” (Social Situation in the EU, 2001, p. 84)

The comparison of low income household became a principal chapter in order to explain low income and poor households, the statistical material is the basis for the commitment to poor women and children. “On average, 40 per cent

of unemployed persons have low income. The proportion is just over 50 per cent in the United Kingdom, in Ireland and the United Kingdom, the unemployed are around eight times more likely than those people with a job to have a low income. For the union as a whole, 9 per cent of those at work fall into the poor category” (Social Situation in the EU, 2001, p. 96)

And the comparison of social benefits shows a large amount of income before and after the benefits Italy is the country with the lowest danger of poverty compared to Ireland the country with the largest amount of poor people.

“Looking at income below the poverty line identifies those persons in income poverty, but does not show how severe this poverty is. Measuring the gap between the level of income of the ‘poor’ and the poverty line (poverty gap) provides an insight into the severity of income poverty” (The Social Situation of the European Union, 2001, p. 96). The poverty-rate of the employees in the EU is meant to be 8 per cent, and the working-poor is a result of the policy on wages and prizes. Further the gendered poverty is connected with the formation level, the working-hours and the higher percentage of the unemployment of women and the different earnings of women and men as a result. And the result seems to be encouraging like “pay differences between men and women appear to increase with the level of education although the picture is far from homogenous between member states. In Belgium, Denmark, Spain, France, Italy and the Netherlands, the highest qualified women are the most unequally paid compared to their male colleagues” (The Social Situation of the European Union, 2001, p. 102).

And as they see no direct relation can be given between the member-states so the unequal treatment of men and women can be solved with political means.

The occupational and social policy in the EU from 1999-2001 was modernized under the key-word social cohesion and the ambition of training. The dynamic development of economy, occupation and social affairs “*ist das Kernstück der neuen Sozialagenda. Diese Agenda wurde auf dem Gipfel in Nizza im Dezember 2000 angenommen, neuen Monate nachdem die Staats- und Regierungschefs der EU in Lissabon das ehrgeizige Ziel vorgegeben haben, die EU im nächsten Jahrzehnt zum "wettbewerbsfähigsten und dynamischsten*

wissensbasierten Wirtschaftsraum der Welt zu machen" (Luxemburg,2001,13) and the European Commission decided that the modernization will take place no matter of the political conditions in three criterias:

- § to exploit the occupational potential as far as possible;
- § protection to be modernized and;
- § the preparation of the social dialogue and the occupation of the main demands.

EQUAL is a main actors development in fighting against discrimination and inequality. The topics are the integration into the labour-market, the fight against racism, foundation of enterprises, social economy, life-long learning, adaptation to the change, combination of family and professional life, minimation of gendered discrimination, and social and professional integration of asylum seekers.

The conclusions of the summit in Stockholm tells us the importance of old people and a reform of the pension-system and the task to increase the mobility, in order to facilitate the work of mobile workers.

The creation of jobs in a knowledge society and the increase of a knowledge-based economy, progress of social dialogue, and the EC permitted the creation of a observation station which takes care for the structuration, labour organization, fusions, qualification measures and the adoption of technological progress.

And the European Commission focused on the tele-home-work their power of regulations in order to achieve the following rights like:

Liberal character of the tele-work, guarantee of the labour-status, of equal treatment of information duty towards workers and of coverage of the costs, labour protection and labour time, and the protection of private spheres, and the contact to enterprises and the rights of payment and access. Protection of the rights of the old people is combined with the need that more people go to work and get it paid, so the creation of new jobs is in front with the aim to get full employment.

The preparation of the employment during the EU-widening means a large ambition to assure the institutional and the legal framework of the EU as a part of the social model EUROPE.

Die Beitrittskandidaten müssen den gesamten Besitzstand übernehmen. Dies erfordert mehr als nur einen Besitzstand von Rechtsvorschriften in nationales Recht umsetzen oder mit dem Datum des Beitritts anzuwenden. Es bedeutet auch, daß die Strukturen ,die Kompetenzen ,die Verfahren und eine neue Kultur vorhanden sein müssen, die eine Umsetzung des Gemeinschaftsrechts erste möglich machen (D. Beschäftigungs- und Sozialpolitik der EU, 2001, 42)

The CO is meant to encourage the candidate-states to force their social cohesion and their contributions to the social dialogue mostly implemented in the PHARE-programme and the planning units for it.

The candidate-states are asked to confirm their institution of the social partnership and to negotiate the PHARE-programme. The social dialogue - demand guided to the necessity of formulating a politics for the following reasons:

Fight against discrimination, tele-work, social assurance and pensions, observation of industrial change, constant circle for occupation etc. In march 1999 the first social-partnership dialogue took place in Warsaw and it came to the reality that *die Konferenz sollte den Sozialpartner der Beitrittsländer im übrigen Gelegenheit bieten, erstmals mit ihren Kollegen aus der Europäischen Union über die verschiedenen Rollen zu diskutieren, die ihnen im Rahmen des Erweiterungsprozesses zufallen Und auf dieser Konferenz wurde eine wichtige gemeinsame Erklärung verabschiedet, in der Sozialpartner.*

Erneut bestätigen, daß der soziale Dialog und die Mitwirkung von Gewerkschaften und Arbeitgeberverbänden für den Erfolg des Prozesses der Umgestaltung iund Vorbereitung auf die Erweiterung in den Bewerberländern notwendig sind (Der Europäische Soziale Dialog, 2000, 11).

The publication series of the DUBLIN foundation of the improvement of living and working conditions show the wide spread interest for the research in

the field of work-areas studies like the health and work intensity. Again gender discrimination is the most important issue like “gender segregation at the workplace remains prevalent. This is evident not only in the occupational structure, where men and women do not occupy the same jobs, but also within the jobs, where men generally occupy more senior positions” (Foundation: 10 years of Working Conditions in the EU, 2001,p. 6)

Finally the double workload of women is shown as more activities in the household by women.

The gendered working time, the direct intervention for a concrete labour and the problems of job seekers are treated within the reports of the DUBLIN foundation on the basis of empirical studies, which focus on the character of the new economy and the new created jobs. Employment and working time in Europe is shown in comparison as “the average working time of dependent employees varies between 33.7 hours in the Netherlands and 41.4 hours in Austria. The average figures conceal the differences between men's and women's working times, since women in each country continue to shoulder the main burden of unpaid domestic and family work and for this reason tend to devote less time to paid work than men” (European Foundation, 2000,p. 2) And the results show the wish to equalize the working time for men and women when the working time is for both, the combination of two full-time jobs is preferred, a general reduction of the working-time is asked when both work.

Figure 2 shows the preferred modes of distribution and of paid work between partners in two-adult households.

Preferred is a part-time and full-time combination, which is the success against the breadwinner model.

The debate within the EU is restructured with the emphasis on a social dialogue for time-lending firms and enterprises (*Zeitarbeit und Leiharbeit*) and the DG V of the European Commission proclaims the Progress of Time- and Borrowed Work like on the 3rd July 2000 the UNI Europa and the Euro-Ciett started a common social dialogue on European level. “Concerning the content of

the sectoral dialogue, it should be centred on the working force and the employees. According to the positive role of the time- and borrowed work on the labour-market, the sectoral social dialogue should contribute to the quality and the smooth functioning of the labour market on the European level, the occupation and the working-conditions shall be improved and the professional profile of the sector ameliorated” (D.Eur.Soziale Dialog, 2000, Nr. 16).

The overview shows the importance and the direct intervention of the European Commission on the national policies for a time regulated work and working -time agreements.

2. The official documents of the EU

The European Union chose the instrument of a chart of basic rights in order to establish a system of rights and duties between the citizen and the European Commission and its instruments. Article 5 forbids slavery and forced labour, and among the chapter “solidarity” article 27 demands the listing and information of workers, Article 28 asks for the legal negotiation for payment, article 29 regulates the labour offices and articles 30 and 31 are protection against dismissal and legal working conditions, Article 32 forbids labour of children and 34 gives social security and social support. “The union acknowledges the right of access and the duties of social security and the social services, which are necessary in the case of illness, accident, care or ageing persons” (Charta, 2000,o.p.).

The guide of the communist’s provisions on social security (2000) is the instrument to support the mobility of people working and living in the EU. In a nutshell the rights as a seasonal, frontier or posted worker or the pensioner, student or tourist are listed up and conclude a right for a concrete labour force in Europe.

New the “posted worker” who “is a person who is normally employed in one country but is sent temporarily to another country to work there for his undertaking. The maximum period for posting is 12 months, in exceptional case. It can be extended up to 24 months. As a posted worker, you remain insured in the country where you are normally employed, which means that you continue paying

contributions to the social security system of that country” (EC, 2002, The Commission Provisions on Social Security, p.38).

Most of the time the direct rights you can carry along can be fulfilled with formulas like 303 for the unemployment payment within the EC or formulary 111 as a tourist, also within the EC.

A frontier worker is a person, who is employed or self-employed “who pursues his occupation in a different member-states from the one in which he resides and to which he returns at least once a week” (EC, 1999,p. 37). The benefits you receive come from the country where you reside.

The EU and its member-states have acknowledged mutually the formulas for the labour-force in order to enable the stay in another state:

- § series E 100 for posted workers and entitlement to sickness and maternity benefits;
- § series E 200 for the calculation and payment of pensions,
- § series E 300 for entitlement to unemployment benefits;
- § series E 400 for entitlement to family benefits (EC, 1999,The CO provisions, p.44).

And the European Commission itself reacts as an Employer in answering the questions of persons on individual cases and individual mischiefs, and she tries to help you to claim your rights.

Outside Europe, the EU gained power in the international solidarity and aid and assisting programmes like: in “this context the European Union has set itself the following goals:

- § to save lives in emergency and post-emergency situations caused by natural disasters and human conflicts;
- § to provide aid impartially to those suffering from the effects of ‘chronic’ crises triggered by civil war, without regard for ethnic origin;

§ to provide aid to refugees and displaced persons;

§ to carry out rapid rehabilitation and reconstruction work, so as to create conditions in which victims can free themselves” (EC, 2002,p. 4).

The figure shows the depenses of total 491.7 million EURO and are diversified between Africa, Western Europe, West Africa, Asia, Latin America and disaster preparedness and other budget headings.

New and impressive the external evaluation of the Union's humanitarian activities in ECHO like “according to their report, the Union is the equal to any other international organisation when it comes to providing humanitarian aid, and is probably more cost effective than others” (EC, 2002,p. 15).

The European Commission wrote for the understanding of enterprises the social and environmental prizing as a task for the consumer to know more about the enterprise and the social conditions, the signs should assure that no exploitation and misleading practices were involved in the production and the transparency is given to the consumer in order to establish confidence. Most encouraged is the European Council from Stockholm, the enterprises and the stakeholders, those who keep papers for the enterprises are asked to give better information on the enterprise and to encourage social responsibility.

3. The Austrian social policy under the Conservative/ Right Populist Government

The Austrian social policy is analyzed by many scholars in the disciplines political science, economy or sociology and within publications like the journal *Kurswechsel* - a journal for critical economical and social analysis in Vienna. Gächter (1997) showed the development of the social policy in a periodical scheme since 1974 and keeps the economic progress as the source for social policy, though the factors for distribution can change. The political instruments are the profit rate, which can be used differently:

-
- § *sie kann vom Unternehmen privat angeeignet werden;*
 - § *sie kann als Extraprofit vom Unternehmen einbehalten werden;*
 - § *sie kann drittens in Form höherer Löhne den Beschäftigten zugute kommen;*
 - § *dies kann sie auch in Form kürzerer Arbeitszeit;*
 - § *sie kann fünfstens in Sozialfonds fließen;*
 - § *sie kann sechstens in Form von Steuern durch den Staaten angeeignet werden,*
 - § *und sie kann schließlich in Form niedrigerer Preise an die Konsumenten weitergegeben werden (Gächter,1996,p. 85).*

This complexity established the think tanks in many member-states for social policy theories and the practice in order to give advice and consequences for the distribution of employers and employees. The political power of the worker and the labour force is the main progress in history of the trade unions and the government in the world, regulating the means of production, time and people.

Further the poverty and the debts of a country were compared for the years 1995-2000 and the private debt rate was estimated with 733 Mrd ATS, one third of all Austrian households are credited and the high-income holders get the better transfer payments. In case of poverty this is provoked by the lack of work and the lack of income and those persons are poor who do have the following problem:

- § underdeveloped living conditions;
- § payment lacks;
- § no possibility to buy fundamental consumer goods.

These criteria are available for 420,000 persons in Austria and 60 per cent of these households do not have a car. Nearly half of the poor households have an income of 6.000 ATS and about the chamber of labour compared these figures with the richest balance sheets of leading Austrian enterprises: OMV AG; Semperit Reifen, Mobil Oil Philipps Technology, Magna Auto and Weinerberger

Ziegel herstellung etc, and they show a concrete absence from all kind of public funding against poverty. So the social policy and the state together with NGOs have the duty to cover the poverty by financial and social means. And the gendered point of view shows the clear discrimination of the women compared to men and the dependency of women on transfer payments.

Already under the last government Klima a hostile social policy marginalized the women in Austria deeply, like the abolition of the birth payment was followed by the discussion on the supply of Kindergaten places and by the abolition of the maternity leave payment.

The maternity leave payment was replaced by the children's care payment and had the fought between the Freedom party for the children's care payment and the opposition as it is meant to be no assurance payment, but also women from the agriculture and students are included.

Emmerich Talos (2001) describes the situation after the chute of the social-democrats out of the government: in a enormous speed the conservative policy was published like, the expression of the *Treffericherheit* the exclusion measures in case of misuse and the financial means like:

- § the abolition of the assurance of the spouse;
- § the taxation of the accidental pensions;
- § seasonal use of tourism labour-force;
- § lowering of the family assistance payments;
- § more efficiency in the unemployment system.

All these abolitions were done with the exclusion of the trade union and the chamber of labour and the Austrian bureaucracy as a main actor of the austerity policy. Highly controversial the debate on the reforms of the Austrian pension - system as the large part of old people of the population and the reforms were most urgent presented in the public. Three pillars like private, enterprise and state are the basis for the pension-payments when all together they are counted up at the age of 60 years for women and 65 years for men.

In the case of the first analysis of the Austrian social policy Talos makes a resume like “the social policy new” means:

- § a remarkable perspective re-orientation in direction of social policy measures;
- § an application of authoritarian tradition and social policy measures;
- § a number of relevant negative impressions of the austerity policy;
- § the ignorance of many social and needed systems.

Hammer /Österle (2001) analyzed the social policy in Austria in the concrete period of time and the concrete measures, and realized the principle of neoliberal governmentality, a expression of Foucault, where the freedom of market participation is guaranteed by a system of high individual payments for the individual instead of the supply by the state.

A lack for handicapped positions on the labour market and care -homes is answered with the handicapped payment system in order to buy the goods for the handicapped care now. The same principle was adopted for the children’s payment: when there is a lack of Kindergarten and Kindergarten places this is a reason for the payments for children’s care.

The neo-liberal governmentality is a reproduction and confirmation of the existing class and gender relations, as the institution family is confirmed and the female labour-force as housewife is maintained and paid. The dream of a society of services is combined with a family and house-hold society, where the income and the roles can change; who goes to work and who stays at home for work with the handicapped.

Also remarkable the debate on private and public, introduced in the public debate as public and private partnership and the solution of large state-owned enterprise for privatized enterprises and NGOS in maintaining the character as a monopole.

Böheim / Hofer / Zulehner (2002) analyzed the different income of men and women since 1983 till 1997 due to different formation and education, time and

income of work. The “Glass ceiling” is the phenomenon, when the age is one reason of more resistance to start to work with a woman. Only 24 per cent of women can say they have made a career, but half of the men do so. And the men’s income was by 23 per cent higher than the income of women when the time was the same, in general the situation of the women did not change from 1983 till 1997, but the differences are abolished or put more to an equal level in the public service and is related to the influence of the trade unions to fight gendered discrimination. Equal treatment commission are a part of a system in order to fight against discrimination, and to have a large and equal labour force of men and women.

But the authors found that the source orientated discrimination like lesser education, short working time cannot be adapted for all income cases, some means to be completely arbitrary, that means not related to reasons, and related to gender. A woman has already a family, is married and takes also care for children.

Austria joint in the national action plan against poverty and social exclusion of the EU, and established a national one. This national action plan is the contradiction to the highest tax-rate paid by Austrian and foreign citizens in Austria, the payment for ambulances and universities and the reduction of many duties in social policy fields. The instrument to fight poverty was presented in May 2001 contains all kind of measures and instruments in the field of education, in the field of labour-policy, children’s care and handicapped persons.

Further the group of migrants is mentioned as a specific task of politics, which starts the policy against migrants in 2001. The integration package foresees a labour market contribution only after the positive frequency of a German language and integration course, a similar attitude we found 20 years ago in Swiss politics of the *Schweizermacher* and *Das Boot ist voll*, both Swiss titles for the same restrictive and deep problem.

"Die rund 740.000 legal in Österreich lebenden Ausländerinnen und Ausländer (9 per cent der Gesamtbevölkerung) leisten einen wichtigen Beitrag zum Wohlstand im Lande. Gleichzeitig ist diese Gruppe in verstärktem Maße von Arbeitslosigkeit und sozialer Ausgrenzung betroffen. Während die

Arbeitslosenquote der Inländer im Jahresdurchschnitt 2000 nach nationaler Berechnungsmethode 5,7 per cent betrug, lag sie bei den Ausländern mit 7,5 % deutlich höher. Das erhöhte Gefährdungsrisiko hängt stark mit den eingeschränkten Erwerbsmöglichkeiten für bestimmte Gruppen von Ausländern zusammen. Das Regierungsabkommen sieht als grundsätzliche Zielrichtung vor, daß die Integration legal in Österreich lebender Ausländerinnen Vorrang zu Neuzuzug haben soll (Nationaler Aktionsplan, 2001, p. 16).

The policy of fighting poverty is extended to the long-run debate of having the same levels of national equivalent levels of social assistance payments in the nine federal states of Austria and the strengthening of care in the domain of health and care at home. *Pflegevorsorge* is the domain to have the cared person its own income in order to buy the goods instead of being hospitalized and instead of being exploited; about 320.000 persons were *Pflegegeldbezieher* a payment received after a procedure of medical qualification and classification. The measures in the field of fighting violence against women as a domain for specific protection of the women is prolonged though the austerity policy made a huge cut in the payment for self-driven women's centre.

4. Das Kinderbetreuungsgeld in Austria

The *Kinderbetreuungsgeld* is a family assistance payment; no employment has to be proofed. The income is 435 EURO per month with the date of the birth, the money can be obtained. The station to ask is the health assurance, and in case of twins only one payment is paid.

Also in case of successor births under three years only once the children's payment is paid, family assistance payment is paid plus, for foreigners after three months stay in Austria the children's payment can be paid.

The children's payment can only be paid for one parent not for both and it is paid till the 30th month of the child. After three years the restart of work is possible, but the protection of the working place is stopped after two years. The

parents are allowed to have own earnings till 14.600 EURO a year, or 1.133 EURO a month, for the person who receives the children's payment.

Mothers under 18 years, who are apprentices, have the right to receive the part-time payment, accompanying the children's care payment. The mother-children pass still exists, when the medical care is not fulfilled the payment is lowered from the 21st month of the child, departing from the third child, the Austria state is willing to pay a further burden, as more children's additional payment.

In case of a high unemployment payment, no childrens'care payment is paid, as well as no social assistance payment is realized.the first 18 months the payment is counted in to the pension system. The costs and the financial technique is the lowering of the illness assurance payments and the assurance with the time-system.

The comparison of the children's care payment and the protection to preserve the job, shows that the parents can only stay at home for two years in order to get back to the job, when one stays longer he/she can but the job is not here anymore. In order to abolish this kind of discrimination the job-prolongation is possible when the father takes over the care after 18 months for six months and then the mother can sty at home for one year.

(See the table at the end of the paper, Beispiel 1 (ÖGB/AK))

The statistical office of Austria published the birth rate in Austria which became smaller and smaller every year., one and main reason to introduce the children's' payment in order to higher the number of births.

Die vorläufige Summe der in den letzten 12 Monaten (Mai 2000-April 2001) in Österreich zur Welt gekommenen Babys belief sich laut STATISTIK AUSTRIA suf 76.697 und der damit um 1.4 per cent niedrige als in der vorangegangenen Zwölfmonatsperiode (Mai 1999 - April 2000: 77.805). Da die Zahl der unehelich geborenen Kinder von 23.867 auf 24.203 (+1,4 per cent) stieg,während die der ehelichen von 53.939 auf 52.494 (-2.7 per cent) zurückging,kletterte die

Unehelichenquote im Zwölfmonatsabstand von 30.7 per cent auf 31.5 per cent (Statistik AUSTRIA,2001,7.334).

The first good news from Austria was published in June as the birth number was published for the first time higher than in the last three years.

The results of the populist measures are not yet evaluated and studied, but they are not object of public protest or court trials were so ever, so the acceptance was given where the abolition of the other payments, people could not choose from the beginning of 2002.

5. The abolition of the prohibition of women's work at night

The creation of the night work act was meant to be an active and direct social policy intervention for the sanity of women, and for the family life and the children's care duties. Austria was meant to be of a large and direct interventionist culture for the treatment and care for children and made the turn-around in the social policy forced mainly in budgetary and new methods approaches.

The abolition of the night-work prohibition act was prepared in Austria since joining the EC in 1994.,the European Union had a decision of the European Court of July 25th July 1991, in the case RS C-345/89 Stoeckel in France where the European Court decided that *daß auch wenn Ausnahmen vom Verbot bestehen, ein gesetzlich verankertes grundsätzliches Verbot der Nachtarbeit für Frauen mit dem Grundsatz der Gleichbehandlung von Mann und Frau hinsichtlich der Arbeitsbedingungen nicht vereinbar sei* (Moser, 2002, p. 12). This decision became a guideline for the further legal implementation of the equal treatment cases in the European Union and the abolition of the prohibition of the work during night for women. The prohibition of women to work in the night was mostly argued with the inclination of the sanity and the security of the women during the nights. Women are thought to be more inclined to be a victim in the nights. Waldherr, from the European Commission argued that *Selbst wenn diese Behauptung empirisch zu belegen sein sollte, so ist doch der Gerichtshof in seiner*

Auffassung zu folgen, daß ein Nachtarbeitsverbot allein aus diesen Grund die Grenzen der Verhältnismäßigkeitsgrundsatzes sprengen würde,..(Moser, 2002, p. 23) and that no real danger from the norms does exist for women during night. The case Stockel revealed the conditionality of the prohibition of the night -work for women and Austria asked for a temporary pause since 1994 till 2001. In 1997 the social partner institutions gained a compromise in allowing the work of women at night under the conditions of preferable treatment for a work during the day and the obligation of children's care till 12 years.

After the realization of the night-work for women at the beginning in 2001 the trade unions started a campaign for more sanity and care at the working place due to the fact of a bad influence on the sanity and asked for more control by the elected representatives of:

- § *"Allein mit der Umsetzunhg der Arbeitszeit -Richtlinie der EU ist es nicht getan Berücksichtigung der Belastungen durch Nachtarbeit durch spezielle gesetzlichie Schutzbestimmungen.*
- § *Geschlechtesneutrale iund nicht diskriminierende Regelungen für die Nachtarbeit und die Nacht-Schwserarbeit.*
- § *Niemand darf gegen seinen Willen zur Nachtarbeit verpflichtet werden.*
- § *Spezielle arbeitsmedizinische Untersuchungen vor Antritt sowie regelmäßig während der Verrichtung der Nachtarbeit.*
- § *Anspruch auf Rückversetzung auf einen Tagesarbeitsplatz bei erwiesener Gesundheitsgefährdung.*
- § *Soziale Einrichtungen wie z.B. Verpflegung und Transportmöglichkeiten sint vom Arbietgeber zwecks Ausgleich der Belastungen untentgeltlich zur Verfügung zu stellen.*
- § *Zugang zu betrieblichen Infomrationen muß auch für Nachtarbeiter uneingeschränkt gewährleistet sein.*
- § *Besondere Zeitguthaben zum Ausgleich der physischen ,psychischen und sozialen Belastungen.*

§ *Durchsetzbare Mitwirkungsrechte für Betriebsrat und Personalvertreter können zusätzlich Entlastungen und sozialen Maßnahmen vorsehen (ÖGB/AK, 2002, 9/01).*

Either numbers nor any kind of qualitative studies are available how many women really already work now in Austria during the night, that means how many night-work places for women have been created, and the number of illnesses or broken home situations due to the fact, that women work now during the night. The fact is too new and till now an object of politics in the chamber of labour and the trade unions.

The law is deeply criticized by the social-democratic party in Austria, proclaiming the social standards as far too low.

Graphs follow only in slides and paper.

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