



Striving for an inclusive labour market in Austria

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

August 2022

EUROPEAN COMMISSION

Directorate-General for Employment, Social Affairs and Inclusion
Directorate D — Social Rights and Inclusion
Unit D3 — Disability & Inclusion

European Commission
B-1049 Brussels

Striving for an inclusive labour market in Austria

Positive actions and reasonable accommodation to facilitate hiring and employment of persons with disabilities involving employers and employer initiatives

Ursula Naue
Petra Flieger

This report has been developed under Contract VC/2020/0273 with the European Commission.

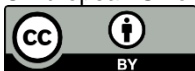
LEGAL NOTICE

Manuscript completed in August 2022

This document has been prepared for the European Commission however it reflects the views only of the authors, and the European Commission is not liable for any consequence stemming from the reuse of this publication. More information on the European Union is available on the Internet (<http://www.europa.eu>).

Luxembourg: Publications Office of the European Union, 2023

© European Union, 2023



The reuse policy of European Commission documents is implemented based on Commission Decision 2011/833/EU of 12 December 2011 on the reuse of Commission documents (OJ L 330, 14.12.2011, p. 39). Except otherwise noted, the reuse of this document is authorised under a Creative Commons Attribution 4.0 International (CC-BY 4.0) licence (<https://creativecommons.org/licenses/by/4.0/>). This means that reuse is allowed provided appropriate credit is given and any changes are indicated.

Table of contents

1	Executive summary	6
1.1	Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services	6
1.2	Support and partnerships available to employers to assist them in making reasonable accommodations	7
1.3	Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities	7
1.4	Recommendations	7
2	Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services	9
2.2	Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities	11
2.3	Reasonable accommodation	12
2.4	Other relevant actions targeted at employers	12
2.5	Examples of good practice	13
2.6	Good practice guides, websites and advice services directed at employers	13
3	Support and partnerships available to employers to assist them in making reasonable accommodations	14
3.1	Support available to employers for making reasonable accommodation .	14
3.2	Partnerships to assist employers to make reasonable accommodations.	17
4	Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities	18
4.1	Good practice guides for employers regarding reasonable accommodation	18
4.2	Any other sources of information regarding good practice for employers regarding reasonable accommodation.....	18
4.3	Examples of individual reasonable accommodations which reveal good practice	18
5	Recommendations and guidance regarding good practice and reasonable accommodation.....	19
5.1	Recommendations regarding good practice and reasonable accommodation in recruitment and hiring	19
5.2	Recommendations regarding good practice and reasonable accommodation in initial employment	19
5.3	Recommendations regarding good practice and reasonable accommodation in promotion and career development	20
5.4	Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes	20

1 Executive summary

1.1 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

There is an employment quota for all businesses which employ 25 or more employees: an obligation to employ one person with disabilities per 25 employees. A compensatory tax is imposed on businesses if they do not fulfil the quota.

Tax reliefs: granted for non-wage labour costs for registered employees with disabilities.

Wage subsidies: to compensate for additional costs and disability-related lower productivity of employees with disabilities.

Inclusion and job-safeguarding subsidies: to encourage companies to create jobs for people with disabilities.

Reasonable accommodation for employees with disabilities: regulated in the Disability Employment Act.

Service for Businesses (*Betriebsservice*): comprehensive and individualised information, advice and support for businesses, e.g. providing information on funding for workplace adaptations or financial subsidies, or supporting businesses to apply for such funding or subsidies to employ persons with disabilities.

Good practice guides aimed at employers to promote the employment of persons with disabilities:

- a. *Betriebsservice* (Service for Businesses): <https://betriebsservice-ooe.info/>, provided by Service for Businesses in Upper Austria, which is part of the Austrian-wide Network for Vocational Assistance.
- b. *Potenziale am Arbeitsmarkt: Informationen für Unternehmen bei der Beschäftigung von Menschen mit Assistenzbedarf* (Potentials on the Labour Market): https://www.sozialministeriumservice.at/Downloads/Broschuere_Potenziale_am_Arbeitsmarkt-barrierefrei.pdf published by the Social Ministry Service.
- c. MyAbility website: <https://www.myability.org/>.

Changes in the quota system were evaluated but showed no meaningful effects. See BMASK (2014) '*Endbericht zum Projekt, Evaluierung der Auswirkungen der Novelle zum Behinderteneinstellungsgesetz*', <https://broschuerenservice.sozialministerium.at/Home/Search?Search.SearchTerm=publicationid:410>.

1.2 Support and partnerships available to employers to assist them in making reasonable accommodations

Only a few support structures are available to employers to assist them in making reasonable accommodation: myAbility, *Netzwerk berufliche Assistenz/Betriebservice* and the Social Ministry Service (the first is a social enterprise, the second is an Austrian-wide network, with the main stakeholder being the Social Ministry Service, and the third is a federal level authority/agency).

There are no partnerships (or, at least, none that are publicised) for coordinated support for employers to make reasonable accommodations.

There is no evidence available about the effectiveness or strengths and weaknesses of the (coordinated) support available to employers, or partnerships with employers, to assist employers to make reasonable accommodations.

1.3 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

There are no good practice guides (or, at least, none that are published) regarding reasonable accommodations directed at employers in the private or public sectors.

There are no sources of information (or, at least, none that are publicised) regarding good practice for employers regarding reasonable accommodations.

There is no information available about the effectiveness or strengths and weaknesses of the good practice guides directed at employers to assist them to make reasonable accommodations.

1.4 Recommendations

First of all, to be able to formulate recommendations directed at employers for making reasonable accommodation, reasonable accommodation as such needs to be actively included in debates about work for and the employment of persons with disabilities, and it needs to be implemented (through actions following the above-mentioned debates) when discussing work for and employment of persons with disabilities. This includes raising awareness that reasonable accommodation exists as a legal basis in the Austrian, EU and international context (as a particular kind of non-discrimination legislative provision),¹ and also about what it practically means to implement reasonable accommodation.

Regarding recruitment and hiring, initial employment, promotion and career development as well as retention, employers need to refer to the fact that reasonable accommodation is legally required under the Disability Employment Act (*Behinderteneinstellungsgesetz (BEinstG)*), Section 6 (*Angemessene Vorkehrungen und Förderungsmaßnahmen / Reasonable accommodation and promotional measures*), meaning that all possible barriers have to be removed that might hamper

¹ European Commission (2009), International perspectives on positive action measures: A comparative analysis in the European Union, Canada, the United States and South Africa, p. 27, <https://op.europa.eu/en/publication-detail/-/publication/45515983-3e3e-4a24-bcbc-477f04f0ba04>.

a person in the recruitment and hiring process. Employers need to effectively grant reasonable accommodation for newly recruited staff. Employers need to actively support staff to facilitate promotion or career development through an ongoing process of exchange between staff's lived experience and the employer's duty to facilitate reasonable accommodation. Employers need to be aware that staff who acquire an impairment during the course of their employment have to be granted reasonable accommodations. This means that employers need to get information about the issue of granting reasonable accommodation.

2 Support and incentives directed at employers to promote the employment of persons with disabilities, including guides on good practice, websites and advice services

All businesses in Austria which employ 25 or more employees are obliged to take on one person with disability with beneficiary status (a registered disabled person) for every 25 employees. This is legally established in the Disability Employment Act (Section 1, Paragraph 1), which sets out the overall legal framework for the employment of persons with disabilities in the general labour market.²

Austrian citizens and those legally equal with Austrian citizens who are officially assessed as having a disability of at least 50 % can apply for an assessment notification (*Feststellungsbescheid*), which states that they are disabled persons receiving special support (or 'registered disabled persons') in terms of the Disability Employment Act. Only registered disabled persons are covered under the Disability Employment Act and may be counted under the quota. Persons with severe disabilities, such as blind persons or those using a wheelchair, are counted twice for fulfilling the quota. This means that employees with certain particularly severe disabilities such as blind persons or wheelchair users are double counted. If the obligation to employ persons with disabilities is not, or not wholly, fulfilled, the employer has to pay a compensatory tax per unfilled obligatory post per month. The amount of the monthly compensatory tax depends on the size of the company. For 2022, the following rates apply: EUR 276 per month per unfilled obligatory post for companies with 25-99 employees; EUR 388 if there are 100-399 employees; and EUR 411 if there are more than 400 employees. All of this money flows into the Compensation Tax Fund and is earmarked for measures and programmes to support the vocational integration of persons with disabilities in Austria.³

In 2020, 21.92 % of the companies in question fulfilled the quota,⁴ and a total of 62 648 registered disabled persons (35 911 male, 26 737 female) were employed under the quota.⁵ According to an evaluation published in 2014, there is an extensive potential of businesses subject to the quota system that could be tapped into to create jobs for registered disabled persons. While more than half of employers in public administration fulfil their employment obligation, less than 20 % of employers in the accommodation and catering, agriculture and forestry, education, real estate and construction sectors fulfil their obligation. The share of employers who fulfil their employment obligation is relatively high among medium-sized companies (25 to 250 employees), at 24 % (2012 value), compared with 18 % for companies with 250 or more employees and 12 % for small companies with fewer than 25 employees.⁶

² Disability Employment Act (*Behinderteneinstellungsgesetz*), <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008253>.

³ See information from the Social Ministry (in English): <https://www.sozialministerium.at/en/Topics/Social-Affairs/People-with-Disabilities/The-participation-in-employment-of-people-with-disabilities.html>.

⁴ Annual report of the Social Ministry Service for 2020, p. 10, https://www.sozialministeriumservice.at/Downloads/Geschaeftsbericht_2020_aktuell.pdf.

⁵ Annual report of the Social Ministry Service for 2020, p. 8, https://www.sozialministeriumservice.at/Downloads/Geschaeftsbericht_2020_aktuell.pdf.

⁶ BMASK (2014), *Endbericht zum Projekt 'Evaluierung der Auswirkungen der Novelle zum Behinderteneinstellungsgesetz'*, p. 118f, <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=410>.

The implementation of the duty to employ persons with disabilities is monitored and controlled by the Social Ministry Service. It imposes the compensatory tax on a yearly basis by issuing a respective notification to the businesses. No further enforcement mechanisms or sanctions are imposed for non-compliance with the quota.

Several subsidies for non-wage labour costs are designed to encourage companies to create jobs for people with disabilities (for details see Section 2.2).

In 2010, the quota system was changed to the current progressive scheme, with the aim to stimulate the employment of registered disabled people. Instead of a flat rate which applied to all businesses regardless of their size, the new system – which takes into account business size – was introduced. However, an evaluation showed no meaningful effects from these changes. The authors of the evaluation state that the amount of the compensatory tax payment does not have a prohibitive effect on employers.⁷ This confirms the arguments of DPOs, which have argued for decades that the compensatory tax is much too low to effectively increase the employment of persons with disabilities.⁸ The authors conclude that proposals to increase the compensatory tax for non-compliance with the employment obligation up to a level that would have a prohibitive effect should be discussed. Furthermore, they suggest staggering compensatory tax payments, depending on the extent to which the employment obligation is fulfilled.⁹

The authors of the evaluation¹⁰ further state that compensatory taxes as a compensation payment for those companies that do not employ persons with disabilities are perceived to a large extent as a punishment. They suggest moving away from the model of compensatory tax payments and establishing a fund model. One advantage of financing such a fund would be the inclusion of all companies that have at least one employee; the burden of the revenue would be spread more widely. In addition, a fund system would eliminate the obligation to hire people with disabilities. This would also mean a departure from the paradigm of ‘obligation and sanction’ in the employment of persons with disabilities, which is criticised, in particular, by business representatives.¹¹

⁷ BMASK (2014), *Endbericht zum Projekt ‘Evaluierung der Auswirkungen der Novelle zum Behinderteneinstellungsgesetz’*, p. 121,

<https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=410>.

⁸ Austrian National Council of Persons with Disabilities (2013), *Alternative report on the Implementation of the UN-CRPD in Austria*, p. 143, https://www.behindertenrat.at/wp-content/uploads/2018/07/OEAR-Report_En2013_final_lang.pdf.

⁹ BMASK (2014), *Endbericht zum Projekt, ‘Evaluierung der Auswirkungen der Novelle zum Behinderteneinstellungsgesetz’*, p. 123,

<https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=410>.

¹⁰ BMASK (2014), *Endbericht zum Projekt ‘Evaluierung der Auswirkungen der Novelle zum Behinderteneinstellungsgesetz’*, p. 131,

<https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=410>.

¹¹ BMASK (2014), *Endbericht zum Projekt ‘Evaluierung der Auswirkungen der Novelle zum Behinderteneinstellungsgesetz’*, p. 131,

<https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=410>.

2.2 Tax relief / reduced social security contributions / wage subsidies for employers employing persons with disabilities

Employers who employ persons with disabilities are eligible for the following tax reliefs, which apply to the salary of an employee with a disability: they are exempted from local authority tax, from payments to the Family Burdens Equalisation Fund, from the Chamber of Commerce fee, and (in Vienna) from the tax to finance the underground system. Registered disabled persons must provide their employer with their assessment notification, which allows the employer to consider the above-mentioned tax reliefs in their payroll accounting.¹²

No evidence or analysis is available on the effectiveness of the tax relief programme. Employers are offered wage subsidies to compensate for the additional costs and effort involved in taking on employees with disabilities, as well as their disability-related lower productivity. The amount depends on the disability-related reduction in performance, and the employer must formally apply for wage subsidies. In the guidelines for wage subsidies to support the vocational participation of persons with disabilities, it is stated that 'the reduction in performance in comparison to employees without disabilities in the same position must be made credible by the employer and conclusively justified. The Social Ministry Service shall determine the requirements with the participation of the employers, the employees and, if necessary, with the assistance of experts'.¹³

Inclusion subsidies/inclusion subsidies plus: If a company has received an integration allowance from the Public Employment Service (AMS) for a registered disabled person, an inclusion subsidy of 30 % of their gross wage can subsequently be obtained for a period of 12 months. Companies which are not obliged to employ people with disabilities – companies with fewer than 25 employees – can receive an inclusion subsidy amounting to 37.5 % of the person's gross wage (inclusion subsidy plus).

Inclusion bonus for apprentices / trainees.

Job safeguarding subsidy: the job safeguarding subsidy can be granted for people with a level of disability of at least 30 %. The specific amount of this non-wage labour cost subsidy is determined by how endangered the job is, the age of the employee affected and his / her opportunities to find another job in the near future.¹⁴

No evidence or analysis is available on the effectiveness of the wage subsidy and other subsidies.

There is no scheme for reduced social security contributions related to the employment of persons with disabilities in Austria.

¹² See explanation for businesses (in German): https://betriebsservice-ooe.info/fileadmin/downloads/Betriebsservice/Infoblatt_Personalverrechnung.pdf.

¹³ Guideline for wage subsidies to support the vocational participation of persons with disabilities, p. 23 (in German): https://www.sozialministeriumservice.at/Downloads/Richtlinie_Lohnfoerderungen_Aktualisierung_mit_1.4.2021.docx.

¹⁴ See information from the Social Ministry (in English): <https://www.sozialministerium.at/en/Topics/Social-Affairs/People-with-Disabilities/The-participation-in-employment-of-people-with-disabilities.html>.

2.3 Reasonable accommodation

Reasonable accommodation for employees with disabilities (registered disabled persons / *begünstigt Behinderte*) is regulated and legally required by Section 6 of the Disability Employment Act, but there is no explicit mention of discrimination in the text of that section. It says that employers shall take into account the state of health of persons with disabilities when employing them, also taking into account the nature of the type of business, and the type of workplace and working conditions. Employers shall take appropriate measures, as required in the specific case, to enable persons with disabilities to have access to employment, to pursue a profession, to advance in their careers and to participate in training and further education measures, unless these measures would place a disproportionate burden on the employer. This burden is not disproportionate if it can be adequately compensated by support measures under federal or state law.¹⁵

2.4 Other relevant actions targeted at employers

In 2020, a new programme with a focus on employers, called Service for Businesses, was introduced and established in all Austrian regions, with the aim of individually informing, advising and supporting businesses to employ persons with disabilities. It includes:

- comprehensive information and advice on funding opportunities and, if required, support with funding management;
- advice on the legal framework for the employment of persons with disabilities;
- support in the recruiting process, in particular in the creation of job advertisements and the preparation and design of the application process, the avoidance of possible discrimination and the pre-selection of suitable applicants;
- assistance in the planning and implementation of organisational measures to create and design suitable and accessible workplaces, and support with the clarification of measures to achieve the greatest possible accessibility in the operational environment.¹⁶

An evaluation of the Service for Businesses is expected later in the year 2022.¹⁷

myAbility is a social enterprise which helps companies to perceive and utilise the potential of people with disabilities as employees and customers. myAbility offers recruitment services, management consulting, disability training, accessibility consulting and support for the successful employment of persons with disabilities. See <https://www.myability.org/>.

Large companies are listed as cooperating partners on the myAbility website, but no information on any independent evaluation can be found.

¹⁵ Disability Employment Act, available (in German) at: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10008253>.

¹⁶ See information on Service for Businesses (in German): <https://www.neba.at/betriebsservice/was-wird-geboten>.

¹⁷ Information provided in a phone call with the Service for Businesses on 20 April 2022.

2.5 Examples of good practice

The newly established Service for Businesses (see Section 2.4) may be regarded as good practice because it shifts the focus away from the person with disabilities to the responsibility of the business. By providing comprehensive support to employers it emphasises the importance of environmental changes in making workplaces accessible. This includes the issue of non-discriminatory attitudes in the whole process of recruitment, workplace adaptation and ongoing support during the actual employment of persons with disabilities.

2.6 Good practice guides, websites and advice services directed at employers

The website of the Service for Businesses in Upper Austria (see Section 2.4) provides comprehensive and well-structured information on the employment of persons with disabilities. This includes information on the recruitment of persons with disabilities, on the legal regulations, on the available subsidies and on assistance for planning and preparing accessible workplaces, as well as examples of successful practice. See <https://betriebservice-ooe.info/>.

No information on the use of this website is available, and no evidence on the impact of the website exists.

A booklet with essential information for the employment of persons with disabilities is provided by the Social Ministry Service (*Sozialministeriumservice*). It includes information on legal regulations and on the subsidies and support structures that are potentially available for businesses – but it does not include examples of best practice. See https://www.sozialministeriumservice.at/Downloads/Broschuere_Potenziale_am_Arbeitsmarkt_-_barrierefrei.pdf.

No information on the use of this booklet by businesses is available, and no evidence on the impact of the booklet exists.

3 Support and partnerships available to employers to assist them in making reasonable accommodations

3.1 Support available to employers for making reasonable accommodation

As a preliminary point it has to be pointed out that none of the official websites, documents and publications that were consulted to find out more about the practical implementation of reasonable accommodation in Austria uses this term explicitly.

Whereas in the National Action Plan (NAP) on Disability 2012-2020/21,¹⁸ reasonable accommodations in the workplace were not mentioned at all, in the draft version of the new NAP on Disability (2022-2030),¹⁹ 'reasonable accommodation' is mentioned in the context of work and employment; the 'old' NAP on Disability (2012-2020/21) uses instead the term 'reasonable measures' (*angemessene Maßnahmen*)²⁰ – in the context, importantly, of the promotion of health at work and the protection of workers (Chapter 5.5 of the NAP on Disability). In the draft version of the new NAP on Disability (2022-2030), dated 22 April 2022, the term 'reasonable accommodation' is used in the context of Chapter 5.5 (health in the workplace / company – *Gesundheit im Betrieb*).²¹ In the annex of the new NAP on Disability, the term 'reasonable accommodation' is also used in the context of the promotion of health at work and the protection of workers.²² Besides the fact that the term 'reasonable accommodation' is now used in the National Action Plan on Disability (2022-2030), it is obvious that the term is exclusively used in the context of health at work, which reduces the necessity to adapt workplaces with regard to the overall concept of 'reasonable accommodation'.

However, some of the support measures that are available may contribute to providing reasonable accommodation for employees with disabilities, as set out in Article 5 of the EU Employment Equality Directive (2000/78). The new *Work and Training Guidelines for an Accessible World of Work to Support the Vocational Participation of Persons with Disabilities* were published in January 2022 by the Federal Minister for Social Affairs, Health, Care and Consumer Protection.²³ This guide does not use the term 'reasonable accommodation' either, but it addresses workplace adaptations for employers as follows:

'The aim of the funding for workplace adaptation through technical work aids or aids for professional practice is either to secure an existing workplace or to enable persons with disabilities to adapt a new workplace to his / her individual requirements. Occupational aids or technical work aids must be disability-related

¹⁸ The English version of the National Action Plan (NAP) on Disability 2012-2021 is available at: <https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=225>.

¹⁹ Unpublished draft version of the NAP on Disability 2022-2030.

²⁰ NAP on Disability 2012-2020/21, German version, p. 80; in the English version, the term 'suitable measures' is used (p. 78).

²¹ Unpublished draft version of the NAP on Disability 2022-2030, dated 22 April 2022, p. 100.

²² Unpublished annex to the new NAP on Disability 2022-2030, Team 26 (work/employment), p. 321.

²³ Bundesministerium Soziales, Gesundheit, Pflege und Konsumentenschutz (2022), Richtlinie Arbeit und Ausbildung für eine barrierefreie Arbeitswelt zur Unterstützung der Beruflichen Teilhabe von Menschen mit Behinderungen (in German), https://www.sozialministeriumservice.at/Finanzielles/Foerderungen/Arbeit_und_Ausbildung/Arbeit_und_Ausbildung.de.html#heading_Adaptierung_und_Schaffung_von_Arbeits_und_Ausbildungspl_aetzen.

and exclusively necessary for the performance of specific occupational activities or necessary for the performance of other services in working life.’

Technical work aids are mobile technical work aids that are intended to promote the existing abilities of employees with disabilities, support residual abilities and at the same time protect them, but they also replace non-existing functions as far as possible, as well as reducing work stress and ensuring work safety.

In addition to the costs of up-to-date technical work aids (including devices and software) to compensate for disabilities, which must be demonstrably associated with the start or exercise of employment, the costs of training in the use of the supported work aids can also be funded.

The amount of the subsidy granted is at the discretion of the Social Ministry Service, and it is based on the circumstances of the individual case and depends on criteria such as the degree of impairment of the person with disabilities, the fulfilment of the obligation according to the quota system, the investment costs, the amount of the disability-related additional expenses, the current labour market situation (in the case of imminent job loss), the proportion of women in the workforce and the company’s performance.²⁴

The main responsible body is the Social Ministry Service (*Sozialministeriumservice* – as discussed in Section 2.6). Information is available on the Social Ministry’s website, in a brochure and via personal communication. All employers who employ an officially registered person with disabilities are eligible. Employers must officially apply for the specific measure. No information is provided on the other issues requested.²⁵

²⁴ Bundesministerium Soziales, Gesundheit, Pflege und Konsumentenschutz (2022), Richtlinie Arbeit und Ausbildung für eine barrierefreie Arbeitswelt zur Unterstützung der Beruflichen Teilhabe von Menschen mit Behinderungen, pp. 33-34, https://www.sozialministeriumservice.at/Finanzielles/Foerderungen/Arbeit_und_Ausbildung/Arbeit_und_Ausbildung.de.html#heading_Adaptierung_und_Schaffung_von_Arbeits_und_Ausbildungsp_letzen.

²⁴ Bundesministerium Soziales, Gesundheit, Pflege und Konsumentenschutz (2022), Richtlinie Arbeit und Ausbildung für eine barrierefreie Arbeitswelt zur Unterstützung der Beruflichen Teilhabe von Menschen mit Behinderungen, pp. 33-34, https://www.sozialministeriumservice.at/Finanzielles/Foerderungen/Arbeit_und_Ausbildung/Arbeit_und_Ausbildung.de.html#heading_Adaptierung_und_Schaffung_von_Arbeits_und_Ausbildungsp_letzen.

²⁴ Bundesministerium Soziales, Gesundheit, Pflege und Konsumentenschutz (2022), Richtlinie Arbeit und Ausbildung für eine barrierefreie Arbeitswelt zur Unterstützung der Beruflichen Teilhabe von Menschen mit Behinderungen, pp. 33-34, https://www.sozialministeriumservice.at/Finanzielles/Foerderungen/Arbeit_und_Ausbildung/Arbeit_und_Ausbildung.de.html#heading_Adaptierung_und_Schaffung_von_Arbeits_und_Ausbildungsp_letzen.

²⁴ Bundesministerium Soziales, Gesundheit, Pflege und Konsumentenschutz (2022), Richtlinie Arbeit und Ausbildung für eine barrierefreie Arbeitswelt zur Unterstützung der Beruflichen Teilhabe von Menschen mit Behinderungen, pp. 33-34, https://www.sozialministeriumservice.at/Finanzielles/Foerderungen/Arbeit_und_Ausbildung/Arbeit_und_Ausbildung.de.html#heading_Adaptierung_und_Schaffung_von_Arbeits_und_Ausbildungsp_letzen.

²⁵ See (in German): <https://www.sozialministerium.at/dam/jcr:743e88c7-45e1-4fcd-be74-31e87595cb05/Richtlinie%20Individualf%C3%B6rderungen.pdf>.

Logistical advice, guidance and information, including support on reasonable accommodation, is provided by myAbility (as discussed in Section 2.4), which provides comprehensive counselling and training via inclusive teams of experts, the myAbility Wirtschaftsforum (an information and knowledge exchange forum). All employers who employ an officially registered person with disabilities are eligible. Employers must officially apply for the specific measure. No information is provided on the other issues requested.²⁶

Logistical and financial advice, guidance and information, including support on reasonable accommodation, is provided by the Service for Businesses (Betriebsservice – as discussed in Section 2.6). Businesses receive support in their search for suitable employees, as well as comprehensive and consistent advice and services ‘from a single source’ for all questions and problems related to the employment of persons with disabilities. This service provides consultation services and awareness about general accessibility issues and reasonable accommodations for individuals with disabilities. In particular, it provides the following:

- comprehensive information and advice on funding opportunities and, if required, support with funding management;
- advice on the legal framework for the employment of persons with disabilities;
- support in the recruiting process, in particular in the creation of job advertisements and the preparation and design of the application process, the avoidance of possible discrimination and the pre-selection of suitable applicants;
- assistance in the planning and implementation of organisational measures to create and design suitable and accessible workplaces, and support with the clarification of measures to achieve the greatest possible accessibility in the operational environment.

No information is provided on the other issues requested.²⁷

All the bodies mentioned above provide their services all over Austria. In Tyrol, the regional provider for advice and assistance for the professional world of persons with support needs²⁸ also offers technical assistance (*technische Assistenz*) for employees with disabilities as well as for employers. This service provides employers with information, advice and support for applications to make individual workplaces accessible for individual employees with disabilities, as well as providing support to the employees themselves.²⁹ This means that employers receive support to submit their applications for workplace adaptations to the Social Ministry Service or other administrative bodies. No further information is available on the issues requested.

Some limited information on this topic may be found in the country reports of the European Equality Law Network³⁰ on non-discrimination in Section 2.6 of each report, on reasonable accommodation. However, further research will be needed to provide all the requested information.

²⁶ See: <https://www.myability.org/loesungen> (in German).

²⁷ See: <https://betriebsservice-ooe.info> (in German).

²⁸ See: website of the provider ARBAS (in German) at: <https://www.arbas.at/>.

²⁹ See: <https://www.arbas.at/angebot/technische-assistenz>.

³⁰ See: <https://www.equalitylaw.eu/>.

3.2 Partnerships to assist employers to make reasonable accommodations

No such partnerships exist (or, at least, none that are publicised).

4 Illustrative examples of good employer practice for providing reasonable accommodations for persons with disabilities

4.1 Good practice guides for employers regarding reasonable accommodation

No such guides exist (or, at least, none that are published).

4.2 Any other sources of information regarding good practice for employers regarding reasonable accommodation

No such sources of information regarding good practice exist (or, at least, none that are published).³¹

4.3 Examples of individual reasonable accommodations which reveal good practice

Call centre coordinator

Reasonable accommodation is not mentioned explicitly, but there is an example of reasonable accommodation for a male, visually impaired call centre coordinator, working at a leading service provider in the Austrian residential property market, who needed several reading devices and a specific computer screen. This is an example of good practice, insofar as it shows that, in cases where employees are perceived as being motivated, reasonable accommodation measures are implemented quite fast.

Assisting technology

The regional service in Tyrol provides some examples of good practice in providing assistive technology. However, they mention the name of the employer as well as that of the employee in short videos and texts.

Accounting and IT

A further example is provided by a woman with visual impairments who is responsible for accounting and IT in a small non-profit organisation in the Fair Trade sector with a total of five employees. Her workplace was adapted with assistive devices for visually impaired persons, such as an electric magnifier, a screen reader, a monitor reader for printed materials and special lights. In the beginning, the employee worked in field services, but this was changed to office work when the employee returned after her maternity leave. Providing up-to-date assistive devices and thus adapting the workplace to the specific needs of a woman with visual impairments may be considered as good practice for reasonable accommodation.

³¹ Additional information was provided via email on 22 April 2022 by the *Klagsverband* (Austrian Litigation Association of NGOs Against Discrimination) that no such good practice examples exist to their knowledge. In an email sent on 29 April 2022, the Office of the Federal Disability Ombudsman (*Behindertenanwaltschaft*) referred to four cases (two in 2018, two in 2019) where disputes about reasonable accommodation at the workplace were successfully concluded. These four examples/cases do not represent good practice in the first place, as such; only after the intervention of the Office of the Federal Disability Ombudsman (e.g. regarding the opportunity of teleworking, and on administrative assistance) were the successful outcomes achieved.

5 Recommendations and guidance regarding good practice and reasonable accommodation

Before focusing on specific recommendations in subsections 5.1-5.4, it is necessary to point out, first of all, that 'reasonable accommodation' is, as such, a totally underexposed issue in Austrian disability politics and policy (see Section 3.1). Hence, an initial, general recommendation should be formulated as follows.

Reasonable accommodation needs to be actively included in debates about work for and the employment of persons with disabilities, and it needs to be implemented (through actions following the above-mentioned debates) when discussing work for and the employment of persons with disabilities. This includes raising awareness that reasonable accommodation exists as a legal basis in the Austrian, EU and international context (as a particular kind of non-discrimination legislative provision),³² and also about what it practically means to implement reasonable accommodation.

5.1 Recommendations regarding good practice and reasonable accommodation in recruitment and hiring

Employers need to refer to reasonable accommodation as a non-discrimination provision, meaning that all possible barriers have to be removed that might hamper a person in the recruitment and hiring process.

This, in turn, means that employers need to be actively informed (including by the authorities and by DPOs) about which kinds of barriers and discrimination based on disability exist, and about how to remove them. Networks or partnerships between DPOs, authorities and employers' representatives should provide the relevant information and knowledge.

In addition, a central contact point needs to be set up where information is collected and disseminated.

Furthermore, publicly available and accessible databases need to be created to provide information on good practice.

5.2 Recommendations regarding good practice and reasonable accommodation in initial employment

Employers need to grant effective reasonable accommodation for newly recruited staff.

This, again, means that employers need to have knowledge and information on barriers and discrimination on the basis of disability, and networks or partnerships between DPOs, authorities and employers' representatives should provide the relevant information and knowledge.

In addition, a central contact point needs to be set up where information is collected and disseminated.

³² European Commission (2009), International perspectives on positive action measures: A comparative analysis in the European Union, Canada, the United States and South Africa, p. 27, <https://op.europa.eu/en/publication-detail/-/publication/45515983-3e3e-4a24-bcbc-477f04f0ba04>.

Furthermore, publicly available and accessible databases need to be created to provide information on good practice.

5.3 Recommendations regarding good practice and reasonable accommodation in promotion and career development

Employers need to actively support staff to facilitate promotion or career development through an ongoing process of exchange between staff's lived experience and the employer's duty to facilitate reasonable accommodation.

A central contact point needs to be initiated where information is collected and disseminated.

Furthermore, publicly available and accessible databases need to be created to provide information on good practice.

5.4 Recommendations regarding good practice and reasonable accommodation in retention, i.e. enabling people to stay in work if they develop an impairment or their impairment changes

Employers need to be aware that staff who acquire an impairment during the course of their employment must be granted reasonable accommodation. This means that employers need to get information about granting reasonable accommodation. To do so, networks or partnerships between DPOs, authorities and employers' representatives should provide the relevant information and knowledge.

In addition, a central contact point needs to be initiated where information is collected and disseminated.

Furthermore, publicly available and accessible databases need to be created to provide information on good practice.

GETTING IN TOUCH WITH THE EU

In person

All over the European Union there are hundreds of Europe Direct information centres. You can find the address of the centre nearest you at: https://europa.eu/european-union/contact_en.

On the phone or by email

Europe Direct is a service that answers your questions about the European Union. You can contact this service:

- by freephone: 00 800 6 7 8 9 10 11 (certain operators may charge for these calls),
- at the following standard number: +32 22999696, or
- by email via: https://europa.eu/european-union/contact_en.

FINDING INFORMATION ABOUT THE EU

Online

Information about the European Union in all the official languages of the EU is available on the Europa website at: https://europa.eu/european-union/index_en.

EU publications

You can download or order free and priced EU publications from: <https://publications.europa.eu/en/publications>. Multiple copies of free publications may be obtained by contacting Europe Direct or your local information centre (see https://europa.eu/european-union/contact_en).

EU law and related documents

For access to legal information from the EU, including all EU law since 1951 in all the official language versions, go to EUR-Lex at: <http://eur-lex.europa.eu>.

Open data from the EU

The EU Open Data Portal (<http://data.europa.eu/euodp/en>) provides access to datasets from the EU.

Data can be downloaded and reused for free, for both commercial and non-commercial purposes.

