

**Question 1:**

Institutional framework: see attached “Social protection in Austria”, from general point of view: Chapter 2.1, p. 12 (particularly “Overview); provisions concerning people with disabilities (= PWD): Chapter 12.10, p.90.

On 1 January 2006, the **Federal Disability Equality Act** (Bundes-Behinderten­gleichstellungsgesetz - BGStG) entered into force. It aims to eliminate or prevent discrimination in important areas of life and enable people with disabilities to enjoy equal participation in the life of society.

The BGStG comprises a ban on discrimination of people with disabilities in the **federal** **administration** (eg social insurance) and in the access to **goods and services** if these goods and services are **available to the public** (eg health care).

All programs of social protection have to be guided by the principle of mainstreaming.

**Fiscal adjustments**: The Austrian tax system has beneficiaries for people with disabilities, they depend on their degree of disability (beginning with 25%) or other conditions like care allowance.

**Housing** and community living are mainly in the competence of the Federal States (“Länder”), no data available.

**Poverty** reduction: see “Social Protection in Austria”, chapter “Means-tested Minimum Income Scheme”, p. 79 – this scheme was introduced in 2010/2011 to avoid poverty and another step in efforts to take forward the social assistance schemes of the Länder (data see question 4).

**Question 2:**

Non-governmental organizations representing the interests of people with disabilities and active in the field of social welfare have gained influence in recent years. The Federal Chancellery (BKA) pointed out to the ministries in an ordinance as early as the 1990s that the umbrella organization of the disabled person’s organizations ÖAR should be involved in all plans for legislation. NGOs were and are involved in the conception and monitoring of the **National Action Plan on Disability 2012-2020** (Strategy of the Austrian Federal Government for the Implementation of the UN Disability Rights Convention).

An instrument of high importance is the **Federal Disability Advisory Board,** legally defined in the **Federal Disability Act**. It is the legal instrument of coordinating the Austrian disability policy and rehabilitation measures and has an advisory function to the minister in all fundamental matters of disability. The umbrella organisation mentioned above, other NGOs and the Austrian Disability Ombudsman are also members of this board.

Today, as a result of a development processPWD are seen as active participants in society and not primarily as recipients of welfare, focusing mainly on financial benefits. This change of attitude and thinking about issues concerning people with disabilities is still a great challenge for all people working in institutions dealing with affairs of PWD.

**Question 3:**

**Accessibility and the provision of reasonable accommodation:**

The **Federal Disability Equality Act** mentioned above has a broad definition of disability and prohibits direct and indirect discrimination, harassment and instruction given by others to discriminate. The Act applies to federal authorities and to the access to goods and services available to the public under federal competence. It defines the existence of “barriers” as a form of prohibited indirect discrimination, defines measures against discrimination and requires reasonable accommodation. It provides for a series of timeframes for the elimination of barriers in public buildings and public transport. Assessment of whether a barrier-induced disadvantage constitutes discrimination has to focus on the question of whether the costs involved in removing such a barrier impose a disproportionate burden. If the measures required for removal may qualify for public financial support, this aspect must be considered in the assessment of reasonableness.

Where barriers cannot be removed, the law still requires a decisive improvement in the situation of the affected individual. The law establishes also the duty of federal authorities to undertake concrete efforts for achieving accessibility (see also “Social Protection in Austria”, chapter 12.12., p.93).

**Disability-sensitive training and awareness-raising for civil servants and/or external partners:**

The **National Action Plan on Disability** mentioned above formulates the following policy objectives:

Many occupational groups should be trained on the issues of disability, the rights of people with disabilities and this should be included in their initial and further training, above all:

• Federal employees in general

• Teaching staff at all types of schools

• Sports teachers

• Health care employees

• Police officers

• Prison officers

Gender-specific aspects should be taken into account in this initial and further training, and the training sould be carried out in cooperation with the organizations of people with disabilities.

**Existence of complaint or appeal mechanisms:**

The **Federal Disability Equality Act** applies to federal authorities and to the access to goods and services available to the public under federal competence. There is a mandatory low-threshold conciliation procedure at the Sozialministeriumservice (former Federal Social Office), prior to enforcement in court, which promotes out-of-court settlements. The core element of discrimination protection is the option of claiming compensation for pecuniary or non-pecuniary loss (see also “Social protection in Austria”, chapter 12.12., p. 93).

**Employment**:

All relevant bodies, especially the Labour Market Service, have to follow the disability-mainstreaming-strategy to combat unemployment of people with disabilities. The reduced trend to Disability Pensions by cutting the time-limited version for people under the age of 50 has to be completed by rehabilitation services to give them a new chance for work. The Sozialministeriumservice will continue and reinforce its projects in the fields of leading to work, counselling, coaching (especially for young people and early school leavers) and qualifying.

**Subsidies for employment:**

The government intends to reduce the negative impacts of the economic situation to a minimum by developing and adapting the instruments for the vocational rehabilitation for PWD. To combat unemployment of PWD (see FIG 1), the **primary goal of the disability related labour market policy** is the obtaining and covering of employment for PWD as well as bringing PWD closer to the labour market. Therefore the Federal Ministry for Labour, Social Affairs and Consumer Protection (FMLSC) offers **a wide range of measures** **& financial subsidies** for the integration of PWD in the labour market. Subsidies exist as well for employers as for PWD. The **idea** is to create incentives for employers to hire PWD through **wage subsidies** and a very **comprehensive range advisory service**.

The **Federal Labour Market Programme** **for PWD** (BABE), as a planning and coordination instrument, drawn up by the FMLSC contains objectives as well as the focal issues and measures for the integration of PWD into working life.

For the vocational rehabilitation of PWD in principal there exist **two approaches**: **subsidies for individuals** and subsidies for **projects**. In 2014 66.000 PWD got subsidies (Volume: 170 Million Euro).

One best practice of the projects is **Youth coaching** for young people in the transition phase from school to working life. It can be seen as an answer to higher pupils with special needs (see FIG 2) it is offered also for non-disabled young people – especially for those with migration background – who need advice and guidance on (further) vocational training and entry into employment. The support has to be orientated towards individual needs: this should ensure that people with a greater need for support are not disadvantaged.

**Integrative Enterprises**

They also play since 1979 a role in Austria in terms of vocational integration of PWD to enter the labour market. Currently there are **8 Integrative Enterprises**, who run more than 25 operations (metal, wood, plastic, electrical, textile packaging industries) for over **2.000 employees** engaged. About 75% are PWD. The disabled workers employed in Integrative Enterprises are paid at least the collective wages, enjoy full social insurance cover and have the right to be consulted in company matters. Moreover comprehensive health, social and psychological care is provided to them.

**Education**:

The development of inclusive education is seen as a constructive process among federal government, local governments and community bodies, which has been started from present overall conditions to open and make fit mainstream schools for inclusion methods of learning; in the form of the ‘inclusive region’ approach, a way to realize this in practice has been developed and will start in two districts of Styria next year, where initially inclusive school and teaching programs will be tested.

**Elimination of barriers in communication:**

**Another example of good practice is “Provision of service of interpreters by video-engineering”**

[](http://www.videodolmetschen.com/index.php/videodolmetsching)

This service supports communication if the client´s knowledge of German language is not sufficient for precise understanding by interposing an interpreter in that language which is needed. It can be called online for 15 languages in two minutes at maximum. On the one hand this kind of service is very useful especially for deaf people and disabled people with migration background and on the other hand much cheaper than conventional ways of translation. This technique, which was developed and started in health services two years ago, is compatible almost with every terminal.

**Personal budgets** do not exist in Austria, but there is allowance of **personal assistance** in the field of work granted by the Sozialministeriumservice. Personal assistance for private life is in the responsibility of the Federal States (“Länder”).

**Question 4:**

According to a micro census survey carried out on behalf of the Ministry of Social Affairs by Statistics Austria between October 2007 and February 2008, approximately 20.5% of the resident populations in private households in Austria have a permanent impairment. This represents a total of around 1.7 million people.

*Poverty Risk of PWD in Austria – see FIG 3.*

16% of all PWD was considered at risk of poverty (= their equivalised household income is below an at-risk-of-poverty threshold of 60% of the national median household income), 27% of all PWD were considered as being at risk of poverty or social exclusion. They are either at-risk-of-poverty or severely materially deprived or living in a household with very low work intensity. Comparing these data with the “common” percentage the higher poverty risk of PWD is evident.

**Question 5:**

The Federal Constitution Act contains no definition of who should be responsible for the issue of disability. Legislation on disability belongs to the so called cross-cutting issues. A large number of federal and Länder acts contain legal provisions which are of significance to people with disabilities. These acts have varying objectives and thus contain numerous **different definitions of disability**. In the field of the disability equality, for example, it is a question of comprehensive (in as far as this is possible) protection in the area of the federal administration, and in access to and the provision of goods and services which are available to the public. The Public Employment Service, on the other hand, supports people who have particular difficulty in gaining a foothold in the labour market due to their disability. Numerous other institutions try to compensate for disadvantages arising through disability, for example via financial support. In this respect it is in the interests of people with disabilities that there are different definitions of disability.

The assessment of the level of severity of a disability is based on the Assessment Ordinance (Einschätzungsverordnung/EVO) in accordance with Section 14, para 3 of the **Disability Employment Act.** The Ordinance came into force in September 2010.

**Disability** as defined by this regulation is “the effect of a non-temporary physical, mental or psychological impairment or an **impairment** of the senses which makes **participation** in the life of society, particularly in normal working life, difficult. Non-temporary means a period which is more than (or expected to be more than) **six months**”.

In accordance with the EVO, disability assessments are no longer determined by medical diagnoses but function-based. Moreover, this is the first set of rules adequately covering mental and malignant diseases. Following an evaluation by internal and external experts, the Assessment Ordinance was revised in 2012 to cover metabolic diseases of children and young people. A discussion is already taking place that in future social criteria should be taken into account to a greater extent.

Hence, the assessment criteria are based on the system of functional organs and define the respective functional impairments. Intellectual functions comprise a person’s ability to think, his/her perception of the environment as well as reflective reasoning and consequential action. Self-reflection and the perception of reality play an important role. Mental functions determine a person’s behavior and the way of reacting to the environment. They have a decisive influence on the way a person communicates with and reacts to others. The Assessment Ordinance takes into account the respective functional impairments.

As mentioned above due to the principle of federalism enshrined in the Austrian Federal Constitution and the division of competences regarding disability affairs between the Federal Republic of Austria and the Länder, there is no uniform definition of “disability”. In Austria there are many federal laws and laws of the Länder containing provisions that affect persons with disabilities. On the one hand, this complies with the principle of disability mainstreaming, according to which all political and administrative players have to take into account the impact of their activities on the situation of persons with disabilities. Within the framework of outcome-oriented impact assessment, this has become a mandatory procedure for all legislative projects in 2013. On the other hand, many laws contain positive measures for persons with disabilities. As many of these laws focus on specific problems of specific groups of persons with disabilities, they contain different definitions (see also “Social Protection in Austria”, Chapter 12.10, p.90.)

**Poverty thresholds:**

See again “Social Protection in Austria”, chapter “Means-tested Minimum Income Scheme”, p. 79 ff, where eligibility criteria for means-tested minimum income benefits are described. Among persons who receive these benefits there is not made any distinction between people who are disabled or not disabled. Disability cannot be a reason for a higher benefit.

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