

JUSTMIG

Sustainable and socially just transnational sectoral labour markets for temporary migrants

Background report

Austria

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Introduction^{1 2}

The project ***Sustainable and socially just transnational sectoral labour markets: Industrial relations and labour market adjustment to the rise in temporary labour migration*** (JUSTMIG) aims to examine trends and patterns of temporary labour mobility and employment of migrant workers on fixed-term or outsourced temporary contracts in selected manufacturing and service sectors in six European Union (EU) countries (Austria, Estonia, Finland, Netherlands, Slovenia, Slovakia), as well as the adaptation of industrial relations structures in the same six EU Member States and three EU Candidate Countries (Bosnia and Herzegovina, Serbia, Ukraine) that are third countries of origin for many workers. In this country background report, we focus on the dynamics of temporary migrant employment in the Austrian labour market and the implications of such developments in different industries. Focusing on examples where an increased vulnerability of the workers is linked to their migrant status and/or the temporariness of either their work or the type of migration, we also include live-in carers who are self-employed in the long-term care sector in this report.

The temporariness of migrant employment has multi-dimensional implications on the challenges it poses to Austria's existing institutions and industrial relations. On the one hand, the temporary nature of employment is linked to the duration of employment with a specific employer or workplace and the subsequent labour rights. On the other hand, temporariness in the case of foreign workers³ also implies temporary residence status or mobility flows in and out of the Austrian labour market, which means precarity and lower levels of attachment and integration into the existing industrial relations institutions. Therefore, as an increasingly prevalent development, temporary migrant employment requires designated attention to its direct and indirect effects on the labour markets and industrial relations.

Here, we provide an overview of the Austrian temporary labour migration policies and regulations and the macro trends of the foreign workforce in Austria. Next, we present four industries of focus for JUSTMIG, where extant research has highlighted the prevalence of migrant workers in temporary employment or mobility flows and zoomed in on the two that will be the focus of the JUSTMIG research in Austria: the food and drink manufacturing industry and live-in care in the long-term care sector. The report discusses existing data sources of migrant employment dynamics in these industries and the key national social partners and stakeholders.

¹ The authors would like to thank Sara Ambrosio, Anna Valerie Obernberger, and Anette Scoppetta for their support in compiling this background report and Sonila Danaj for editing and her feedback.

² The current version of the report is revised in line with the feedback provided at the JUSTMIG Austrian national workshop, held on 16 May 2024, with the participation of NGOs (Caritas, IG 24-Stunden-Betreuung, Wiener Rotes Kreuz) and industrial relations institutions (PRO-GE, AK).

³ Foreign workers refer to all workers in the Austrian labour market who are not citizens of the country.

A. State of the foreign workforce in Austria

In 2022, 23.68% of the active workforce in Austria were foreigners.⁴ The large share of the foreign workforce in Austria demonstrates the relevance of studying the existing representative institutions and actors and their relations with this workforce. Moreover, when looking at the countries of origin, the foreign workforce in Austria is quite diverse, comprising both the EU and third countries of origin, as presented in Table 1.

In addition to the large stock of foreign workers, between 2018 and 2022, there was a steady increase in the share of first employment permits issued for employment reasons, indicative of the importance of ongoing inflows as well, according to data from Eurostat. The share of first employment permits among all first permits in Austria is about 10%, which is lower than the EU average (36%). In absolute terms, the number of first employment permits increased from 3,737 in 2018 to 5,437 in 2022. However, the trend diverges when it comes to the countries of origin. For instance, the share of first-time employment permits for Serbian citizens remained stable at 7%. On the other hand, in the case of citizens from Bosnia and Herzegovina, the share of first-time employment permits increased from 12% to 15% in the same period.

Table 1: Foreign workforce in Austria, per country of origin, 2022

Country of origin	Total per origin	Share as % of foreign workforce
EU		
Germany	117,785	12.71
Hungary	110,974	11.97
Romania	75,198	8.11
Croatia	50,456	5.44
Poland	46,688	5.04
Slovakia	42,345	4.57
Slovenia	28,482	3.07
Italy	21,440	2.31
NON-EU		
Turkey	63,284	6.83
Bosnia and Herzegovina	55,396	5.98
Serbia	36,348	3.92
Afghanistan	17,600	1.90
Syria	16,385	1.77
Russia	11,481	1.24
Iran	7,076	0.76
Other	226,045	24.39
TOTAL	926,984	

Source: Dachverband der Sozialversicherungsträger [Umbrella Association of Social Insurance Providers], AMS [Public Employment Service Austria] Data Warehouse.

While the share of foreigners in the workforce increased, it is essential to note that, within the last five years, according to Eurostat, there have been lower shares of short-term first employment permits (less than 12 months) issued by Austria, going from 28% in 2019 to

⁴ Total active employees in the labour market were 3,913,633 of which 926,984 were foreign workers.

18% in 2022. However, this data does not address intra-EU mobility or EU and third-country national (TCN) workers whose employment occurs cross-border, such as posted or seasonal workers, and those who are self-employed and commute to Austria on a biweekly basis or for longer periods (as is common for live-in carers in long-term care in Austria, for example).

Turning to the temporariness of employment concerning contractual agreements, according to data from Statistics Austria, in 2023, temporary work contracts were more prevalent among foreign workers,⁵ namely about 8.6% of the foreign workers and about 4.8% of Austrian national workers. Breaking this down by country of origin shows that within each foreign worker group, the following shares are employed with temporary contracts: 11.13% from EU Member States before the 2004 enlargement; 6.31% from post-2004 enlargement EU Member States; 5.84% are workers from Bosnia-Herzegovina, Serbia, Montenegro, North Macedonia, and Kosovo; 6.08 % from Turkey; and 13.23% are from other non-EU countries of origin. When looking at the duration of such temporary employment contracts, the difference between foreign and Austrian workforce is also evident, as 48.5% of Austrians have contracts that last less than 12 months. In contrast, 61.43% of foreign workers are employed on this type of short-duration contract.⁶

B. Relevant regulations for temporary labour migration to Austria

The Foreign Nationals Employment Act (*Ausländerbeschäftigungsgesetz*), the corresponding provisions of the Settlement and Residence Act (*Niederlassungs- und Aufenthaltsgesetz*), as well as the Immigration Police Act 2005 (*Fremdenpolizeigesetz*) and its subsequent reforms, constitute the legal basis for the admission of foreign workers to the Austrian labour market (Biffl 2023). To work in Austria, foreigners from third countries must apply for a work permit. In the cases of EU/EAA citizens, living and working in Austria is possible for up to 90 days; afterwards, they, too, must register with their municipality of residence.

Austria has gained significant experience with labour migration since the 1960s (Gächter 2017). Like most immigration countries in Western and Northern Europe, currently, the labour migration strategy of Austria relies on the highly restrictive and selective access for TCNs with programs such as the Red-White-Red Card (*Rot-Weiß-Rot Karte*) targeting high-skilled individuals along with a selective points system for economic immigration (Krings 2013). Yet, as argued and demonstrated by practitioners and scholars alike (Astrov et al. 2021; Gächter, Manahl and Koppenberg 2015; Gruber et al. 2023), labour shortages in Austria are concentrated in a broader range of occupations beyond those with high skills, which is also reflected in the occupation shortage lists announced for each year by the relevant ministries.⁷ Occupations with higher needs for TCN workers, as announced, range from engineers, doctors, and nurses to builders, plumbers, electrical technicians, drivers, and mechanics. This further suggests that even with the benefits of the intra-EU mobility

⁵ Excluding the “temporary contracts due to apprenticeship” category and those for whom the employment situation has been flagged as not classifiable by Statistics Austria.

⁶ Due to small sample sizes in cells with this type of disaggregation, shares cannot be calculated reliably by countries of origin with the data provided by Statistics Austria.

⁷ See, for instance, the occupation shortage list for 2024: <https://www.migration.gv.at/en/types-of-immigration/permanent-immigration/austria-wide-shortage-occupations/>

of workers, manufacturing, building, construction, and healthcare sectors, to name a few, experience shortages. In 2023, 736 Red-White-Red card permits were issued for people working in the care sector (AMS 2024b). A majority (474) were issued to care workers without diplomas.

While EU/EEA citizens can reside in Austria freely, for TCNs, the Austrian national policies governing entry and stay rules promote temporary residence and employment or circular migration. Most work permits issued to TCNs, such as the temporary residence permit for intercompany transfers (*Rotationskraft*) or the temporary residence permit for special cases of paid employment (*Aufenthaltsbewilligung, Sonderfälle, unselbstständige Erwerbstätigkeit*) are quite narrow in scope and do not allow flexibility of transitions to different employers, necessitating exit of the worker from the labour market when the job ends (Biffl 2023). Moreover, the temporary employment of TCNs in Austria is further regulated by annual quotas, where only certain high-skilled occupations and programs are permitted. Another form of quota definition also applies to seasonal workers, specifically to the temporary employment of foreign nationals in tourism, agriculture, and forestry specifically (Stiller 2023). Yet, as labour shortages persist in multiple sectors, businesses continue to recruit foreign workers, both TCNs and EU citizens, through other temporary migration regulations available within the national and EU frameworks.

Since 2010, in Austria, the number of first employment permits issued has risen as various forms of TCN employment persist to be relevant to address unmet labour shortages, such as for household helpers and cross-border service providers (*grenzüberschreitende Arbeitskräfteüberlassung*). Likewise, posted workers are a particularly prevalent form of short-term and temporary migrant employment in Austria (Danaj, Kayran, and Geyer 2023; Geyer, Premrov, and Danaj, 2022). Both EU nationals and TCNs can be posted to Austria. However, the latter group is always required to have valid work permits from the sending EU country to be able to be posted to Austria. Another category of high relevance to temporary foreign employment in Austria is seasonal workers, which is regulated by the transposition of the Seasonal Workers Directive (2014/36/EU) into Austrian law (BGBl. I Nr. 66/2017). With the implementation of the directive under the national law, a seasonal worker's maximum employment duration has been nine months within 12 months. In 2021, the parliament facilitated access to the annual residence and employment permits for TCN seasonal workers who work regularly (three years within the last five years) in tourism or agriculture/forestry (Biffl 2023).

In the context of temporary foreign worker employment, the protection of the national labour market from wage and social dumping and the transposition of relevant EU directives are of high priority in Austria. For instance, the Anti-Wage and Social Dumping Act (*Lohn- und Sozialdumping-Bekämpfungsgesetz*), first passed in 2011 and amended in 2017 and 2021, goes well beyond the protections stipulated by the EU Directives to apply the principle of equal treatment to foreign workers. Additional protective regulations include the Construction Workers' Annual Leave and Severance Pay Act (*Bauarbeiter-Urlaubs- und Abfertigungsgesetz- BUAG*) or the Agricultural Labour Act (*Landarbeitsgesetz*), regulating sectors where the foreign and short-term workforce is disproportionately represented, as will be discussed in the next section of the report.

Taking the heightened vulnerability due to migration experience and temporariness of migration or work as the guiding principle for selecting the focus of this research project, the regulations linked to live-in care have to be mentioned too: these are *Standes- und Ausübungsregeln für Leistungen der Personenbetreuung* and *Maßnahmen für Gewerbetreibende in der Personenbetreuung zur Vermeidung einer Gefährdung von Leben oder Gesundheit* which both regulate the activities of live-in carers and *Standes- und*

Ausübungsregeln für die Organisation von Personenbetreuung which regulate the activities of agencies,

C. Employment and migrant workforce in four industries in the services and manufacturing sectors

The JUSTMIG project aims to examine the dynamics of temporary migrant employment at the sectoral level to uncover the developments related to industrial relations, employment and work conditions, and the opportunities and challenges of such trends. Each country case focuses on two sectors, one from manufacturing and one from the services sector, chosen based on the characteristics of the national labour markets. Table 2 below provides an overview of the four industries that the JUSTMIG project focused on in the Austrian economy using data from Statistics Austria. To ensure comparability, we used NACE codes⁸ to specify the composition of our industry focus and report statistics demonstrating the level of activity and importance of a given industry as well as the employment of foreigners.

Table 2: Overview of selected sectors/industries on related economic indicators, 2022/2023

Industry	NACE-code	# of enterprises	Persons employed	Turnover in thsd. EUR	Share % of foreign workforce
Food and Drink Manufacturing	C10+C11	4,761	92,547	29,152,953	26.82
Automotive Manufacturing	C29	246	37,888	18,147,106	20.32
Retail Services	G451+ G452+ G4532+ G454+G47	66,831	489,426	117,206,080	20.64
Care Services*	Q87+Q88	16,578	83,440	4,157,152	18.79
TOTAL	All sectors	589,615	3,590,035	893,997,700	23.68

Source: Statistics Austria. Data refers to the end of 2022. *The “care services” industry group presented here refer to residential care activities and social work activities without accommodation, not covering nurses and doctors in hospitals and other medical practice institutions. This gives information on the long-term care sector. Self-employed live-in care, which is the focus of this study, is not available in this NACE statistics classification.

Looking at the two manufacturing industries, food and drink and metal-automotive, in the Austrian context, food and drink manufacturing is more critical regarding both the number of employers and the number of workers in the industry. Notably, there is a diversity of

⁸ See https://ec.europa.eu/competition/mergers/cases/index/nace_all.html for the detailed list of NACE categories.

the types of food and drink manufacturing companies in Austria, where the types of companies in the sector vary from large multinational companies to internationally renowned national products, as well as small and medium-sized production companies located across the country.⁹ Moreover, a quarter of the workforce in the sector is occupied by foreign workforce, which demonstrates the relevance of the project research themes that focus on this area. Therefore, among the manufacturing sectors in the project, we choose to concentrate on food and drink manufacturing, where foreign workers in the industry, in principle, are covered by the same collective agreements and working conditions regulations as the native workforce.

Turning to the two service industries, we provide the same indicators for Austria's care and retail services. Retail services constitute a substantial size in the Austrian labour market, with about 20.64% of the total workforce being foreigners in 2022/2023 (see Table 2). While the temporary employment of foreigners in retail services is no doubt an important phenomenon, in this project, we focus on examining the care services, and more specifically, the long-term care services, which has already been evidenced as a chronically understaffed sector, facing severe labour shortages (Gruber et al. 2023). Therefore, taking stock of extant research identifying various problematic aspects in this sector in Austria (Eurofound 2020; Amnesty International 2021), which we discuss below in more detail, we concentrate on long-term care services.

Typically, the care services industries are represented by professions described in NACE codes Q87-88, as shown in Table 2. In many countries, live-in care, consisting of support in the home of the care receiver by someone who co-resides there and is paid to do this work, is performed as undeclared work. Some of the activities may be considered within the NACE-Q care categories or NACE 97, which describes the activities of households as employers of domestic personnel. Live-in care is spread across different categories and is difficult to track through conventional labour force statistics at the sectoral level.

Live-in carers are a free trade in Austria, and employment in this branch was regularised from 2008 onwards, which is why it can be assumed that today, undeclared live-in care is rare in Austria since the regularisation went along with the introduction of a subsidy to the families receiving support from live-in carers, creating a strong incentive for regularisation (AMS 2024a).¹⁰ The data from 2019 from the EU Labour Force Survey indicates that 14% of Austria's long-term care labour force are foreign workers, meaning that along with Malta, Luxembourg, and Ireland, the country has the highest share of foreign workers in long-term care in Europe (Eurofound 2020). Among such foreign workforce, the share of TCN workers is about 5%. Workers with migration experience in the care industry are covered by the same collective agreements (e.g. collective agreements for the social economy, public institutions, private institutions, ecclesiastical institutions) as their colleagues who do not have migration experience.

C.1 Temporary migrant employment in food and drink production

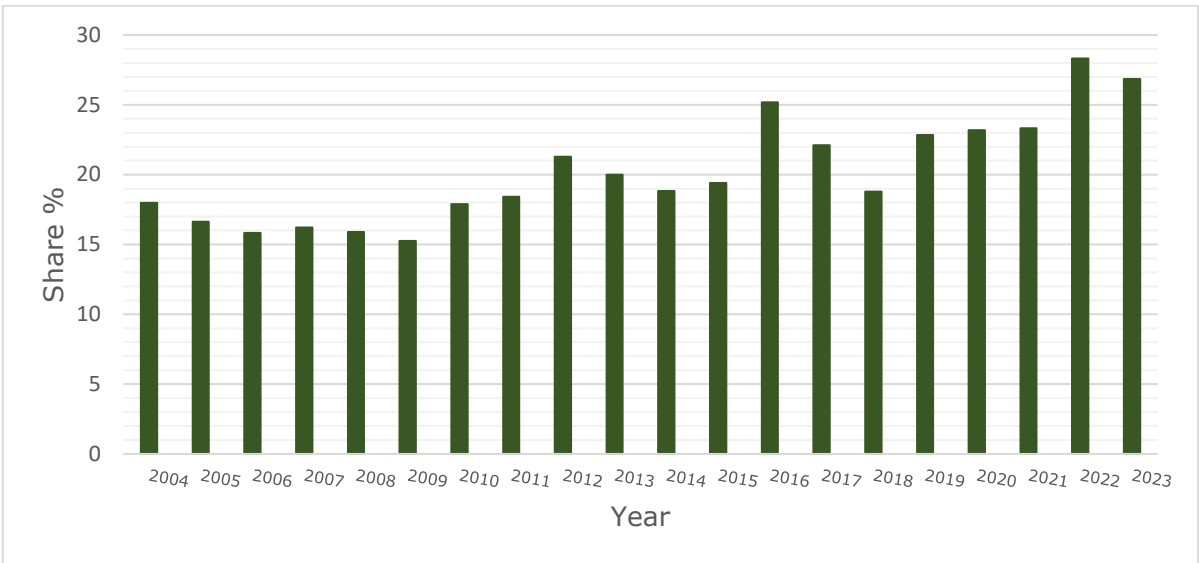
The total foreign workforce in food and drink manufacturing in Austria in 2023 was 23,874, and the share of such a workforce among the total workforce in the sector over time is presented in Figure 1 below. The presence of the foreign workforce in the industry has

⁹ See <https://www.advantageaustria.org/de/de/search/partners?query=&industry=B.40>

¹⁰ To qualify for the state benefit for the services of live-in carers, Austrian residents must receive help from live-in carers who are trained as home helpers (*Heimhilfe*), have adequately taken care of a person in need for six months or have been verified by a qualified nurse or a medical doctor.

steadily grown to about more than a quarter of the workforce in the last years. Using data from Statistics Austria, we also look at the composition of the foreign workforce in the sector by country/region of origin. In 2023, 13.82% of the workforce were citizens of EU Member States before the 2004 enlargement, and 33.48% were citizens of the EU enlargement 2004 countries and those that became members thereafter. Trends of the presence of such workers from the EU countries are shown in Figure A1 in the appendix. What is clear from such trends is that there is a stable share of EU nationals employed in the sector, where the nationals of the EU before 2004 have a consistent share of about 15% within the workforce in this sector. Regarding the new Member States' nationals after 2004, the year 2010 seems to be a point from which the share has increased among the workforce. According to the trade union representative covering the food manufacturing sector, the shares are likely to be far higher for Vienna and the surrounding area.

Figure 1: Share % of foreign workforce in food and drink production over time



Source: Statistics Austria. Authors' own calculations.

Turning to the third-country nationals within the industrial foreign workforce, Figure A2 in the appendix demonstrates the trends of these groups in the Austrian labour market in the sector from 2004 onwards. Since the statistics shown here are aggregated from the labour force survey, there is an issue with small cell sizes when the sample is disaggregated by sector and by country of origin. Therefore, Statistics Austria pre-groups some countries of origin regionally to provide more reliable statistics. In this respect, the group of nationals from Bosnia and Herzegovina, Serbia, Montenegro, North Macedonia, and Kosovo are reported together. As of 2023, the share of this group of TCNs was about 20.39% among the foreign workers in food and drink manufacturing. In the same year, workers from Turkey comprised 8.65 % of the foreign workers, and about 23.66% were TCNs who did not come from either of these two groups. Looking at Figure A2 in the appendix, we see a large decline in the share of the Balkan countries group and a decreasing trend among the share of Turkish workers in the workforce in the industry. While this could potentially be some of the workers in the industry naturalising by acquiring Austrian citizenship, looking at Figure A1 and Figure A2 jointly also points to a potential replacement effect in the sector by the new EU Member States who can more easily be employed in Austria. This is a crucial

point to examine in the field related to the composition of the workforce today in food and drink manufacturing.

Finally, we also examine the trends of temporary employment in the industry, focusing on the difference between Austrian citizens and foreign workers (see Figure A3 in the appendix). Again, we note that labour force survey data quickly becomes unreliable when the sample size in each category drops too low. Therefore, in this calculation, we do not break down the foreign workforce by country of origin or the duration of the temporary contract. These variables are available at Statistics Austria but are flagged as estimations from small sample sizes. Despite such limitations, Figure A3 in the appendix shows that, on average, from 2004 onwards, the foreign workforce is employed with temporary contracts more so than the Austrian citizens in the food and drink manufacturing industry. As noted by the trade union representative of the sector, workers face issues with their registration and social contribution payments as full-time workers, whereby their actual work hours and work hours in practice and their contract vary. This means that there is a risk of under-declaration of work in the sector, particularly affecting foreign workers.

The temporariness of employment in the food production sector is underlined by the stakeholders specialised in this sector due not only to the contracts offered but also to the choices of workers. The working conditions in the sector are understood as often difficult, namely very early shift hours, low wages, lack of wage supplements in some cases, and unattractiveness of certain branches of the sector (such as meat production) due to the bad image. Occupational safety and health are also a sensitive and high-impact issue where various branches in the sector include work in extreme heat (bakeries) and extremely cold conditions. Overall, despite safety and health issues being at the forefront of production, the sector experiences labour shortages both due to stable demand from the companies and the less attractive job conditions experienced by the workers.

C.2 Temporary migrant employment in long-term care

Due to labour shortages (evidenced by the closed wards in the hospitals and waiting lists for mobile care), employers will often aim to offer permanent contracts to those employed in these jobs. According to an analysis from the *Arbeitsklimaindex* for the years 2010-2020, temporary employment (*befristete Beschäftigung*) is 3% and temporary subcontracted work (*Leiharbeit*) is also 3% in long-term care (BMSGPK 2021). Notably, part-time work is the dominant form of employment with 51% and marginal employment (*geringfügige Beschäftigung*) is about 4% (BMSGPK 2021). In this respect, both Austrian and migrant workers covered by collective agreements in the long-term care industry legally would have the same wage and social protections. However, support to those who need long-term care is also provided by "live-in carers" who reside where they deliver such services. In this part of the sector, where the migrant workforce is disproportionately high, the work conditions and vulnerability risks are starkly different. Demographically, most live-in carers are women. Workers who are live-in carers usually work in a particular form of temporary employment where they reside in another country and commute e.g. every two weeks for two weeks to Austria. According to the Domestic Helpers and Domestic Workers Act (*Hausgehilfen- und Hausangestelltengesetz*), after a period of a maximum of 14 days of work, a similarly long period of free time must follow. NGO representatives specialising in live-in carers have also reported to us that, more recently, the periods of work in Austria could also be 3 to 4 weeks at a time as well.

Live-in carers are registered with the WKO (Chamber of Commerce) in the specialist group *Personenberatung und Personenbetreuung*, which they share with life and social counsellors and agencies connecting live-in carers to their customers. At the end of 2021, the WKO reported the registration of 67,301 active live-in carers (WKO 2022). According to the same data source, there were a total of 78,997 live-in carers, of which 57,311 were active as of the first quarter of 2024.¹¹

There are legally three different types of employment possible for live-in carers in Austria: Firstly, they can be self-employed, which is the dominant practice. Secondly, they can be employed by the care receiver or the family of the care receiver. If live-in carers are employed by the family of the person in need of care, based on the 'home helpers and home employees' law', employers must pay social security contributions (Leichsenring et al. 2023). As a third option, social welfare providers can also employ live-in carers, in which case they must be paid according to the collective agreement of the provider (Leiblfinger & Prieler 2018).

IG24 (*Interessengemeinschaft der 24-Stunden-Betreuer_innen*)¹², a key NGO supporting live-in carers, reported on live-in carers going to court in Austria to challenge their status as one-person companies, arguing that their situation is, in fact, closer to someone who is employed rather than a one-person company, questioning self-employment in the sector. The current self-employment status also means that live-in carers only receive financial support in case of long periods of illness (more than 4 weeks) and do not receive payments when taking time off work. Likewise, their pay is relatively low, and, in several cases, they need to continue working even after reaching pension age because their pension contributions and, subsequently, pensions are (since linked to their income) also very low.

In 2018, 794 individuals or companies were registered as agencies in this sector with the WKO (Leiblfinger & Prieler 2018). The agencies do not only connect the carers with families in search of live-in care, but they often also support them in registering for the live-in carer trade and social insurance, set the price of the service of live-in carers and sometimes collect the payment which they then pass on to the carer. Moreover, live-in carers might deal with two agencies, one in Austria and one in their country of residence. Some live-in carers also have a registration to act as an agency (Leiblfinger & Prieler 2018).

The public subsidy to families who use the services of live-in carers requires at least care level three and a maximum net income of 2500 Euros. Living in the care recipients' homes, live-in carers' private lives are impacted not only in terms of them not being in their own homes but also in having to find arrangements with the care recipients regarding their own needs during their stay in Austria. For example, the term "24-hour carer," initially used for live-in carers in Austria, might suggest that they could work around the clock. In 2021, Amnesty International published a report calling for the respect of the human rights of live-in carers and improvements regarding regulating live-in care in Austria (Amnesty International 2021).

Regarding live-in care, the recent Austrian care reform aimed to increase subsidies which care receivers can claim if they use the services of live-in carers, add more quality inspections by certified nurses, add the option of caring for up to 3 people by a live-in carer, add free of charge supervision for live-in carers, introduce e-learning programs to improve quality of care, introduce a prohibition to charge for invoicing, add regulations to ensure transparency in the sense that live-in carers can more easily understand how their payments are calculated (BMSGPK 2024).

¹¹ Data is publicly available here: <https://www.daheimbetreut.at/de/statistik>

¹² An interview was conducted with a representative from IG24 in preparation of this report.

Live-in carers in Austria commute particularly from Romania, Slovakia, Hungary, Croatia, Slovenia, Bulgaria and rarely from Serbia (with double citizenship, e.g., in Hungary). Almost all live-in carers are foreign nationals and self-employed. The issue of working conditions of live-in carers has become prominent and caught media attention, particularly during the pandemic, when the closure of borders created difficulties for the employment of live-in carers. In this respect, two federal states in Austria organised charter flights and special trains for live-in carers who could pass despite transport restrictions as well as bonus payments for staying for longer shifts than two weeks (Leichsenring et al. 2022). Overall, live-in carers are particularly vulnerable due to a range of factors (place of work, residence, low wages, language barriers, isolated working situation, dependency on agencies) and are composed significantly of foreign cross-border workers who require research attention to their situation, their relationship with the institutions in Austria, and the effect that this type of employment has on the Austrian labour market.

To the best of our knowledge, Austria has no agreements regarding temporary migration to long-term care or food and drink manufacturing with other countries at the national level. However, in the care sector, different institutions (such as hospitals) and regional governments have partnership agreements with other countries, such as Salzburg with Columbia (Prlić, 2023), Styria with Tunisia (Universitätsklinikum Graz 2023), City of Vienna with the Philippines (WKO 2023), Upper Austria with the Philippines (Hehemann 2023), Lower Austria with Vietnam (APA2022).

D. Data availability

Concerning data availability in Austria, the national statistics institute, Statistics Austria, provides detailed and disaggregated data. This publicly available data from the statistics institute is based on household and labour force surveys, which are reliable and often sufficient when looking at broader dynamics in the sectors, as shown in Figure 1 and the figures in the appendix. However, as noted above, due to the nature of survey sampling and the difficulty in capturing temporary employment and/or temporary residence in the country (under 12 months), this data has limitations when aiming to capture comprehensive and disaggregated (by countries of origin, by duration of residence, by duration of employment) statistics. As the data we calculated and presented here come from this source, we note, for instance, that sample cell sizes in some groups of countries of origin combined disaggregation with employment contract status can be too low for reliable statistical projections of meaningful averages or estimates, meaning that some of the share estimates should also be understood with this limitation in mind, which might also impact the sharp fluctuations across years in the figures A2 and A3. While we acknowledge this limitation, considering the scarcity of data available at the sectoral level, we still provide our calculations to give an overview of the situation in the sector regarding the origins of the foreign workforce in the industry.

Another institution responsible for collecting labour market statistics in Austria is the *Arbeitsmarktservice* (AMS). They collect data jointly with the related ministries. This data comes directly from the registries in the labour market and could arguably provide more reliable share estimates since the statistics would not come from sampling. However, such register data in Austria is not publicly available. Access to such data requires special permission and incurs additional costs.

From our communication with several relevant stakeholders, we did not find, to the best of our knowledge, another institution or actor collecting data on the employment of (temporary) foreign workers in the food and drink manufacturing sector. Considering that temporary employment, particularly under 12 months, would be unlikely to be captured by annual waves of household or labour force surveys, this is an area in which alternative data collection efforts would be needed, such as the register data mentioned above.

Lastly, the particularity of live-in carers in Austria, as described in more detail above, means that the Chamber of Commerce in Austria (WKO) has registry data on the number of self-employed individuals, which gives an overview of the number of live-in carers.

E. Social partners and temporary migrant employment in Austria

For worker representation, the Austrian industrial relations system has three main pillars. These are the compulsory membership to the Chamber of Labour (*Arbeiterkammer - AK*), the voluntary membership of trade unions, and the company-level works councils (Glassner and Hoffmann 2023). Regarding trade unions, *Österreichischer Gewerkschaftsbund* (ÖGB, Austrian Trade Union Federation) is the national union confederation to which all existing trade unions are affiliated, including the union representing food and drink manufacturing workers. For instance, the primary trade union branch where food and drink manufacturing workers are represented is the PRO-GE (*Die Produktionsgewerkschaft*), the trade union for production workers. As noted by the stakeholder representative of the union, works councils are also key areas of organisation in the manufacturing sector.

Austrian trade unions have a long-standing involvement in the social dialogue regarding migration policy. Since 2006, foreigners have also been able to become union and work council members (Biffl, Renner, and Aigner 2011). While trade unions had relatively strict stances on migration with fears of wage and social dumping from the 90s onwards, today, trade union organisations offer legal help services and target broad coverage in representation (Kraler 2011). Regardless, such worries over race to the bottom in work and wage conditions continue mainly due to the prevalence of temporary employment and cross-border workers (Gächter 2017; Krings 2009). In recent years, worker organisations have publicly criticised the government's migration policies in finding temporary solutions to clear labour shortages¹³ and attracted attention to the conditions under which migrants are employed in markedly worse and more precarious conditions in specific sectors such as construction, elderly care, agriculture, cleaning, delivery, and transportation.¹⁴ The AK also emphasises the need for collaboration with regional stakeholders, as the Foreign Employment Act mandates.¹⁵ Today, AK provides multi-language consulting services to facilitate inquiries from foreign workers and organises events and campaigns targeting especially the foreign workforce along with the relevant trade union branches.

¹³ See, for instance: <https://wien.arbeiterkammer.at/service/presse/Arbeitsmigrationsmodell.html>

¹⁴ See various public statements from the ÖGB and PRO-GE: <https://www.proge.at/articles/wefair-wien-2023>; <https://www.proge.at/articles/ausbeutung-shg-leiharbeit-undok>; https://www.oegb.at/themen/geschichte/Moderne_Sklaverei <https://www.oegb.at/themen/gleichstellung/geschlechtergerechtigkeit/reinigungskraefte-keine-spur-von-wertschaetzung->

¹⁵ <https://wien.arbeiterkammer.at/service/presse/Arbeitsmigrationsmodell.html>

As described above, companies and self-employed individuals in Austria are mandatory members of the WKO (*Wirtschaftskammer* - Chamber of Commerce), including foreign workers who are self-employed, such as live-in carers in the long-term care sector. In the food and drink manufacturing sector, the worker representation is straightforwardly within the mandates of the trade unions and the AK. The companies in the industry are represented by the WKO's relevant branch, *Die Lebensmittelindustrie-Österreich*.¹⁶ Despite such institutions being in place, foreign workers reportedly vary greatly in their engagement with their representatives when compared to natives. As noted by the stakeholders, foreign workers, including those who enter the labour market with refugee status, do not have sufficient information about the Austrian structures, which is, for instance, not included in integration courses that are mandatory for individuals with highly likely successful asylum claims and third-country nationals receiving benefits. While exact data and statistics are not publicly available, it is noted by the representative of the Chamber of Labour that companies with higher shares of migrant workers have lower turnout in the AK elections, in which all foreign workers registered in the social security institution are eligible to vote.

While live-in carers do not have access to collective representation as workers, they are represented as members of WKO in the same specialist group as agencies providing them with access to customers (*Personenberatung und Personenbetreuung*). The WKO has introduced a website to provide information for live-in carers in different languages (Bulgarian, English, Latvian, Polish, Romanian, Serbo-Croatian, Slovak, Slovenian, Czech, and Hungarian) in recent years (WKO 2019). The Ministry of Social Affairs (BMSGPK) also offers the possibility of a voluntary quality certificate for agencies. Despite these efforts, it is notable that the Austrian agencies are better versed in Austrian law and German language, giving them an advantage over the individual (self-employed) workers regarding collective representation.

Addressing, to some extent, this issue of representation due to the employment status of live-in carers in the long-term care sector, IG24, a community-based non-governmental organisation, offers membership to live-in carers. This NGO supports live-in carers through individual consultations and provides information about rights and duties, including in cases of violence in the workplace and sexual harassment, in several languages. They also conduct research and have been in dialogue with ministries, WKO, and AK. According to IG24, the certification process and the regulations around the trade (*Standes- und Ausübungsregeln*) offer opportunities to improve the situation of live-in carers. Moreover, the trade union *vida* also created its own platform for connecting live-in carers with families looking for live-in carers (*vidaflex Betreuer: innen Service GmbH* 2024). Meanwhile, the social welfare provider *Volkshilfe* offers individual consultations and supervision for live-in carers (Curafair 2024).¹⁷ While not concerning the case of live-in carers, in response to recruitment efforts for professional carers (e.g. registered nurses) abroad, the Austrian Trade Union Federation (ÖGB) has urged the government to invest in training and working conditions rather than recruitment in the sector, highlighting global staff shortages in care (Fargah 2021).

¹⁶ <https://www.dielebensmittel.at/Dokumente/kv/kv.htm>

¹⁷ BAG Freie Wohlfahrt is a relevant organisation which brings together Caritas, Diakonie, Hilfswerk, Red Cross and Volkshilfe to connect carers with those who need such services.

Concluding Remarks

In this report, we demonstrate that in the selected manufacturing and care services industries, the foreign workforce has become a permanent feature of the Austrian labour market, demonstrable by publicly available data and extant research. As far as the data permitted, we used multiple resources to show the characteristics and scope of such a temporary migration workforce and its relationship to existing actors and institutions in Austria, food and drink manufacturing, and long-term care industries. Importantly, we also identify apparent gaps in extant research concerning the relationship and the positioning of social dialogue institutions, particularly in the food and drink manufacturing sector and, for both industries, from the workers' perspective. Further steps in this inquiry will benefit greatly from participatory exchanges with stakeholders in these industries, new data collected through interviews with workers, and the potential of using specific registry data from Austria at the municipal level for a more accurate picture of the temporary employment of the migrant workforce in these industries.

Bibliography

Amnesty International (2021) Wir wollen nur ein paar Rechte. 24-Stunden-Betreuer: innen werden ihre Rechte in Österreich verwehrt. Available at:

https://cdn.amnesty.at/media/8593/amnesty-bericht_wir-wollen-nur-ein-paar-rechte-24h-betreuung-oesterreich_juli-2021_deutsch.pdf?mode=pad&format=webp&quality=90&rnd=132754763450000000

AMS (2024a) PersonenbetreuerIn in der 24-Stunden-Betreuung AMS-Berufslexikon. Available at: <https://www.berufslexikon.at/berufe/3239-PersonenbetreuerIn-24-Stunden-Betreuung/#ausbildung>

AMS (2024b) AMS Steiermark ist Spitzenreiter bei Rot-Weiß-Rot-Karten für ausländische Pflegekräfte. Available at: <https://www.ams.at/regionen/steiermark/news/2024/02/spitzenreiter-rot-weiss-rot-karten-pflegekraefte-ausland>

APA (2022) Pilotprojekt mit vietnamesischen Pflegekräften in Niederösterreich beschlossen Der Standard, Available at: <https://www.derstandard.at/story/2000140085176/pilotprojekt-mit-vietnamesischen-pflegekraeften-in-niederoesterreich-beschlossen>

Astrov, V., Leitner, S., Grieveson, R., Hanzl-Weiss, D., Mara, I., and Weinberger-Vidovic, H. (2021) *How do economies in EU-CEE cope with labour shortages?* (No. 452). wiiw Research Report.

Biffi, G. (2023) *Migration and Labour Integration in Austria*. SOPEMI Report on Labour Migration Austria 2020-22. Report of the Austrian SOPEMI correspondent to the OECD. Monograph Series Migration and Globalisation, Krems: University of Krems Press. Available at: <https://doi.org/10.48341/fp1b-tw43>

Biffl, G., Rennert, L., Aigner, P. (2011) *Migrant Workers in Austria and Europe – Challenges for Industrial Relations in particular Trade Unions*. Monograph Series Migration and Globalization Danube University Krems, October 2011.

BMSGPK Bundesministerium für Soziales, Gesundheit, Pflege und Konsumentenschutz (2021) Arbeitsbedingungen in Pflegeberufen Sonderauswertung des Österreichischen Arbeitsklima Index, Available at:

<https://broschuerenservice.sozialministerium.at/Home/Download?publicationId=784>

BMSGPK (2024) Pflegereform available at:

<https://www.sozialministerium.at/Themen/Pflege/Pflegereform.html>

Bundesministerium für Finanzen (2023) Förderung der 24-Stunden-Betreuung, Available at: <https://www.oesterreich.gv.at/themen/pflege/1/Seite.360534.html>

Curafair (2024) Curafair Anlaufstelle für 24-Stunden-Betreuer*innen, Available at:

<https://www.volkshilfe-ooe.at/was-wir-tun/fluechtlinge-migrantinnen/curafair/>

Danaj, S., Kayran, E.N. and Geyer, L. (2023) "The motility of posted workers during the COVID-19 pandemic: policies, trends and worker experiences in Austria", *International Journal of Sociology and Social Policy*, 43(3/4): 323-338.

Eurofound (2020) *Long-term Care Workforce: Employment and Working Conditions*, Publications Office of the European Union, Luxembourg.

Faragheh, T. (2021) WKO-Geheimplan: Pflegekräfte sollen von den Philippinen kommen, Available at: <https://www.oegb.at/themen/gesundheit-und-pflege/pflege/pflegenotstand>

Gächter, A. (2017) Trade unions and migration in Austria, 1993–2015 in *Trade Unions and Migrant Workers*. Edited by S. Marino, J. Roosblad, and R. Penninx, Edward Elgar, pp.117-137.

Gächter, A., Manahl, C., And Koppenberg, S. (2015) *Determining Labour Shortages and the Need for Labour Migration from Third Countries in Austria*. Vienna: IOM.

Geyer, L., Premrov, T. and, Danaj, S. (2022) Posted workers from and to Austria: Facts and Figures. Leuven: POSTING.STAT project VS/2020/0499. Available at: <https://www.euro.centre.org/publications/detail/4318>

Glassner, V. and J. Hofman (2023) Austria: Trade Unions in a World of 'Contested Stability' in *Trade Unions in the EU* (edited volume) ETUI.

Gruber, M., Zupan, K., del Olmo-Vicén, N., & Lardiés-Bosque, R. (2023) Labour market shortages and exclusion practices: the irrationalities of the labour markets and the legislation. In *Assessing the Social Impact of Immigration in Europe*. Edited by J.P. Laine, D. Rauhut, and M. Gruber, Edward Elgar, pp.44-59.

Hehemann, M. (2023) Personalsuche: Hilfe aus der Ferne Das Österreichische Gesundheitswesen 64 (1-2). Available at:

<https://www.gesundheitswirtschaft.at/publikation/64-jg-2023-1-2/personalsuche-hilfe-aus-der-ferne/>

Kraler A. (2011) The Case of Austria. In *Migration Policymaking in Europe: The Dynamics of Actors and Contexts in Past and Present*. Edited by G. Zincone, R. Penninx, M. Borkert, Amsterdam: Amsterdam University Press, pp.21-60.

Krings T. (2013) Von der „Ausländerbeschäftigung“ zur Rot-Weiß-Rot-Karte: Sozialpartnerschaft und Migrationspolitik in Österreich. *Österreichische Zeitschrift für Politikwissenschaft* 42(3): 263–78.

Krings, T. (2009) A race to the bottom? Trade unions, EU enlargement and the free movement of labour. *European Journal of Industrial Relations* 15(1): 49-69.

Leiblfinger, M., Prieler, V. (2018) Elf Jahre 24-Stunden-Betreuung in Österreich. Eine Policy- und Regime-Analyse (Linzer Beiträge zu Wirtschaft – Ethik – Gesellschaft 9), Linz: Katholische Privat-Universität Linz <http://www.wiege-linz.at/band9>

Leichsenring, K., Kadi, S., Simmons, C. (2022) Making the Invisible Visible: The Pandemic and Migrant Care Work in Long-Term Care. *Social Sciences* 11(8): 326.

Leichsenring, K., Kadi, S., Schmidt, A.E., Staflinger, H. (2023) The Covid-19 Pandemic in Austria: With Special Reference to Migrant Care Workers. In *Covid-19 Pandemic: Problems Arising in Health and Social Policy*. Edited by C. Aspalter, Springer Nature Singapore, pp.275-294.

Prlić, A. (2023) Salzburger Uniklinikum holt für die Pflege 30 Kräfte aus Kolumbien Salzburger Nachrichten <https://www.sn.at/salzburg/politik/salzbuerger-uniklinikum-holt-fuer-die-pflege-30-kraefte-aus-kolumbien-139579747>

Stiller, M. (2023) *Austria - Annual Report on Migration and Asylum 2022*. International Organisation for Migration (IOM), Vienna.

Universitätsklinikum Graz (2023) Pflegekräfte aus Tunesien herzlich willkommen! Pressemitteilung. Available at: <https://www.uniklinikumgraz.at/aktuelles/detail/pressemitteilung-6>

Verordnung des Bundesministers für Wissenschaft, Forschung und Wirtschaft über Standes- und Ausübungsregeln für Leistungen der Personenbetreuung. Available at: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20005494> RIS Rechtsinformationssystem des Bundes

Verordnung des Bundesministers für Wissenschaft, Forschung und Wirtschaft über Standes- und Ausübungsregeln für die Organisation von Personenbetreuung - RIS – Bundesrecht konsolidiert, Available at: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20009377>

Verordnung des Bundesministers für Wirtschaft und Arbeit über Maßnahmen, die Gewerbetreibende, die das Gewerbe der Personenbetreuung ausüben, zur Vermeidung einer Gefährdung von Leben oder Gesundheit bei der Erbringung ihrer Dienstleistung zu setzen haben. Available at: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20005370>

vidaflex Betreuer: innen Service GmbH (2024) 24 Stunden Betreuung. Fair. Sicher. Transparent. Available at: <https://www.betreuerinnen.at/>

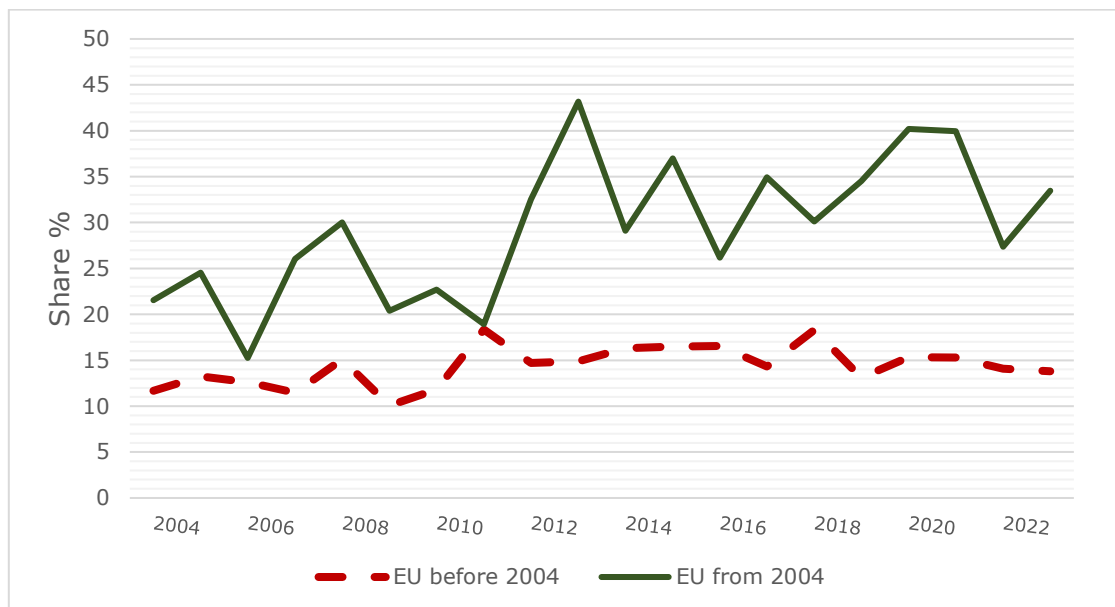
WKO (2019) Neuer Online-Ratgeber für PersonenbetreuerInnen. Available at: <https://www.wko.at/oe/gewerbe-handwerk/personenberatung-betreuung/neuer-online-ratgeber>

WKO (2022). Personenbetreuung und Personenberatung. Branchendaten. Wien, WKO, Abteilung für Statistik. Mai 2022. Available at: http://wko.at/statistik/BranchenFV/B_127.pdf

WKO (2023) Abkommen zur Anwerbung philippinischer Pflegefachkräfte unterzeichnet Pressemitteilung. Available at: https://www.ots.at/presseaussendung/OTS_20230707_OTS0104/abkommen-zur-anwerbung-philippinischer-pflegefachkraefte-unterzeichnet-bild

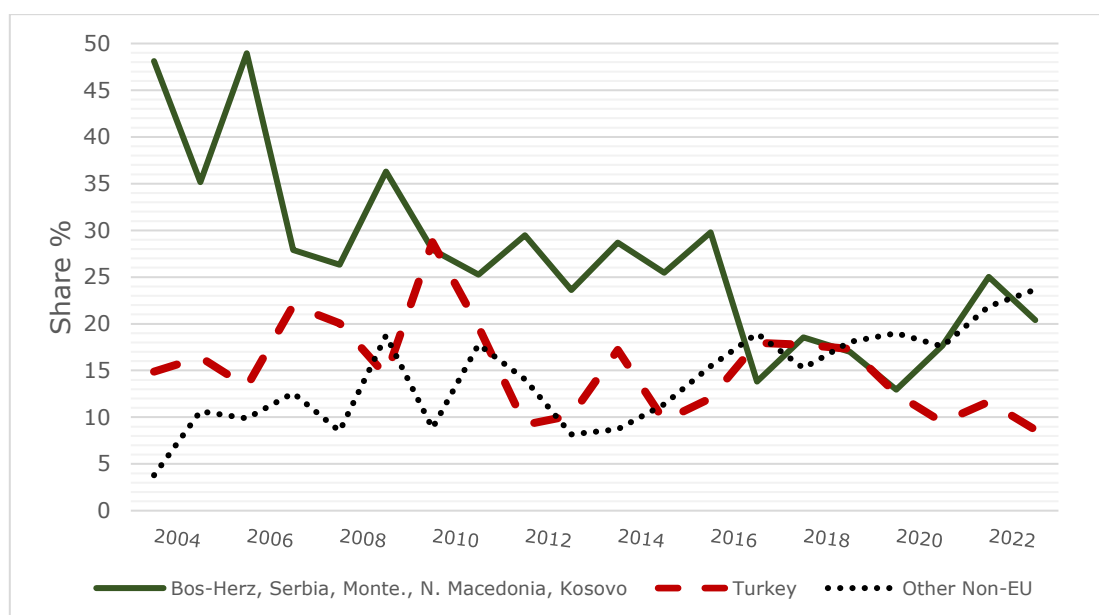
Appendices

Figure A1: EU citizen workers in the food and drink manufacturing as share % among all foreign workers in the industry



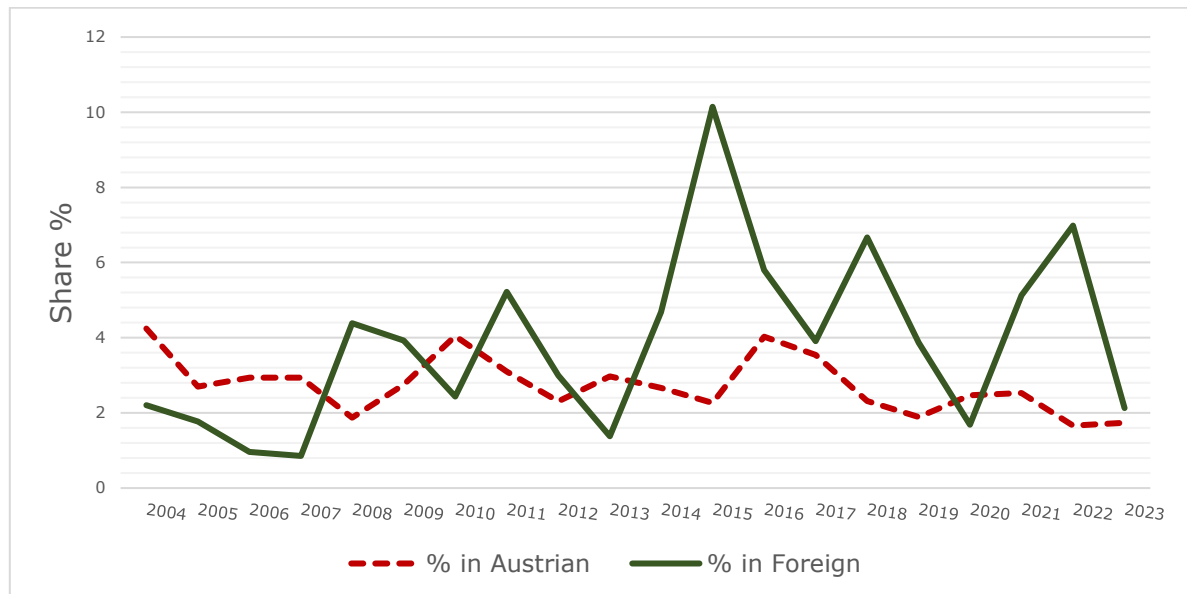
Source: Statistics Austria. Authors' own calculations. Dashed line indicates workers who are citizens of an EU Member State before the 2004 enlargement. Solid line indicates workers who are citizens of an EU Member States after the 2004 enlargement and thereafter.

Figure A2: TCN workers in the food and drink manufacturing as share % among all foreign workers in the industry



Source: Statistics Austria. Authors' own calculations.

Figure A3: Share % of temporary employment in the food and drink production industry among Austrian and foreign workforces



Source: Statistics Austria. Authors' own calculations.