



SIGMA

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Public Administration: Responding to the COVID-19 Pandemic

*Mapping the EU member states' public administration responses to the COVID-19 pandemic
(for EU Enlargement and Neighbourhood countries)*

AUSTRIA

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Centre of Government, policy co-ordination and decision-making process

- 1. How is the Government (Council of Ministers) functioning (organisation of virtual meetings, remote sessions etc.)?**

Tools in place are Skype for Business and Cisco WebEx. Citrix is also used, especially by individuals who do not have an official 'job-laptop'. The core/top crisis management team (consisting of the Chancellor, Vice-Chancellor, Minister of Health and Minister of Interior) are also meeting in person before taking major decisions of strategic importance as well as speaking at joint press conferences. The Council of Ministers is meeting by video-conferencing only, however the legal aspect of "presence quorum" is possibly not totally clear and might be legally questionable.

- 2. How are the crisis management and external communications co-ordinated within the Government? What is the role of the CoG in this? Is there a central strategy/guidance?**

Each ministry has formed a crisis management team, responsible for the agenda of the very institution. The cabinet of the Chancellor is permanently/physically present.

- 3. Any arrangements (rules, working procedures) which aim to streamline and accelerate the government decision-making process (as regards deadlines, public consultations, transparency, impact analysis)?**

The crisis management team of each ministry is responsible for ensuring speedy and accurate information management and co-ordinating the supporting (health/statistics modelling) experts.

Public service and human resource management

- 1. What arrangements regarding teleworking? What is the share of civil servants teleworking? What is the share of civil servants still coming to the office?**

All Government employees are teleworking, however key officers are requested to stay in the office to assist the crisis management team whenever necessary.

- 2. What other flexible working arrangement (part time work, distribution of working hours over 7 days...)?**

Federal employees are expected to work from home according to normal business hours. In special cases overtime is being requested to accomplish urgent (logistics etc.) services.

- 3. If civil servants cannot telework, how are they paid?**

There is no (negative) impact on payments whatsoever.

4. Are civil servants being sent on mandatory annual leave? If not, is use of annual leave recommended? Any other special arrangement on absence management?

Employees who are NOT indispensable are requested to use leftover vacation days of the previous year.

5. Any new, special regulations for working overtime (removing limitations to overtime work e.g. for medical staff)?

Austria has already extremely flexible overtime work arrangements for health personnel allowing – within an average of 17 weeks up to 72 h working time per week. This can be extended to 52 weeks if necessary.

<https://www.jusline.at/gesetz/kaazg/paragraf/3>

<https://www.jusline.at/gesetz/kaazg/paragraf/4>

6. Arrangement for paying for extra workload (health care)?

<https://www.jusline.at/gesetz/kaazg/paragraf/5>

Overtime (40h+) and supplements are paid according existing regulations.

7. What measures have been introduced to create fiscal space to fund health care, economic measures etc. against COVID-19 (salary cuts, freeze of recruitment, promotions...)?

No measures known.

Accountability

1. How did you keep the national parliament operational? Any simplification of parliamentary procedures?

Parliament is fully functional, with sessions continuing to take place; however the physical arrangement in the session hall uses the visitor's gallery to ensure 1+ metre physical distance between people.

With regards to simplification, accelerated procedure is used in line with the constitution ("Initiativanträge" by min 3 MPs) and so far accepted by a unanimous vote.

2. How about the Ombudsman (e.g. overseeing the situation in prisons)

Due to the current situation around the coronavirus and to avoid the risk of infection, the consultation days of the Ombudsperson are suspended in the coming weeks - probably until mid-April. The Ombudsmen ask for understanding that no personal talks are currently possible. Complaints from citizens continue to be received by phone, e-mail and post, as well as via the electronic complaint form on the website. There may be delays in processing complaints.

The Ombudsman initiated an accompanying test immediately after the first measures to prevent the spread of the coronavirus in Austrian prisons. Due to its constitutional mandate to preventively protect the protection of human rights in all places from restrictions on freedom, the Ombudsman is encouraged to do so.

The conclusion is that the restrictions for prisoners are massive. However, as the international comparison shows, they are still considered proportionate. Additionally, the protection of prison staff is particularly important to the Ombudsman. It must be ensured that their security is also protected in this confined space. There are currently no complaints in the Ombudsman's Office, which the

Ombudsman sees as reflecting a broad understanding, among the entire population, of the necessary restrictions.

In prisons, delayed detainment is partly used to reduce inmate population.

Apart from this an enormous number of questions from citizens has been received by the Ombudsman editorial office: on the subject of the labour market, short-time work, new regulations, restrictions on fundamental rights, compensation and much more.

3. Does administrative justice work? Have deadlines changed?

A three-month moratorium for deadlines is being put in place –at least until 30 April, so far.

Warranty deadlines are restarting as of 1 May.

4. Any public debates on respect of principles of good administration (legality, proportionality, predictability) of protective measures?

All measures are still screened by the legislative secretary of the chancellery.

Stakeholders are still consulted in process of legal drafting.

Public debates, however, are not initiated for “Initiativanträge”.

A lot of public discussion is currently taking place in the media etc. regarding the potential risks for personal data protections related to mobile tracking systems.

Service delivery

1. Which services are being delivered (all, some, only the essential)?

Partly reduced service is actually offered, as employees of public offices are working from home. A long list of digital services is already in place (oesterreich.gv.at) such as registration, certificate of honesty, etc. which are still available. On the other hand, any services requiring presence in person (e.g. initial application for passport) is suspended or only available upon prior appointment

2. Are there any modifications done to the obligations of:

- i. *the administrations towards citizens/businesses (e.g. freezing of deadlines)?*

Deadlines starting 22 March or ending thereafter are so far restarting as of 1 May, excluding cases of ‘imminent danger’.

<https://www.rechtsanwaelte.at/covid-19/gesetze-und-verordnungen/bundesgesetze/2-covid-19-gesetz/>

- ii. *citizens/businesses towards public administration (reporting, payments of taxes, contributions, fees...)?*

A multitude of measures has been taken, for example:

- VAT and all other tax payments and fees are as of 22 March suspended for 3 months.*
- In the context of proceedings relating to tax offences and offences relating to the payment of fees and duties, for the purpose of legal protection, key deadlines are suspended. These comprise deadlines for appeals, objections, submission applications and the complaints relating to coercive measures which were still running as at 16 March 2020 or in respect of which the relevant period begins to run*

between 16 March and 30 April. These deadlines are suspended until 1 May 2020. This interruption of the deadline also applies to foreign taxable persons (especially foreign entrepreneurs). If the restrictions on movement last longer, deadline suspensions may be extended through a government ordinance.

- Grants for dealing with the COVID-19 crisis will be tax-exempt. However, the expenses they cover will still be considered in full as operating expenses.

3. Has the crisis initiated any simplifications or enhanced the use of alternative tools:

- i. in the internal procedures of the Government (e.g. acceptance of formal approvals over e-mail)?

Already existing before.

- ii. in the administrative procedures with citizens and businesses (e.g. replacement of handwritten signature with scanned copies or simple exchange of mails)?

Digital signatures have been in place for a long time. Digital post boxes are also in place, i.e. replacing official / physical delivery.

Public financial management

1. Are COVID-19 response measures being introduced within the framework of or with reference to existing fiscal rules (budget deficit or public debt ratio limits etc.)

The budget has been flexibly adapted to requirements / public debt increase accepted by parliament.

The “Protective Shield” support package comprises the following elements (Austrian Federal Ministry of Finance)¹:

- A new emergency assistance fund for industries hit hard by the crisis (EUR 15 billion): The financial aid is principally available to companies with a priority for strongly affected sectors, such as catering and retail. The emergency aid provides a mix of loans and grants in order to support the liquidity of enterprises. Loans are available up to a limit of EUR 120 million to cover operating costs.
- A new crisis management fund (EUR 4 billion): The fund is to provide money to increase the capacity of the health sector in terms of infrastructure and human resources. It also provides money to enterprises to bridge liquidity shortages and cushion the loss of revenues. The new crisis management fund also covers the hardship fund (EUR 1 billion) that gives grants to freelancers, non-profit organisations and small businesses affected by the legal or economic consequences of COVID-19. Immediate aid of up to EUR 7 000 over three months is available. The Austrian Chamber of Commerce processes the cases.
- Extension of the short time work scheme (funded by the crisis management fund): The budget of the Public Employment Service Austria (AMS) was increased to EUR 1 billion. It covers the salary of all workers including apprentices from 10% up to 90% of the working time according to collective bargaining agreements up to a certain threshold. The waiting period for short-time work allowances has been lifted. The net replacement rate is between 80 and 90%. Short-term work will be extended to three months (until May) with the possibility to extend it by another three months (until August).

¹ Quoted from “Initial Budget and Public Management Responses to the Coronavirus (COVID-19) Pandemic in OECD Countries”, OECD

- *Tax-related measures (EUR 10 billion): The Ministry of Finance is to provide ways for businesses to request reductions in advance payments of income and corporate tax, the deferral of taxes and an exemption from deferred interest and late payments. Related to that, the social health insurance fund offers deferrals of social security contributions and forbearance regarding late payment surcharges. The increase in tobacco tax planned for April is postponed to October and deadlines in the area of the Tax Code and the Financial Criminal Law have been extended.*

Separate from measures that directly affect the Government's fiscal balance, the Federal Budget includes a guarantee framework of EUR 7 billion for credit protection to further support the liquidity of enterprises and self-employed, processed by the Federal Development and Financing Bank. EUR 2 billion is to be provided to the export credit scheme to cover up to 15% of operating costs of exporting enterprises. In addition, a temporary bankruptcy brake will ensure that enterprises do not have to file for bankruptcy in the event of temporary insolvency due to COVID-19.

2. Are the cost of these measures being published?

Yes – all measures & impacts are published.

See also regional sample:

https://www.graz.at/cms/beitrag/10346920/8145153/Coronavirus_Milliarden_Euro_Hilfspaket_der.html

3. Have budget users been asked to identify cost-saving measures to partially offset the cost of the response measures?

Nothing known so far; the Government is expecting drastic overspending. There are NO austerity measures in place.

4. Are internal controls continuing to operate smoothly (electronic signatures)?

No doubt.

5. Does each budget user or at least ministry have a risk management strategy that envisaged emergency measures in response to a sudden crisis? How is staff and customer safety balanced against the need to deliver required services?

Unknown.