

FACT SHEET ON AUSTRIA

Information supplied by Nora Gresch and Birgit Sauer, based on their paper for the Workshop on Legal Struggles and Political Mobilization around Gender Quotas in Europe, September 2014, Florence.

CONSTITUTION
Constitutional gender equality clause, including constitutional parity provisions.
Article 7 of the constitution (1) All Federal nationals are equal before the law. Privileges upon birth, sex, estate, class or religion are excluded. No one shall be discriminated against because of his disability. The Republic (Federation, Laender and municipalities) commits itself to ensuring the equal treatment of disabled and non-disabled persons in all spheres of every-day life.
Constitutional reform
In 1998, the government amended article 7 of the constitution with the following paragraph (2): (2) The Federation, Laender and municipalities subscribe to the de-facto equality of men and women. Measures to promote factual equality of women and men, particularly by eliminating actually existing inequalities, are admissible. (The federation, provinces and municipalities profess (bekennen) to de-facto equality of man and woman. Measures fostering de-facto equality of women and men, particularly by eliminating actually existing inequalities, are permissible ([zulässig], N.G.).
Constitutional/Supreme Court case law on quotas
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NUMBERS
Number of female MPs in both chambers
Numbers of female MPs in the National Council (numbers refer to the start of the respective legislative period) XXIII. Legislative period (30.10.2006): 57 women (31.15%) XXIV. Legislative period (28.10.2008): 50 women (27.32%) XXV. Legislative period (29.10.2013): 61 women (33.33%) Numbers of female MPs in the Federal Council (numbers refer to the start of the respective legislative period) XXIII. Legislative period (30.10.2006): 18 women (29.51%) XXIV. Legislative period (28.10.2008): 16 women (25.81%) XXV. Legislative period (29.10.2013): 17 women (28.33%) Source: www.parlament.gv.at/SERV/STAT/PERSSTAT/FRAUENANTEIL
Number of women in boards of biggest publicly listed companies
Percentage of women in the boards in the publicly listed 200 most profitable companies in Austria, if they have institutionalized a supervisory board for sectors.

Service:
 2013: 9,6%; 2014: 9,6%; 2015: 11,0 %
 Finance:
 2013: 3,0%; 2014: 5,1%; 2015: 4,7%
 Trade:
 2013: 2,4%; 2014: 4,4%; 2015: 5,3%
 Industry:
 2013: 6,3%; 2014: 4,6%; 2015: 4,5%

Spitzer, Sonja and Christina Wieser (2015): Frauen.Management.Report.2015, Arbeiterkammer Wien, p. 13.

POLITICAL and PARTY QUOTAS

Existence of voluntary party quotas and other schemes

In 1985, the SPÖ was the first party in Austria introducing a non-mandatory 25% quota for women on candidate lists and for appointed offices. In 1993, it subsequently raised it to a mandatory 40% quota, adding the requirement that all lists alternate between women and men in 2010. The party convention adopted new enforcement regulations in 2014: Candidates lists that do not fulfil the quota are invalid and will be rejected. If the executive committee of the province will not change the list, the executive committee of the federal party has to finalize the candidate list as well as submitting it to the federal party council. Sanctions are again not introduced.

The Green Party established a 50% quota in its articles in 1987 for all elected organs and party functions, and it is the only party in Austria that exceeds its own quota. Presently, 54.2% of the members of parliament of the Greens are female, and it is also led by a woman, Eva Glawischnig.

Moreover, in 1994, the Greens amended its statutes to include a positive discrimination of women. If a man would be on the first position of a candidate list, the next two following places must be women, since the 50% quota would be in danger if only three candidates would gain mandates. This regulation is only applicable to women.

The ÖVP followed with the introduction of a 30% quota for women in its articles in 1995.

The right-wing populist party FPÖ never introduced a quota system.

Within the liberal NEOS fraction in parliament, 11% are women, and the party is engaged in internal discussions on whether a women's quota will be a future measurement for advancing the representation of women in the party.

The party TEAM STRONACH is against quota regulations for women in general.

Existence of soft measures in politics

NONE

Existence of hard legislated electoral quotas

NONE

Existence of Public board quotas

In 1993, the government passed the first Federal Equal Treatment Act for the public services explicitly stating that each unit of a department must create affirmative action plans if the percentage of women in a unit is below 40% naming measures to achieve this quota. The quota was raised in 2010 to 45 % and in 2012 to 50%.
 Moderate implementation

In March 2011 the cabinet decided to introduce a quota of 35% for women pertaining to supervisory boards of state-owned enterprises where the state is the majority share-owner until 2018.
 In 2014, 44 of the 57 state-owned enterprises showed 25% or a higher percentage of women in their supervisory boards, 24 companies of those had even more than 50% of women as members of the supervisory boards.
 In average, the state-owned enterprises show a 37% share of women in the supervisory boards. The aim of having an average quota of 35% is thus achieved.
 Strong implementation

Austrian Press Agency (2015): Frauenanteil in Aufsichtsräten staatsnaher Unternehmen auf 37 Prozent gestiegen.

Source: http://www.ots.at/presseaussendung/OTS_20150303_OTS0081/frauenanteil-in-aufsichtsraten-staatsnaher-unternehmen-auf-37-prozent-gestiegen

CORPORATE BOARD QUOTAS

Existence of soft Corporate Board quotas/measures

Concerning the amendment of the Corporate Governance Kodex in 2015, the Kodex now exemplifies an EU recommendation, stating that regarding the promotion of women the Corporate Governance Report of a company should entail the percentage of women in the board, supervisory board, managing positions and the descriptions of the years' measures to promote women in the board, supervisory board and managing positions. The inclusion of the information in the report is voluntary.

Weak implementation.

Spitzer, Sonja and Christina Wieser (2015): Frauen.Management.Report.2015, Arbeiterkammer Wien, p. 11.

Existence of hard Corporate Board quotas

NONE

QUOTAS IN OTHER DOMAINS

Legislated or voluntary measures in other domains as executive, judiciary, universities, sports federations, trade union, professions, political party structure, etc.

On the basis of the constitutional reform, the university law was amended in 2009 and 2015, and now bindingly stipulates that the percentage of women in university organs and committees has to be at least 50% with possibilities to intervene if the quota is not addressed.

In 2010, a 45% women's quota was introduced for all positions of the Austrian public broadcasting agency (ORF), except the positions in committees and the managing board.

The Austrian Trade Union Association is the only organisation that has a quota regulation within Austria's chamber system. This "relational quota" regulation determines, that the percentage of women within the organs of the association has to adequately correspond to the number of female members, and has been introduced in 2007 with an amendment of its statutes and as a long standing demand of the women's organisation of the ÖGB. This quota has been achieved with regard to the executive committee in 2008, but the implementation of the quota regulation has not been realized within the individual trade unions.

In 1993, the government passed the first Federal Equal Treatment Act for the public services explicitly stating that each unit of a department must create affirmative action plans if the percentage of women in a unit is below 40% naming measures to achieve this quota. The quota was raised in 2010 to 45 % and in 2012 to 50%. The arguments of the opponents of the policy draft at the time of introduction, like primarily high-ranking civil servants, the civil servant's trade union as well as members of the FPÖ contested that the nomination of equal

treatment officers in departments would not be necessary, the proposed measurements would erode the competence of experience and that preferential treatment of women would be equal to reverse discrimination. The major claim of the advocates for the quota regulation was to strive for de-facto equality between men and women.

After the government had passed this law, the provinces also had to adopt their own Equal Treatment Laws for the public services to implement the quota. The nine provinces did so with rather different pace.

CONTAGION and CONNECTIONS

Contagion between different domains within the country

The passing of the Federal Equal Treatment Act for the public services in 1993 introduced an explicit quota regulation, although without introducing sanctions, but with the commitment to create affirmative action plans how to reach the quota, which is the base for the quota-regulations of the university law and within the public broadcasting agency.

EU-legislation is crucial for the introduction of quota regulations in regard to the amendment of the constitution and the quota concerning credit giving institutions.

Connections with other countries/ international dynamics

In many ways, Germany has been serving as an institutional model for Austria, this was also the case with respect to quota-claims (with the exception of some electoral quotas).

The amendment to the constitution in 1998 was influenced by a decision of the European Court of Justice regarding the permission of affirmative action for women as well as the introduction of “nominating committees” (Nominierungsausschüsse) for institutions giving credits (Kreditinstitute) in 2014 who will have to name a benchmark-quota for the underrepresented sex in management and corporate boards as well as a strategy to reach the quota (EU Regulation on Capital Requirements, CRR).

COUNTRY SPECIFICS

Best practice

The launch of the so-called “women’s referendum” (Frauenvolksbegehren) in 1996 by the women’s initiative “Autonomous Women’s Platform” (UFF, Unabhängiges Frauenforum) which led to the implementation of the mentioned amendment to the constitution, although the clause was not phrased as a commitment, but as a “profession”. The referendum created also high media attention in regards to the situation of women in Austria, especially the compatibility of work and life balance, and the gender-equality policies of the Austrian parties.

Failures

Austrian legislation encompasses quota regulations, but without the introduction of sanctions if the quota is not fulfilled, just the commitment to create plans how to reach the quota.

Regarding the quota regulation of the university law and the creation of candidate lists in the SPÖ, the decision of university organs or the respective executive committee of the federal party unit can be discarded if the quota regulation is not met.

Trying to summarize the low leverage of quota regulations in Austria, it could be stated that quota regulations are implemented in Austria as symbolic, but not as transformative measures to realize gender equality.