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IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS

Reports submitted in accordance with Council resolution
1980 (LX) by States Parties to the Covenant concerning
rights covered by articles 10 12

AUSTRIA

/31 July 1980/

INTRODUCTION

The International Covenant on Economic, Social and Cultural Rights entered into force for Austria on 10 December 1978. When approving the International Covenant, the Austrian National Council decided, under article 50, paragraph 2, of the Federal Constitutional Act, that the Covenant should be implemented through the adoption of legislation. However, the National Council took that decision in awareness of the fact that the requirements of the Covenant were already met at the time of its ratification by provisions of national law. Nevertheless, by virtue of the commitments assumed under international law, the legislator is obliged to ensure the implementation of the rights specified in the International Covenant by enacting appropriate legal provisions, in so far as those rights are not already guaranteed by existing legislation.

By virtue of the principle of equality embodied in the Federal Constitution of Austria, all Austrian citizens enjoy the rights guaranteed by law in accordance with the International Covenant and can assert those rights through the system of legal protection established in Austria.

Article 7 of the Federal Constitution provides as follows.

(1) All federal citizens are equal before the law. Any preference based on birth, sex, status, class or creed is excluded. The full enjoyment of their political rights is guaranteed to public servants, including members of the federal army.

A further guarantee of the equality of Austrian citizens defined by the Constitutional Act is established by articles 66 and 67 of the Treaty of Saint-Germain (Federal Legislative Gazette No. 303/1920).

Equal treatment for foreign nationals under the Austrian legal system is guaranteed and enjoys constitutional status under article 1 of the Federal Constitutional Act of 3 July 1973 implementing the International Convention on the Elimination of All Forms of Racial Discrimination; the article reads as follows.

"(1) Racial discrimination shall be prohibited in any form, even where it is not already prohibited by article 7 of the Federal Constitutional Act (text 1929) and article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms (Federal Legislative Gazette No. 210/1958). As regards both legislation and enforcement, any distinction based solely on race, colour, descent, or national or ethnic origin shall be excluded.

"(2) The provisions of paragraph 1 shall not preclude the granting of special rights to, or the imposition of special obligations, on Austrian citizens, in so far as article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms does not provide to the contrary."

The provisions of article 2 allowing for the granting of special rights to Austrian citizens or the imposition of special obligations on them is in keeping with article 1, paragraph 1, of the International Convention on the Elimination of All Forms of Racial Discrimination.

Article 7 of the Federal Constitution explicitly guarantees equal treatment for men and women under the Austrian legal system and also as a constitutional right. However, the Austrian legal order does include some protective provisions which take account of the special role of women in the family and in society.

Before considering in detail the specific questions concerning articles 10 to 12 of the International Covenant, it should be emphasized that the comments made below cover only the main provisions and measures which are cited by way of example as affecting the fields in question.

I. ARTICLE 10. PROTECTION OF THE FAMILY, MOTHERS AND CHILDREN

A. Protection of the family

Point (1)

Under Austrian federal constitutional law, protection of the family derives from the provisions of articles 8 and 12 of the Convention for the Protection of Human Rights and Fundamental Freedoms and from article 2 of the first Protocol of to the Convention:

Article 8 of the European Convention

"(1) Everyone has the right to respect for his private and family life, his home and his correspondence.

"(2) There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

Article 12 of the European Convention

"Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right."

Article 2 of the first Protocol to the Convention

"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions."

Since the European Convention, including the first Protocol, forms an integral part of Austrian federal constitutional law and is directly applicable, the rights defined in the above-mentioned articles are rights guaranteed by constitutional law within the meaning of article 144 of the Federal Constitutional Act. Moreover, being an integral part of federal constitutional law, they constitute a rule - subject, like others, to review by the Constitutional Court - the ordinary legislation of the Federation and the Länder and of the regulatory power of the administrative authorities. In certain well-defined circumstances, a person directly contesting a law or a regulation may assert that laws or regulations are contrary to the provisions laid down by constitutional law (Federal Constitutional Act, arts. 139 and 140).

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In addition to these national measures to ensure compliance with the Convention for the Protection of Human Rights and Fundamental Freedoms, a person affected by a measure which is contrary to the Convention may also appeal to an international body, the Commission of Human Rights in Strasbourg. If the European Commission of Human Rights considers such a petition admissible and does not succeed in effecting a friendly settlement, the final decision is rendered either by the Committee of Ministers of the Council of Europe or by the European Court of Human Rights.

Article 8 of the European Convention guarantees protection for everyone against arbitrary interference by the public authorities in his private and family life and thus prohibits, so far as the family is concerned, any interference in the life together of married couples and of parents and children. Since this article presupposes the existence of a true family life, its primary purpose is to protect the integrity of the family.

Article 12 of the European Convention, which guarantees the right to marry and to found a family, constitutes a safeguard of marriage and of the family under constitutional law and thus obliges the State to secure the existence of those institutions by means of legislation and enforcement.

Article 2 of the first Protocol to the European Convention should be mentioned in this connexion, since it confers a right on parents with respect to the education and teaching of their children, thus providing indirect protection, embodied in constitutional law, of family life against any influence exercised by the State.

The European Social Charter, which has also been ratified by Austria, contains a number of provisions relating to the family:

Part I, item 16

"The family as a fundamental unit of society has the right to appropriate social, legal and economic protection to ensure its full development."

Item 17

"Mothers and children, irrespective of marital status and family relations, have the right to appropriate social and economic protection."

Part II, article 16

"The right of the family to social, legal and economic protection"

"With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Contracting Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married, and other appropriate means."

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Article 17

"The right of mothers and children to social and economic protection"

"With a view to ensuring the effective exercise of the right of mothers and children to social and economic protection, the Contracting Parties will take all appropriate measures to that end, including the establishment or maintenance of appropriate institutions or services.

The last two provisions quoted above are among the articles by which Austria has declared that it considers itself bound in accordance with article 20 of the Charter.

Protection of the family is also one of the aims of the International Labour Organisation. The aims enunciated by ILO in the annex to its Constitution, to which Austria reaccessed on 24 June 1947 (Federal Legislative Gazette No. 223/1949), are, in particular, provision for child welfare and maternity protection and the provision of adequate nutrition, housing and facilities for recreation and culture - aims which are directly relevant to protection of the family. Those aims were given concrete expression in a number of conventions to which Austria has become a party. They include the following:

Convention No. 89 concerning Night Work of Women Employed in Industry (Federal Legislative Gazette No. 229/1950):

"Women without distinction of age shall not be employed during the night in any public or private industrial undertaking" (art. 3).

Convention No. 103 concerning Maternity Protection (Federal Legislative Gazette No. 31/1970):

Establishes the right to maternity leave, the right to cash benefits and medical benefits, the right to interrupt work for the purpose of nursing a child, and legal protection against dismissal.

Convention No. 100 concerning Equal Remuneration for Men and Women Workers for work of Equal Value (Federal Legislative Gazette No. 39/1954).

Convention No. 102 concerning Minimum Standards of Social Security (Federal Legislative Gazette No. 33/1970):

Establishes the right to medical care, in case of any morbid condition, for wives and children also (art. 9); the right to pre-natal, confinement and post-natal care (art. 10, para. 1 (b)); the right of wives and widows to employment injury benefits (arts. 32 et seq.); family benefits for dependent children in the form of periodical payments or benefits in kind (arts. 39 et seq.); and maternity benefits (arts. 46 et seq.).

Mention should also be made of the European Social Security Convention (Federal Legislative Gazette No. 426/1977), ratified by Austria, which provides for family allowances and family benefits (arts. 59 et seq.).

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In order to give effect to the protection of the family guaranteed by constitutional law, and in fulfilment of the obligations under international law assumed by Austria in this connexion, the Austrian legal order includes many provisions directly or indirectly concerned with protection of the family in the legislation relating to marriage, affiliation and inheritance, penal law and in laws concerning assistance to youth.

Point (2)

As regards the constitutionally guaranteed right under the Austrian legal order to enter into marriage and to establish a family, reference shall be made to article 12 of the European Convention cited under point (1).

Point (3)

Under the Austrian legal order, families can obtain benefits of many kinds which, taken together, provide a considerable incentive to establish a family. Such benefits in favour of the family are offered, for example, in the form of tax advantages under the tax laws, in the form of allowances paid by the State and reduced travel fares for families, under labour legislation, civil service law, social legislation, social security laws and the legislation for the promotion of housing construction and, lastly, in the form of specific measures of encouragement at the family level with regard, for example, to employment.

One specific measure designed to facilitate the founding of a family, which deserves first mention in this connexion, is the payment by the State directly to each spouse in a single sum, on the occasion of a first marriage, of an amount of 7,500 Austrian schillings, provided that the couple's domicile and centre of vital interests is in Austrian territory.

Point (4)

As regards the tax laws, mention should be made of the following advantages accorded to families:

(a) The single-salary deduction which a taxpayer may take if his or her spouse, being a member of the same household, has no income of his or her own or has an income of not more than 10,000 Austrian schillings a year;

(b) The tax reduction based on number of children provided for in the income tax laws, relating, for example, to the thirteenth and fourteenth monthly payments and to extraordinary expenses deductible up to a certain amount (in particular, insurance premiums and costs of providing living space);

(c) The exemption from income tax of certain income, such as maternity leave allowances, and the possible deduction under the income tax laws of what are agreed to be "extraordinary" expenses, such as alimony paid to a divorced spouse, taking into account income and number of children;

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(d) Increased tax advantages for personal savings and housing savings according to family status and number of children.

In determining the property tax, family status and number of children are taken into consideration through reductions in assessment.

Spouses and children are given special relief in the calculation of the inheritance tax, the gift tax and the tax on transfers of property.

Under the Equalization of Family Burdens Act (Federal Legislative Gazette No. 376/1967), as amended, families are entitled to the following benefits financed out of the Family Burdens Equalization Fund:

(a) Family allowances, and supplementary family allowances for seriously handicapped children;

(b) Free transport for schoolchildren and travel allowances for schoolchildren;

(c) Free textbooks;

(d) Maternity grant.

Also very important is the alleviation of family financial burdens afforded by reduced fares for infants, schoolchildren, students, apprentices, youth groups and family members travelling together. Advantages of this kind are offered for passenger transport by the Austrian Federal Railways and the post buses, and also by public transport companies in nearly all the capital cities of the Austrian federal provinces.

Labour legislation and civil service law provide extensive family benefits, including some designed to protect the family. Mention may be made, by way of example, of the relevant protective provisions for young people, women and mothers and the special provisions applicable to women in case of marriage or the birth of a child. In addition, Austrian law provides special benefits for families, both in the civil service and in private industry, such as a special household grant.

In the case of social security (sickness, accident and retirement insurance), special consideration is also given to family status. The same is true of the social welfare system, the main function of which is precisely to provide for the family in situations of particular distress.

The provisions designed specially to benefit the family also take into account the specific housing requirements of families. In this connexion, mention should be made first of the housing allowance under the Housing Construction Promotion Act of 1968, of many provisions of the legislation governing rents that are concerned with the family, and the so-called rent relief under the Income Tax Act.

However, it is of course particularly in the field of public health and health policy that the family receives special consideration. In addition to many

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information campaigns directed to the family, facilities for free preventive examinations, school medical examinations and measures to improve medical care in general, special mention should be made in this connexion of the maternal and child health booklet, introduced in 1974, which is an essential feature of the campaign to reduce maternal and infant mortality. Provided that she has a specified number of medical examinations during pregnancy and allows the child to have certain clearly prescribed examinations during the first year of his life, a woman receives a maternity grant, now totalling 16,000 Austrian schillings, which is paid to her in two instalments. The maternal and child health booklet allows for further optional examinations until the child begins school. As a result of these measures, which have been accompanied by the development of obstetrical and neo-natal units in hospitals, infant mortality for Austria as a whole declined by more than one third over the last six years, and for the first six months of 1978 it was only about 14.4 per thousand.

B. Maternity protection

Point (1)

The provisions applicable to expectant mothers for specified periods before and after childbirth are designed to guarantee them the necessary protection against any undue physical and mental strain and also to preserve their employment status until such time as they have entirely recovered their fitness for work. The provisions relating to unpaid leave, which are of great importance from the standpoint of social policy and of the family, make it possible for the mother to devote her full time to the care and upbringing of the child during the first year of his life, a decisive period for the child's development.

Convention No. 103 concerning Maternity Protection (Federal Legislative Gazette No. 31/1970), which was ratified by Austria on 4 December 1969, applies, in accordance with article 1, paragraph 1, to women employed in industrial undertakings and in non-industrial and agricultural occupations, including women wage earners working at home.

The arrangements specified in the Convention were put into effect in Austria through the Maternity Protection Act and the social security laws.

Under the Maternity Protection Act, mothers may extend their unpaid leave until the child's first birthday. In addition, mothers who are given unpaid leave under the provisions of the Act can also, in certain circumstances, obtain an unemployment insurance benefit, namely, an unpaid leave allowance.

In 1974, the minimum periods of protection before and after childbirth were increased from six to eight weeks.

A further amendment to the Maternity Protection Act, which is of importance from the standpoint of family policy, was adopted in 1976. This amendment extends to adoptive mothers the provisions relating to protection against discharge or dismissal and to unpaid leave.

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The provisions of the Maternity Protection Act apply to women (including women apprentices) working under a service contract and to women wage earners working at home, whether or not they are of Austrian nationality.

Point (2)

In this connexion, reference may be made to what was stated earlier (sect. A, point (4)), particularly concerning the maternal and child health booklet, and to the comments on section B, points (3) and (4), below.

Points (3) and (4)

With regard to these points, mention should be made in particular of the following protective provisions under labour law and civil service law:

1. Obligations of women workers and employers

An expectant mother must inform her employer as soon as she learns that she is pregnant.

The employer is required, as soon as he is so informed or after production - if he has expressly demanded it - of a medical certificate confirming the pregnancy, to notify the competent labour inspectorate of the name and age of the woman concerned and the nature of her work. This provision enables the authorities to exercise effective supervision over the work places of pregnant women.

2. Prohibition of employment

The employment of expectant mothers during the last eight weeks before childbirth is totally prohibited. The same absolute prohibition applies to the employment of women for a period of eight weeks after the birth of a child. In the case of women who have given birth prematurely or by Caesarean section or who have had more than one child, the period of post-natal leave is extended to 12 weeks.

Prior to the eight-week period of total protection before childbirth, expectant mothers must not be employed in any work the continued performance of which might, according to a certificate issued by a labour inspectorate medical officer or a medical consultant, endanger the life or health of the mother or child.

During these periods of general or individual prohibition of work before and after childbirth, the employer is relieved of the obligation to pay the woman's wages; throughout this time, the sickness fund pays a special cash benefit calculated on the basis of the average net earned income for the last 13 weeks or three months, including special payments.

In accordance with the provisions of the Maternity Protection Act, expectant mothers must not be employed in arduous work requiring great physical effort or in

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work which, because of the nature of the process or of the substances or equipment used in such work, has an injurious effect on the organism during pregnancy or may be harmful to the unborn child.

3. Protection against discharge and dismissal

From the beginning of the pregnancy until four months after childbirth, cancellation by the employer of an employment contract of unlimited duration is null and without legal effect if, at the time of dismissal, the employer was aware of the pregnancy or childbirth or if, within five working days following the notice of dismissal, he was informed of the pregnancy or childbirth.

There is another provision of the Maternity Protection Act which protects women with regard to the law concerning termination of an employment contract by mutual agreement. Such termination is considered valid only if it was agreed upon in writing. In addition, in the case of a minor, the agreement must be accompanied by a certificate from the joint arbitration bureau or from the workers' legal interests group confirming that the worker has been expressly informed that she is protected against dismissal.

During pregnancy and up to four months after childbirth, the summary dismissal of a woman worker is valid only if such action is taken for serious reasons which are exhaustively enumerated in specific laws.

4. Unpaid leave

Under the terms of the Maternity Protection Act, women are allowed, after the 3 to 10 weeks' period of time off following childbirth has expired, to take unpaid leave for a maximum duration of up to the child's first birthday. The protection against discharge or dismissal under the Maternity Protection Act applies throughout the period of unpaid leave and for four weeks after the end of that period.

5. Special provisions applicable to women in case of childbirth

For certain categories of women workers, Austrian law lays down special provisions applicable upon marriage or the birth of a child. The purpose of these special provisions is, firstly to give such workers an entitlement to certain facilities for terminating the employment contract and, secondly, subject to certain conditions, to allow a person covered by this special legislation to receive the separation allowance, or at least part of it, if she terminates her employment contract because of marriage or the birth of a child.

Under the law governing the right to allowances of women employees in the private sector who have terminated their employment contract because of the birth of a child, a woman who, after the live birth of a child, leaves her employment during the 3 to 12 weeks' protection period following the birth is entitled to

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half the allowance payable to her in case of termination of the contract by the employer, provided that she exercised the employment in question for a minimum of five years.

In addition to these legal provisions applicable to women employees in the private sector, collective agreements contain clauses providing for even more favourable treatment: in case of termination of the employment contract by the employee because of childbirth, allowances are to be granted even if she exercised the employment in question for only three years; periods of apprenticeship are also to be taken into account in calculating the period of employment; and the allowance is to be paid even if termination of the employment contract occurred during the total period of unpaid maternity leave, i.e., up to the child's first birthday.

The law relating to allowances for wage earners sets out the principle that upon the birth of a child women wage earners are also entitled, in the same circumstances, to an allowance.

Point (5)

Under the Austrian legal system, a variety of provisions are laid down by law and also under collective agreements, to protect the members of a worker's family. These legal provisions entitle the worker's next of kin to continue to receive his wages for a certain time after his death and give the members of his family the right to obtain an allowance and to remain in occupation of his employment-related housing.

The provisions of the law concerning guaranteed remuneration in case of insolvency are designed to ensure that the members of a deceased worker's family do not suffer financial loss as a result of the institution of insolvency proceedings against the assets of his former employer or that they can assert their rights expeditiously and irrespective of the duration of the judicial proceedings.

The law concerning the attachment of wages makes twofold allowance for the needs of the members of workers' families. Firstly, the unattachable income of a worker whose wages are attached is increased by a certain amount for each of his dependents. Secondly, the law accords dependent members of his family a special status vis-à-vis other creditors in that it gives them access, in case of enforced recovery of a claim for maintenance, to income of a debtor which is considered unattachable so far as all other creditors are concerned.

Mention should also be made in this connexion of the provisions of the Employment Act relating to general protection against dismissal. This Act provides that dismissal may, in certain circumstances, be contested if it is unjustifiable from the social standpoint. The questions to be taken into consideration in determining that point will, of course, include the family status of the worker concerned.

C. Protection of children and young persons

Given the particularly complex character of the provisions and measures to be examined in this section, it would seem inadvisable to deal with points (1) to (6) separately. It would be better, in this context, to make a comprehensive review of the areas on which this section focuses, namely youth welfare activities and the protection of children and young persons under labour law and civil service law. It must be emphasized, however, that in other areas also, particularly social security law and the measures referred to above (sect. B, point (5)), great importance is attached to the protection of children and young persons.

1. Youth welfare

The measures governing youth welfare are based partly on public law and partly on civil law.

(a) Social welfare activities for mothers and infants and youth rest homes

In order to ensure the normal physical development of children, special attention is paid to the health of pregnant women, women in childbirth, infants and young children, who receive care in free consulting centres for pregnant women and mothers of young children. Maternity consulting services have been set up in all administrative districts.

Furthermore, there is a health service for school-age children and opportunities for young persons to spend holidays in youth rest homes or in private homes offering suitable accommodation.

Among the most important institutions for children in Austria, mention must be made of child-care centres, which are widely distributed and designed to meet a broad range of needs. They are divided into infant crèches (for babies from six weeks to one year of age), ordinary crèches (for children from one to two years of age), nurseries (for children from two to three years of age), kindergartens (for children from three to six years of age), and day-care centres (for schoolchildren six years of age and over).

(b) Public services for youth

Public services for youth comprise the social welfare activities necessary for the physical, mental, intellectual and moral development of the child.

The following activities are involved:

- (a) Administrative supervision of children placed in foster homes;
- (b) Supervised guardianship;
- (c) Education assistance;

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- (d) Supervised education;
- (e) Public assistance education;
- (f) Administrative supervision of adoption.

Public assistance for youth is available for minors who are Austrian nationals; it is also available to alien minors if they have been made the legal wards of a public institution, if an Austrian court has made them wards as emancipated or unemancipated minors, if provisional social welfare measures have been taken, if there are intergovernmental agreements containing special provisions concerning the granting of assistance to young people on the basis of reciprocity, or if it becomes necessary to provide assistance in the public interest or in the interest of the minor in order to save him from physical, intellectual, or psychological neglect.

(c) Public service measures for youth

The placement of minors under sixteen years of age in foster homes is a measure designed to provide for the physical welfare of children.

According to the youth assistance statistics for 1977, placement in foster homes was approved for 1,574 children in that year; as at 31 December 1977, a total of 15,542 children were in approved foster homes.

Education assistance is provided for minors under 18 years of age who are not receiving the necessary education but whose situation does not require more severe measures. Education assistance encompasses all measures aimed at providing an appropriate and responsible education, namely educational counselling, possibility of finding alternative accommodation for the child, or referral to a kindergarten, day-care centre, childrens' home, youth centre or rest home.

Supervised education, for which an order must always be issued by the guardianship court, consists in supervising and assisting the minor in his normal family surroundings. The aim is to prevent physical, intellectual, psychological or moral neglect.

Public assistance education is the most serious social measure for youth; it is ordered - always by the courts - with a view to preventing or terminating the physical, psychological or moral neglect of a minor when it becomes necessary to remove him from his usual environment, in particular because the person responsible is not providing him with a proper education. In such cases, the ward must be given an opportunity to obtain vocational training that will be useful for his future career. Public assistance education involves placing the child concerned in a suitable family or in a public assistance institution.

2. Youth welfare activities under civil law

Should the persons responsible for the education of a child refuse to give their consent to the granting of education assistance, such assistance may be ordered by the court; if it has already been granted because the child was at risk in his home, it may be approved (judicial education assistance).

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3. Protection of children and young persons

The Austrian legal order provides very broad protection for children and young persons under labour law. On the one hand, they are absolutely prohibited from engaging in a number of occupations - graded partly according to age - and, on the other, employers of young persons undertake to comply with certain special obligations aimed at providing special protection for the health of this group of workers. Mention should also be made in this connexion of the legislative provisions stating that young workers must undergo a medical examination.

Austria ratified at a very early stage the international conventions of the International Labour Organisation on the protection of children and young persons:

(a) Convention No. 5 Fixing the Minimum Age for Admission of Children to Industrial Employment, which was ratified as long ago as 1936. The provisions of this Convention are at present implemented in Austria through the Employment of Children and Young Persons Act (Federal Legislative Gazette No. 146/1948).

(b) Convention No. 6 concerning the Night Work of Young Persons Employed in Industry, which Austria ratified in 1924. The provisions of this Convention are implemented in Austria through the Act prohibiting the employment of children and young persons, the Act to make provision for the employment relationships of domestic servants and salaried household staff (Federal Legislative Gazette No. 235/1962) and the Agricultural Labour Act (Federal Legislative Gazette No. 14/1948).

(c) Convention No. 10 concerning the Age for Admission of Children to Employment in Agriculture, which Austria ratified in 1924. The employment prohibitions established in this Convention were given effect in Austria by articles 76 and 77 of the Agricultural Labour Act and by the regulations concerning agricultural labour promulgated under that Act. The Austrian Act prohibiting the employment of children and young persons also takes into account the employment prohibitions embodied in Convention No. 33.

(d) Convention No. 124 concerning Medical Examination of Young Persons for Fitness for Employment Underground in Mines, which Austria ratified in 1972. Article 2 of this Convention calls for a thorough medical examination, and periodic re-examinations at intervals of not more than one year, for fitness for employment or work underground in mines of persons under 21 years of age.

4. Prohibition of employment of children

The employment of children is permitted only if the work to be done is not such as to impair their health and their physical and intellectual development and does not deny them the full benefit of the education they are receiving at school. Under article 5 of the Act prohibiting the employment of children and young persons, the employment of children in service of any kind is as a general rule prohibited. The term "children" means minors who have not yet completed their compulsory school attendance or minors who are not subject to or are exempted from compulsory school attendance, up to 1 July of the calendar year in which they attain the age of 15 years.

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5. Occupations in which the employment of young persons is prohibited

The expression "young persons" means, for the purposes of the applicable legislation, minors not being children who have not yet attained the age of 18 years or, at the time of attaining the age of 18 years, are serving an apprenticeship or undergoing a training course of a minimum duration of one year.

The employment of young persons in variety shows, cabarets, dance-halls and similar establishments is prohibited. The law also provides that young people shall not be employed in the following kinds of work (although exceptions may be made, depending on age and in some cases on sex): certain occupations in mines; blasting; certain occupations in quarries and in clay, sand and gravel pits; work in the lime-burning industry; certain occupations in the ceramics industry; certain occupations in the manufacture, polishing and finishing of glass and glassware; certain occupations in the building trade; work with air-compressors; diving; certain kinds of coating, varnishing and painting work; certain occupations in the metallurgical industry; certain occupations in the lead and zinc industries and in zinc-white plants; certain occupations in foundries; certain occupations in undertakings manufacturing lead compounds, alloys and derivatives; certain wood-stripping activities and certain operations with wood-working machinery; certain occupations in the treatment and manufacture of leather; certain operations with textile machinery; certain occupations in the manufacture of shoes; certain occupations in the manufacture and processing of paper and pulp; certain occupations in the graphic industries and in type-foundries; work in the manufacture and processing of ammunition and explosives; certain occupations in the production and use of chemicals; certain occupations in the operation of railways; the driving of a vehicle, or the operation of a crane or excavator; maintenance work on boilers and thermal plants, certain operations with electrical installations; work on refrigerating plants; work involving the use of benzene, toluene, xylene or carbon disulphide; work with pneumatic tools; storage of inflammable liquids and handling of tank cars.

In addition, young persons may not be required to work overtime, except for a limited amount of early and late duty. It is also prohibited for young persons to work at night, i.e., between 8 p.m. and 6 a.m. Exceptions are allowed only for those employed in the hotel trade and in businesses operating on a shift system with a change of shift every week.

Young persons who have not yet attained the age of 16 years or who are serving an apprenticeship or undergoing a training course of a minimum duration of one year are prohibited from performing piece-work or on any other work for which the amount of remuneration depends on output (art. 21).

6. Obligations of employers or proprietors employing young persons with respect to protection of their health and morals

The employers of young persons have special responsibilities for their welfare. For instance, under article 10, paragraph 1, of the Workers Protection Act, account must be taken, in the employment of young persons, of the particular requirements for the protection of their lives, health and morals.

The employer is also obliged to give young persons time off for medical examinations without loss of pay, in accordance with article 132 (a) of the General Social Insurance Act.

The Vocational Training Act (Federal Legislative Gazette No. 142/1969), which governs all matters pertaining to contracts of apprenticeship, stipulates that an apprentice shall not be given tasks which are beyond his strength.

7. Prohibition of employment of young persons

For the purpose of protecting the health and morals of young persons, Austrian law provides for the prohibition, under certain circumstances, of the employment of young persons by owners of undertakings or employers for a fixed period or indefinitely - for example, when the owner of an undertaking has been repeatedly punished for violations of the regulations for the protection of workers applicable to young persons or seriously failed in his duty towards the young persons in his employ; a prohibition must also be placed on the employment of young persons if there is evidence that the employer is morally unfit to employ young persons.

The Vocational Training Act contains very stringent provisions in this respect.

8. Compulsory examinations of young persons

To ensure regular medical supervision of young persons who are no longer subject to medical inspection at school, article 132 (a) of the General Social Insurance Act requires sickness insurance institutions to give young persons covered by a compulsory scheme a medical examination at least once a year. For the purposes of this legal provision, "young persons" means persons between 15 and 19 years of age. The purpose of the examination is the early detection of diseases, so that proper treatment can be promptly supplied.

Employers are obliged to give young persons time off for these examinations without loss of pay. They are also obliged to ensure that young persons entering employment for the first time undergo the examination, if possible during the first two months.

II. ARTICLE 11: THE RIGHT TO AN ADEQUATE STANDARD OF LIVING

The aim of economic and social policy in Austria is to provide the Austrian population with a standard of living adequate to its needs. The effort to achieve this aim includes a variety of measures in the fields of employment policy, income policy and social policy by means of which, as the present social situation of the Austrian people indicates, it has been possible to accomplish this objective.

Because of the world economic situation, the real growth of Austria's gross national product in 1978 was only about 1.5 per cent; however, full employment has been maintained. The number of workers has increased by an annual average of 20,600 (0.8 per cent) to a total of 2,758,000, while the unemployment rate of 2.1 per cent, much lower than the international level, fell to 1.7 per cent in the early months of 1979.

As regards employment policy, the Government has taken many steps to safeguard the existing level of employment and provide work for new entrants to the national labour force, such as assistance in the creation of jobs, short-term or transitional aid in the event of temporary over-employment, and promotion of basic and advanced vocational training and of redeployment when necessary for reasons of employment policy.

The standard of living of the people is a matter of particular concern, in the context of wages policy, on the occasion of the regular wage negotiations between representatives of workers and employers. This system, which is in keeping with the spirit of consensus between the social partners known as Sozialpartnerschaft, permits a rapid and equitable adjustment of wages to current economic conditions and, in particular, makes it possible to take into account the inflation rate - quite moderate by international standards - through adjustments of wage levels. In this connexion, mention should also be made of measures designed to increase purchasing power, price support actions, tax abatements and increases in the allowances and pensions paid by the State. As regards social policy, attention should be drawn to the highly diversified system of social security, which ensures that an adequate standard of living can be maintained when wage-earning activity is reduced or terminated. This is made possible by the accident, sickness, retirement and unemployment insurance provided under the social insurance schemes, to which almost the entire working population belongs and which provide comprehensive coverage for the most varied risks.

A. The right to adequate food

Austrian legislation contains a number of provisions designed to ensure an adequate supply of food for the population.

With regard to promotion and regulation of the market, the following legislation should be mentioned.

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(a) The Market Organization Act of 1967, which guarantees, so far as national production of milk and dairy products and national wheat production are concerned, special protection, stabilized prices, an assured and efficient supply, good quality and freedom from any pressure due to imports from abroad;

(b) The Animal Industry Act of 1976, which ensures the country's supplies of cattle for slaughter and of animal products, stabilized prices and protection for the country's animal industry;

(c) The Agriculture Act of 1976, the purposes of which include maintaining a productive and economically healthy farming community, increasing productivity and competitiveness and encouraging agriculture, due regard being had to the economy as a whole and the interests of consumers. To ensure the most efficient possible supply of food products to the population, the Act establishes, inter alia, price-setting for agricultural produce, the fixing of indicative prices and market relief measures.

(d) The Prices Act, which makes it possible in the case of a number of food products to set economically justified prices, to monitor prices and to require that the constituent elements of prices should be displayed. The Act also provides penalties for unlawful price increases.

With regard to the food products sector, the following legislation should be mentioned:

(a) The Food Quotas Act of 1952, which permits the imposition of measures requiring all basic food-stuffs and other food products to be distributed by quota. Such measures may include, inter alia, a requirement to supply produce against payment, to set up reserves and stocks or to purchase, process and supply certain products, and regulations governing product quality and description;

(b) The Food Act of 1975, which covers all foods placed on the market and gives the public full protection against any good product that may be in any way harmful to health;

(c) The Quality Grading Act, which establishes various quality standards to be met by certain agricultural products, such as eggs, fruit and vegetables. Grading by quality and quality controls are also established for exports and imports of such products.

Austria's level of self-sufficiency in food is very high. According to the Austrian food accounts for 1977/78, food consumption has declined by an insignificant amount, to 34,183 billion joules (8,170 billion calories), while the population is increasing slightly. Eighty per cent of the food consumed is produced in Austria.

The per capita daily consumption rate in joules (12,464 joules, or 2,979 calories per day) in 1977/78 was a little lower than in the previous year but was still inside the narrow range within which it has been stabilized for the last 10 years. Broken down by principal nutritional substances (animal and vegetable

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protein, carbohydrates and fats, it shows only a slight change, in the direction of higher-quality nutrition. The daily per capita consumption of fats is slightly lower than in the previous year, and the same is true of vegetable protein. The proportion of wheat products and potatoes in the daily joule intake declined to 28.2 per cent.

The percentage of consumption covered by national production (the ratio between production and quantity available) for the major agricultural products, with the exception of vegetable oils, fresh fruit and veal, was more than 80 per cent. For many products, such as cereals - particularly corn, barley and maize - sugar, beef, animal fats, milk, cheese and butter, the rate exceeds 100 per cent.

As far as rising consumer prices are concerned, it should be pointed out that the index for the food and beverages group rose about 3.3 per cent in 1978. The increase recorded for this group, at least in recent years, is thus lower than the rise in the over-all index.

Table 1. Consumer prices
(percentage increase over preceding year)

Year	Over-all index	Food and beverages
1972	6.3	5.8
1973	7.6	7.8
1974	9.6	8.3
1975	8.4	6.4
1976	7.3	5.8
1977	5.5	6.3
1978	3.6	3.3

Efforts to promote agriculture and forestry are directed towards improving living conditions for people in rural areas and producing high-quality food with due regard to environmental requirements, while at the same time maintaining and preserving farmlands.

The promotion measures are chiefly concerned with improvements in infrastructures and in producing operating and marketing arrangements, especially through structural changes, modernization of farms, improvements in product quality and better marketing techniques. In this connexion, the shared use of machinery by several farms is particularly encouraged.

The measures taken to improve production support facilities are designed to organize production more rationally - i.e. less expensively - and to make the farmer's work easier.

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The following broad areas of activity should be mentioned:

Advisory services;
 Improved productivity in vegetable crops;
 Improved productivity in animal husbandry;
 Farmland management;
 Rationalization of techniques;
 Farm water projects;
 Forestry activities;
 High-altitude reforestation and protection forest drainage;
 Promotion of the recreational uses of forest land;
 Forest fire prevention.

Research, or the promotion of research, in agriculture, forestry and water management has been an important activity since 1961. It is closely tied to the objectives of national agricultural policy and helps to enlarge the basis for decision-making.

Table 2. Breakdown of research expenditure by sector

	1976	1977	1978
	(per cent)		
Vegetable production (including information campaigns on forage crops and conservation of forage)	25.1	24.1	27.4
Wine production and cellarage	5.3	5.4	4.6
Fruit production	2.6	2.7	2.5
Market-gardening	3.1	4.0	3.8
Agricultural economy	5.2	6.6	5.1
Plant protection	10.3	12.0	12.2
Agricultural technology	5.6	6.7	4.5
Soil science	7.7	4.9	3.0
Animal production	22.3	20.7	24.6
Forestry	7.8	7.0	7.8
Water management	5.0	4.8	4.5
Other		1.1	
Total	100.0	100.0	100.0

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The Higher Institute of Agronomy in Vienna, the College of Veterinary Medicine, the national agricultural research and training and research institutions, other national agronomical institutes, the National Forestry Research Institute at Schönbrunn, the federal pilot farming schemes, the federal nurseries and other institutions have all been involved in these research programmes.

B. The right to housing

Point (1)

The basis for the promotion of housing construction and housing improvement is provided by the Housing Promotion Act of 1968 and the Housing Improvement Act. The Länder supplement these measures with their own promotional activities, which are governed by the Land laws on housing construction funds.

Promotional measures by the federal Government and the Länder, as provided for in the 1968 Housing Promotion Act, are financed mainly by a fixed levy on their tax revenues and are intended to promote the construction of small and medium-size housing and institutions. They consist mainly of government loans, replenishment loans for private funds expended, housing grants and rent subsidies.

The Housing Improvement Act provides the legal basis for the renovation and modernization of older areas that are worth preserving. Here again, most of the financing comes from federal and Land budget appropriations.

In addition to these housing promotion arrangements provided for in the federal and Land legislation mentioned above, the Austrian legal order includes a number of laws for the promotion and detailed organization of the right to housing, of which the following federal legislation deserves special mention:

(a) The Urban Renewal Act, under which, if the urban habitat is clearly seen to be in poor condition, improvements may be made not only to the area concerned but also to some individual buildings;

(b) The Land Disposition Act, which governs the acquisition of land for the construction of buildings with small and medium-size apartments or of institutions;

(c) The Housing Ownership Act of 1975, which is designed to provide increased safeguards for the proper maintenance, and hence the preservation, of housing and premises under joint ownership and to protect tenants and less well-to-do joint owners against excessive financial demands and improper actions by majority owners;

(d) The Public Service Housing Act, which regulates the activities of public-service housing companies and which, for the purpose of calculating the sum to be paid for a dwelling unit offered for rent or sale, operates on the principle of recovery of the costs incurred.

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Point (c)

In this connexion, reference should be made to the laws mentioned under point (1) as being designed to improve the housing construction situation with due regard to such factors as the public's actual housing requirements. The very diversified set of promotional measures also allows special consideration to be given to the financial circumstances of low-income population groups.

The last census of houses and apartments, in 1971, showed a total of 2,666,048 dwelling units. Since then, the housing stock has certainly increased to at least 3.0 million. The number of occupied dwelling units at present is roughly 2.6 million, or nearly equal to the number of private households for the country as a whole; therefore, quantitative housing needs can be said to have been generally met.

At the international level, Austria, with 393 dwelling units per 1,000 population, is among the European countries with the largest relative housing stocks. New housing construction and the remodelling of older housing have considerably improved the situation as regards occupation density since 1970; by 1977, over 40 per cent of all occupied units already contained four rooms, or even more.

There were slight variations in housing construction activity in recent years, the lowest figure being 44,000 and the highest 50,000 dwelling units per year. The number of units constructed each year, rounded off to the nearest 100, was as follows:

<u>Year</u>	<u>Number of dwelling units</u>	<u>Per 1,000 population</u>
1970	44,500	6.0
1971	44,200	5.9
1972	50,400	6.8
1973	44,200	5.9
1974	50,100	6.7
1975	48,600	6.5
1976	44,600	5.9
1977	45,400	6.0

The average annual rate of housing construction from 1970 to 1977 was approximately 46,500 dwelling units.

In 1977, 41 per cent of the units constructed were one-family or two-family private houses and 53 per cent were in buildings with three or more apartments; 4 per cent of newly constructed units were in rural houses and 2 per cent were in buildings not used primarily for residential purposes.

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The average surface area of the dwelling units constructed in 1977 was 89 m², or an increase of 9 m² since 1970. The highest average surface area in 1977, 106 m², was in privately constructed dwelling units; the average surface areas of units constructed by local authorities and by public-service building companies were 75 m² and 73 m² respectively.

Point (3)

Building regulations are constantly adapted to changed needs and, in particular, to the most up-to-date technical knowledge; special attention is being paid at present to an energy-conserving energy supply system, to heat insulation and sound-proofing and to proper sanitary facilities. Apart from these aspects, particular care is given to the creation of suitably sized and functional dwelling units and the development of an environment which conforms to the needs and wishes of the population.

Point (4)

In this connexion, reference should be made in the first place to the comments on points (1), (2) and (3). Apart from the legislative measures described as being aimed at a continuing improvement in housing standards, which has in fact been successfully achieved, mention should be made of an experimental programme, the main features of which are briefly as follows:

With a view to putting into effect the findings of and the theoretical knowledge gained from housing construction surveys, and in order to prepare the way for a new view of the function of housing, a number of generously designed buildings have been constructed for demonstration purposes.

Foremost among the general objectives of the pilot construction programme are the exemplary performance of publicly promoted housing construction in accordance with the most up-to-date knowledge in the fields of town planning, architecture, construction technique and building design; the development of new forms of habitat and landscaping; and the formulation and implementation of renovation programmes and proposals for the improvement of existing residential areas.

Among the many pilot construction schemes carried out for demonstration purposes, mention should be made of the series of "Habitat of tomorrow" competitions, which aroused keen interest not only in Austria but throughout the European region. According to the rules of the contest, the purpose was to design housing which would provide optimum living conditions while at the same time conforming to the cost requirements laid down for the construction of subsidized housing.

Point (5)

The Rent Act provides very extensive protection for tenants. The main protection is the fact that the landlord may cancel the contract with the tenant only in cases specified by the Act; this places a major restriction on the right of

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the landlord to evict the tenant and precludes any arbitrary, unjustified and unfair eviction. The Rent Act also provides financial protection for tenants, since rent increases are allowed only in circumstances enumerated by the Act, and, to a limited extent, when maintenance requirements, for example, necessitate an increase. The Act contains a number of other provisions for the protection of tenants, such as those relating to the reimbursement of expenses incurred by the tenant for maintenance and repair or to the landlord's obligation, in certain circumstances, to offer a tenant who is evicted another apartment in exchange and to pay him adequate compensation.

Mention should also be made of the Rent Control Act, which, in the interest of protecting tenants, regulates the rents that may be charged for premises not covered by the Rent Act.

Under the 1974 amendment to the Rent Act, needy tenants were given a legal right to a rent subsidy if their financial means were appreciably reduced as a result of an approved rent increase.

III. ARTICLE 12. THE RIGHT TO PHYSICAL AND MENTAL HEALTH

Public health services in Austria are so highly developed and so diversified that it is impossible to reply separately to all the detailed questions relating to article 12 of the International Covenant, as called for by the questionnaire. The following comments therefore deal mainly with the question of existing medical services and major health policy measures.

A. Health care

1. Medical coverage

Of the total number of nearly 17,000 physicians in Austria (1978 census), approximately 54 per cent are in private practice, while 36 per cent of the total are panel doctors.

Out of a total of 5,538 doctors with general medical training, only 4,145, or 74.8 per cent, maintain a general practitioner's surgery.

Of the 7,647 doctors trained as specialists, 67.8 per cent are in private practice and 57.8 per cent are panel specialists.

The vigorous growth of recent years is clearly reflected in the absolute figures for the number of entrants to the medical profession.

Table 3. Number of persons entering the medical profession as general practitioners, specialists and dental specialists

Year	General practitioners	Specialists	Dental Specialists
1970	63	119	26
1971	60	120	39
1972	98	127	52
1973	112	123	39
1974	141	146	67
1975	150	166	76
1976	174	185	58
1977	231	196	96

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The number of entrants in the last three years shows that the trend towards specialized practice is continuing and that the number both of new specialists and of new general practitioners is increasing.

Approximately 97 per cent of the Austrian population has social security coverage. As a result, doctors who are on the panel of a sickness insurance fund have a particularly large clientele.

The extent of medical coverage in the various Länder will give a general idea of the ratio of practising physicians to population size.

Table 4. Physicians practising as at 31 December 1976
(per 100,000 population)

<u>Land</u>	General practitioners	Specialists	Dentists	Doctors in training	Total
Burgenland	47.9	32.9	8.2	19.4	108.5
Carinthia	67.0	53.7	18.9	36.7	176.3
Lower Austria	66.0	40.1	12.1	33.5	151.7
Upper Austria	65.6	46.5	15.0	36.9	163.9
Salzburg	73.6	78.1	21.9	49.3	223.1
Styria	70.0	65.9	19.7	39.8	195.0
Tyrol	63.7	79.3	25.7	69.8	238.5
Vorarlberg	56.0	54.6	17.1	35.8	163.5
Vienna	103.8	162.6	42.4	94.9	403.8
Austria	73.8	77.6	22.3	31.5	225.3

In order to give a summary idea of the beds available in hospitals, the number of beds actually installed in the various Länder was compared to the size of the respective populations.

Table 5. Hospital beds (1976 census)

<u>Land</u>	Beds actually installed	Resident population according to 1971 census	Number of population per bed
Burgenland	1,549	272,119	176
Carinthia	5,535	525,728	95
Lower Austria	13,668	1,414,161	103
Upper Austria	12,377	1,223,444	99
Salzburg	4,740	401,766	85
Styria	14,878	1,192,100	80
Tyrol	5,707	540,771	95
Vorarlberg	2,662	271,473	102
Vienna	23,740	1,614,841	68
Austria	84,856	7,456,403	88

Some further comparisons will show the ratio of beds available in obstetrical and gynaecological units to the number of women over 15 years of age and the ratio of beds for infants and children to the number of children under 15 years of age.

Table 6. Number of beds in obstetrical and gynaecological units

<u>Land</u>	Beds actually installed in obstetrical or gynaecological units	Women over 15 years of age	Number of women per bed
Burgenland	113	107,250	949
Carinthia	368	201,439	547
Lower Austria	864	575,331	666
Upper Austria	1,227	475,364	387
Salzburg	369	157,851	399
Styria	815	469,359	576
Tyrol	380	204,321	538
Vorarlberg	140	100,477	718
Vienna	1,154	773,912	671
Austria	5,457	3,065,304	562

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Table 7. Number of beds for infants and children

<u>Land</u>	Beds for infants and children actually installed	Children under 15 years of age	Number of children per bed
Burgenland	77	69,007	896
Carinthia	196	146,676	748
Lower Austria	543	350,509	645
Upper Austria	1,091	336,640	308
Salzburg	231	108,516	470
Styria	866	290,609	336
Tyrol	304	155,862	513
Vorarlberg	68	78,910	1,160
Vienna	919	263,079	286
Austria	4,295	1,799,808	419

2. Welfare services for pregnant women, women
in childbirth, infants and young children

Under the Youth Welfare Act, the Länder are required to adopt the necessary welfare measures to provide health services for pregnant women, women in childbirth, infants and young children and free consulting services (maternity consulting centres) for pregnant women and mothers of infants and young children.

One way in which the Länder have met this requirement is by establishing consulting services for pregnant women and mothers. In all the Länder, however, medical attention for pregnant women is provided primarily by general practitioners and specialists or by hospital clinics and sickness fund clinics. The number of visits to consulting centres for pregnant women in 1968 was 33,178; the figure increased to 35,017 in 1972 and has since declined to 27,836.

Unlike the consulting service for pregnant women, the maternity consulting service is still of great importance. In 1977 the number of visits totalled 373,059, of which 59,511 were first visits. When compared with the number of live births, this means that roughly 70 per cent of all infants were seen by a consulting centre for mothers. In analysing this figure, however, it must be borne in mind that there may be discrepancies between the date of birth and the date of the visit to a consulting centre, especially over the new year. For the various Länder, the table is as follows:

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<u>Land</u>	Total number of visits by mothers	Number of first visits included under column 2	Live births in 1977	First visits of new-born children as a percentage
Burgenland	11,413	1,699	3,051	56
Carinthia	23,461	4,217	6,519	65
Lower Austria	70,901	10,472	15,204	67
Upper Austria	83,158	13,682	15,310	89
Salzburg	17,307	22,619	5,877	44
Styria	41,047	12,448	14,135	88
Tyrol	30,910	4,364	7,784	56
Vorarlberg	16,290	4,060	4,628	88
Vienna	78,532	5,950	13,087	45
Austria	373,059	59,511	85,595	69

For the period following childbirth and the first few days after leaving the hospital, most of the Länder will provide, on request, the assistance of a homemaker. She is a skilled person who works as a paid employee and receives an appropriate salary.

The maternal and child health booklet provides for a total of five medical examinations of the child during the first year of his life, spaced as follows: the first week; between four and six weeks; between three and five months; between seven and nine months; and between 10 and 14 months. This makes it possible to reach nearly 95 per cent of all infants.

3. Social services for the elderly

In all, there are about 600,000 men and 900,000 women over 60 years of age living in Austria. According to the last microcensus, 36 per cent of these described their health as "not so good" and 9 per cent as "poor", the differences between the sexes being not very great, but the percentages obviously increase with age: of those over 80 years of age, 47 per cent felt "not so well" and 20 per cent described their health as "poor", making a total of two thirds. Surveys inquiring to what extent certain activities, such as climbing stairs, carrying bags or kneeling, could still be performed without distress give a similar picture. Altogether, one out of every six elderly persons suffers from such disabilities; by the age of 80, the figure is already 40 to 50 per cent.

The over-all number of elderly persons living alone and in need of assistance or care to a greater or lesser extent is thus quite high in Austria. Taking into account the results of the population census and the microcensus, it can be

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estimated at approximately 60,000 men and 300,000 women. In actual fact, this figure should be increased to include married persons needing care whose partner is also not well and in need of aid and therefore incapable of providing the care and assistance required. According to the microcensus, cases in which the children and other close relatives of elderly persons care for them in the event of illness total 15 per cent for men over 60 years of age and 50 per cent for women over 60 years of age; 5 per cent of elderly men and 10 per cent of elderly women are cared for by "other persons" in case of illness. Three per cent of the men interviewed and 11 per cent of the women said that they received no care from anyone in case of illness.

In addition to the family, institutions managed by the public authorities and by charitable and other public service organizations provide home care and supply household help. The legal basis for all these activities is the social welfare legislation of the various Länder and the General Social Insurance Act. The social welfare laws are all based on the principle that the social welfare authority is required to ensure the provision of a number of social services, with special reference to home care in case of illness, homemaking and household help. The social welfare authority is in each case the Länd, but it may delegate the actual provision of social services to other organizations (in practice, mainly the communes, public service organizations and church institutions).

Article 151 of the General Social Insurance Act stipulates that, in case of need, home care shall be included among the benefits to be provided by the social security institutions, which may accordingly have to bear the cost of such care. Since more than 95 per cent of Austrians are insured, this provision has considerable implications for the social security institutions. However, it should be noted that article 151 of the Act, as it is now worded, applies only to cases in which home care makes it possible to avoid a lengthier period of hospitalization.

B. Health policy measures

In order to be in a position to evaluate past trends and, above all, future developments with regard to health and sickness, one needs to know all the factors that can affect the health of a population and cause illness. Physicians and policy-makers single out four main groups of factors that can have a harmful effect:

- (a) Specific exogenous harmful substances of a chemical, physical or biological nature;
- (b) Physical conditions entailing high risk, such as high blood pressure, body weight, etc.;
- (c) Personal behaviour, such as smoking and drinking;
- (d) Social influences, such as stress, divorce, etc.

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On the basis of the relative importance of these various factors, health policy activities consist mainly of measures in the field of preventive medicine. An exhaustive listing of the measures put into effect would exceed the compass of this report, which will simply describe a few activities specifically directed towards the family.

1. Maternal and child health booklet

The maternal and child health booklet, introduced in 1974, is an essential part of the effort to reduce infant and maternal mortality. With this booklet, expectant mothers have for the first time a document which makes it possible to observe all stages of the pregnancy and the development of the child. Before the maternal and child health booklet was introduced, medical examinations during pregnancy were often sporadic, and its introduction has caused expectant mothers to develop a keener sense of their state of health.

It should also be noted that, as a result of the maternal and child health booklet, which provides for regular examinations of mothers and children, and the accompanying development of obstetrical and neo-natal units in hospitals, a steep drop in infant mortality is taking place.

The over-all figure for infant mortality declined from 26.1 per thousand in 1972 to 16.9 per thousand in 1977. This means a nation-wide average decline of 35.3 per cent, or a reduction of more than one third in six years.

The trend is fortunately continuing: in the first six months of 1978, infant mortality has already declined to 14.4 per thousand.

2. School medical examinations

With a view to improving and standardizing medical examinations in schools throughout Austria, a school health record card has been designed, the use of which gives the school doctor better general information on the child's state of health than in the past.

3. Examination of persons enlisted in the armed forces

These examinations are preventive in nature and have been carried out for many years. Here again, efforts are being directed towards improvement and greater standardization and towards a full and comprehensive presentation of the state of health of each recruit examined.

4. Physical check-ups

Since 1974, every Austrian has been able to have a free physical check-up. As from 1 January 1977, eligibility for this benefit begins at the age of 19. Anyone wanting a check-up registers with his own social security institution; if

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the person concerned is not currently insured, the federal Government pays the cost of the examination.

5. Measures to improve medical coverage and
increase the number of nurses available

In order to improve medical coverage, the Physicians Act has been amended to provide that the number of doctors employed in hospitals shall be such that there is at least one intern in general medicine for every 30 beds. These provisions have made it possible to establish additional training posts in hospitals. Since October 1976, hospitals have been receiving financial contributions as an incentive to train general practitioners. As a result of these incentive payments, 300 additional openings for trainees will be created.

As regards the training of specialists, the rapid expansion of knowledge in recent years has made it necessary to create a number of subspecialties within the existing fields. The legislation governing the training of physicians has been amended to allow specialized additional training in paediatric surgery, plastic surgery, nuclear medicine, child neuropsychiatry and oral, maxillary and facial surgery within the existing fields of specialization. The category of specialist in neurosurgery has also been introduced in Austria under an amendment to the same legislation.

The total number of physicians receiving general training in Austrian hospitals rose from 3,507 (in December 1976) to 3,731 (in September 1978) an increase of about 7.6 per cent.

The number of training posts for specialists was increased from 885 (31 December 1976) to 972 (31 December 1977).

To ensure that there will be a sufficient number of dentists to meet the future needs of the population, the University Dental Clinic has been expanded still further. The number of places for dental training and the number of paid training positions has been increased considerably. Each year, for Austria as a whole, about 30 persons complete their training as dentists and between 40 and 60 as dental technicians. Since all the experts agree that from 1979 onwards there will be adequate over-all training capacity, it will be possible to achieve in the medium term the desired ratio of 2,400 population per dentist throughout Austria.

Under an amendment to the Nursing Service Act (Federal Legislative Gazette No. 197/1973), the age of admission to training schools for nurses was lowered to 16. Since then, the number of students in schools of nursing has risen considerably. The number of students - male and female - in the general nursing service has increased by about 3,800, to nearly 6,100.

The number of staff in the specialized nursing services in Austrian hospitals has increased and now stands at almost 20,100.

In the other sectors of the professions governed by the Nursing Service Act, there is also an upward trend in the number of students and training facilities and in the number of staff working in hospitals.