

Austria

BUAK= Bauarbeiter-Urlaubs- und Abfertigungskasse

Country Austria
Name of Organization BUAK



Main activity Paid Holiday Schemes

General Information

Presentation

The construction workers' holiday and Redundancy Fund as a corporation is mandated by public law. It is the paritarian institution of the social partners of the construction industry. Therefore it builds a consensus between workers and employers.

The main task of the construction workers leave and Redundancy Fund is to manage the leave and severance entitlements of construction workers and bad weather compensation.

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Organization

- **Supervisory Authority**

- **Committee**

The Committee consists of 20 representatives of employers, the Austrian Chamber of Commerce and 20 representatives of the workers appointed by the Federal Chamber of Labour. The mandate of Board Members lasts for five years. The Committee has the decisional power. Furthermore, it has the decision on the distribution and use of Gebarensüberschusses, adoption of service and remuneration system for staff of the Buak and the appointment of the directors. The Committee also decides on the establishment of organizational units at the regional level.

- **Advisory Councils**

The Advisory Council of a province consists of two representatives of employers appointed by the competent local Chamber of Commerce and two representatives of the workers appointed by the competent local Chamber of Labour. The advisory council deals with participation in the organizational units' management at the regional level.

- **Control Committee**

The Control Committee is composed of three representatives of employers, the Economic Chamber of Austria and the three representatives of the workers appointed by the Federal Chamber of Labour. The Control Committee supervises the financial affairs and is required to exercise all its supervision power, provides necessary business and financial documents and makes the announcements.

- **Board of Directors**

The Board is composed by the stewards elected by the Committee and four other representatives of employers and employees. The Board is responsible for the management.

Regulatory framework

- Construction workers' Holiday and Redundancy Act (BUAG)
- Construction workers' compensation law of bad weather (BSchEG)
- Collective agreements

Employee Group Covered

All employees working (mainly) in the construction sector including part-timers:

- Companies of government-approved master builder
- Companies of government-approved bricklayer
- Building companies
- Bar bender companies
- Companies specialized in breaking off
- Digging companies
- Companies specialized in cutting and drilling concrete
- Companies specialized in water regulation
- Companies specialized in protecting against avalanches and overflowed becks
- Companies of road construction
- Companies specialized in constructing roads used to transport goods
- Companies specialized in abrading flues
- Companies specialized in coating facades against cold

- Companies of government approved chiseller
- Companies producing artificial stones and terrazzo
- Companies specialized in roofing
- Companies specialized in paving
- Companies of stove-fitter
- Floor tiller companies
- Companies specialized in constructing standposts
- Companies specialized in drilling in depth
- Companies specialized in putting up and in renting scaffolds
- Companies which protect against heat, cold, acoustic noise and fire
- Asphalt companies
- Companies constructing black tops
- Dry constructing and stucco plasterer companies
- Plasterer companies
- Companies specialized in constructing floating screeds
- Carpenter companies
- Companies specialized in constructing parquets
- All companies, which operations are covered by one of the above listed companies
- Employee assignment in the construction sector

Eligibility

Immediate eligibility upon 1st day at work, with a minimum age requirement of 15. Compulsory coverage with a waiting period of 26 weeks starting from the first day of contribution in the system of BUAK. One week is made up of 5 days falling under the system of BUAK.

Benefits

- **Holiday entitlement**

The Construction workers' Holiday and Redundancy Act (BUAG) enables the purchase and consumption of a holiday. The BUAK fund manages the data storing to organize the industry's contribution, manages and assets the paid up capital.

- **Severance pay**

All the periods of employment at various companies are taken into account for the calculation of the Abfertigungsanspruch. This serves various social purposes such as provisions for the year of termination of employment, the threat of unemployment, loyalty bonus for long service period, bridging the impairment caused by loss of employment income, compensation of the workforce due to longer duration of employment in particular operations.

- **Bad weather**

Weather conditions are a significant factor for workers of the building industry. Bad weather means for the most active outdoor construction workers, cancellation of work associated with loss of wages. For the companies, this means dealing with the problem of the costs for lost working hours.

As a solution to these problems, the bad weather scheme offers compensation for the loss of income, occurring from a work disruption due to bad weather, and on the other side, it provides

reimbursement of incurred establishments costs.

- **Winter holidays**

With effect from 1 July 1996 new measures improving the regulation of the annual employment in the construction and introducing a winter holiday arrangement. This amendment only entails establishments of the construction industry, public enterprises, torrent and avalanche control operations and temporary employment firms. In accordance with the provisions of the collective agreement, winter holidays are fixed as the following dates: 24th, 25th, 31st December. In accordance with the provisions of the Labour Act, rest days are fixed as follow: 25th, 26th December, 1st and 6th January.

- **Survivors' compensation**

In the event of the death-in-service of the worker, the heirs are entitled to severance pay and winter holiday's allowances, provided they fulfill the required conditions.

Cost Sharing

Shared cost required only for the bad weather scheme

Employee contributions

The employees contribute only for the bad weather allowance. This contribution is levied by the Austrian health insurance.

Employer contributions

Employers are obliged to contribute certain fees. The contributions are surcharged to the wages and the social insurance agency levies the fees. The construction Workers' holiday and Severance Pay Fund is responsible for the levy of the fees in connection with the social insurance.

Vesting and Withdrawal

The employees group covered by BUAK can withdraw only after having terminated the work in the construction sector. The participation on the system for employees depends on the active work contract.

The vesting of holiday claims is not possible.

Concerning the claims for severance payments the employees are able to vest a claim to another company dealing with severance payments after having stopped working for certain reasons.

No special period of service is required. Each claim that has not been paid out for reason of consumption holiday is paid off to the employee after requested 6 months upon termination date.

Vesting claims for severance payments is only possible after a period of 3 years of employment.

Financing

- Holiday entitlement is funded
- Severance Pay is a pay as you go fund
- Bad-weather compensation is a hybrid fund
- Winter holidays is funded

Cost-of-living adjustment

There is no direct indexation. In the case of holiday consumption, the benefits are adjusted to the salary that is actually paid independently of the contributions, which are in fact paid by the employer.

Preservation, portability, transferability

If an employee terminates employment in the construction industry he/she can encash all their holiday entitlement from BUAK 6 months upon termination date.

For the severance payments the transfer to another organisation is possible, if the employee leaves the construction sector after a minimum of three years.

Information to Employees

- eBUAK, online platform for information regarding employers
- The BUAK conveys to employees quarterly an information sheet about the amount of acquired entitlements.
- The BVK informs the employees in writing once a year about their entitlements.