

Classification of employment regulations under private law or public law – Legal consequences

Offence	Under		Competent authorities	Legal consequences
	public law	private law		
Payment of less than the minimum wage	✓		Financial police Construction Workers' Holiday and Severance Pay Fund (<i>BUAK</i>) CWSD Competence Centre at the Vienna Regional Health Insurance Fund District Administration Authority	Fine of up to EUR 10,000 per employee (up to EUR 20,000 in cases of repeated offence). Where more than three employees are affected, fine of up to EUR 20,000 per employee (up to EUR 50,000 in cases of repeated offence). Prohibition from providing services in Austria
		✓	Labour and Social Court	Court ruling imposing payment of outstanding wages, court fees, lawyer's fees
Failure to pay (full) remuneration in the event of illness or accident or when the employee is otherwise prevented from working for justified reasons; failure to provide (full) annual leave pay	✓		Financial police Construction Workers' Holiday and Severance Pay Fund (<i>BUAK</i>) CWSD Competence Centre at the Vienna Regional Health Insurance Fund District Administration Authority	Fine of up to EUR 50,000 Prohibition from providing services in Austria
		✓	Labour and Social Court	Court ruling imposing payment of outstanding wages, court fees, legal fees
Unlawful notice of termination of employment		✓	Labour and Social Court	Court ruling awarding compensation for termination of employment; notice of termination declared void Court ruling imposing payment of outstanding wages Court fees, lawyer's fees
Exceeding the maximum working time	✓		Labour Inspectorate District Administration Authority	Fine of up to EUR 3,600

Jeopardising health or safety at work	✓		Labour Inspectorate District Administration Authority	Fine of up to EUR 16,659
Failure to provide notice of posting or hiring-out of workers	✓		Central Co-ordinating Agency Charged with Investigating Illegal Employment (<i>Zentrale Koordinationsstelle für die Kontrolle der illegalen Beschäftigung, ZKO</i>) Financial police Construction Workers' Holiday and Severance Pay Fund (<i>BUAK</i>) District Administration Authority	Fine of up to EUR 5,000 (up to EUR 10,000 in cases of repeated offence)
Failure to keep documents on hand (copy of posting notice, of social insurance document A1, of work permit issued by posting country)	✓		Financial police Construction Workers' Holiday and Severance Pay Fund (<i>BUAK</i>) District Administration Authority	Fine of up to EUR 5,000 per employee (up to EUR 10,000 in cases of repeated offence)
Failure to keep pay documents on hand	✓		Financial police Construction Workers' Holiday and Severance Pay Fund (<i>BUAK</i>) District Administration Authority	Fine of up to EUR 10,000 per employee (up to EUR 20,000 in cases of repeated offence) Where more than three employees are affected, fine of up to EUR 20,000 per employee (up to EUR 50,000 in cases of repeated offence). Prohibition from providing services in Austria
Refusal of document inspection (pay documents, copy of posting notice, of social insurance document A1)	✓		Financial police Construction Workers' Holiday and Severance Pay Fund (<i>BUAK</i>) District Administration Authority	Fine of up to EUR 10,000 per employee (up to EUR 20,000 in cases of repeated offence) Prohibition from providing services in Austria
Refusal or impeding of activities to verify pay levels	✓		Financial police Construction Workers' Holiday and Severance Pay Fund (<i>BUAK</i>) District Administration Authority	Fine of up to EUR 10,000 (up to EUR 20,000 in cases of repeated offence) Prohibition from providing services in Austria