

AUSTRIA 2017 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Austria is a parliamentary democracy with constitutional power shared between a popularly elected president and a bicameral parliament (federal assembly). The multiparty parliament and the coalition government it elects exercise most day-to-day governmental powers. National parliamentary elections during the year and presidential elections in 2016 were considered free and fair.

Civilian authorities maintained effective control over the security forces.

There were no egregious human rights violations.

The government investigated public officials for suspected wrongdoing and punished those who committed abuses.

Section 1. Respect for the Integrity of the Person, Including Freedom from:

a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings

There were no reports that the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The law prohibits such practices, but there were some reports that police used excessive force with detainees and psychiatric patients.

The government investigated allegations of such practices and prosecuted cases in which credible evidence existed. In July authorities suspended two police officers from duty and accused them of abuse of office after one of them was found to have slapped a homeless person in the face, and the other officer did not report the incident.

Prison and Detention Center Conditions

Physical Conditions: In its November 2015 report, the Council of Europe’s Committee for the Prevention of Torture (CPT) expressed “serious concern” about the almost total lack of medical confidentiality in all the establishments visited and the fact that prison officers with only basic health care training performed health-related tasks normally reserved for qualified nurses.

Independent Monitoring: Human rights groups continued to criticize the incarceration of nonviolent offenders, including persons awaiting deportation, in single cells or inadequate facilities designed for temporary detention.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge the lawfulness of his/her arrest or detention in court, and the government generally observed these requirements.

Role of the Police and Security Apparatus

The federal police maintain internal security and report to the Ministry of the Interior. The army is responsible for external security but also has some domestic security responsibilities and reports to the Defense Ministry. The criminal courts are responsible for investigating police violations of the law. There were no reports of impunity involving the security forces during the year.

Civilian authorities maintained effective control over the federal police and army, and the government had effective mechanisms to investigate and punish abuse and corruption. For example, the Human Rights Advisory Council and the federal ombudsmen monitor police respect for human rights and make recommendations as needed to the minister of the interior.

Nongovernmental organizations (NGOs) continued to criticize the police for allegedly targeting minorities for frequent identity checks. Racial sensitivity training for police and other officials continued with NGO assistance.

Arrest Procedures and Treatment of Detainees

Authorities base arrests on sufficient evidence and legal warrants issued by a duly authorized official. Authorities bring the arrested person before an independent judiciary. In criminal cases, the law allows investigative or pretrial detention for no more than 48 hours, during which time a judge may decide to grant a prosecution request for extended detention. The law specifies the grounds for investigative detention and conditions for bail. There were strict checks on the enforcement of pretrial detention restrictions and bail provisions, and a judge is required to evaluate investigative detention cases periodically. The maximum duration for investigative detention is two years. There is a functioning bail system. Police and judicial authorities generally respected these laws and procedures. There were isolated reports of police abuse, which authorities investigated and, where warranted, prosecuted.

Detainees have the right to a lawyer. Although indigent criminal suspects have the right to an attorney at government expense, the law requires appointment of an attorney only after a court decision to remand such suspects into custody (96 hours after apprehension). Criminal suspects are not legally required to answer questions without an attorney present. Laws providing for compensation for persons unlawfully detained were enforced.

In its 2015 report, the CPT found it unacceptable that authorities were continuing the practice of subjecting juveniles, some as young as 14, to police questioning and asking them to sign statements without a lawyer or a trusted person present. The report also noted that indigent persons could not usually benefit from the presence of a lawyer during police questioning.

Detainee's Ability to Challenge Lawfulness of Detention before a Court: Persons arrested on criminal charges are entitled to challenge the arrest in court and can obtain prompt release and compensation if found to have been unlawfully detained.

e. Denial of Fair Public Trial

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

Trial Procedures

The law provides for the right to a fair public trial, and an independent judiciary generally enforced this right.

The law presumes persons charged with criminal offenses are innocent until proven guilty; authorities inform them promptly and in detail of the charges. Trials must be public and conducted orally; defendants have the right to be present at their trial. Attorneys are not mandatory in cases of minor offenses, but legal counsel is available at no charge for needy persons in cases where attorneys are mandatory. The law grants defendants and their attorneys adequate time and facilities to prepare a defense. Defendants can confront or question witnesses against them and present witnesses and evidence on their own behalf. Free interpretation is available from the moment a defendant is charged, through all appeals. Suspects cannot be compelled to testify or confess guilt. A system of judicial review provides multiple opportunities for appeal.

The law extends the above rights to all defendants regardless of sex, gender, race, ethnicity, age, religion, or mental or physical disability.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

There is an independent and impartial judiciary in civil matters, including an appellate system. These institutions are accessible to plaintiffs seeking damages for human rights violations. Administrative and judicial remedies were available for redressing alleged wrongs. Individuals and organizations may appeal domestic decisions to regional human rights bodies.

Property Restitution

For the resolution of Holocaust-era restitution claims, including by foreign citizens, the government has laws and mechanisms in place. Property restitution also includes an art restitution program. NGOs and advocacy groups reported that the government has taken comprehensive steps to implement these programs.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home, or Correspondence

The law prohibits such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties, Including:

a. Freedom of Expression, Including for the Press

The constitution provides for freedom of speech and press, and the government generally respected these rights. An independent press, an effective judiciary, and a functioning democratic political system combined to promote freedom of speech and the press.

Freedom of Expression: The law prohibits incitement, insult, or contempt against a group because of its members' race, nationality, religion, or ethnicity if the statement violates human dignity, and imposes criminal penalties for violations. The government strictly enforced these laws. In January a court in Vienna convicted a 78-year-old man who had called women wearing burkas "garbage bags" on his website to a five-month suspended prison sentence on charges of incitement (see also section 6, Anti-Semitism).

Press and Media Freedom: Independent media were active and expressed a wide variety of views. A significant curb on media freedom is that the law prohibits public denial, belittlement, approval, or justification of the Nazi genocide or other Nazi crimes against humanity in print media, broadcast media, the publication of books, and online newspapers or journals, and provides criminal penalties for violations. The government strictly enforced these laws (see section 6, Anti-Semitism).

Libel/Slander Laws: Strict libel and slander laws created conditions that discouraged reporting of governmental abuse. For example, many observers believed the ability and willingness of police to sue for libel or slander discouraged individuals from reporting police abuses.

Internet Freedom

With limited exceptions, the government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority. Authorities continued to restrict access to websites containing information that violated the law, such as neo-Nazi sites. The law barring neo-Nazi activity provides for one- to 10-year prison sentences for public denial, belittlement, approval, or justification of National Socialist crimes. The criminal code provision on incitement provides for prison sentences of up to five years.

Authorities restricted access to prohibited websites by trying to shut them down and by forbidding the country's internet service providers from carrying them.

According to the International Telecommunication Union, approximately 84 percent of the population used the internet in 2016.

Academic Freedom and Cultural Events

There were no government restrictions on academic freedom or cultural events.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at www.state.gov/religiousfreedomreport/.

d. Freedom of Movement

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, asylum seekers, stateless persons, or other persons of concern.

Abuses of Migrants, Refugees, and Stateless Persons: In rare cases, authorities detained unsuccessful applicants for asylum pending deportation. Some NGOs criticized the government for protracted detention in such cases. The government provided free legal counsel for persons awaiting deportation.

In-country Movement: Asylum seekers' freedom of movement was restricted to the district of the reception center where authorities assigned them for the duration of their initial application process until the country's responsibility for examining the application was determined. By law, asylum seekers must be physically present in the centers of first reception for up to 120 hours during the initial

application process. Authorities have 20 days in which to determine the country's responsibility and jurisdiction for the case.

Protection of Refugees

Access to Asylum: The law provides for the granting of asylum or refugee status, and the government has established a system for providing protection to refugees.

The number of asylum applications dropped further during the year, after they had already decreased significantly in 2016 compared with a record high in 2015. According to the Interior Ministry, between January and August, there were 17,095 asylum applications.

Safe Country of Origin/Transit: EU regulations provide that asylum seekers who transit an EU country determined to be "safe" on their way to Austria be returned to that country to apply for refugee status. Authorities considered signatories to the 1951 refugee convention and its 1967 protocol to be safe countries of transit. In response to a ruling by the European Court of Human Rights and recommendations of the UN special rapporteur on torture, the government in 2011 effectively halted the return of asylum seekers to Greece, but resumed returns to Greece in August. This practice remained in effect during the year. The Federal Administrative Court ruled that deportations to Hungary would also have to be examined on an individual basis due to the possibility of human rights abuses there.

Employment: While asylum seekers are legally restricted from seeking regular employment, they are eligible for seasonal employment, low-paying community service jobs, or professional training in sectors that require additional apprentices. A work permit is required for seasonal employment but not for professional training. An employer must request the work permit for the employee.

Durable Solutions: There are provisions for integration, resettlement, and returns, which the country was cooperating with UNHCR and other organizations to improve. The integration section in the Ministry for Foreign Affairs and Integration, together with the Integration Fund and provincial and local integration offices, coordinate measures for integration of refugees. The country has a resettlement program in place for Syrian refugees. The country has bilateral agreements with several countries on implementing the return of rejected asylum seekers.

Temporary Protection: According to the Interior Ministry, in 2016 the government provided temporary protection to 3,451 individuals who might not qualify as refugees but were unable to return to their home countries. According to the Interior Ministry, between January and August, the government provided temporary protection to 4,990 individuals.

Stateless Persons

According to the government's statistical office, in January there were 13,219 persons in the country registered as stateless; that is, having undocumented or unclear citizenship. Stateless persons in the country were largely Austrian-born children of foreign nationals who were unable to acquire citizenship through their parents due to the laws in their parents' country of origin. Authorities did not deport them because they lacked a home country. The law allows some stateless persons to gain nationality. A stateless person born in the country may be granted citizenship within two years of reaching age 18 if he or she has lived in the country for a total of 10 years, including five years continuously before application, and is able to demonstrate sufficient income. Stateless persons could receive temporary residence and work permits that must be renewed annually.

Section 3. Freedom to Participate in the Political Process

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The country held early parliamentary elections on October 15 and presidential elections in 2016. There were no reports of serious abuse or irregularities in the October 15 election, and credible observers considered both the October 15 and the 2016 election free and fair.

Participation of Women and Minorities: No laws limit the participation of women and/or members of minorities in the political process, and women and minorities did participate.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and anticorruption laws and regulations extend to civil servants, public officials, governors, members

of parliament, and employees or representatives of state-owned companies. The government generally implemented the law effectively. The law criminalizes corrupt practices by citizens outside the country. The penalty for bribery is up to 10 years in prison.

Corruption: On April 20, the government indicted former finance minister Karl-Heinz Grasser and 15 others on embezzlement and corruption charges in connection with the 2.45 billion euro (\$2.9 billion) auction sale of 62,000 state-owned apartments in 2004. Prosecutors alleged that information from the Finance Ministry under Grasser's leadership helped the eventual auction winner by signaling the size of the bid needed to acquire the properties. The trial started in December.

Financial Disclosure: Public officials are subject to financial disclosure laws, and there were no reports officials failed to comply with disclosure requirements. Politicians must and do publicly disclose biannually when they earn more than 1,142 euros (\$1,370) for certain activities, but they are not required to disclose the amounts earned. The law does not require public officials to file disclosure reports upon leaving office. There are no sanctions for noncompliance with financial disclosure laws.

Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Abuses of Human Rights

A number of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

Government Human Rights Bodies: A human rights ombudsman's office consisting of three independent commissioners examined complaints against the government. The ombudsman's office is completely independent, has its own budget, and parliament appoints its members. The ombudsman's office effectively monitored the administration. A parliamentary human rights committee provides oversight.

Section 6. Discrimination, Societal Abuses, and Trafficking in Persons

Women

Rape and Domestic Violence: Rape, including spousal rape, is punishable by up to 15 years' imprisonment. The government generally enforced the law. Law enforcement response to rape and domestic violence was effective. Women's NGOs estimated charges were filed in 10 percent of rape cases and only 13 percent of those led to convictions, due to lack of credible evidence.

Domestic violence is punishable under the criminal code provisions for murder, rape, sexual abuse, and bodily injury. Police can issue, and courts may extend, an order barring abusive family members from contact with survivors.

Under the law, the government provided psychosocial care in addition to legal aid and support throughout the judicial process to survivors of gender-based violence. Police training programs addressed sexual or gender-based violence and domestic abuse. The government funded privately operated intervention centers and hotlines for victims of domestic abuse.

Sexual Harassment: The law prohibits sexual harassment, and the government generally enforced the law. Labor courts may order employers to compensate victims of sexual harassment; the law entitles a victim to a minimum of 1,000 euros (\$1,200) in compensation. The women's ministry and the labor chamber regularly provided information to the public on how to address sexual harassment.

Coercion in Population Control: Coerced abortion, involuntary sterilization, or other coercive population control methods did not occur. Estimates on maternal mortality and contraceptive prevalence are available at: www.who.int/reproductivehealth/publications/monitoring/maternal-mortality-2015/en/.

Discrimination: Women enjoy the same legal rights as men but were subject to discrimination in employment and occupation.

Children

Birth Registration: By law, children derive citizenship from one or both parents. Officials register births immediately.

Child Abuse: Child abuse is punishable by up to five years' imprisonment, which may be extended to 10 years. Severe sexual abuse or rape of a minor is punishable by up to 20 years' imprisonment, which may be increased to life imprisonment if the victim dies because of the abuse.

The government continued its efforts to monitor child abuse and prosecute offenders. The Ministry for Economics, Family, and Youth estimated close family members or family friends committed 90 percent of incidents of child abuse. Officials noted a growing readiness to report cases of such abuse.

Early and Forced Marriage: The minimum legal age for marriage is 18. Adolescents between the ages of 16 and 18 may legally contract a marriage by special permit and parental consent or court action. NGOs estimated there were approximately 200 cases of early marriage annually, primarily in the Muslim and Romani communities.

Sexual Exploitation of Children: The law provides up to 15 years' imprisonment for an adult convicted of sexual intercourse with a child under the age of 14, the minimum age for consensual sex. It is a crime to possess, trade, or privately view child pornography. Possession of or trading in child pornography is punishable by up to 10 years' imprisonment.

International Child Abductions: The country is a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction. See the Department of State's *Annual Report on International Parental Child Abduction* at travel.state.gov/content/childabduction/en/legal/compliance.html.

Anti-Semitism

According to figures compiled by the Austrian Jewish Community (IKG), there are between 12,000 and 15,000 Jews in the country, of whom an estimated 8,000 were members of the IKG.

The IKG expressed concerns that anti-Semitism remained at a "high but stable" level. The NGO Forum against Anti-Semitism reported 477 anti-Semitic incidents during 2016. These included seven physical assaults in addition to name-calling, graffiti and defacement, threatening letters, dissemination of anti-Semitic texts, property damage, and vilifying letters and telephone calls. Of the reported incidents, 153 involved anti-Semitic internet postings. The government provided police protection to the IKG's offices and other Jewish community institutions in the country, such as schools and museums. The IKG noted that anti-Semitic incidents typically involved neo-Nazi and other related right-wing extremist perpetrators. The IKG continued to note concerns about anti-Semitism on the part of some members of the Freedom Party (FPÖ). In July, FPÖ member of

parliament Johannes Hübner announced he would not seek reelection in the October parliamentary election, following widespread protests over statements that critics said contained anti-Semitic undertones he had made in 2016 and which had surfaced in July. In a speech on “mass migration to Austria,” he referred to “so-called Holocaust victims” who were criticizing the FPÖ.

Bishop Manfred Scheuer resigned as president of the Catholic peace organization Pax Christi, reportedly because of expressions of anti-Semitism within the NGO and at a Pax Christi event.

In January the Supreme Court upheld a preliminary injunction against a publication for slandering Holocaust survivors, forbidding German author Manfred Duswald from calling Mauthausen concentration camp survivors “criminals and a widespread nuisance.” Duswald made the statements in a 2015 article that appeared in the monthly *Aula*, considered an extreme right-wing publication by the Vienna-based Documentation Center of the Austrian Resistance Movement, an NGO that monitors right-wing extremism. Holocaust survivors and Green party member of parliament Harald Walser submitted a collective lawsuit after a Graz court in early 2016 closed investigations against the paper (under the country’s anti-neo-Nazi law) without legal consequences, sparking protests among the Mauthausen survivors community.

School curricula included discussion of the Holocaust, the tenets of different religious groups, and advocacy of religious tolerance. Chancellor Christian Kern visited Israel to emphasize his country’s responsibility for the “darkest chapters in Austria’s history,” and his country’s commitment to learn from its Nazi past and to combat anti-Semitism. The Education Ministry offered special teacher training seminars on Holocaust education and conducted training projects with the Anti-Defamation League. The cabinet adopted the International Holocaust Remembrance Alliance’s definition of anti-Semitism on April 25. On the day of the adoption, Foreign Minister Kurz termed the decision an important signal to identify and combat anti-Semitism more easily, and Jewish Community President Oskar Deutsch described the decision as a “milestone in combatting anti-Semitism.”

Trafficking in Persons

See the Department of State’s *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, and mental disabilities. The government did not always effectively enforce these provisions. Employment discrimination against persons with disabilities occurred.

While federal law mandates access to public buildings for persons with physical disabilities, NGOs complained many public buildings lacked such access. The Ministry of Labor, Social Affairs, and Consumer Protection handled disability-related problems. The government funded a wide range of programs for persons with disabilities, including transportation and other assistance to help integrate schoolchildren with disabilities into regular classes and employees with disabilities into the workplace.

National/Racial/Ethnic Minorities

Interior Ministry statistics cited 953 neo-Nazi extremist, or anti-Semitic incidents in 2016 directed against minorities.

An NGO operating a hotline for victims of racist incidents reported receiving 1,107 complaints in 2016. It reported that racist internet postings had risen by one third from 2015 and were, in particular, directed against migrants and asylum seekers, refugee shelters, and the NGOs assisting them.

The Islamic Faith Community's documentation center, established for reporting anti-Muslim incidents, reported receiving 253 complaints in 2016, an increase of 156 from the previous year.

Human rights groups continued to report that Roma faced discrimination in employment and housing. Government programs, including financing for tutors, helped school-age Romani children move out of "special needs" programs and into mainstream classes. NGOs reported that Africans living in the country were verbally harassed or subjected to violence in public.

The Labor and Integration Ministries continued efforts to improve German-language instruction and skilled-labor training to young persons with immigrant backgrounds. Compulsory preschool programs, including some one- and two-year pilot programs, sought to remedy language deficiencies for nonnative German speakers.

The government continued training programs to combat racism and educate police in cultural sensitivity. The Interior Ministry renewed an annual agreement with a Jewish group to teach police officers cultural sensitivity, religious tolerance, and the acceptance of minorities.

Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity

Antidiscrimination laws apply to lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons. There was some societal prejudice against LGBTI persons but no reports of violence or discrimination based on sexual orientation or gender identity. LGBTI organizations generally operated freely. Civil society groups, however, criticized the lack of a mechanism to prevent service providers from discriminating against LGBTI individuals.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides the right of workers to form and join independent unions, conduct legal strikes, and bargain collectively. It prohibits antiunion discrimination or retaliation against strikers and provides for the reinstatement of workers fired for union activity. It allows unions to conduct their activities without interference. The Austrian Trade Union Federation was the exclusive entity representing workers in collective bargaining. Unions were technically independent of government and political parties, although some sectors had unions closely associated with parties.

The government effectively enforced applicable laws that covered all categories of workers. Resources, inspections, and remediation were adequate. Penalties for violations were of civil nature, with fines imposed. Administrative, registration, and judicial procedures were not overly lengthy.

There were few reports of antiunion discrimination or other forms of employer interference in union functions. The government and employers recognized the right to strike and respected freedom of association and the right to collective bargaining. Authorities enforced laws providing for collective bargaining and protecting unions from interference and workers from retaliation for union activities.

b. Prohibition of Forced or Compulsory Labor

The law prohibits all forms of forced or compulsory labor. Some instances of forced labor occurred in several sectors, such as agriculture, construction, and the restaurant/catering business. Most victims were women subjected to trafficking for sexual exploitation.

The government effectively enforced the law, and resources, inspections, and remediation were adequate. Labor inspectors and revenue authorities conducted routine site visits to identify forced labor. The government initiated forced labor awareness campaigns and workshops. Depending on the specific offense, penalties ranged from three to 20 years' imprisonment and were sufficient to deter most violations.

Some migrants, both men and women, were subjected to trafficking for forced labor in the agriculture, construction, and restaurant/catering sectors. Some traffickers also subjected Romani children and persons with physical and mental disabilities to trafficking for forced begging.

Also see the Department of State's *Trafficking in Persons Report* at www.state.gov/j/tip/rls/tiprpt/.

c. Prohibition of Child Labor and Minimum Age for Employment

The minimum legal working age is 15, with the exception that children who are at least 13 may engage in certain forms of light work on family farms or businesses. Children who are 15 and older are subject to the same regulations on hours, rest periods, overtime wages, and occupational health and safety restrictions as adults, but are subject to additional restrictions on hazardous forms of work or for ethical reasons. Restrictions for hazardous jobs include work with materials considered dangerous for teenagers, work in the sawmill business, on high-voltage pylons, and specified jobs in the construction business.

Laws and policies protect children from exploitation in the workplace and prohibit forced or compulsory labor, and the government generally enforced these laws and policies effectively.

The labor inspectorate of the Ministry of Labor, Social Affairs, and Consumer Protection is responsible for enforcing child labor laws and policies in the

workplace, and did so effectively. Penalties in the form of fines may be doubled in cases of repeated violations of the child labor code. Penalties were sufficient to deter violations.

d. Discrimination with Respect to Employment and Occupation

Labor laws and regulations related to employment or occupation prohibit discrimination regarding race, sex, gender, disability, language, sexual orientation or gender identity, HIV-positive (or other communicable disease) status, religion, age or world view (Weltanschauung). The government effectively enforced these laws and regulations.

Discrimination in employment and occupation occurred with respect to women, persons with disabilities, and members of certain minorities. A Muslim community office focused on reporting anti-Islamic acts reported discriminatory hiring practices against Muslim women wearing headscarves when trying to obtain a retail or customer service position. Companies sometimes preferred to pay a fine rather than hire a person with a disability.

The law requires equal pay for equal work.

Female employees in the private sector may invoke laws prohibiting discrimination against women. Depending on the Federal Equality Commission's findings, labor courts may award the equivalent of up to four months' salary to women found to have experienced gender discrimination in promotion, despite being better qualified than their competitors. The courts may also order compensation for women denied a post despite having equal qualifications.

e. Acceptable Conditions of Work

There is no legislated national minimum wage. Instead, nationwide collective bargaining agreements covered between 98 and 99 percent of the workforce and set minimum wages by job classification for each industry. The lowest bargaining agreement provided for 1,100 euros (\$1,200) per month for full-time jobs. Where no such collective agreements existed, such as for domestic workers, custodial staff, and au pairs, wages were generally lower than those covered by collective bargaining agreements. The official poverty risk level was 1,185 euros (\$1,422) per month.

The law provides for a maximum workweek of 40 hours, although collective bargaining agreements established 38- or 38.5-hour workweeks for more than half of all employees. Regulations to increase workhour flexibility allowed companies to increase the maximum regular time from 40 hours to 50 hours per week with overtime. In special cases work hours may be increased to a maximum of 60 hours per week, including overtime, for a maximum of 24 weeks annually. These 24 weeks, however, can only be in eight-week segments, with at least a two-week break between each eight-week period.

Overtime is officially limited to five hours per week and 60 hours per year. Authorities did not enforce these laws and regulations effectively, and some employers, particularly in the construction, manufacturing, and information technology sectors, exceeded legal limits on compulsory overtime. Sectors with immigrant workers were particularly affected. Collective bargaining agreements can specify higher limits. The law stipulates premium pay of 50 percent for overtime and requires time off for work on weekends and official holidays. An employee must have at least 11 hours off between workdays. Wage and hour violations can be brought before the labor courts. Those courts can impose fines on employers who committed the violation.

Foreign workers in both the formal and informal sectors made up approximately 13 percent of the country's workforce. Authorities did not enforce wage and hour regulations effectively in the informal sector.

The labor inspectorate regularly enforced mandatory occupational health and safety standards, which were appropriate for the main industries. Its approximately 300 inspectors were sufficient to monitor the country's nearly 210,000 worksites. Resources and remediation remained adequate. Penalties for violations in the form of fines were sufficient to deter violations. In the case of violations resulting in serious injury or death, the employer faces prosecution under the penal code. The government extended its Occupational Safety and Health Strategy 2007-12 initiative until 2020. The initiative focused on educational and preventive measures, including strengthening public awareness of danger and risk assessment (plus evaluation); preventing work-related illnesses and occupational diseases; training as well as information on occupational safety and health; and improving the training of prevention experts.

Workers could file complaints anonymously with the labor inspectorate, which could in turn sue the employer on behalf of the employee. Workers rarely exercised this option and normally relied instead on the nongovernmental workers'

advocacy group and the Chamber of Labor, which filed suits on their behalf. Workers in the informal economy generally did not benefit from social protections. To receive health-care benefits, unemployment insurance, and pensions, workers generally had to pay into the system, although nonworkers could qualify for coverage in certain cases.

Workers can remove themselves from situations that endanger health or safety, without jeopardy to their employment. The Employment and Labor Relations Federal Public Service protected employees in this situation.