

MIGRANTS, MINORITIES AND EMPLOYMENT IN AUSTRIA

EXCLUSION, DISCRIMINATION AND ANTI-DISCRIMINATION

**RAXEN 3 Report
to the ▲ European Monitoring Centre on
Racism and Xenophobia (EUMC)**

by the RAXEN Focal Point for Austria
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in cooperation with the
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Vienna, January 2003

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1. Executive Summary

This analytical study on employment and discrimination reviews data directly or indirectly referring to the unequal treatment that migrants, minorities and non-nationals are exposed to in the Austrian labour market. Most of the data described and analysed was taken from the data base on the “employment sector” developed in the course of the RAXEN 2 data collection process in 2001 and supplemented by more recent information. The selection and analysis of data was guided by a working definition on discrimination including unequal treatment on grounds of “racial”, ethnic and national origin as well as religion in relation to various forms of discrimination – namely institutional, direct and indirect. Such a definition covers discriminatory treatment of third country nationals, asylum seekers subject to non-refoulement, Geneva Convention refugees, citizens of other EU and EEA member states, members of the six officially recognised autochthonous ethnic groups as well as religious minorities (e.g. Jews, Muslims). Ideally, an evaluation of data fitting these criteria should outline the dimension and structure of discrimination experienced by vulnerable groups when trying to enter the labour market both as employees or self-employed workers, realising career advancement possibilities and in everyday work relations. However, this report demonstrates that most of the data relevant for such kind of information is not available and that existing data focuses on institutional discrimination. Consequently, certain groups vulnerable to other kinds of discrimination become invisible and the unequal treatment of migrant workers of third country origin as well as asylum seekers subject to non-refoulement is reduced to institutional discrimination by quotas, the *Ausländerbeschäftigungsgesetz* (§ Aliens Employment Act) and the *Gewerbeordnung* (§ Trade Regulations Act), severely restricting access to the labour market.

The data displayed and evaluated consists of statistical data, government reports, NGO-reports, academic reports/publications, good practices and events. Only very little information on discrimination can be directly extracted from these sources, as most of the data has not been collected or generated with a focus on discrimination. Statistics show that institutional discrimination has led to the concentration of migrant workers in certain industries, which are exposed to severe competition and are characterised by low wages, and dirty as well as dangerous labour. This situation has not changed since the early 1970s, when the first migrant workers arrived in Austria. Furthermore, the statistics show this same concentration in certain industries for alien employees overall, suggesting that institutional discrimination alone is not responsible for the segmentation of the labour market. Government reports show an awareness of the consequences of the restricted access to the labour market for the migrant population, but do not conceptualise these obstacles to entry as institutional discrimination. Measures to promote entry into the labour market include easing the restrictions and improving the migrants’ language competence as well as basic educational skills. A similar approach to labour market integration is reflected by good practices aiming at minimising deficiencies related to the migratory background.

The results of the most significant research project in relation to discrimination have not been published yet, but could contribute to a deeper understanding of the structure of racism Africans in Vienna encounter when applying for a job. This publication could give broader evidence for incidents of discrimination documented by a Vienna based NGO showing that unequal treatment is not only experienced when entering the labour market, but is an integral part of working life. The events presented make it obvious that international good practices – like diversity management, anti-discrimination offices and positive action programmes – cannot be immediately adapted to the Austrian labour market context, as awareness for the phenomenon of discrimination is lacking among key personnel in enterprises and placement agencies. It would not only be necessary to raise awareness among potential employers, but

also to empower employees affected by discrimination not to silently tolerate discriminatory behaviour. Furthermore, quantitative and qualitative research on experiences of discrimination by vulnerable groups in different Austrian regions could help determine the dimension and structure of discrimination and the contextual variables that have to be taken into account when implementing international good practices.

The lack of data on and awareness of discrimination in the labour market can be attributed to the absence of regulations guaranteeing special protection against discrimination on the grounds of “race”, religion, ethnic or national origin in the employment sector. Due to the dominance of legislative barriers restricting the access to the labour market, especially for migrants, other forms of discrimination affecting migrants as well as other vulnerable groups are not reflected in public discussion. Consecutive governments have negated the fact that Austria has always been a country of immigration and have therefore contributed to an atmosphere dismissing migration as something dangerous, and creating for natives the illusion of the “principle of rotation”. Consequently, a comprehensive concept of integration – including equal treatment when entering the labour market as an employee or self-employed worker or applying for career advancement, granting full electoral rights in works council, ▲ Chamber of Labour and Chamber of Commerce elections as well as the absence of discrimination in everyday work relations – has never been developed. The recent coalition government of the People’s Party (ÖVP) and the Freedom Party (FPÖ) raised the quota for seasonal workers and introduced one for lowly qualified agricultural labourers, creating a pool of competitors especially for alien residents working in these industries. Both, the intake of seasonal workers as well as the ongoing stigmatisation of migrants (e.g., by the legal sanctioning of a lack of language -competence as suggested by draft legislation) contribute to racist and xenophobic tendencies. Awareness for these phenomena could be raised by anti-discrimination legislation, as its drafting and implementation process would be accompanied by public discussion.

2. Introduction

This report tries to describe and analyse available data on discrimination in the labour market affecting migrants, minorities and non-nationals. By evaluating data concerning discrimination on the grounds of religion, “race”, ethnic or national origin, generated within the period of January 2000 till June 2002, we should gain insight into the current employment situation of these vulnerable groups. The introduction is followed by a glossary of concepts used throughout the report to make clear how they are defined in the Austrian context as well as how they differ from the use in other EU Member States. At the beginning of the report the issue of employment and discrimination is put into a policy context, in order to define the legal framework conditions for employment of aliens and other groups exposed to discrimination. Furthermore, the first section deals with changes in policies concerning alien employees and self-employed workers and integration of aliens into the labour market, and points out some of the contradictory trends in these policies. This context setting is followed by the establishment of a working definition of discrimination in relation to the labour market and of the groups affected by unequal treatment. These definitions form the basis for the selection of the data presented and described in the following chapter. The data displayed has to a great extent already been included in the database on the “employment sector”, one of the four RAXEN 2 data collection areas in 2001, and additionally takes into account more recent information collected for the update of the data collection during RAXEN 3. The chapter is divided into different sub-sections, first of all, quantitative, qualitative and analytical data are distinguished, and secondly, the division indicates different focuses on and approaches to discrimination. Most of the data, however, is restricted to illustrating institutional discrimination. The presentation of the data is followed by its analysis trying to extract knowledge for reducing discrimination and supporting diversity on the labour market. It has to be emphasised though that the data imparts much information on institutional discrimination and makes clear that the awareness for the phenomenon of discrimination in relation to the labour market is very limited. We learn a lot about the measures that would be necessary to reduce institutional discrimination, but we are taught next to nothing about fighting other forms of unequal treatment or about supporting diversity. The causes for and consequences of this situation are dealt with in chapter 7. It is suggested that public discussions on institutional discrimination concerning migrants’ access to the labour market have been stimulated by the constant negation of the fact that Austria is a country of immigration and by the narrow concept of “integration” favoured by the current and previous governments. The absence of anti-discrimination legislation as well as of political rights for aliens have left most of those unaffected by discrimination completely unaware of the problem, whereas many of those affected think their unequal treatment to be justified e.g., by lacking qualifications. This evaluation takes the reader to the final conclusions based on the findings of this report.

3. Glossary

3.1. Definitions of concepts of people

Citizens from the EU and the EEA: These are citizens from EU and EEA member states (EU Member States plus Norway, Iceland and Liechtenstein). They have free access to the labour market.

Aliens: All people that are not Austrian citizens.

Asylum seekers: Aliens become asylum seekers as soon as they have filed an application for asylum or for the extension of asylum and are still waiting for the decision by the competent authorities (see article 1 § 3 Asylum Act¹). Asylum seekers do not have access to the labour market; they are very often not even part of the § federal counselling program (*Bundesbetreuung*) and are therefore forced to work in the informal sector.

Geneva Convention refugees: They are asylum seekers that have been granted asylum if it is satisfactorily shown that they are threatened by persecution in their countries of origin (§ Geneva Convention Relating to the Status of Refugees article 1 § A section 2) and none of the reasons for termination or exclusion listed in article 1 § C or F of the Geneva Refugee Convention is applicable (see article 7 Asylum Act²). Geneva Convention refugees have free access to the labour market.

Asylum seekers subject to non-refoulement:³ If the application for asylum is rejected, the competent authority has to issue ex officio a notification whether it is permissible to send back or deport the alien to his/her country of origin (see article 8 Asylum Act⁴). Reasons prohibiting the deportation are listed in article 57 Aliens Act⁵. Asylum seeker subject to non-refoulement do not have free access to the labour market, they are subject to the Aliens Employment Act.

“Guest” or migrant workers (Gastarbeiter): The term was coined in the 1960s, when shortage of labour in Austria caused the Chamber of Commerce and the Trade Union Congress to agree on recruiting temporary labour abroad, which could easily be reduced in times of economic crisis. The concept therefore implies that the workers are only guests that will return to their countries of origin after a certain period of time, a principle never adhered to, as migrant workers have become immigrants. Nevertheless, the term is still used to denote workers and their families especially originating from Turkey and former Yugoslavia.

1 § Österreich, BGBl. I/76, (14.07.1997), available at: http://bgbl.wzo.at/pdf_a/1997/1997a076.pdf (27/12/03).

2 § Ibid.

3 The principle of "non-refoulement" is contained in Art. 33 of the 1951 § Geneva Refugee Convention. It means that no state shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his or her life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion. See Nathwani, N. (2003) ■ Rethinking Refugee Law, The Hague: Martinus Nijhoff, p. 134-5

4 Ibid.

5 § Österreich, BGBl. I/75, (14.07.1997), available at: http://bgbl.wzo.at/pdf_a/1997/1997a075.pdf, (27/12/03).

Third country nationals: All people that are not Austrian citizens or citizens of the EEA (EU Member States plus Norway, Iceland and Liechtenstein) (see article 2 § 9 Aliens Employment Act⁶). They are subject to the § Aliens Employment Act.

Migrants: The term denotes people that have themselves migrated to Austria but also their off-spring that might have been born in Austria. The concept is used irrespective of whether these people are Austrian citizens or not.

Naturalised citizens: All people that have become Austrian citizens by way of naturalisation.⁷ The Austrian § Naturalisation Act is based on the principle of *ius sanguinis*, therefore often second and third generation migrants have still not naturalised.

Officially recognised autochthonous ethnic groups: Six autochthonous ethnic groups are officially recognised in Austria: the Slovenes, the Croats, the Roma and Sinti, the Czechs and the Slovaks.

Religious minorities: The Jewish and Muslim religious communities are two of 12 other churches and religious communities⁸ that are officially recognised in Austria. They have among other rights the right to publicly practice their religion, to found private confessional schools and to have religious education at public schools.⁹

3.2. Definitions of work permits

Initial work permit (*Beschäftigungsbewilligung*): It is the first stage in the hierarchy of work permits. It is issued to the employer and not the employee. The employer has to obtain this kind of permit from the Austrian Labour Market Service. In case the maximum quota of the federal province, where the permit is applied for, has already been exceeded, which usually is the case, the Labour Market Service has to undertake a substitute employee procedure. It has to check according to very strict and hierarchical rules (4b (1) § Aliens Employment Act¹⁰), whether for instance an unemployed Austrian citizen, recognized refugee or owner of a **permanent license** (*Befreiungsschein* – see below) is available for the job. The last ones in this list are asylum seekers subject to non-refoulement.¹¹ The Labour Market Service then

6 § Österreich, BGBl. 218/1975 last changed by BGBl. I 126/2002, changes available at: <http://www.ris.bka.gv.at/bgbl/>, (02.09.02).

7 For Naturalisation Act, see: § Österreich, BGBl. 311/1985, available at: <http://www.ris.bka.gv.at/bgbl/>, (02.09.02).

8 For a list of them see: http://www.help.gv.at/82/820100_f.html, (13.09.02).

9 § Österreich, RGBL. 142/1867, 23.12.1867, available at: <http://www.ris.bka.gv.at/bundesrecht/>, (13.09.02).

10 § Österreich, BGBl. 218/1975 last changed by BGBl. I 126/2002, changes available at: <http://www.ris.bka.gv.at/bgbl/>, (02.09.02).

11 The complete hierarchy is the following: (1) Austrian and EEA citizens, recognized refugees, (2) persons in possession of a permanent license, (3) foreigners unemployment benefits, extended unemployment benefits, or maternity leave compensation, (4) integrated alien youths under the age of 19, who completed their last year of compulsory education in Austria, provided one parent was legally employed for at least three of the last five years; and aliens who have established residence in Austria for at least the last eight years, (5) persons belonging to one of the other groups in the Regulation on Exceeding National Quota Limits, (6) foreigners who were employed in Austria for at least three years and who have exhausted their claim to unemployment or extended unemployment benefits and have since this time been registered with the Labour Market Service as persons seeking employment, (7) foreigners who have been legally living in Austria for at least the last three years and who must provide financial support for family members (spouses, minor children) who have also been living legally in Austria for this period of time, (8) foreigners who have been legally living in Austria for more than five years and whose job prospects do not appear futile and (9) asylum seekers with a preliminary authorization to stay (compare Wiener Integrationsfonds (1999), ■ **Guide to Alien Employment Legislation in Austria, available at:** http://www.livetogether.at/wif_site/downloads/Brosch_Englisch.pdf, (27/12/03), p. 22.)

passes the relevant information on to the Regional Advisory Board (*Regionalbeirat*), consisting of a representative of the Labour Market Service and two representatives of the social partners. The employee has no right to appeal if his/her application for an **initial work permit** is turned down by this Regional Advisory Board. This permit allows a foreigner to work for a specific employee and at a particular work place for no more than one year.

Work entitlement (*Arbeitserlaubnis*): It is no longer granted to the employer but to the employee and allows the foreign worker to work in any job in the federal province for which the permit was issued for two years. Such a permit can only be obtained by foreigners that were gainfully employed in Austria for 52 weeks within the last 14 months. A renewal is possible when he/she was employed for 18 months within the last 24 months or for 12 months of the last 14 months.

Permanent license (*Befreiungsschein*): It is the highest stage in the hierarchy of permits and is issued for five years and allows a foreigner to work anywhere in Austria. This permit can only be granted to foreigners that were officially employed in Austria for five years within the last eight years. A renewal of the **permanent license** depends on whether its owner has been regularly employed for 2.5 years within the last five years. Migrants under the age of 19 can be issued a **permanent license** if one of their parents has legally lived in Austria for five years or if the youth himself/herself has spent half of his/her life or compulsory education in Austria. For foreign youths 2.5 years of residence within the last five years suffice for a renewal. If a migrant does not satisfy these criteria for renewal of his/her **permanent license**, he/she has to start all over again by obtaining an **initial work permit**.

Preliminary permit (*vorläufige Berechtigung*): It can be granted to the employee if the application for an *initial work permit* is not decided on within six weeks and the foreigner concerned has a residence permit. The **preliminary permit** is valid until an **initial work permit** is granted or until four weeks after the granting of an **initial work permit** has been refused.

Sending permit (*Entsendebewilligung*): It has to be granted to foreigners working in Austria, but employed by an enterprise having no seat in the federal republic of Austria. If their work lasts no longer than six months, they have to be granted a **sending permit** that is only valid though for four months.

Sicherungsbescheinigung: It is an **administrative promise** granted an employer who wants to hire workers abroad, after the preconditions for the issuance of an **initial work permit** for the people he/she wants to employ have been carefully checked.

The categories *4c- Beschäftigungsbewilligung* (**initial work permit**) and *4c- Befreiungsschein* (**permanent license**) relate to the Association Agreement between the European Union and Turkey, which makes access to the labour market for Turkish citizens and their family members a little easier compared to other third country nationals.

Permits on the basis of intergovernmental agreements (*Abkommens-Bewilligungen*): They are granted to cross-border employees and trainees from neighbouring countries.

4. Political/cultural situation

Aliens, migrants and members of the officially recognised autochthonous ethnic groups in Austria are vulnerable to discrimination when entering the labour market, striving for career advancement or in their everyday work relations. Nevertheless, discrimination in the labour market on grounds of “race”, religion, ethnic or national origin is not a prominent issue in public discussions and, therefore, awareness of these phenomena among the public is limited. Consequently, discussions concerning discrimination in the employment sector focus on the legal barriers restricting the access to the labour market for third country nationals, the harmonisation of their right to labour and residence and their exclusion from standing as candidates in ▲ Chamber of Labour and Commerce elections. This focus gives evidence that institutional discrimination – including a complex system of various laws¹² regulating access to the labour market as well as regulations defining quotas for family reunification and certain groups of labourers – is rather severe and above all adds to the stigmatisation of the people concerned. The different legal status of the so called “guest” or migrant workers as well as asylum seekers subject to non-refoulement (article 15 § Asylum Act¹³) makes them additionally vulnerable to institutional discrimination and marginalisation as opposed to Geneva Convention refugees, naturalised citizens, citizens from other EU or EEA member states, and Austrian members of the six officially recognised autochthonous ethnic groups, who have free access to the labour market in legal terms.

The following paragraph gives an overview about some key data relevant for the assessment of the size of the various groups vulnerable to discrimination mentioned above. The Federal Republic of Austria has about 8 million inhabitants, 9 percent of which are of alien origin.¹⁴ In 2000, about 66,000 aliens immigrated, whereas 44,400 aliens left the country, so only about one third of aliens come to stay.¹⁵ About 40 percent of the alien population participate in the workforce¹⁶, 80 percent of which originate from former Yugoslavia and Turkey¹⁷. In 2001, 30,140 asylum seekers¹⁸ applied for asylum in Austria¹⁹, but almost three quarters of the applications were not considered or withdrawn. 3,171 applications were decided on – 411 applicants and 703 family members of applicants were granted asylum, 205 asylum seekers are subject to non-refoulement and 2,803 applications were rejected.²⁰ So only 4.3 percent²¹ of the applicants were granted asylum in 2001, and besides that, 4,100 asylum seek-

12 Consisting of the § Aliens Act (*Fremdengesetz*), the § Asylum Act (*Asylgesetz*), the § Residence Act (*Aufenthaltsgesetz*) and the § Aliens Employment Act (*Ausländerbeschäftigungsgesetz*).

13 § Österreich, BGBl. I/76, (14.07.1997), available at: http://bgbl.wzo.at/pdf_a/1997/1997a076.pdf, (27/12/03).

14 See Annex Tables 1, 2 and 3.

15 See Annex Table 4.

16 Source: Statistik Austria, Statistische Übersichten, Kapitel 15: Beschäftigung und Arbeitsmarkt (Chapter 15: Employment and labour market): ■ Table: 15.12 Beschäftigung von ausländischen Arbeitskräften (Foreign workers), available at: <http://www.statistik.at>, (30.08.02) and Statistik Austria, Ergebnisse: Bevölkerung (Results: Population): ■ Table: Bevölkerungsstand (Population), Source: Bevölkerungsfortschreibung (Extrapolation of population data), Jahresdurchschnitte (Annual averages), available at: http://www.statistik.at/fachbereich_03/bevoelkerung_tab1.shtml, (30.08.02). (See Annex Table 5)

17 Arbeitsmarktservice Österreich (2002), Statistiken: Arbeitsmarktdaten 2001: ■ Table: BA 801: Jahresdurchschnitt 2001: Bewilligungspflichtig beschäftigte Ausländer/innen nach Staatszugehörigkeit in Österreich (Annual average 2001: Foreign employees obliged to have a work permit by countries of origin in Austria), p. 75 and own calculations. (See Annex Table 6)

18 About 40 percent of them were Afghans. (See: asylkoordination aktuell, ■ Asylstatistik 2001 (Statistic of asylum seekers 2001), available at: http://www.asyl.at/fakten_8/stat_2001_01.htm, (10.09.02).)

19 See Annex Table 7.

20 asylkoordination aktuell, ■ Asylstatistik 2001 (Statistic of asylum seekers 2001), available at: http://www.asyl.at/fakten_8/stat_2001_01.htm, (10.09.02).

21 *ibid.*

ers²² left Austria. Since 1998 the numbers of naturalisations have been sharply increasing and peaked at 31,700 in 2001.²³ For the members of the six recognised autochthonous ethnic groups official statistics are only available for 1991, as the census of 2001 has not been fully analysed yet. In 1991, there were about 29,600 Croatians, 20,200 Slovenes, 19,600 Hungarians, 9,800 Czechs and 1,000 Slovaks. The Roma were only officially recognised as an ethnic group in 1993 and therefore there are only estimates available – 10 to 20,000.²⁴

Keeping the numbers and the legal separation of the vulnerable groups in mind, governmental policies and legislation aiming at “integration” in the employment sector are largely restricted to those affected by legal barriers – migrant workers and asylum seekers subject to non-refoulement. The governmental concept of “integration” in the labour market – not only of the current coalition government of the People’s Party (ÖVP) and the Freedom Party (FPÖ), but also of previous ones – has been a rather limited one and means facilitating access to the labour market for certain legally disadvantaged groups. Several measures have been taken in accordance with this concept of “integration” and the goal of “favouring integration over new immigration”. In 1997, the “integration package”²⁵ was passed by parliament and in June 2000, the Federal Ministry of Economics and Labour addressed an “integration decree” to the *Österreichische Arbeitsmarktservice* (▲ Austrian Labour Market Service). The decree simplifies and abridges the decision procedure on the issue of an initial work permits if aliens falling within the following categories apply for it: aliens that have legally resided in Austria for more than five years or for less than five years, but for whom important socio-humanitarian reasons make access to the labour market a necessity, former asylum seekers subject to non-refoulement legally residing in Austria for more than two years and aliens subject to family violence. Furthermore, this facilitated access was made available to foreign youths legally residing in Austria if they had completed their last year of compulsory education in Austria and one of their parents was gainfully employed during three years within the last five years or if they had come to Austria by way of family reunification (when they applied for a residence permit before January 1st, 1998)²⁶ and have so far not satisfied the conditions for this kind of permit.

However, within the last two years the coalition government also decided on policies that somehow contradicted its concept of “integration”. One of these policies was the raising of the quota for seasonal workers by 45,5 percent in 2001 compared to the previous year and its supplementation by the introduction of a new quota²⁷ for reapers and harvesters, set at 7,000 per each month for 2001. This strategy reinforces the competition among labour market participants in certain sectors of the labour market, like agriculture and tourism, employing many of the resident migrant workers and putting them under pressure. Besides these measures, the quota for highly skilled workers was increased by almost 60 percent compared to 2000²⁸ and the government clearly demonstrated that specially qualified persons had a better chance of obtaining work permits than unskilled workers. This policy was in further support of a

22 See Annex Table 8.

23 See Annex Table 9.


24 See Annex Table 10.


25 For effects of the changes in 1997 see Gächter, A. (1997) ■ The legal position of foreign nationals, available at: <http://www.eiro.eurofound.ie/1997/03/feature/at9703104f.html>, (27/12/03).

26 Family reunification concerning children of aliens that moved to Austria before January 1, 1998 is restricted to the age of 15, there are different rules though for aliens applying for a residence permit for the first time after January 1, 1998. If they immediately indicate how many family members they want to take with them and if they apply for family reunion in the following calendar-year, they have a legal claim on family reunion (according to art. 20 § 1 *Fremdengesetz* [Act on Aliens] 1997: § Österreich, BGBl. I 75/1997, 14.07.97, available at: <http://www.ris.bka.gv.at/bgbl/>, (11.09.02).

27 § Österreich, BGBl II 460/1999, 17.12.99, available at: http://bgbl.wzo.at/pdf_a/1999/1999b460.pdf (27/12/03) and § Österreich, BGBl II 96/2001, 28.02.01, available at: http://bgbl.wzo.at/pdf_a/2001/2001b096.pdf, (27/12/03).


28 § *ibid.*


decree²⁹ concerning the new entry of IT-specialists into the Austrian labour market issued to the  *Arbeitsmarktservice* by the Ministry of Economics and Labour in August 2000. The ministry reacted to demands by enterprises and economic prognosis saying that the national potential of IT-specialists would not suffice to meet the demands in this economic sector. The decree asks the *Arbeitsmarktservice* to take this special situation into account when checking applications of enterprises for initial work permits. According to the Ministry of Economics and Labour about 500 permits conforming to this decree were issued in 2000.³⁰ All these measures fit the “principle of rotation” and jeopardise the government’s concept of “integration” for 1999 and 2000 by preferring workers from abroad to creating job opportunities for resident migrants.³¹

A further piece of evidence for the narrowness of the concept of “integration” is the exclusion of third country nationals from eligibility in works council, Chamber of Labour and Commerce³² elections. In 1999, the list of candidates of AUGE (Alternative and Green Unionists/Independent Unionists) for the Chamber of Labour election in *Vorarlberg* included Turkish citizens. It was taken for granted that the Association Agreement between the EU and Turkey allowed for Turkish citizens in Austria to stand as candidates. By its decision dating from March 2, 2001,³³ the Constitutional Court presented a case to the  European Court of Justice. The legal question at stake is whether the *Arbeiterkammergesetz* (§ Chamber of Labour Act³⁴) was in accordance with the § Association Agreement between the EU and Turkey, as it indicates that Turkish labourers are not eligible for Chamber of Labour functions. The case is still pending, but many Austrian activists await the decision with great interest and hope. This decision could – this is their assumption – help to end the different treatment of nationals and non-nationals in the whole field of political participation concerning employment. They assume that the Constitutional Court might rule that different treatment of Turkish nationals as well as people with other nationalities is discriminatory according to the § CERD obligations.


In August 2001, the coalition government presented its “new immigration concept”³⁵, which gained shape and momentum during the second half of the year and was the basis for draft legislation³⁶ on amending the Aliens Act³⁷, the Aliens Employment Act³⁸ and the § Asylum Act. Although many NGOs³⁹ delivered very detailed and reasoned opinions and pointed out weaknesses of the draft legislation, the so called “alien package” was agreed on by the council of ministers on June 4, 2002 without any major changes and without taking into ac-

29 The decree was not made public, but it was sent to the Focal Point on our request by the Ministry of Economics and Labour.


30 Österreich, Bundesministerium für Finanzen/Bundesministerium für Wirtschaft und Arbeit (2001),  Wirtschaftsbericht Österreich 2001 (Economic report for Austria 2001), Wien, available at: p. 89.


31 Compare Biffl, G. (2001a),  SOPEMI Report on Labour Migration: Austria 2000-2001, Wien, available at: http://www.wifo.ac.at/bibliothek/archiv/sopemi_2000-2001.pdf, (08.05.02), p. 46.

32 Österreich, BGBl. I 103/1998 last changed by BGBl. I 153/2001, 28.12.01, available at: http://bgbl.wzo.at/pdf_a/2001/2001a153.pdf, (27/12/03).

33  Österreich: VfGH, WI-14/99 (02.03.2001).






34 § Österreich, BGBl. 626/1991, 06.12.1991, available at: <http://www.ris.bka.gv.at/bgbl/>, (09.09.02).

35  Der Standard, (14.08.2001).

36 For further details see Österreich, Bundesministerium für Inneres (2002), Begutachtungstexte:  Bundesgesetz mit dem das Fremdenengesetz 1997 (FrG-Novelle 2002) und das Asylgesetz 1997 (AsylG-Novelle 2002) und das Ausländerbeschäftigungsgesetz geändert werden (Draft legislation: Federal Law amending the Aliens Act and the Asylum Act and the Aliens Employment Act), Wien, available at: <http://www.parlament.gv.at>, (09.05.02).

37 § Österreich, BGBl. I 75/1997, 14.07.1997, available at: <http://www.ris.bka.gv.at/bundesrecht/>, (02.09.02).

38 § Österreich, BGBl. 218/1975, available at: <http://www.ris.bka.gv.at/bundesrecht/>, (02.09.02).

39 Among them were the  Caritas,  Deserteurs- und Flüchtlingsberatung, Beratungszentrum für Migranten und Migrantinnen,  Zentrum zur sozialmedizinischen, rechtlichen und kulturellen Betreuung von Ausländern und Ausländerinnen in Österreich (ZEBRA),  Österreichischer Verband für angewandte Linguistik (verbal), and the  Wiener Integrationsfonds (WIF).

count the suggestions made by the experts from NGOs. This policy further stresses the preference of specially qualified persons, for whom the quota was raised by 18 percent for the year 2002⁴⁰ and who are the only new immigrants having access to a settlement permit harmonising the rights to residence and employment. Besides that, draft legislation did not change quotas for seasonal workers and lowly qualified short-term agricultural workers for 2002, but seasonal work will no longer be restricted to agriculture and tourism, it will be extended to continuously working industrial enterprises. Representatives of Trade Unions and the Chamber of Labour have criticised this strategy, as they fear for wage dumping and a higher unemployment rate among Austrians as well as alien resident employees. Furthermore, the draft legislation also includes measures towards “integration” specified under the headline “integration agreement” (*Integrationsvereinbarung*). Newly arriving immigrants and unemployed migrants living in Austria are to attend German courses. Non-compliance with this agreement can be sanctioned by a fine of up to € 200 or expulsion. This draft legislation has caused an intensive discussion among NGOs and linguistic experts on the concept of integration and the carrying out of the German courses. Experts⁴¹ see both the increased inflow of seasonal workers and the legal sanctioning of a lack of language -competence as contributing to racist and xenophobic tendencies. Nevertheless, the bill was turned into a law and comes into force on January 1, 2003.⁴²

In July 2002, the Trade Regulations Act⁴⁴ (article 14 § 1) was amended and the legal barriers for access to self-employment were lowered. Aliens from countries that either have association agreements with the EU (e.g. Estonia, Latvia, and Lithuania) or bilateral treaties with Austria (e.g. the Czech Republic, Slovakia, Poland, Rumania, Bulgaria, Hungary) only face the same requirements as Austrian citizens. Other third country nationals, persons that have been granted asylum and stateless people can become self-employed workers if they have a valid residence permit allowing for gainful employment. If a third country national has no residence permit and wants to become a self-employed worker, he/she has to apply for a residence permit allowing for self-employed work. Before this amendment, third country nationals⁴⁵ were at the mercy of the competent federal provincial authority, which had to decide on the issuance of an “equalisation” (*Gleichstellung*) usually granted for a specific location. Their decision was based on the consideration whether it could be “... assumed that the carrying on of a trade by aliens is in the interest of the national economy and does not run counter to other public interests”. (Trade Regulations Act, article 14 § 246) National economic interests included indicators like the quality of the goods/services offered being especially attractive or useful for the Austrian economy, the new enterprise being an enrichment of the local or regional economic life or closing a gap in the local business structure. Factors promoting the issuance of an “equalisation” were the creation of jobs, readiness to invest, special qualifications of the applicant and an education completed in Austria.

40 § Österreich, BGBl. II 2/2002, 04.01.02, available at: http://bgbl.wzo.at/pdf_a/2002/2002b002.pdf, (10.09.02).

41 Compare Biffl, G. (2001a) ■ SOPEMI Report on Labour Migration: Austria 2000-2001, Wien, p. 63, available at: http://www.wifo.ac.at/bibliothek/archiv/sopemi_2000-2001.pdf, (08.05.02), and Caritas (2002), ■ Stellungnahme der Caritas Österreich zum Entwurf des Bundesgesetzes, mit dem das Fremden-gesetz 1997 und das Asylgesetz und das Ausländerbeschäftigungsgesetz geändert werden (Opinion of the Caritas Austria on the draft legislation amending the Aliens Act and the Asylum Act and the Aliens Employment Act), Wien, p. 3.

42 § Österreich, BGBl. I 126/2002, 13.08.02, available at: http://bgbl.wzo.at/pdf_a/2002/2002b002.pdf, (27/12/03).

43 The complete speech was published in: *derstandard.at*, July 10, 2002: Die „Feuerrede“ des FP-Volksanwalts. Sonnwendfeier Seebarn, June 21, 2002, available at: <http://www.derstandard.at>, (12.07.2002).

44 § Österreich, BGBl. I 111/2002, 23.07.02, available at: http://bgbl.wzo.at/pdf_a/2002/2002a111.pdf, (27/12/03).

45 The old Trade Regulations Act also offered exceptions to citizens from countries with association agreements with the EU and bilateral treaties with Austria. There were no exceptions for the two biggest migrant groups though – people from former Yugoslavia and Turkey.

46 § Österreich, BGBl. 194/1994, 19.03.1994, available at: <http://www.ris.bka.gv.at/bundesrecht/>, (13.09.02).

For many trades and commercial industries a “proof of qualifications” (e.g. completion of a commercial school (*Handelsschule*), master craftsman’s qualification exam (*Meisterprüfung*) or relevant occupational experience in the respective commercial industry) is necessary in addition to a valid residence permit. These requirements are very restrictive, as they closely relate to Austrian occupational careers and educational standards, not easily obtainable for first generation and not even second generation migrants. Although self-employment seems to be an attractive alternative for migrants, it is a rather risky option because of certain legal framework conditions. Self-employment makes it harder to get one’s settlement permit renewed. Firstly, because applicants have to prove that they are able to secure their subsistence. Secondly, offences of administrative laws (e.g. Road Traffic Act, Food Law, Market Regulations) can also lead to non-renewal of the settlement permit. Last but not least, if an enterprise is not successful, it is hard for a self-employed third country national to return to the labour market, as the § Aliens Employment Act does not recognise self-employment as participation in the labour market; unsuccessful self-employed migrants have to start at the lowest level of the work permit hierarchy. All this institutional and indirect discrimination is further aggravated by banks reluctant to give credit to self-employed migrants due to their often precarious settlement status or the lack of well-funded guarantors. Migrants therefore often have to rely on private savings, personal loans and resources of their own ethnic communities.

The policies described deal with institutional discrimination and “integration” of third country nationals and refugees subject to non-refoulement, but there are no policies aiming at eliminating other forms of discrimination in the employment sector and taking other groups exposed to unequal treatment on the labour market into account. Although anti-discrimination legislation according to the § Racial Equality Directive (2000/43/EC) has to be implemented till July 2003, no draft legislation has been made available to experts and the public yet.

5. Theoretical and methodological approach for analysing data


This report speaks about discrimination in connection with the unequal treatment of aliens and autochthonous ethnic groups within the labour market. In contrast to § Article 13 EC, which provides the Union with a “mandate to take any ‘appropriate action to combat discrimination based on ... racial or ethnic origin, religion or belief’”⁴⁷, and the § Racial Equality Directive (2000/43/EC) forbidding discrimination on grounds of racial or ethnic origin, this report additionally includes the difference of treatment based on nationality as an aspect of discrimination. The concept of discrimination applied in this analysis is therefore also broader than the one implied by the § Equal Treatment Directive (2000/78/EC), which lays “down a general framework for combating discrimination on the grounds of religion or belief, ... as regards employment and occupation, with a view to putting into effect in the Member States the principle of equal treatment”. Although the “prohibition of discrimination should also apply to nationals of third countries” the Directive “does not cover differences of treatment based on nationality and is without prejudice to provisions governing the entry and residence of third-country nationals and their access to employment and occupation”.


Discrimination first of all includes institutional discrimination, as certain institutions limit the access to the labour market for both employees and self-employed workers of third country origin. In Austria, institutional discrimination results from the exclusion of third country nationals from the civil service, from making recognition of qualifications that have been acquired abroad very difficult, and from very tight legal restrictions regulating third country nationals’ access to the labour market. These very restrictive entry procedures have kept migrants in the same lowly paid, dirty and dangerous industries for more than 30 years. The § Aliens Employment Act, which has created a highly complex system regulating access to the labour market by different kinds of work permits, is meanwhile so intricate that even experts in this field have difficulties in interpreting it.

As the classification of discrimination used in this report covers discrimination on ethnic, “racial”, religious and national grounds all major groups vulnerable to discrimination are included in this definition: migrants of third country origin, asylum seekers, Convention refugees, members of religious minorities (like Jews, Muslims) and of the autochthonous ethnic groups. Although all these groups are taken into account, this study demonstrates that awareness of discrimination in general is very low and that only institutional discrimination targeted at third country nationals is an issue of wide-spread public discussion. The other vulnerable groups become almost invisible in connection with discrimination on the labour market.

Concerning direct and indirect discrimination in relation to the employment sector, we can only revert to the definitions provided by the § Racial Equality Directive (2000/43/EC), defining direct discrimination as “where one person is treated less favourably than another is, has been, or would be treated in a comparable situation on grounds of racial or ethnic origin”, and indirect discrimination as “where an apparently neutral provision, criterion or prac-

47 Bell, M. (2002) ■ Measures to combat racial discrimination in the European Union Article 13 and beyond, paper presented at the workshop: ■ Rechtliche Maßnahmen zur Bekämpfung von rassistischer und gender-basierte Diskriminierung in Europa und den USA (Legal measures to combat racial and gender based discrimination in Europe and the USA), organised by the Austrian ▲ Federal Ministry of Education, Science and Culture and the ▲ European Centre for Social Welfare Policy and Research, at the *Diplomatische Akademie*, Vienna, March 22, 2002, p. 2.

tice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons”. In relation to the labour market direct discrimination would include job announcements, recruitment procedures and career advancement favouring nationals over aliens or members of the autochthonous ethnic groups on grounds of “racial” or ethnic origin, but going beyond the definition of the Directive and also covering religion and nationality. Indirect discrimination would include e.g. not recruiting or not awarding career advancement to women wearing headscarves or to people not having completed their education in Austria. These incidents of unequal treatment can either be part of everyday individual racism relating to the concepts of “racial”, ethnic, religious and cultural prejudices, which individuals can adopt when formulating a job announcement or recruiting a new staff member or it can be part of institutional racism, when e.g., staff members of the  *Österreichische Arbeitsmarktservice*, in its function as a placement agency, discriminate against certain groups of aliens by the routine application of existing laws, or when a big enterprise has the strategy of not recruiting any aliens. A further aspect of direct discrimination would also include discriminatory treatment in everyday work relations like verbal abuse or “racial” harassment by superiors, colleagues or clients/customers. The avoidance of indirect discrimination would in particular involve job announcements, application processes and selection procedures for career advancement, where apparently neutral criteria are applied that put an alien or member of an autochthonous ethnic group at a particular disadvantage because of his ethnic, “racial”, religious or national origin.

The definition of the area of analysis – the employment sector – was guided by the scope of the  Equal Treatment Directive (2000/78/EC) covering

- a) conditions for access to employment, to self-employment or to occupation, including selection criteria and recruitment conditions, whatever the branch of activity and at all levels of the professional hierarchy, including promotion;
- b) access to all types and to all levels of vocational guidance, vocational training, advanced vocational training and retraining, including practical work experience;
- c) employment and working conditions, including dismissals and pay;
- d) membership of, and involvement in, an organisation of workers or employers, or any organisation whose members carry on a particular profession, including the benefits provided for by such organisations.

6. Description and evaluation of existing/non-existing data

The working definitions⁴⁸ outlined above form the framework for selecting and analysing the data and sources on discrimination in the labour market. The data was selected by determining whether it would enlighten the level of information on institutional, direct and indirect forms of discrimination in the employment sector. The selection process has already shown though that most of the information is restricted to institutional discrimination and therefore to issues of migration and integration excluding those groups whose access to the labour market is not restricted by quotas, the issue of work permits and other legal barriers. Furthermore, the analysis of the data selected demonstrates that hardly any insight concerning strategies for reducing racism and supporting diversity can be gained from the data available, as we do not have any systematic evidence on what forms of direct and indirect discrimination happen on the labour market and what the consequences are of this unequal treatment. Relevant institutions like anti-discrimination offices responsible for the monitoring of unequal treatment are missing. Most of the NGOs lack the resources for compensating for the absence of an effective monitoring system and providing systematic and comprehensive documentations of their experiences with discrimination.

6.1. Statistical data

For statistical data we turned to the *Arbeitsmarktservice Österreich* (▲ Labour Market Service Austria), *Statistik Austria* (▲ Statistics Austria), and the *Hauptverband der österreichischen Sozialversicherungsträger* (▲ Federation of Austrian Social Security Institutions). We only evaluate material that is either published on a regular basis or can be found in special publications relating to the labour market. Data processed by *Statistik Austria* and the *Hauptverband der österreichischen Sozialversicherungsträger* mostly include all foreign nationals (citizens from the EU and EEA, third country nationals including migrant workers, Geneva Convention refugees and asylum seekers subject to non-refoulement) employed in Austria. Information published by the *Arbeitsmarktservice Österreich* focuses on those participants in the labour market governed by the Aliens Employment Act. Neither of these institutions provides data for members of the Austrian autochthonous ethnic groups or naturalised citizens, as these records either differentiate between those having free access to the labour market versus those subject to the § Aliens Employment Act or between Austrian citizens and aliens. More detailed and specific information could be obtained from special calculations, which the relevant institutions either provide themselves on demand and for payment or which could be done on the basis of data sets bought from these organisations. The statistical data⁴⁹ collected by these institutions does not include any direct information on discrimination in connection with job advertisements, job applications, possibilities of career advancement and everyday discriminatory situations at the workplace. Nevertheless, it

⁴⁸ They try to take the minimum criteria into account suggested by Clayton, D. (2002) Working Paper: ■ Data Comparability, Definitions and the Challenges for Data Collection on the Phenomena of Racism, Xenophobia, Anti-Semitism and Islamophobia in the European Union. Draft Version, p. 20.

⁴⁹ For an overview of statistical data available concerning the employment of foreign nationals see Amesberger, H./B. Halbmayer (2000) Integrationsindikatoren. Zur Nachhaltigkeit von Integrationspolitik. Forschungsbericht zu einem Forschungsprojekt im Auftrag von MA 18, MA 57 und Wiener Integrationsfonds am Institut für Konfliktforschung (■ Indicators of integration. Sustainability of integration policy. Research Report on a research project commissioned by the municipal corporation units 18 and 57 and the Vienna Integration Fund at the Institute of Conflict Research), Wien, p. 66 ff.

allows an insight into the segmentation of the Austrian labour market, the concentration of migrant workers in low-wage industries, mostly dirty as well as dangerous to health, and the lack of possibilities of status mobility. As these three institutions do not focus on discrimination in the above mentioned sense, they do not provide any definitions or criteria in relation to unequal treatment.

For the category of all aliens, statements based on the ■ *Statistische Übersichten* published by ▲ *Statistik Austria* about the overall number employed further broken down into men and women as well as white and blue collar workers, their employment in certain selected industries (metals, construction, retail/storage, tourism)⁵⁰, and their overall unemployment-rate are possible. Both in 2000 and 2001, more than three quarters of all aliens, whereas only two fifth of the overall population, worked as blue collar workers.⁵¹ This is an indicator for lower wages and more strenuous work, just like the selection of the four industries, mentioned above, and suggests unequal treatment. The unemployment rate of aliens was by 0.6 percent higher in 2000 and by 2.3 percent in 2001⁵² than among the overall population, showing that the alien employment rate rises much more quickly in times of an economic downturn. Nevertheless, the duration of unemployment of aliens is twelve days shorter than for natives, showing that they are much more under pressure to find a new job, as their residence permit is jeopardised by long periods of unemployment.⁵³ Alien women participate in the labour market less often than native women, only 56 percent of the overall but 62 percent of the alien work force was male in 2001.⁵⁴ Women are more disadvantaged when wanting to enter the labour market as most of them come to Austria under the title of family reunification and therefore do not immediately have access to the labour market.

The ■ micro-census by *Statistik Austria*⁵⁵ asks for the period of residence⁵⁶ and for how long one has been employed. Unfortunately, data on what kind of work permits the respondents have or whether they have free access to the labour market (like Convention refugees) is not recorded. The information on the kinds of work permits would have to be extracted from other sources, which are not based on the same method of data collection. Furthermore, the micro-census gives insight into the situation of the aliens unemployed: their overall unemployment rate, whether they are actually looking for a job, when the registered unemployed were last in touch with the ▲ *Arbeitsmarktservice*, what kind of occupation (employed/self-employed) full- or part-time they are looking for, and what means of subsistence

50 Source: Statistik Austria, *Statistische Übersichten*, Kapitel 15: Beschäftigung und Arbeitsmarkt (Chapter 15: Employment and labour market): Table: ■ 15.13. Ausländische Arbeitskräfte nach Wirtschaftsklassen und Ländern (Foreign workers by selected branches and federal provinces), available at: http://www.statistik.at/statistische_uebersichten/deutsch/pdf/k15t13.pdf, (13.09.02).

51 Source: Statistik Austria, *Statistische Übersichten*, Kapitel 15: Beschäftigung und Arbeitsmarkt (Chapter 15: Employment and labour market): Table: ■ 15.12. Beschäftigung von ausländischen Arbeitskräften (Foreign workers), available at: http://www.statistik.at/statistische_uebersichten/deutsch/pdf/k15t12.pdf, (13.09.02).

52 Source: Statistik Austria, *Statistische Übersichten*, Kapitel 15: Beschäftigung und Arbeitsmarkt (Chapter 15: Employment and labour market): Table: ■ 15.9. Arbeitslosenquoten (Unemployment rates), available at: http://www.statistik.gv.at/statistische_uebersichten/deutsch/pdf/k15t_9.pdf, (09.09.02) and own calculations. For an overview of the unemployment rates of the overall population and aliens during the last 20 years see Annex Tables 11a, 11b and 13.

53 Source: Arbeitsmarktservice Österreich, ■ Table 45: Zerlegung der Arbeitslosenquote nach Geschlecht, Alter, Bundesländern und Staatszugehörigkeit 2001 (Unemployment quota breakdown by gender, age, federal provinces and nationality 2001). (See also Annex Tables 12)

54 Source: Statistik Austria, *Statistische Übersichten*, Kapitel 15: Beschäftigung und Arbeitsmarkt (Chapter 15: Employment and labour market): Table: ■ 15.12. Beschäftigung von ausländischen Arbeitskräften (Foreign workers), available at: http://www.statistik.gv.at/statistische_uebersichten/deutsch/pdf/k15t12.pdf, (09.09.02) and own calculations. For an overview of the share of men and women in the work force for both the overall population and aliens during the last 20 years see Annex Tables 11a and 11b.

55 This special ■ survey is done annually during the first quarter of the year within the framework of a micro-census, the sample contains about 30,000 households or 60,000 persons.

56 The ■ micro-census does not ask where the parents of the respondents were born, if both of them were born abroad or one of them was born abroad.

they live on. The tables contain additional relevant information on the period of unemployment, on whether unemployment results from seasonal fluctuation, and on the reasons for the termination of the last contract of employment, but only for all interviewees. Special calculations would be necessary to break this information down into the categories of nationals and aliens to see whether there are major differences between these two groups. Reasons for the termination of an employment contract could, for instance, demonstrate that aliens are more often affected by plant closures or the expiry of a temporary contract. The respondents employed are asked whether and why they are looking for a new occupation, what measures the respondents are taking to find a different job, how long they have been searching and what kind of occupation (employed/self-employed) full- or part-time they are looking for. The answers to these questions shed light on whether aliens are more often threatened by the loss of their job and rely more often on ethnic networks to find an occupation. Additional computations would be necessary to find out whether the actual working hours, the reasons for the difference between ordinary and actual working hours, the number of limited employment contracts, the number of respondents having a second job and doing shift work differ significantly between nationals and aliens. Furthermore, the published evaluation of the micro-census does not say anything about what kinds of jobs (self-employed worker, unskilled worker doing strenuous work, unskilled worker in agriculture and forestry, skilled worker, ...) the aliens have, which makes it difficult to say anything about discrimination in the work hierarchy, and it does not include information on the educational level of the alien population, although these variables are part of the survey. The census does not differentiate between education acquired in Austria and in a foreign country, which is often seen as a variable influencing the chances of employment. It has also to be kept in mind that the sample is biased towards aliens whose language competence is very good, as the questionnaires are only provided in German and the interviewers do not speak any native languages of the aliens.⁵⁷

The ▲ *Hauptverband* edits an annual brochure⁵⁸ showing the average monthly income for both wage and salary earners in Austria, it differentiates between nationals and aliens, the latter are further broken down into Germans, former Czechoslovakians, former Yugoslavians, Polish, Rumanians, Turkish and Hungarians. The average income of all aliens was € 343 (17%) below the average income of the Austrians, for alien men it was € 503 (22%) and for alien women € 246 (16%). This difference can be explained by the segmentation of the labour market, where aliens are concentrated in low-wage industries, although not all aliens are subject to institutional discrimination by the Aliens Employment Act. Alien male wage earners got € 289 (14%) less and alien male salary earners € 321 (12%) less than their Austrian counterparts. For alien women the difference in wages was only € 4 (0,4%) and in salaries € 69 (4%). The incomes of aliens are further differentiated according to age groups and industries. The data of the *Hauptverband* usually contains a higher percentage of foreign nationals than other statistics, as it only learns about the nationalisation of a person insured when he or she changes his/her employer. Therefore, their data still describe people as foreign nationals, although they have already become Austrian citizens.

As neither the *Hauptverband* nor *Statistik Austria* provide as detailed information as the ▲ *Arbeitsmarktservice*, the labour market situation of aliens subject to the § Aliens Employment Act is better documented than the employment situation of all aliens. Data for 2001

⁵⁷ Compare Amesberger, H./B. Halbmayr (■ 2000), p. 21.

⁵⁸ The calculations are based on: Hauptverband der österreichischen Sozialversicherungsträger (2001), Statistische Daten aus der Sozialversicherung: Verteilung der beitragspflichtigen Arbeitseinkommen nach Staatsbürgerschaft, Zusammenstellung, Berichtsjahr 2000, ■ Table 3: Verteilung der beitragspflichtigen Monatseinkommen der Arbeiter und Angestellten (Einschliesslich Sonderzahlungen), Staatsbürgerschaft: Alle Ausländer, Berichtsjahr: 2000, Alle Wirtschaftsklassen (Distribution of monthly incomes of wage and salary earners subject to contributions (including special payments), Citizenship: All aliens, Reporting year: 2000, All economic sectors) and own calculations. (Annex Table 14)

revealed that about 40 percent⁵⁹ of the migrant workforce were employed in industries either subject to increased competition from countries of Central and Eastern Europe – like textiles, clothing and leather, or to strong seasonal fluctuations – like agriculture and forestry, tourism and construction. When looking at the distribution of work permits among the migrant workers two tendencies become evident. Firstly, the inflow of seasonal workers, harvesters and pickers led to an increase in valid initial work permits (granted to the employer for a specific employee and workplace for one year) by 18.4 percent⁶⁰ and in the number of initial permits issued by 15.6 percent in 2001⁶¹, secondly, three quarters of the foreigners⁶² had a permanent license (issued to the employee for five years after five years of legal employment), which is the most secure permit a migrant worker can obtain.

The share of migrant women in total employment was 36.3 percent and by eight percent lower than for the overall female workforce in 2001⁶³, but compared to 1999 with 34.5 percent and 2000 with 35.2 percent their share is gradually rising.⁶⁴ Migrant women work in similar branches as the men, also exposed to severe competition and seasonal fluctuations. Their overall share in the female work force was 6.2 percent in 2001, but about a quarter of the female workforce in agriculture and forestry as well as in tourism, 14 percent in household services and eleven percent in business oriented services were of alien origin.⁶⁵ The category business oriented services includes temporary work agencies, where all sorts of skills and occupations can be hired and where especially foreign women work as cleaning personnel. Whereas 80 percent of the gainfully employed migrant men had a permanent license, this was only true for 70 percent of the women.⁶⁶ This situation can be partly attributed to the quota system of family reunification, which does not combine family reunification with immediate access to the labour market.

59 Source: Arbeitsmarktservice Österreich (2002), Statistiken: Arbeitsmarktdaten 2001: Table: ■ BA 301: Jahresdurchschnitt 2001: Bewilligungspflichtig beschäftigte Ausländer/innen nach Berufen in Österreich (Annual average 2001: Foreign employees obliged to have a work permit by vocations in Austria), p. 65 and own calculations. (See also Annex Table 15)

60 Source: Arbeitsmarktservice Österreich (2002), Statistiken: Arbeitsmarktdaten 2001: Table: ■ GÜ 701: Jahresdurchschnitt 2001: Daten über die bewilligungspflichtig beschäftigten Ausländer/innen in Österreich (Annual average for 2001: Data concerning foreign employees obliged to have a work permit in Austria), p. 51. (See also Annex Table 17)

61 Source: Arbeitsmarktservice Österreich (2002), Statistiken: Arbeitsmarktdaten 2001: Table: ■ GÜ 702: Jahressummen 2001: Daten über die bewilligungspflichtig beschäftigten Ausländer/innen in Österreich (Annual totals for 2001: Data concerning foreign employees obliged to have a work permit in Austria), p. 52, and own calculations. (See also Annex Table 18)

62 Source: Arbeitsmarktservice Österreich (2002), Statistiken: Arbeitsmarktdaten 2001: Table: ■ GÜ 701: Jahresdurchschnitt 2001: Daten über die bewilligungspflichtig beschäftigten Ausländer/innen in Österreich (Annual average for 2001: Data concerning foreign employees obliged to have a work permit in Austria), p. 51 and own calculations. (See also Annex Table 17)

63 51.4 percent of the overall population were women, whereas only 47 percent of the alien population were female.

64 Source: Arbeitsmarktservice (2001), Statistiken: Arbeitsmarktdaten 2000: Table ■ BA 000: Jahresdurchschnitt 2000: Bewilligungspflichtig beschäftigte Ausländer/innen nach Bundesländern und Geschlecht (Annual average for 2000: Data concerning foreign employees obliged to have a work permit by federal provinces and gender), p. 53, Arbeitsmarktservice (2002), Statistiken: Arbeitsmarktdaten 2001: Table ■ BA 000: Jahresdurchschnitt 2001: Bewilligungspflichtig beschäftigte Ausländer/innen nach Bundesländern und Geschlecht (Annual average for 2001: Data concerning foreign employees obliged to have a work permit by federal provinces and gender), p. 53 and own calculations. (See also Annex Tables 19, 20a and 20b)

65 Source: Arbeitsmarktservice (2002), Statistiken: Arbeitsmarktdaten 2001: Table: ■ BA 303: Jahresdurchschnitt 2001: Bewilligungspflichtig beschäftigte Ausländerinnen nach Berufen in Österreich, Frauen (Annual average for 2001: Data concerning foreign employees obliged to have a work permit by occupations in Austria), p. 67 and own calculations.

66 Source: Arbeitsmarktservice Österreich (2002), Statistiken: Arbeitsmarktdaten 2001: Table: ■ GÜ 701: Jahresdurchschnitt 2001: Daten über die bewilligungspflichtig beschäftigten Ausländer/innen in Österreich (Annual average for 2001: Data concerning foreign employees obliged to have a work permit in Austria), p. 51 and own calculations.

Although this information published by the ▲ *Arbeitsmarktservice* does not directly relate to the issues of discrimination, the segmentation of the Austrian labour market becomes evident. The data clearly shows that migrant workers are concentrated in low-wage industries, mostly dirty as well as hazardous to health. In connection with this issue, it would be interesting to compare the numbers of natives and of aliens experiencing industrial accidents as well as diseases⁶⁷ and the numbers of days employees are away sick⁶⁸. Their unemployment rate is higher, because they work in industries much more vulnerable to competition from the Eastern European countries and to seasonal fluctuation. Women of third country origin, coming to Austria under the title of family reunification face legal barriers, are excluded from the labour market for four years. This situation is predominantly the result of institutional discrimination, as first entry or re-entry into the labour market for migrant workers of third country origin depends on a very complicated system of quotas and hierarchical rules. Furthermore, it would be interesting to see whether statistics on the number of people participating in training provided by the *Arbeitsmarktservice* showed evidence of the attitude that aliens were supposed to work instead of attending courses.

Statistics evaluating the situation of self-employed third country nationals and people who have been granted asylum are not easily available. The overall self-employment quota has been rather constant during the first half of the 1990s and has risen very slowly during the late 1990s; in 2001 it amounted to 7.8 percent excluding agriculture.⁶⁹ The most recent data available concerning the share of aliens in self-employment is for 1999; it amounted to 3.7 percent and has been constant since 1993.⁷⁰ These numbers do not reflect the actual situation of ethnic business though, as many self-employed workers have naturalised. Most of the ethnic businesses are based on low capital expenditure and on high involvement of labour. They concentrate in industries subject to structural changes. Success very often depends on self-exploitation or on exploitation of family members. They are concentrated in tourism, retail, especially groceries, the food industry, textiles, shoes and construction.⁷¹ There is no data available on how many ethnic businesses were not successful, but there is a high rate of fluctuation in ethnic business.⁷² Ethnic networks make available regular customers, but usually they do not have much purchasing power, are limited in number and there is growing competition by other ethnic businesses established in the same market niche. Not many ethnic businesses can reach native customers, as they concentrate in districts with a large share of migrants (e.g. in the districts 15 and 16 in Vienna).⁷³ It becomes quite clear that ethnic businesses very often become the replacements for natives that have pulled out of less profitable commercial industries.

Statistics concerning the participation of migrants in the informal sector are based on estimates by e.g., Biffl and Schneider⁷⁴. Their informed guesses however differ to a great ex-

67 The ▲ AUVA, a social accident insurance, provides data on industrial accidents and diseases in its annual report, but they do not differentiate between nationals and aliens. However, the insurance has the possibility of calculating the numbers for natives and aliens separately. See Annex Table 21.

68 The nine health insurance funds could provide this data on request, these calculations would have to be paid for.

69 See Annex Table 22.

70 See Annex Table 23.

71 For a more detailed overview of self employed aliens in Vienna by industrial sectors see Annex Table 24.

72 Volf (2001a), „Ethnic Business” – Einwanderer als Unternehmer (■ “Ethnic Business” – Immigrants as entrepreneurs), in: Bundesministerium für Bildung, Wissenschaft und Kultur, Abteilung Gesellschaftswissenschaften (ed.). Wege zur Integration. Was man gegen Diskriminierung und Fremdenfeindlichkeit tun kann (■ Ways to Integration. What can be done against discrimination and xenophobia), Klagenfurt/Celovec: Drava Verlag, p. 75/76.

73 ■ Ibid., p. 82.

74 Schneider, F. (2002) Die Entwicklung der Schattenwirtschaft (Pfusch) in Österreich und in den Bundesländern Niederösterreich, Oberösterreich, Steiermark und Tirol in den Jahren 1990 bis 2002 (■ The development of the informal sector in Austria and in the federal provinces of Lower Austria, Upper Austria, Styria and the Tyrol from 1990 to 2002), Linz, as well as estimates sent to us by Schneider in May, 2002.

tent. Biffl⁷⁵ speaks about 47,000 foreigners working in the informal sector and bases her approximation on the assumption that the share of foreigners in the informal sector does not exceed their ten percent share in overall employment. Schneider's estimates are much higher; he talks about 85,000 foreigners working full time in the informal sector, which would suggest that even more aliens were involved, as only few work full time in the informal sector. This higher number relates to the overview given about the occupational structure of the informal sector in 1989 and 1999⁷⁶ which includes many industries with a high proportion of alien employment, whereas Biffl is of the opinion that natives have much greater opportunities in the informal sector especially in trade and profession.

6.2. Government Reports

Government reports demonstrate a lack of awareness for problems of discrimination in connection with the labour market. The only vulnerable group visible are migrant workers of third country origin, but their restricted access to the labour market is not realised as institutional discrimination. Facilitating access to the labour market for certain groups of migrants is defined as labour market policy in order to lower the overall unemployment rate and the social risk potential for certain groups of migrants. Furthermore, it also fits the strategy of "integration before new immigration", which is also reflected in these documents by pointing out the so called "integration decree" targeted at family members of migrants integrated into the labour market for a long time and youths fulfilling certain criteria, as a measure for reducing the overall unemployment rate in Austria.⁷⁷ Discrimination against third country nationals and other vulnerable groups like Geneva Convention refugees or members of the autochthonous ethnic groups are not mentioned in these reports.

Although the Federal Ministry for Social Security and Generations identifies the restricted access to the labour market of specific groups of migrants as a social risk potential⁷⁸, the Ministry does not present any concrete measures resolving this problem. Governmental policies aim at a gradual integration of migrants into the labour market, e.g., by the above mentioned "integration decree" as well as by offering German language courses, courses in basic education and courses to make up for the CSE. These measures aim at improving the migrants' language competence and offering them basic educational skills. Although these measures are important to enhance their chances of employment, they are not appropriate for overcoming discrimination on the labour market and at the workplace.

Remedies offered by the Federal Ministry of Economics and Labour are rather measures to overcome labour market shortages in the IT industry ("IT-decree")⁷⁹ and in other industries lacking key personnel⁸⁰ as well as to contribute to the modernisation of labour organisa-

75 Biffl, G. (ed.) (2001b) Arbeitsmarktrelevante Effekte der Ausländerintegration in Österreich (■ Labour market relevant effects of the integration of aliens in Austria), Wien, available at:

http://www.bmwa.gv.at/positionen/pos1_fs.htm, (08.05.2002), pp. 360.

76 Schneider, F. ■ (2002), pp. 2.

77 Bundesministerium für Wirtschaft und Arbeit (2001), Umsetzungsbericht 2001 zum nationalen Aktionsplan für Beschäftigung: Österreich (■ Report on the Implementation of the National Action Plan concerning Employment 2001), available at: <http://www.pakte.at/pdf/nap2001.pdf>, (06.06.02), p. 2.

78 Bundesministerium für Soziale Sicherheit und Generationen (2001), Nationaler Aktionsplan zur Bekämpfung von Armut und sozialer Ausgrenzung: Österreich (■ National Action Plan for fighting poverty and social exclusion: Austria), available at: <http://www.pakte.at/pdf/nap-armut.zip>, (06.06.02), p. 16.

79 Bundesministerium für Wirtschaft und Arbeit (2001), Umsetzungsbericht 2001 zum nationalen Aktionsplan für Beschäftigung: Österreich (■ Report on the Implementation of the National Action Plan concerning Employment 2001), p. 14.

80 Bundesministerium für Wirtschaft und Arbeit (2002), Umsetzungsbericht 2002 zum nationalen Aktionsplan für Beschäftigung: Österreich (■ Report on the Implementation of the National Action Plan concerning Employment 2002), pp. 36/37.

tion⁸¹ by extending the possibility of seasonal work to all kinds of industrial branches. These remedies support another government policy, namely the selection of new immigrants according to certain qualification criteria the Austrian labour market is lacking as well as to create a flexible pool of temporary migrants helping to cover the seasonal peaks in tourism and agriculture. The seasonal workers are forced into strenuous, lowly paid jobs, in which working long hours is the rule, and where they do not have any chance of rising in the work hierarchy. Seasonal workers in agriculture, whose permit is restricted to six weeks, are especially discriminated against, as they have to pay unemployment insurance, although they themselves are never entitled to unemployment benefits. Besides that, they are very often confronted with employers unwilling to pay the wage agreed on. Many of these seasonal workers do not know where to complain about such grievances and therefore accept them.

One of the problems mentioned in connection with the stimulation of an entrepreneur spirit is the fight against the illegal employment of aliens.⁸² More emphasis is put on controls and applicants for public tenders are scrutinised for violations of the Aliens Employment Act. The aim is to secure proper working and wage conditions for aliens. Fighting illegal employment of aliens at the level of the employers is of course vital, but other measures would be necessary to make employers in general aware of the consequences of discrimination of such a kind – namely that aliens do not have any access to labour market welfare benefits. Besides that, public discussions on the issue of illegal employment very often blur the boundaries between perpetrator and victim, as illegally employed aliens are automatically put into the category of “illegal” migrants.

The Office of the People’s Advocate examines alleged grievances concerning public authorities as well as administrative departments and offices; grievances not covered are legal questions and problems between private individuals or in relation to private enterprises. The Office is open to complaints about racism and intolerance, but in its last report there were no entries on these issues. The chapter on labour market administration contains six lines on the Aliens Employment Act⁸³, stating that the “integration decree” made access to the labour market for qualified labour easier and respective applications for different kinds of work permits were dealt with favourably. Furthermore, the Office suggests treating asylum seekers and Convention refugees in relation to the Aliens Employment Act equally under certain conditions.⁸⁴

6.3. NGO-Reports

The *Österreichische Volksgruppenzentrum* (Austrian Centre for Ethnic Groups) includes in its annual report a chapter on the economic situation in the settlement areas of the Austrian autochthonous ethnic groups. The rural settlement areas (South-Carinthia, South-Styria and the *Burgenland*) are characterised as economic fringe areas suffering from a massive moving away of people as well as enterprises and by a relatively high rate of unemployment: “The weak economic structure of the rural settlement areas of the Austrian autochthonous ethnic groups forces their members to move away and assimilate more quickly in highly urbanised

81 ■ Ibid., p. 51.

82 Bundesministerium für Wirtschaft und Arbeit (■ 2001), p. 19 and (■ 2002), p. 48.

83 Volksanwaltschaft (2001), 24. Bericht über die Tätigkeit der Volksanwaltschaft im Jahr 2000 an den Nationalrat und den Bundesrat (■ 24th report on the activities of the Office of the People’s Advocate in 2000 for the National Council and the Federal Council), Wien, available at: http://www.volksanw.gv.at/i_berichte.htm, (27/12/03), p. 189.

84 ■ Ibid., p. 220.

regions, where protection of minorities is even less guaranteed.”⁸⁵ The report makes clear that members of autochthonous ethnic groups live, to a large extent, in structurally weak regions, where the average annual income was between € 50 and 330 below the overall Austrian average income of € 1,444 in 1998. For some of these regions the unemployment rate was between 0.3 and 2.4 percent higher than the overall Austrian average of 7.2 percent in 1998. These numbers, however, tell us nothing about individual discrimination experiences of members of ethnic groups when applying for a job, what obstacles they face in career advancement and whether they experience discrimination in everyday work relations. General statistics are of no help, as they do not differentiate between members of autochthonous ethnic groups and the remaining Austrians.

In particular those NGOs involved in counselling migrants told us that their clients are confronted with all kinds of racism and discrimination, but that their resources do not allow for a systematic and comprehensive documentation of the incidents, they have to cope with. ZARA, a Vienna-based NGO counselling witnesses and victims of racism, is the only NGO publishing an annual report on cases of racist discrimination. The ■ report published in 2001 concentrated on “particular cases of racist infringement and racist structures in Austria”, the ■ one from 2002 on “case reports on racist excesses and structures in Austria”, with a special “focus on awareness-raising activities”.⁸⁶ The organisation clearly defines the criteria it applies for evaluating an action as racist discrimination – namely when “a person is disadvantaged in any way on the basis of skin colour, language, appearance, religion, nationality or origin.”⁸⁷ The reports do not only display a collection of ZARA’s own experiences with its counselling service, but also contain experiences of other NGOs in the field of “racial” discrimination.

From the more than 300 cases⁸⁸ dealt with and documented by ZARA in 2001 half were reported by men and half by women. Out of them⁸⁹ (figures in brackets refer to the year 2000/90)

53% (29%) refer to **Public space** (all incidents which occur in places which are open to a not clearly defined circle of people such as the street, public transport, shops etc.),

21% (20%) refer to the **Police** (usually individual officers),

15% (20%) refer to **Public authorities and institutions** (incidents occurring between individual people and public authorities and institutions (except for the police) and their representatives, such as government offices, courts and prisons, schools etc.),

6% (3%) refer to **Housing**,

5% (8%) refer to **Work** (incidents which have to do with ‘work’ in the widest sense - the job market, looking for work, colleagues, job advertisements etc).

85 Österreichisches Volksgruppenzentrum (2000), Volksgruppenreport 2001: Zur Lage der ethnischen Minderheiten in der Republik Österreich, NGO-Report; Minderheiten in Österreich (■ Report on the autochthonous ethnic groups 2001: On the situation of minorities in the Republic of Austria, NGO-Report; Minorities in Austria), Wien, available at: <http://www.demokratiezentrum.org/download/Volksgruppenreport.pdf>, (11.06.02), p. 27.

86 Both reports are available in German and in English and can be downloaded at: http://www.zara.or.at/download/rass_rep_2000_e.pdf and http://www.zara.or.at/download/rass_rep_2001_e.pdf, (11.06.02).

87 ZARA (2002), ■ Racism Report 2001, Wien, p. 4.

88 It must be kept in mind though that the number of cases reported does not bear any relation to the number of incidents occurring throughout Austria.

89 ■ Ibid. p. 5.

90 ZARA (2001), ■ Racism Report 2000, Wien, p. 5.

The over-proportional rise in reported incidents happening in public space is seen by ZARA as an obvious increase in sensitivity towards racism, people no longer “want to be passive observers but to take responsibility for their social environment and strive for change”.⁹¹

The cases published in the reports concerning “work” more or less reflect the quality of racism current in the labour market among employers, employees and their clients:

About half of the cases are not reported by the people affected. They are afraid of losing their job or of not finding a new occupation, when other employers learn about their willingness to report grievances.

Discrimination, when entering the labour market: Announcements of job vacancies contain discriminatory application criteria, like “being a native” or demanding special qualifications disproportionate to the job offered. If e.g., an alien applies for a cleaning job, she has to “know German and English in writing and speech as well as possess a driving license”.

Discrimination at the work place: It becomes evident that naturalised Austrians are as likely to be exposed to racist discrimination as aliens, although naturalised citizens do not face any legal barriers when entering the labour market. Besides that, aliens are often subject to verbal harassment with racist discourse, like “there are too many aliens here” or “aliens have a different mentality”, and the non-renewal of a contract or the forced “mutual agreement” on terminating a contract.

Discrimination concerning career advancement: Being an alien means having hardly any chances of career advancement – experienced and better trained aliens very often have younger, less experienced native superiors. Another reason for less advancement opportunities is the exclusion of aliens from further vocational training, as they are supposed to work instead of participating in courses.

Discrimination as an advertising strategy: Taxi enterprises in *Graz* promote their services by stressing that their drivers are natives.

The incidents indicated for the area of employment show that structural discrimination is not the only kind of discrimination present in Austria, but that migrants do not have equal chances when applying for a job or wanting to climb up the work hierarchy. Besides that, aliens seem to remain aliens even if they have been naturalised. Therefore, it would be helpful to have statistics differentiating between native and naturalised Austrians, which would perhaps help to demonstrate that institutional discrimination alone is not responsible for the segmentation of the labour market. The cases documented also demonstrate that it is very difficult to take effective steps against the alleged perpetrators. In some cases, the victims or witnesses themselves do not want ZARA to do anything about their complaints, but only to have their experiences documented. When “mobbing”⁹² is involved in the incidents, the clients can be sent to the ▲ *Österreichische Gewerkschaftsbund*, which has a counselling unit on mobbing. The ▲ *Arbeitsmarktservice* is informed about employers who refuse to accept alien job applicants.

⁹¹ ZARA (■ 2002), p. 5.

⁹² i.e. collective bullying or victimisation

6.4. Academic Reports/Publications

Volf⁹³ writes about the development of labour migration, labour market data concerning migrant workers and the legal framework conditions for residence and employment in Austria. Integration into the labour market – defined as having access to the labour market, being treated equally to natives when seeking or applying for a job or at the workplace, being able to rely on the social welfare system in case of unemployment and having the chance of vocational and social mobility – has so far been prevented by the legal framework conditions, and will not be realisable in the future, if recent political debates are taken into account. The stories of four alien employees exemplify how the Aliens Employment Act and the lacking harmonisation of residence and work permit make continuous employment even of long-term residents impossible and can lead to expulsion. He suggests measures for enhancing career opportunities and protection against discrimination.⁹⁴ He sees ethnic monitoring, defined as a systematic recording of ethnic minorities at the work place, as a first step to show which groups are especially disadvantaged due to discrimination and where the impediments for equal treatment are most obvious. Furthermore, he asks for a broad recognition of vocational qualifications acquired in the home countries of migrants, for special job offers aiming at the application or promotion of members of minorities, initiatives for the engagement of new staff taking the ethnic structure of the local community into account as well as establishing a quota for the engagement of new staff belonging to ethnic minorities. Other measures aiming at integration should include incorporating migrants into the catalogue of target groups of the ▲ *Arbeitsmarktservice* and offering more courses enhancing their qualifications, as well as passing relevant labour market information on to second and third generation migrants and at the same time initiate positive action in big enterprises. Measures for protection against discrimination should comprise training for awareness raising of key personnel (employees of placement agencies, personnel managers, executive staff members), establishment of mechanisms which make complaints by employees effective and sanctions against the perpetrators possible, connecting the awarding of public contracts to measures by enterprises supporting equal treatment, and last but not least, the introduction of eligibility for third country nationals in works council and Chamber of Labour elections. Volf's catalogue of demands shows that policies against discrimination on the labour market would have to start from the scratch, but could be informed by experiences in many other countries (e.g. the Netherlands, Great Britain) and take strengths and weaknesses of certain strategies already into account, and adapt them to the Austrian context.

Volf⁹⁵ also analyses the situation of self-employed aliens. Although the legal barriers he describes concerning access to self-employment, have recently been mitigated (see chapter 3), aspects of institutional discrimination (like the non-renewal of a residence permit due to economic failure) as well as of indirect discrimination (like the requirement of an Austrian educational or occupational career) are still in effect. He lists three main driving forces for the establishment of ethnic businesses: growing ethnic communities, the tendency of natives to pull out of traditional commercial industries, and structural changes in the economy making adaptation of lowly qualified and therefore socially immobile migrants impossible. Although these ethnic businesses serve as role models for the respective ethnic communities and play a key role in building social networks and in the social stabilisation of ethnic communities, it is difficult to establish successfully an ethnic business as a market niche due to a

93 Volf, P. (2001b) Arbeitsmarkt - Einstieg ohne Aufstieg (■ Labour market – entry without upward social mobility), in: Bundesministerium für Bildung, Wissenschaft und Kultur, Abteilung Gesellschaftswissenschaften (ed.). Wege zur Integration. Was man gegen Diskriminierung und Fremdenfeindlichkeit tun kann (■ Ways to Integration. What can be done against discrimination and xenophobia), Klagenfurt/Celovec: Drava Verlag, p. 45-70.

94 Volf, P. (■ 2001b), pp. 67.

95 Volf, P. (■ 2001a), pp. 73.

number of restrictive framework conditions. In order to make access to self-employment easier and include aspects of integration into the concept of self-employment Volf suggests a couple of remedies: Self-employment must not lead to insecure legal residence and labour situations, free movement of labour should be determined by years of residence and not years of employment, self-employed aliens should be able to return to the labour market and residence permits should not be restricted due to higher economic risks. Examinations necessary to provide proof of qualifications could be taken during a certain period of time. During this phase a mentor could accompany the entrepreneur. A further point is the introduction of eligibility for all aliens in Chamber of Commerce elections. In order to support small and medium sized enterprises in disadvantaged city quarters, it would be necessary to set up local counselling and training units for ethnic businesses in the respective residence areas. Training should comprise language courses concentrating on economic and legal vocabulary and courses imparting knowledge on commercial and legal questions as well as management, especially focusing on “training on the job” and practical experience. Furthermore, it would be necessary to distribute written information on aspects of the founding and management of an enterprise, offer counselling by the Chamber of Commerce and administrative units in the native languages, which would be easier when migrants would be employed by the competent administrative units and respective pressure groups.

A study, done on the behalf of the Federal Ministry of Economics and Labour and the Federal Ministry of Finance, bases its analysis of labour market relevant factors for the integration of aliens on data provided by ▲ *Statistik Austria*, the ▲ *Hauptverband der österreichischen Sozialversicherungsträger*, the ▲ *Arbeitsmarktservice Österreich* and the ▲ *Fremdeninformationssystem des Bundes*, as well as additional sample surveys, interviews with experts and econometric models. This method of data generation makes it impossible for us to update the data provided by Biffl’s study in our coming reports. The authors point out that essential data is missing, because different institutions collect data according to different criteria, which makes the data-sets incomparable. Besides that, the residence and employment of some aliens are not adequately represented by the statistical data, as legal barriers concerning the access to the labour market and family reunification lead to illegal residence and employment.

The study focuses on labour market relevant effects of the integration of foreigners in Austria and presents, among others, the following results.⁹⁶

The Austrian concept of “integration” involves the preferential treatment of long-term residents.

Labour participation of migrants has changed during the 1990s; EU-citizens and migrants from the neighbouring Eastern European countries as well as Ex-Yugoslavia have a higher rate of labour participation than Austrians, whereas Turkish migrants have a lower rate due to their lower level of qualification and a high level of fluctuation. The quotas lower the chance of entering the labour market, especially for those without stable employment.

Aliens are concentrated in six industries – among them tourism, leather and textiles and construction, this structure has not changed since the 1970s. The prices of export goods as well as of services were kept low by constantly enlarging the pool of migrant workers for these industries and low wages.

Aliens more often than natives work in small and middle size enterprises, usually subject to severe competition.

⁹⁶ Biffl, G. (ed.) (■ 2001b), pp. 13.

Aliens deriving their income partly from insignificant employment are concentrated in household and cleaning services, tourism, health and construction, whereas Austrians are spread across various industries. This structure suggests that this kind of employment contract is abused for informal sector reasons.

Long-term residents are more often affected by substitution resulting from new entries into the labour market than natives, as they work in the same industries where new migrants might get a job. The same would not be true for higher qualified migrants, their entry into the labour market would reduce the significant wage gap between lowly and highly qualified employees.

The report suggests the development of a migration policy taking labour market and humanitarian aspects into account, as labour market orientation has so far been neglected.

The study points out structural discrimination, like quotas and the system of work permits, experienced by migrant workers when entering the labour market and shows that the structure of employment and the concentration of migrants in certain industries has not changed since the 1970s. Even second and third generation migrants remain in the same industries, showing that it is not only vocational training acquired in one's country of origin that is responsible for only finding a job in certain industries. Furthermore, the report finds evidence for employees exploiting migrants by only hiring them on the basis of an insignificant employment contract, and not having to pay social security and wages according to collective agreements for the additional hours. The report paved the way for and supported the idea of combining migration and labour market policies, and of seeing new migrants as a flexible pool of employees filling the gaps in the Austrian labour market. The results of the study, however, do not tell us anything about direct and indirect discrimination experienced by the migrants.

A project⁹⁷ by the ▲ *Institut für Stadt- und Regionalforschung* (Austrian Academy of Sciences), the ▲ *Österreichische Forum für Migrationsstudien/International Centre for Migration Policy Development* (ÖFM/ICMPD) and the ▲ *Forum Politische Bildung* (University of Vienna) looked into the vocational and social mobility of alien employees and tried to isolate key factors – like national origin, gender, education, language competence and the motive forces guiding occupational advancement – determining mobility on the Viennese labour market. The findings are based on the evaluation of two micro-census surveys from 1982 and 1996, 450 interviews with gainfully employed aliens and 33 qualitative interviews with migrants from Germany, Poland, Ex-Yugoslavia and Turkey. First of all, the study demonstrates that there is no homogenous group of migrants, making statements valid for all migrants impossible. Secondly, migrant workers very often experience de-qualification⁹⁸ when entering the labour market. Furthermore, the data shows a significant difference between “objective” data, saying that vocational upward mobility hardly ever occurs, and the

97 Fassmann, H./J. Kohlbacher/U. Reeger (2001) *Integration durch berufliche Mobilität? Eine empirische Analyse der beruflichen Mobilität ausländischer Arbeitskräfte in Wien* (■ *Integration by way of vocational mobility? An empirical analysis of the vocational mobility of foreign employees in Vienna*), ISR-Forschungsbericht 25 and Demel, K./I. Stacher (2001) *Die soziale Mobilität der Ausländer/innen: Ein Beitrag zur Arbeitsmarkt- und Strukturanalyse der Großstadt*. (■ *The social mobility of aliens: A contribution to the analysis of the labour market and the structure of a metropolis*) Kurzfassung zum Endbericht, Wien, available at: <http://www.icmpd.org/uploadimg/KFMob%5F1.pdf>, (12.06.02).

98 Tables 25a and 25b in the Annex show lower qualification levels for migrants from former Yugoslavia and Turkey. For migrants from the Czech Republic, Rumania and Asia this is only partly true. Many other migrants like those from Hungary, Slovakia, Poland, Bulgaria and Africa are clearly over-represented in the categories of higher education compared to the native population. Nevertheless, migrant workers are still concentrated in the same industries as they have been at the beginning of the 1970s. There is no clear trend reflecting the rising level of qualification among migrants in a shift to jobs in industries demanding higher levels of qualification.

subjective assessment by the alien employees, who judge minor improvements of their vocational situation – including the reduction of physical and psychological strains, a slightly better hierarchical position or a slightly higher wage – as upward mobility. Interviewees themselves displayed a different concept of upward mobility. The rather restricted chances of vocational mobility are not only influenced by individual factors like national origin, gender, education and language competence, but to a great extent by legal framework conditions. Discrimination concerning upward mobility is an issue at hand, but many interviewees do not expect to be treated equally or even express understanding for their unequal treatment due to their lack in knowledge of German or their vocational training in their country of origin. Empowerment of alien employees is a necessary task to make them aware of the fact that discrimination and disadvantaging treatment is unjustifiable and must not be accepted. Especially employees of Turkish origin see their rejection by Austrian employees and superiors as a major reason for the impediment of their vocational mobility.

The still unpublished book on Africans in Vienna⁹⁹ demonstrates that the about 5,000 African migrants are not a homogenous group, but differ in their migration motives, regional and linguistic origin, attitudes and experiences. One way of coping with these different experiences is the increasing political as well as social self-organisation of the African community. The main aim is to look into the situation of Africans in the most important spheres, including work. The author explores the construction of cultural differences, mutual prejudices and stereotypes by blacks and whites. His analysis is based on 702 interviews with Austrians concerning their attitudes towards Africans and members of six other migrant groups and on 154 interviews with Africans relating to their attitudes towards the Viennese and their experiences in different spheres, including seeking a job. Discrimination regarding the entry into the labour market is further discussed by displaying the results of discrimination testing: A Viennese and an Austro-African, both having the same qualifications and legal conditions for entry into the labour market, applied for 36 jobs. This book will make visible the structure of discrimination Africans experience, when e.g., looking for a job, and might contribute to raising awareness for these manifest problems.

6.5. Good Practices

The good practices selected aim at improving the qualifications of the respective target groups, i.e. either specific Austrian minority groups vulnerable to discrimination, like the Roma or the Jews, or migrants working in specific occupations as well as those out of work or about to enter the labour market, to make access to and remaining in the labour market easier. We do not know the exact details about these projects and their specific goals, but they demonstrate the restricted focus of measures concerning labour market integration, which should also include preventing discrimination by (potential) employees and colleagues as well as empowering those exposed to unequal treatment. The concept of empowerment would go far beyond teaching certain competences relevant for a particular job.

Two good practices (☀ international networking programme roma-net and the ☀ Jewish vocational training centre) are mentioned in a government report¹⁰⁰. Measures concerning the autochthonous ethnic minorities are restricted to the autochthonous ethnic group of the Roma. In April 2000, an interactive multilingual internet portal was set up, where good practices concerning work and training projects for Roma in Austria, Hungary, the Czech Repub-

⁹⁹ Erwin Ebermann (ed) *Afrikaner in Wien. Zwischen Omofuma und Integration* (■ Africans in Vienna. Between Omofuma and Integration), Reihe: *Afrika und die Diaspora* Bd. 3 (Series: Africa and the Diaspora Vol. 3), Münster/Hamburg/London: Lit-Verlag.

¹⁰⁰ Bundesministerium für Wirtschaft und Arbeit (2000), ■ *Umsetzungsbericht 2000 zum Nationalen Aktionsplan für Beschäftigung, Österreich*, p. 14. available at: <http://www.pakte.at/pdf/nap2000.pdf>

lic and Slovakia, could be entered. The networking program aimed at reducing the unemployment rate among Roma in Austria and in the neighbouring reform countries. It has at last been realized that Roma are especially disadvantaged when trying to enter the labour market and that it is necessary to raise awareness concerning the most disadvantaged ethnic group. Roma NGOs are engaged in extra-school learning programmes for Roma pupils incorporating modern communication technology. Representatives of the Roma are involved in the planning and implementation of projects aiming at vocational training and employment at the local level.¹⁰¹ As the project has not been evaluated so far, we do not know whether it has contributed to the reduction in the unemployment rate among the Austrian Roma and in how far knowledge transfer between the participating countries took place and led to the adaptation of projects to different contexts. Nevertheless, the project does seem not only to teach important competences for labour market integration, but also to make a vulnerable group visible and raise awareness for their problems.

All other projects mentioned in this sub-section are regionally restricted to the city of Vienna. The *Jüdische Berufsbildungszentrum* (Jewish vocational training centre)¹⁰² was founded by and for the Jewish minority, which is not an officially recognised ethnic group, in Vienna in 1998. This centre is subsidised by the *Arbeitsmarktservice* and the City of Vienna and offers work places for apprentices and training opportunities for vocational adult education. The concept was developed by the *Israelitische Kultusgemeinde Wien* (Jewish Faith Community Vienna), so it was established by the people affected, which distinguishes this project from the other good practices. The centre does not only offer vocational training to specific Jewish target groups, which it reaches in cooperation with other NGOs of the Jewish community, but also works as a placement agency. The existence of a centre might have become necessary due to the otherwise neglected Jewish interests in connection with the labour market and discriminatory experiences.

The following good practices are restricted to integration measures on the labour market aiming at different groups of migrants to improve key competences for certain industries and to enable successful entry into the labour market. Although these good practices are important, they only involve the people affected, but not the potential employers. The learning of key competences does not prevent the migrants from being subject to discrimination when applying for a job, as employers are not always aware of processes of discrimination. It would still be necessary to make potential employers aware of the special skills – like intercultural competence – migrants have to offer and how these skills can even result in economic advantages for an enterprise.

☀ *Integration am Bau – Berufliche Qualifikation für MigrantInnen* (Integration on construction sites – vocational qualification for migrants) is in its pilot phase, it was developed by experts in organisational development in cooperation with a construction enterprise. The course teaches key qualifications for migrants working in the construction industry. The project is subsidised by the *Wiener Integrationsfonds* (Viennese Integration Fund).

☀ INTAKT is a project subsidised by the *Wiener Integrationsfonds* and the *Berufsförderungsinstitut* (BFI) (Institute for enhancing the chances of promotion). It is a fictitious enterprise offering everyday services including tasks like the finding of addresses, but also internet search. Participants are trained in making phone calls, doing office organisation, advising customers, creating publications and data bases in the internet, in advertising and PR as well as civic education. The target groups are migrants as well as natives that are out of work and that want to find a new vocation as well as all the people interested in integration.

¹⁰¹ More information on this project is available at: <http://www.roma-net.at>, (11.06.02).

¹⁰² More information on the centre is available at: <http://www.jbbz.at>, (18.06.02).

☀ RADITA is a course preparing girls from migrant families for the labour market, helping them plan their careers and find a training opportunity or a job as well as counselling them during the process of vocational integration. The project was introduced in 1988, one course lasts for the maximum of 12 months, it is financed by the *Wiener ArbeitnehmerInnen Förderungsfonds* (WAFF) (Viennese Fund for the Furthering of Employees), the *Arbeitsmarktservice* and the European Social Fund. The target groups are girls from migrant families between the ages of 15 and 19 looking for a training opportunity or a job. The aim of the project is a successful entry into the labour market and the opening up of vocational training opportunities by way of a holistic girl-specific approach under special consideration of the migratory background. The most important factor is the individual counselling and target setting for each participant.

One good practice concentrated on the self-employed aliens in three districts of Vienna. First of all the *Zentrum für Soziale Innovation* (ZSI) analysed the situation of self-employed migrants in the Viennese districts 15, 16 and 17 in the framework of the project ☀ *URBAN-Wien Gürtel Plus*.¹⁰³ The project aimed at formulating recommendations for utilising the social and economic potential of ethnic economies. Therefore, strategies improving the situation of ethnic businesses were developed in workshops and other events. The participants were members of the administration, pressure groups and migrant organisations. Both well established entrepreneurs as well as greenhorns from the respective districts were invited to participate in workshops and seminars. Besides that, an information brochure consisting of five parts was edited in four languages (Serbian, Croatian, Turkish and English) and a multilingual homepage <http://www.zsi.at/business/> (no longer available) was set up, containing information on how to become an entrepreneur.¹⁰⁴

6.6. Events

The NGO *kulturen in bewegung/vidc* in cooperation with the *Österreichische Gewerkschaftsbund* (Austrian Trade Union Congress) organised a ☀ panel discussion “Working life of Africans in Austria –between employment policy and exclusion” on April 25, 2000 and a ☀ workshop “Integration vs. discrimination at work” on the following day. A representative of the British Trade Union Congress spoke about the organisation’s development of a deeper understanding and knowledge of the law in relation to “race” discrimination. The Congress identifies and gathers evidence to support cases of “race” discrimination at work and argues such cases in industrial tribunals. Subsequently, strategies needed for promoting equal opportunities and justice at work as well as for fighting institutional and direct discrimination on the labour market in Austria were discussed. According to the organisers, about 60 people participated in the panel discussion and the synopsis of the results of this event were sent to political decision makers, the city of Vienna, trade unions, the administration and NGOs to initiate discussions among the various competent institutions.

The *Bundeskammer für Arbeiter und Angestellte* (Federal Chamber of Labour) and the *Volkshilfe* held a ☀ symposium on „Labour market and discrimination“ in October 2001 and invited representatives of NGOs and GOs. First of all, the ☀ ”Horizontal Project for Integra-

¹⁰³ Haberfellner, R./ F. Betz (1998). *Ethnische Ökonomien als Lebens-, Arbeits- und Ausbildungsstätten im Projektrahmen Urban Gürtel Plus. Inhaltlicher Endbericht* (■ Ethnic businesses as living, working and educational spaces in the framework of the project “Urban Gürtel Plus”. Final report), Wien.

¹⁰⁴ Haberfellner, R./ F. Betz (1999). *Ethnische Ökonomien als Lebens-, Arbeits- und Ausbildungsstätten, Endbericht Teil II: Dokumentation der Öffentlichkeitsarbeit und Vernetzungsaktivitäten* (■ Ethnic businesses as living, working and educational spaces, Final report part II: Documentation of public relations and networking activities), Wien.

tion“ was presented: The co-operation partners from Germany, Denmark, Sweden and Austria dealt with the question of what kind of discrimination various vulnerable groups – like migrants, homosexuals, the disabled, women and long-term unemployed – experienced in the labour market and how they could be overcome. To find out more about the ideas of how discrimination in the labour market could be fought, key actors and the people affected were interviewed. On the basis of their ideas and wishes strategies against discrimination on the labour market were developed. The presentation was followed by three workshops – “Diversity management”, “Anti-discrimination offices” and “Mentoring and positive action” – to discuss to what extent these strategies could be implemented in Austria and what could be learned from these international experiences. The general tenor was though that awareness of the issue of discrimination on the Austrian labour market was rather low, that there were no authorities feeling responsible for this problem and that e.g., diversity management has had no tradition in Austria and would not even be known to members of the executive staff in Austrian enterprises. First of all, awareness raising for this issue must take place to show politicians, employers, employees that these practices are a necessity. Only afterwards can it be evaluated, how these good practices could be implemented in the specific Austrian context.

7. Analysis

Provisions guaranteeing a special protection against “racial” discrimination are missing in Austrian civil and labour law. There are, for instance, no legal measures that can be taken against job announcements including the addition “for natives only”. There is only one provision included in the § Aliens Employment Act (article 4 § 3 line 4) protecting aliens against unequal treatment – namely forbidding the employment of aliens under worse working conditions and conditions of lower payment than nationals. The legislator has so far ignored the possibility of discrimination on grounds of “race”, religion, ethnic or national origin in connection to the labour market. An anti-discrimination bill, having to fulfil the criteria of the § Racial Equality Directive (2000/43/EC), has been drafted at ministerial level – involving the Federal Ministries of Economics and Labour as well as Justice – under the coordination of the Federal Chancellery, but it has not yet been negotiated and agreed on by the coalition parties ÖVP and FPÖ, therefore, it has not yet been officially sent out for appraisal. As the major part of the draft legislation was developed by the Ministry of Economics and Labour, it can be assumed that the anti-discrimination legislation will mostly be incorporated into the labour law.

The absence of comprehensive legal provisions guaranteeing the fight against discrimination and the scattering of such regulations over various laws have not been very helpful in raising the awareness of discrimination. Discussions on the issues of discrimination on grounds of “racial”, ethnic, religious or national origin in general are usually limited to circles well informed, including some relevant politicians of the local level, competent NGOs, academics involved in research on these issues and representatives of the groups affected. Usually, issues and results of such discussions do not trickle through to the general public and to a broader spectrum of politicians at the regional and national level. This is even truer for discussions on discrimination in relation to the labour market, where the usual range of participants is enlarged by competent representatives of the social partners. The organisers of workshops concerned with discrimination on the labour market usually invite representatives from abroad to present their approaches to and measures against discrimination in the employment sector.

Most of the measures and good practices offered would have to be adapted to the Austrian labour market situation, but awareness of these phenomena is missing and hardly any data are available for evaluating the quantity and quality of discrimination occurring on the Austrian labour market. Important starting points for these analyses are the ■ Racism-Reports published by the NGO ZARA and the ■ book on Africans in Vienna by Ebermann. These two documents display two different approaches to the phenomenon of discrimination: ZARA draws from its counselling experience, documenting incidents of discrimination and Ebermann bases his findings on a scholarly approach. It could be demonstrated, where – in addition to institutional discrimination – the major obstacles for integration into the labour market connected with direct and indirect forms of discrimination occur. According to the cases provided by ZARA, discrimination happens all over the employment sector – unequal treatment in job announcements, during the application process, in connection with career advancement as well as in everyday work relations.

By broadening the discussion on discrimination, i.e. not only speaking about institutional, but also about direct and indirect discrimination, more groups vulnerable to unequal treatment would become visible. The major groups affected by institutional discrimination are migrants of third country origin and asylum seekers subject to non-refoulement. Their entry into the labour market is guided by the § Aliens Employment Act. This kind of unequal treatment is more openly and widely discussed; NGOs and the Greens have been demanding

more flexible regulations concerning the access to the labour market of third country nationals and the harmonisation of the right to residence and employment. Nevertheless, there is institutional discrimination affecting all aliens, (except for those with citizenships of other EU member states), as they are excluded from the civil service. Other groups are vulnerable to discrimination, although they have free access to the labour market. Among them are Convention refugees, members of the autochthonous ethnic groups, especially Roma and Sinti, and Jews. Whereas there is at least some awareness for the discrimination of the last two groups mentioned, Convention refugees are sometimes seen as privileged, because they are not subject to the Aliens Employment Act. However, they also suffer from unequal treatment, as they usually come from countries, which many Austrians, among them also potential employers, view as being too different from Austrian culture and traditions. There is absolutely no data available on the discrimination experienced by the Austrian ethnic minority groups¹⁰⁵ and Jews, as they are Austrian citizens, and by Convention refugees, as no such category is included in the official statistics by *Statistik Austria*, *Arbeitsmarktservice* or *Hauptverband*.

In order to get a comprehensive picture of the situation in the employment sector, it would be necessary to generate data on direct and indirect discrimination for all groups exposed to unequal treatment. This would require the three main organisations mentioned above to collect their data not only based on the dichotomy of Austrian citizenship versus non-nationals, but to take into account each of the six recognised autochthonous groups, religious minorities as well as naturalised Austrians. Statistics are not the only sources that would have to be improved, but quantitative and qualitative research concerning the experiences of groups vulnerable to discrimination, discrimination testing and attitudes of key personnel in enterprises and placement agencies. Such research projects should among others yield results on the

- dimension and structure of discrimination
- most vulnerable groups among those affected (e.g. women, Muslims, ...)
- obstacles for equal treatment
- target groups for awareness raising
- effects of discrimination on the people affected, individual enterprises and the economy
- context variables determining the feasibility of good practices developed in other countries

These findings would be based on various sources and should include different regions in Austria. The census in 2001 showed that the share of aliens in the overall population was 20 percent for the city of Salzburg, 16 percent in Vienna and *Wels* and above the average of 9.1 percent in about 14 cities, most of them located in the western federal provinces of Austria. There are not only cities with a proportion of aliens above the average, but also several smaller communities.¹⁰⁶

It would not only be necessary to have more comprehensive data on discrimination, but it would also be necessary to define the concepts used. Organisations collecting statistical data concerning the labour market do not focus on discrimination and therefore do not have any definitions or concepts in relation to this phenomenon. The same is true for other key actors

¹⁰⁵ Advisory committees of each autochthonous group were established according to article 3 § 1 Act on Autochthonous Ethnic Groups (§ Volksgruppengesetz) for consultative purposes of the federal government and the federal ministries in matters concerning the autochthonous ethnic groups.

¹⁰⁶ Statistik Austria (2002), Volkszählung 2001: Ausländer in Österreich (■ Census 2001: Aliens in Austria), in: Statistik Austria, ■ Statistische Nachrichten 1/2002, Wien, pp. 10.

in the employment sector like enterprises, the Chamber of Labour, the Trade Union Congress and the Federal Ministry of Economics and Labour. Up to now, the Austrian legal system only provides definitions of verbal racist slander (article 117 § 3 Penal Code¹⁰⁷) and incitement (article 283 Penal Code¹⁰⁸), but there are no definitions for the concepts of institutional, direct and indirect discrimination. Anti-discrimination legislation should therefore include these concepts and clarify them.

Defining these concepts, becoming aware of those groups vulnerable to discrimination as well as developing effective legal instruments for the prosecution of unequal treatment in connection with job announcements, application procedures, duration of and coverage of social insurance contributions by employment contracts, career advancement and everyday relations at the work place would contribute to the development of a monitoring process. Special offices or units would be necessary to counsel those affected by discrimination by trying to either find an extra-judicial solution or to support the victims in their court proceedings. Such a system would very much depend on the cooperation of NGOs by making their clients aware of existing laws and referring them to the competent anti-discrimination units.

A further problem contributing to the lack of interest in discrimination is the unwillingness of consecutive Austrian governments to officially recognise that Austria has always been a country of immigration. Due to the denial of this demographically and scholarly proven fact, governments have refrained from developing comprehensive immigration and integration policies as well as from separating the issue of immigration from integration. The development of policies is still guided by the old “principle of rotation” invented during the beginning of the “guest worker migration” in the late 1960s and early 1970s, a concept which did not even hold true for the early migration process. Most of the migrants that came to Austria kept the illusion of once going back to their country of origin as a means of structuring their lives, but very soon filed an application for family reunification. Migrant workers and their family members became permanent residents, but policies affecting them were still conceived according to the “principle of rotation”. This principle was more easily accepted by the native population and contrasted with immigration or migration, two terms which have always been portrayed as something threatening and dangerous. Consequently, strict legal barriers were developed to make access to and re-entry into the labour market difficult – not only for those having come to Austria under the title of family reunification, but also for migrants whose job history does not meet the standards of continuous employment interrupted only by short periods of unemployment.

This kind of institutional discrimination lead to the concentration of migrants in industries characterised by low wages, dirty work and hazards to health, a situation that has not changed since the early 1970s. Not only are migrants subject to the § Aliens Employment Act forced into industries like construction, tourism as well as retail and storage, but also aliens with free access to the labour market are usually found in these industries. This fact demonstrates that institutional discrimination by itself does not account for the segmentation of the labour market. Recruitment procedures in general exclude aliens from certain industries and lead to their concentration in very few industries. On the surface, the major criteria for this kind of exclusion seem to be the lack of certain qualifications and language competence on the part of the job applicants. The extent these criteria are rooted in prejudices based on religious or “racial” grounds, ethnic or national origin cannot be extracted from the data available.

107 § Österreich, BGBl. 60/1974 last changed by BGBl. 605/1987, available at: <http://www.ris.bka.gv.at/bundesrecht/>, (10.09.02).

108 § Österreich, BGBl. 60/1974 last changed by BGBl. 762/1996, available at: <http://www.ris.bka.gv.at/bundesrecht/>, (10.09.02).

The negation of the fact that Austria is a country of immigration has supported the assumption that integration policy is not a necessity. Integration measures are aimed in preference at long-term residents to stress the principle of “integration before new immigration”. The government’s concept of “integration” has always been a very narrow one; integration has to be to a large extent accomplished by the aliens and the concept has never included aspects like the right to equal treatment. Integration in the labour market should not only mean having free access to the labour market, having the chance of vocational and social mobility, being treated equally when seeking or applying for a job as well as being able to rely on the social welfare system in case of unemployment, but it should also include the right to take legal measures against institutions and people refusing vulnerable groups or individuals the right to equal treatment.

A further aspect of integration would be the granting of electoral rights to aliens, at least at the local level. Several cities in Austria have established ☀ *Ausländerbeiräte* (alien advisory committees), which are elected by all third country nationals – *Graz* has had one since 1995, *Leoben* and *Knittelfeld*, two other towns in Styria, set theirs up in 2000 and *Linz*, Upper Austria, introduced an *Ausländer-Integrationsbeirat* (alien integration advisory committee) in 1996, but voter participation turned out to be very low. These committees are only consultative bodies and do not have any legislative competence. The influence of these bodies is therefore very restricted and their establishment is no alternative to the introduction of electoral rights for third country nationals. In connection with the employment sector, third country nationals are kept out of representative bodies like works councils and the Chamber of Labour, as they are not allowed to stand as candidates in these elections. Depriving them of these rights leads to quite awkward situations, namely that e.g., construction enterprises employing mainly aliens have to have native shop stewards. Representatives of the work councils do not have to take their alien colleagues’ concerns into account, because they do not have any alien competitors for their function as shop stewards. Aliens deprived of all these rights seem to more easily accept unequal treatment; they see discrimination as a rule and as justified by their lack of certain qualifications and language competence, as demonstrated in the ■ project done by the Austrian Academy of sciences in cooperation with the ICMPPD.

Empowerment of vulnerable groups is an important contribution to awareness raising, but would have to be combined with a general strategy of awareness raising. Especially organisations like the Austrian Trade Union Congress and the Chamber of Labour could start working on these problems by especially making executive staff members, key personnel like personnel managers, and shop stewards aware of these phenomena. These staff members could later on give alien employees the feeling that they are as important members of the staff as natives and definitely have the right to be treated equally. Especially in industries, where alien employees are in permanent contact with clients, empowerment for handling discriminatory treatment by customers is vital. In September 2000, alien taxi drivers in *Graz* organised a demonstration, as they had increasingly been exposed to verbal and physical attacks by their customers.¹⁰⁹

The present discussions initiated by the agreement on the so called “alien package” by the council of ministers will again focus on issues related to immigration and integration. Of course, these discussions are important and vital, in order to point out the weaknesses of this draft legislation and make the people affected aware of the changes. Nevertheless, it will not contribute to a discussion on issues of discrimination in general and on the labour market in particular. So far, the coalition government has only attended to institutional discrimination, by making access to the labour market easier for certain groups of migrants and aliens with

109 ■ *Kleine Zeitung*, (27.09.2000).

special qualifications. Contrasting that, ÖVP and FPÖ have raised and introduced quotas, i.e. new indicators of institutional discrimination, further restricting jobs for aliens to certain industries – agriculture and tourism – characterised by long working hours, low wages and strenuous work. The stigmatisation of migrants and the increased inflow of seasonal workers could both contribute to racist and xenophobic tendencies. Nevertheless, issues like diversity management and positive action have never been on the political agenda, a statement not only true for the recent government, but also for previous ones.

8. Conclusion/Summary

This analytical study attempted to give an overview of the situation of migrants, minorities and non-nationals on the Austrian labour market. As at least the situation of migrants is tightly linked to immigration and integration policies as well as to legal regulations concerning the access to the labour market, these framework conditions were presented in subsection 3. The policies mentioned, however, are not aimed at all groups vulnerable to discrimination in the employment sector, defined in chapter 4, and only display institutional discrimination. Further forms of discrimination were described and pointed out, but the following chapter where data is presented and analysed made quite clear that there are no adequate instruments available for measuring these other kinds of discrimination. We learn from the ■ Racism-Report by ZARA and from informal contacts with other NGOs that discrimination in connection with job announcements, application processes and everyday work relations occur and we even know from statistics that vocational upward mobility hardly ever occurs. Institutional discrimination against migrants becomes evident when evaluating the various statistics edited by ▲ *Statistik Austria*, ▲ *Arbeitsmarktservice* and ▲ *Hauptverband*. So, it is e.g., possible to see that aliens are over-represented in industries with badly paid and dangerous jobs, a fact that has not changed since the early 1970s, but nothing can be said about the discrimination concerning members of the six officially recognised ethnic groups or religious minorities like the Jews, as all these statistics only distinguish between Austrian citizens and aliens.

Government reports contain next to no information at all on discrimination in the labour market. They only attend to problems of institutional discrimination without recognising the legal barriers and quotas established for migrants as discrimination. Measures supporting integration of aliens into the labour market usually aim at eliminating deficiencies – like improving language competence and their general level of education. Of course, these courses are very important for migrants, but they do not empower them for coping with experiences of discrimination when entering the labour market or at the work place. The ■ §reports by the Federal Ministry of Economics and Labour also speak about the fight against illegal employment, but very often discussions on such policies turn around the position of victim and perpetrator. Aliens are employed on short-term contracts or derive their wages from insignificant employment, many of them only learn later on that they do not have any, or restricted, access to social welfare benefits.

The academic reports analysed confirm the existence of institutional discrimination and its dominating effect on migrant workers. All of these studies deal with migrants and asylum seekers subject to non-refoulement, some with Convention refugees, and none with the situation of ethnic or religious minorities. The recently published ■ book on Africans might give insight into other kinds of discrimination, when applying for a job, and might establish a picture of the structure, causes and consequences of discrimination experienced by Africans in Vienna. Volf suggests very concrete measures on how to raise awareness of and at the same time fight unequal treatment. It would have to be tested whether all his suggestions are applicable to the Austrian context.

Two good practices are aimed at ethnic and religious minorities in Austria, the remaining examples aim at migrant workers and at improving their qualifications. Only one of the projects, namely ☀ RADITA, seems to incorporate elements of empowerment, as girls from migrant families are coached during their process of vocational integration and might therefore have the opportunity to talk about experiences of discrimination. One good practice aimed at the improvement of the situation of self-employed migrants by making available more information and offering workshops. Nothing however, can be learned on fighting

discrimination on grounds of religion, “race”, ethnic or national origin or even supporting diversity. The events described clearly show why good practices in the Austrian labour market context do not provide for these two aspects. Awareness of the phenomenon of unequal treatment is limited to a very small community of experts, not able to sensitise relevant politicians or representatives of social partners as well as key personnel in enterprises and placement agencies on this issue.

The situation outlined above results from various political and legal framework conditions. Austria has never seen herself as a country of immigration and has never tried to clearly distinguish between policies of immigration and integration. Residence and access to the labour market are not harmonised and the principle of progressive residence security is still not implemented. Discussions focus on the issues of access to the labour market concerning migrant workers and hardly go beyond institutional discrimination. Convention refugees and members of the autochthonous minority groups are not recognised as groups vulnerable to discrimination, because they do not face any legal barriers when entering the labour market. However, discrimination is not limited to the legal framework conditions, but is experienced everyday, when trying to enter or remain in the labour market. An anti-discrimination law, including among others the sector of employment, would help to raise the awareness for different kinds of discrimination and would introduce documentation of such cases.

9. Annex

Table 1: Resident population (1991-2000)¹¹⁰

	Total	Austria	Aliens		Former YU	Turkey	Others
			Total	Aliens in percent			
1991	7,812,971	7,280,225	532,746	6.82	207,693	120,493	204,560
1992	7,913,812	7,290,780	623,032	7.87	258,831	132,826	231,375
1993	7,991,485	7,301,882	689,603	8.63	305,452	139,781	244,370
1994	8,029,717	7,316,214	713,503	8.89	322,819	141,667	249,017
1995	8,046,535	7,323,052	723,483	8.99	329,541	142,766	251,176
1996	8,059,385	7,331,195	728,190	9.04	333,591	140,841	253,758
1997	8,072,182	7,339,511	732,671	9.08	335,800	138,505	258,366
1998	8,078,449	7,341,172	737,277	9.13	336,423	138,822	262,033
1999	8,092,254	7,344,082	748,172	9.25	340,862	136,334	270,976
2000	8,110,244	7,349,029	757,877	9.34	340,499	134,229	278,800

Source: Biffl (■ 2001b). Overview 1: Österreichische Wohnbevölkerung 1991 bis 2001 (sic!) nach Staatsangehörigkeit (Bevölkerungsfortschreibung) (Austrian resident population 1991 to 2001 (sic!) by citizenship (Extrapolation of population data)), cited according to Statistik Austria, ■ Bevölkerungsforschreibung, p. 44.

Table 2: Population 2001 according to citizenship¹¹¹

Population	Absolute	Percent of overall population	Percent of aliens
Austria	7,322,000	91.1	--
Germany	72,218	0.9	10.2
Italy	10,064	0.1	1.4
Other EU Member States	23,891	0.3	3.4
Bosnia and Herzegovina	108,047	1.3	15.2
Yugoslavia (Serbia and Montenegro)	132,975	1.7	18.7
Croatia	60,650	0.8	8.5
Macedonia	13,696	0.2	1.9
Slovenia	6,893	0.1	1.0
Poland	21,841	0.3	3.1
Rumania	17,470	0.2	2.5
Switzerland	5,962	0.1	0.8
Slovakia	7,739	0.1	1.1
Czech Republic	7,313	0.1	1.0
Turkey	127,226	1.6	17.9
Hungary	12,729	0.2	1.8
USA	6,108	0.1	0.9
Other and unknown citizenships	76,104	0.9	10.7
All aliens	710,926	8.9	--

Source: Statistik Austria (2003), ■ Statistisches Jahrbuch 2003, Table 2.14 Bevölkerung 2001 nach ausgewählten Merkmalen und Bundesländern (Population in 2001 by selected

¹¹⁰ For 1991-1999 the numbers refer to the average, for 2000 they refer to January 1, 2000.

¹¹¹ This data is calculated on the basis of the census in 2001.

topics and Länder) available at: <http://www.statistik.at/jahrbuch/pdf/k02.pdf>, (22.01.03), p. 56.

Table 3: Population 2001 according to country of origin¹¹²

Population	Absolute	Percent of overall population	Percent of aliens
Austria	7,029,527	87.5	
Germany	140,099	1.7	14.0
Italy	26,099	0.3	2.6
Other EU Member States	32,206	0.4	3.2
Bosnia and Herzegovina	134,402	1.7	13.4
Yugoslavia (Serbia and Montenegro)	143,077	1.8	14.3
Croatia	38,808	0.5	3.9
Macedonia	13,948	0.2	1.4
Slovenia	21,021	0.3	2.1
Poland	41,671	0.5	4.2
Rumania	39,044	0.5	3.9
Switzerland	11,713	0.1	1.2
Slovakia	15,981	0.2	1.6
Czech Republic	54,627	0.7	5.4
Turkey	125,026	1.6	12.5
Hungary	30,953	0.4	3.1
USA	7,371	0.1	0.7
Other and unknown countries of origin	127,353	1.6	12.7
All aliens	1,003,399	12.5	

Source: Statistik Austria (2003), ■ Statistisches Jahrbuch 2003, Table 2.14 Bevölkerung 2001 nach ausgewählten Merkmalen und Bundesländern (Population in 2001 by selected topics and Länder) available at: <http://www.statistik.at/jahrbuch/pdf/k02.pdf>, (22.01.03), p. 56.

Table 4: mmigration and emigration (1999/2000)

year	immigration		emigration		difference	
	Austrians	Aliens	Austrians	Aliens	Austrians	Aliens
1999	14,331	72,379	19,644	47,279	-5,313	25,100
2000	13,324	65,954	17,639	44,367	-4,315	21,587

Source: Statistik Austria (2002), ■ Statistisches Jahrbuch 2002, Table: 2.48 Außenwanderung 1999 und 2000 nach Herkunfts- bzw. Zielländern und In- und Ausländern (International migration in 1999 and 2000 by countries of origin and destination and by citizenship), available at: <http://www.statistik.at>, (30.08.02), p. 97.

¹¹² This data is calculated on the basis of the census in 2001.

Table 5: Foreign population and foreign working people (including citizens from the EEA) (1999-2001)

year	foreign population	foreign working people	% foreign working people among the foreign population
1999	748,172	305,800	40,87
2000	757,877	319,400	42,14
2001	764,314	329,300	43,08

Source: Statistik Austria, *Statistische Übersichten: Kapitel 15: Beschäftigung und Arbeitsmarkt (Chapter 15: Employment and labour market): Table: 15.12 Beschäftigung von ausländischen Arbeitskräften (Foreign workers)*, available at: <http://www.statistik.at>, (30.08.02) and Statistik Austria, *Ergebnisse: Bevölkerung (Results: Population): Table: Bevölkerungsstand (Population)*, available at: http://www.statistik.at/fachbereich_03/bevoelkerung_tab1.shtml, (30.08.02)

Table 6: Countries of origin of foreign employees (1999-2001)

countries of origin	1999	2000		2001	
		%		%	%
former Yugoslavia	144,500	59.6	147,900	61.1	61.7
Turkey	47,700	20.0	46,600	19.2	18.2
former Czechoslovakia	8,600	3.7	8,910	3.7	3.9
Poland, Hungary, Rumania	25,200	10.5	25,530	10.5	10.7
other countries	13,140	5.5	13,220	5.5	5.6
Total	239,140	99.3	242,160	100.0	100.0

Source: Arbeitsmarktservice Österreich (2001), *Statistiken: Arbeitsmarktdaten 2000: Table: BA 801: Jahresdurchschnitt 2000: Bewilligungspflichtig beschäftigte Ausländer/innen nach Staatszugehörigkeit in Österreich* (■ Annual average 2000: Foreign employees obliged to have a work permit by countries of origin in Austria), p. 75 and Arbeitsmarktservice Österreich (2002), *Statistiken: Arbeitsmarktdaten 2001: Table: BA 801: Jahresdurchschnitt 2001: Bewilligungspflichtig beschäftigte Ausländer/innen nach Staatszugehörigkeit in Österreich* (■ Annual average 2001: Foreign employees obliged to have a work permit by countries of origin in Austria), p. 75 and own calculations.

Table 7: Applications for asylum (1991-2002)

1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
27,306	16,238	4,744	5,082	5,920	6,991	6,719	13,805	20,129	18,284	30,140	20,758

Source: For 1991-2000: Statistik Austria (2002), *Statistisches Jahrbuch 2002, Table: 2.50 Zuzug von Flüchtlingen (Asylwerbern) 1991 bis 2000* (■ Immigration of refugees (applicants for asylum) 1991 to 2000, available at: <http://www.statistik.gv.at/>, (30.08.02), p. 99, for 2001: UNHCR (20002), *Table 6. Asylwerber in Europa Jahre 2000 und 2001* (■ Asylum seekers in Europe years 2000 and 2001), available at: http://www.bafl.de/bafl/template/statistiken/content_europavergleich_unhcr_2001.htm, (02.09.02), for 2002 (till July 31, 2002): *no-racism.net* (2002), *Asylanträge 2002 bis 31.7.2002: 20.758* (■ Applications for asylum till July 31, 2002: 20.758), available at: http://www.no-racism.net/deportatiNO/asylstatistik_juli2002.htm, (02.09.02).

Table 8: Emigration of refugees (1991-2001)

1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
3,098	1,754	1,375	1,803	1,158	1,318	1,333	1,655	5,003	5,926	4,122

Source: For 1991-2000: Statistik Austria (2002), *Statistisches Jahrbuch 2002*, Table: 2.51 *Auswanderung von Flüchtlingen via Österreich 1991 bis 2000* (■ *Emigration of refugees from Austria 1991 to 2000*, available at: <http://www.statistik.at>, (30.08.02), p. 100, for 2001: Statistik Austria, Table: *Natürliche Bevölkerungsbewegung* (■ *Natural population movement*), available at: http://www.statistik.at/fachbereich_03/bevoelkerung_tab4.shtml, (02.09.02).

Table 9: Naturalisations (of people living in Austria) (1991-2001)

	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Bulgaria	63	59	181	131	159	185	318	302	385	386
Germany	398	398	322	195	135	156	151	89	102	106
France	15	10	15	4	9	3	3	1	5	6
Greece	33	27	12	18	14	19	9	11	3	3
Italy	52	80	58	46	41	31	30	13	16	13
Former Yugoslavia	4,329	5,780	5,621	4,529	3,118	3,659	4,142	6,728	7,557	10,737
Netherlands	12	23	8	7	3	8	7	2	6	6
Poland	541	581	757	680	496	660	749	531	545	606
Rumania	542	672	904	872	691	1,096	1,500	1,635	2,682	2,813
Switzerland	15	28	21	41	14	22	31	30	16	19
Former USSR	43	78	136	152	165	225	317	242	274	321
Former Czech Republic	368	251	329	430	261	383	539	379	540	527
Turkey	1,987	2,686	3,377	3,201	7,492	5,064	5,664	10,324	6,720	10,046
Hungary	272	296	355	310	297	332	412	407	351	315
Egypt	329	416	384	407	318	439	633	572	657	807
Argentina	8	7	18	18	5	20	12	13	12	13
Chile	30	13	22	37	33	16	21	13	17	8
China	319	331	302	324	270	405	416	395	553	727
India	273	293	358	495	394	529	415	297	486	638
Iraq	133	65	73	47	53	106	124	364	449	229
Iran	371	320	359	531	301	352	424	498	481	451
Israel	95	81	57	52	28	44	67	38	65	33
Cambodia	15	18	5	17	13	18	9	58	50	20
Lebanon	74	35	60	34	16	25	41	57	65	56
Philippines	403	518	509	473	312	436	249	201	359	431
Tunisia	46	64	97	102	44	135	110	106	157	178
USA	32	24	27	47	31	30	23	21	16	24
UK	27	31	18	25	11	16	9	6	3	13
Vietnam	112	102	62	84	50	89	55	91	134	203
Others	572	702	647	881	708	1,094	1,192	1,111	1,468	1,857
Without Citizenship	119	83	120	147	124	170	95	105	115	113
Unknown	28	59	61	29	21	25	19	38	31	26
Total	11,656	14,131	15,275	14,366	15,627	15,792	17,786	24,678	24,320	31,731

Source: For 1991-2000: Statistik Austria (2002), Statistisches Jahrbuch 2002, Table: 2.40 Einbürgerungen 1991 bis 2000 nach der bisherigen Staatsangehörigkeit (■ Naturalizations 1991 to 2000 by former nationality), available at: <http://www.statistik.gv.at/>, (02.09.02), p. 84, for 2001: Statistik Austria, Table Natürliche Bevölkerungsbewegung (■ Natural population movement), available at: http://www.statistik.at/fachbereich_03/bevoelkerung_tab4.shtml, (02.09.02).

Table 10: Autochthonous ethnic groups (1910-1991)

	1910	1951	1991	Estimates for late 1990s
Croatians	44,243	35,181	29,596	40-50,000
Slovaks	Included in the category Czechs	301	1,015	5-10,000
Slovenes	74,210	42,413	20,191	50,000
Czechs	119,447	3,817	9,822	15-20,000
Hungarians	26,570	8,408	19,638	30-50,000
Roma ¹¹³				10-20,000

Source: Österreichisches Volksgruppenzentrum (2000), *Volksgruppenreport 2001: Zur Lage der ethnischen Minderheiten in der Republik Österreich*, NGO-Report; *Minderheiten in Österreich* (■ *Report on the autochthonous ethnic groups 2001: On the situation of minorities in the Republic of Austria*, NGO-Report; *Minorities in Austria*), Wien, available at: <http://www.demokratiezentrum.org/download/Volksgruppenreport.pdf>, (11.06.02), p. 12.

¹¹³ The Roma have only officially been recognised as an autochthonous ethnic group in 1993.

Table 11a: Labour market situation in general and of men and women (1982-2001)

	Employees			Registered unemployed			Unemployment quota		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
1982	2,766,350	1,648,732	1,117,618	105,346	65,126	40,220	3.7	3.8	3.5
1984	2,744,506	1,628,792	1,115,714	130,469	80,599	49,870	4.5	4.7	4.3
1985	2,759,657	1,631,813	1,127,844	139,447	84,155	55,292	4.8	4.9	4.7
1986	2,780,204	1,640,497	1,139,707	151,972	88,856	63,116	5.2	5.1	5.2
1990	2,928,662	1,718,781	1,209,880	165,795	89,032	76,762	5.4	4.9	6.0
1991	2,997,352	1,752,144	1,245,208	185,029	98,984	86,044	5.8	5.3	6.5
1992	3,055,810	1,766,869	1,288,941	193,098	107,202	85,896	5.9	5.7	6.2
1993	3,054,910	1,756,234	1,298,676	222,265	126,681	95,584	6.8	6.7	6.9
1994	3,070,732	1,761,601	1,309,131	214,941	120,567	94,374	6.5	6.4	6.7
1995	3,068,186	1,757,355	1,310,832	215,716	120,004	95,712	6.6	6.4	6.8
1996	3,047,253	1,738,760	1,308,494	230,507	128,025	102,482	7.0	6.9	7.3
1997	3,055,569	1,739,576	1,315,993	233,348	128,580	104,768	7.1	6.9	7.4
1998	3,076,667	1,744,384	1,332,281	237,794	129,429	108,365	7.2	6.9	7.5
1999	3,107,898	1,754,823	1,353,075	221,743	121,518	100,224	6.7	6.5	6.9
2000	3,133,738	1,757,010	1,376,728	194,314	107,509	86,804	5.8	5.8	5.9
2001	3,148,155	1,747,714	1,400,440	203,883	115,324	88,560	6.1	6.2	5.9

Source: Arbeitsmarktservice Österreich, Table: Arbeitsmarktlage seit 1946 (■ Labour market situation since 1946) and Arbeitsmarktlage der Männer und Frauen (■ Labour market situation of men and women), available at: <http://www.ams.or.at/>, (06.09.02) and own calculations.

Table 11b: Alien Employees (including those from other EEA-countries) (1982-2001)

	Employees			Registered unemployed			Unemployment quota		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
1982	155,988	95,068	60,920	10,208	8,467	1,741	6.1	8.2	2.8
1984	138,710	83,974	54,736	7,961	5,994	1,968	5.4	6.7	3.5
1985	140,206	84,669	55,537	8,139	5,970	2,169	5.5	6.6	3.8
1986	145,963	88,226	57,737	8,967	6,371	2,597	5.8	6.7	4.3
1990	217,611	141,218	76,393	18,351	12,984	5,367	7.8	8.4	6.6
1991	266,461	176,213	90,249	20,474	14,384	6,090	7.1	7.5	6.3
1992	273,884	182,196	91,687	21,977	15,864	6,113	7.4	8.0	6.3
1993	277,511	184,120	93,390	27,086	19,363	7,722	8.9	9.5	7.6
1994	291,018	185,695	105,323	25,445	17,500	7,945	8.0	8.6	7.0
1995	300,303	189,676	110,627	24,891	17,163	7,728	7.7	8.3	6.5
1996	300,353	188,101	112,252	27,605	19,145	8,460	8.4	9.2	7.0
1997	298,775	186,706	112,069	27,532	18,687	8,845	8.4	9.1	7.3
1998	298,582	187,461	111,121	28,463	18,746	9,717	8.7	9.1	8.0
1999	306,401	192,262	114,139	27,207	17,925	9,282	8.2	8.5	7.5
2000	319,850	198,968	120,882	25,758	16,805	8,953	7.5	7.8	6.9
2001	329,314	201,956	127,358	30,607	20,201	10,406	8.5	9.1	7.6

Source: *Arbeitsmarktservice Österreich, Table: Arbeitsmarktlage seit 1946* (■ *Labour market situation since 1946*) and *Arbeitsmarktlage der Männer und Frauen* (■ *Labour market situation of men and women*), available at: <http://www.ams.or.at/>, (06.09.02) and own calculations.

Table 12: People affected by unemployment (1999-2001)

	1999		2000		2001	
	number of people affected	number of days unemployed	number of people affected	number of days unemployed	number of people affected	number of days unemployed
nationals	604,452	117	579,197	106	589,251	107
aliens	112,172	88	109,676	86	116,988	95

Source: *Arbeitsmarktservice Österreich, Table 35: Von Arbeitslosigkeit betroffene Personen nach Geschlecht und Bundesländern 2000* (■ *People affected by unemployment breakdown by gender and federal provinces 2000*),

Table 45: Zerlegung der Arbeitslosenquote nach Geschlecht, Alter, Bundesländern und Staatszugehörigkeit 2000 (■ *Unemployment quota breakdown by gender, age, federal provinces and nationality 2000*), and *Arbeitsmarktservice Österreich, Table 35: Von Arbeitslosigkeit betroffene Personen nach Geschlecht und Bundesländern 2001* (■ *People affected by unemployment breakdown by gender and federal provinces 2001*), Table 45: Zerlegung der Arbeitslosenquote nach Geschlecht, Alter, Bundesländern und Staatszugehörigkeit 2001 (■ *Unemployment quota breakdown by gender, age, federal provinces and nationality 2001*) and own calculations.

Table 13: Number of people unemployed (1999-2001)

	1999		2000		2001	
	Absolute	Percent	Absolute	Percent	Absolute	Percent
Austria	194,536	87.73	168,556	86.74	173,276	84.99
Yugoslavia (partly former YU)	7,668	3.46	6,910	3.56	8,100	3.97
Croatia	2,280	1.03	2,222	1.14	2,645	1.30
Slovenia	392	0.18	347	0.18	388	0.19
Bosnia and Herzegovina	2,925	1.32	3,257	1.68	4,177	2.05
Turkey	6,105	2.75	5,647	2.91	6,712	3.29
Germany	1,657	0.75	1,549	0.80	1,732	0.85
Poland	795	0.36	817	0.42	970	0.48
Hungary	453	0.20	425	0.22	476	0.23
Rumania	869	0.39	779	0.40	892	0.44
Czechoslovakia (former)	23	0.01	--		--	
Slovakia	267	0.12	270	0.14	322	0.16
Czech Republic	244	0.11	263	0.14	297	0.15
Other and unknown countries of origin	3,529	1.59	3,272	1.68	3,895	1.91
All aliens	27,207	12.27	25,758	13.26	30,607	15.01
Total	221,743	100.00	194,314	100.00	203,883	100.00

Source: Arbeitsmarktservice Österreich (2001), Statistiken: Arbeitsmarktdaten 2000: Table AL 800: Jahresdurchschnitt 2000: Vorgemerkte Arbeitslose Ausländer nach ausgewählten Staaten und Geschlecht in Österreich (■ Annual average 2000: Registered unemployed aliens by selected countries and gender in Austria), p. 35 and Arbeitsmarktservice Österreich (2001), Statistiken: Arbeitsmarktdaten 2001: Table AL 800: Jahresdurchschnitt 2001: Vorgemerkte Arbeitslose Ausländer nach ausgewählten Staaten und Geschlecht in Österreich (■ Annual average 2001: Registered unemployed aliens by selected countries and gender in Austria), p. 35.

Table 14: Average monthly income in Austrian Schillings in 2000 (before tax and social insurance)¹¹⁴

Citizenship	Wage & salary earners			Wage earners			Salary earners		
	Men & women	Men	Women	Men & women	Men	Women	Men & women	Men	Women
all foreigners	22,531	25,022	18,452	21,142	23,576	16,431	27,616	32,300	23,298
former Czechoslovakia	21,575	22,432	20,086	18,725	20,374	14,546	29,652	32,855	27,507
former Yugoslavia	22,228	25,251	17,844	21,925	24,855	17,242	24,357	29,251	20,692
Poland	20,360	21,749	17,618	18,822	20,614	13,833	26,551	30,721	24,055
Rumania	22,040	25,099	17,536	21,275	24,372	15,786	25,565	30,541	22,335
Turkey	22,197	24,757	16,033	22,239	24,650	15,791	21,852	25,964	17,194
Hungary	20,293	21,947	16,457	18,674	20,507	13,492	29,229	34,265	24,636
Austrians	27,253	31,938	21,836	23,784	27,551	16,488	29,804	36,715	24,253

Source: Hauptverband der Sozialversicherungsträger (2001), *Statistische Daten aus der Sozialversicherung: Verteilung der beitragspflichtigen Arbeitseinkommen nach Staatsbürgerschaft, Zusammenstellung: Berichtsjahr 2000, Tables 3, 5-10: Verteilung der beitragspflichtigen Monatseinkommen der Arbeiter und Angestellten (Einschließlich Sonderzahlungen), Staatsbürgerschaft: Alle Ausländer/Ehemalige Tschechoslowakei/Ehemaliges Jugoslawien/Polen/ Rumänien/Türkei/Ungarn, Berichtsjahr: 2000, Alle Wirtschaftsklassen* (■ *Distribution of monthly incomes of wage and salary earners subject to contributions (including special payments), Citizenship: All aliens/Former Czechoslovakia/Former Yugoslavia/Poland/Rumania/Turkey/Hungary, Reporting year: 2000, All economic sectors*) and own calculations.

¹¹⁴ The statistics for 2001 are not available yet. (phone-call to the ▲ Hauptverband der österreichischen Sozialversicherungsträger, 04.09.02)

Table 15: Third country nationals and their vocations (1999-2001)

vocation	1999			2000			2001		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
construction	37,699	37,517	182	37,303	37,122	181	35,047	34,868	179
metal industry	33,121	30,638	2,483	32,970	30,527	2,444	31,673	29,348	2,326
auxiliary workers	23,702	16,152	7,550	24,776	16,622	8,154	25,347	16,586	8,761
tourism	38,479	15,744	22,735	40,118	16,254	23,864	41,169	16,718	14,450
cleaning	23,495	4,846	18,649	24,399	4,938	19,461	25,078	4,867	20,211
health services	5,503	1,093	4,411	5,343	1,042	4,301	5,104	955	4,149
Total	161,999	105,990	56010	164,909	106,505	58,405	163,418	103,342	50,076

Source: *Arbeitsmarktservice Österreich (2001), Statistiken: Arbeitsmarktdaten 2000: Table: BA 301: Jahresdurchschnitt 2000: Bewilligungspflichtig beschäftigte Ausländer/innen nach Berufen in Österreich* (■ Annual average 2000: Foreign employees obliged to have a work permit by vocations in Austria), p. 65 and *Arbeitsmarktservice Österreich (2002), Statistiken: Arbeitsmarktdaten 2001: Table: BA 301: Jahresdurchschnitt 2001: Bewilligungspflichtig beschäftigte Ausländer/innen nach Berufen in Österreich* (■ Annual average 2001: Foreign employees obliged to have a work permit by vocations in Austria), p. 65 and own calculations.

Table 16: Duration of residence permits (1994-2000)¹¹⁵

Residence permits	1994	1995	1996	1997	1998	1999	2000
Limited up to 23 months	262,855	199,596	172,448	137,226	126,456	111,717	92,938
Limited up to more than 23 months		152,878	172,889	175,823	170,101	163,546	160,291
Unlimited	17,653	33,990	68,931	98,922	149,247	221,327	282,203
Total	280,508	386,464	414,268	411,971	445,804	496,590	535,432

Source: Biffl (■ 2001b). Overview 3: Dauer der Befristung aufrechter Aufenthaltstitel gemäß FIS (Duration of the limitation of legal residence permits calculated on the basis of the Fremdeninformationssystem compiled by the Federal Ministry of the Interior), p. 195.

¹¹⁵ The numbers refer to July 1 in each of the years mentioned in the table.

Table 17: Number of valid permits in each category (1999-2001)

permits	1999			2000			2001		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
initial work permit	22,154	13,414	8,740	24,145	13,741	10,404	28,593	15,700	12,894
work entitlement	29,524	5,577	12,635	20,399	11,233	9,166	17,685	9,051	8,634
permanent license	179,738	126,518	57,597	187,989	126,518	61,471	181,878	120,971	60,907
preliminary permit	17	10	7	40	23	17	88	46	42
sending permit	350	328	22	459	432	27	588	559	29
4c-initial work permit	96	67	29	191	127	64	227	139	88
4c-permanent license	6,575	3,206	3,369	7,877	3,974	3,902	9,438	5,251	4,187
intergovernmental agreements	686	520	166	1,059	813	245	1,563	1,263	300
Total	239,140	156,575	82,565	242,159	156,862	85,297	240,061	152,980	87,081

Source: Arbeitsmarktservice Österreich (2001), Statistiken: Arbeitsmarktdaten 2000: Table: GÜ 701: Jahresdurchschnitt 2000: Daten über die bewilligungspflichtig beschäftigten Ausländer/innen in Österreich (■ Annual average for 2000: Data concerning foreign employees obliged to have a work permit in Austria), p. 51, Arbeitsmarktservice Österreich (2002), Statistiken: Arbeitsmarktdaten 2001: Table: GÜ 701: Jahresdurchschnitt 2001: Daten über die bewilligungspflichtig beschäftigten Ausländer/innen in Österreich (■ Annual average for 2001: Data concerning foreign employees obliged to have a work permit in Austria), p. 51.

Table 18: Number of permits issued in each category (1999-2001)

permits	1999			2000			2001		
	Total	Men	Women	Total	Men	Women	Total	Men	Women
initial work permit	68,011	40,783	27,228	78,008	44,573	33,435	90,263	51,837	38,426
work entitlement	13,831	7,764	6,067	10,349	5,328	5,021	13,688	6,174	7,514
permanent license	34,173	20,805	13,368	44,369	28,904	15,465	56,030	37,105	18,925
preliminary permit	351	214	137	652	367	285	919	516	403
sending permit	2,254	2,072	182	2,853	2,638	215	3,163	2,989	174
administrative promise (<i>Sicherungsbescheinigung</i>)	3,832	2,598	1,234	5,215	3,593	1,622	6,657	4,591	2,066
4c-initial work permit	240	154	86	379	196	183	315	158	157
4c-permanent license	2,673	1,107	1,566	2,675	1,553	1,122	3,148	2,096	1,052
intergovernmental agreements	1,528	1,138	390	2,274	1,669	605	3,340	2,548	792
Total	126,893	76,635	50,258	146,774	88,821	57,953	177,523	108,014	69,509

Source: *Arbeitsmarktservice Österreich (2001), Statistiken: Arbeitsmarktdaten 2000: Table: GÜ 702: Jahressummen 2000: Daten über die bewilligungspflichtig beschäftigten Ausländer/innen in Österreich* (■ Annual totals for 2000: Data concerning foreign employees obliged to have a work permit in Austria), p. 52, *Arbeitsmarktservice Österreich (2002), Statistiken: Arbeitsmarktdaten 2001: Table: GÜ 702: Jahressummen 2001: Daten über die bewilligungspflichtig beschäftigten Ausländer/innen in Österreich* (■ Annual totals for 2001: Data concerning foreign employees obliged to have a work permit in Austria), p. 52, and own calculations.

Table 19: Third country nationals by federal provinces (1999-2001)

federal province	1999	2000	2001
Burgenland	7,201	7,572	7,889
Carinthia	9,529	9,933	10,194
Lower Austria	34,850	34,847	34,211
Upper Austria	35,458	35,895	35,413
Salzburg	20,253	21,002	21,372
Styria	17,145	17,810	18,267
Tyrol	19,143	19,825	20,388
Vorarlberg	18,021	17,999	17,371
Vienna	77,540	77,280	74,954
Total	239,140	242,159	240,060

Source: *Arbeitsmarktservice Österreich (2001), Statistiken: Arbeitsmarktdaten 2000: Table: BA 000: Jahresdurchschnitt 2000: Bewilligungspflichtig beschäftigte Ausländer/innen nach Bundesländern und Geschlecht* (■ Annual average 2000: Foreign employees obliged to have a work permit by federal provinces and gender), p. 53 and *Arbeitsmarktservice Österreich (2002), Statistiken: Arbeitsmarktdaten 2001: Table: BA 000: Jahresdurchschnitt 2001: Bewilligungspflichtig beschäftigte Ausländer/innen nach Bundesländern und Geschlecht* (■ Annual average 2001: Foreign employees obliged to have a work permit by federal provinces and gender), p. 53 and own calculations.

Table 20a: Share of men and women in the workforce (absolute numbers) (1999-2001)

Work force	1999			2000			2001		
	Total	EU/EEA	Aliens	Total	EU/EEA	Aliens	Total	EU/EEA	Aliens
Men	1,754,823	1,598,248	156,575	1,757,010	1,600,148	156,862	1,747,714	1,594,734	152,980
Women	1,353,075	1,270,510	82,565	1,376,728	1,291,431	85,297	1,400,440	1,313,359	87,081
Total	3,107,898	2,868,758	239,140	3,133,738	2,891,579	242,159	3,148,155	2,908,094	240,061

Source: *Arbeitsmarktservice Österreich (2001), Statistiken: Arbeitsmarktdaten 2000: Table: BA 000: Jahresdurchschnitt 2000: Bewilligungspflichtig beschäftigten Ausländer/innen nach Bundesländern und Geschlecht* (■ Annual average 2000: Foreign employees obliged to have a work permit by federal provinces and gender), p. 53, *Arbeitsmarktservice Österreich (2002), Statistiken: Arbeitsmarktdaten 2001: Table: BA 000: Jahresdurchschnitt 2001: Bewilligungspflichtig beschäftigten Ausländer/innen nach Bundesländern und Geschlecht* (■ Annual average 2001: Foreign employees obliged to have a work permit by federal provinces and gender), p. 53 and own calculations.

Table 20b: Share of men and women in the workforce (percent) (1999-2001)

Work force	1999				2000				2001			
	EU/EEA		Aliens		EU/EEA		Aliens		EU/EEA		Aliens	
	Share in total	Share in total	Share in total	Share in total	Share in total	Share in EU/EEA	Share in total	Share in aliens	Share in total	Share in EU/EEA	Share in total	Share in aliens
Men	51.4	55.7	5.0	65.5	51.1	55.3	5.0	64.8	50.7	54.8	4.9	63.7
Women	40.9	44.3	2.7	34.5	41.2	44.7	2.7	35.2	41.7	45.2	2.8	36.3
Total	92.3	100.0	7.7	100.0	92.3	100.0	7.7	100.0	92.4	100.0	7.6	100.0

Source: *Arbeitsmarktservice Österreich (2001), Statistiken: Arbeitsmarktdaten 2000: Table: BA 000: Jahresdurchschnitt 2000: Bewilligungspflichtig beschäftigten Ausländer/innen nach Bundesländern und Geschlecht* (■ Annual average 2000: Foreign employees obliged to have a work permit by federal provinces and gender), p. 53, *Arbeitsmarktservice Österreich (2002), Statistiken: Arbeitsmarktdaten 2001: Table: BA 000: Jahresdurchschnitt 2001: Bewilligungspflichtig beschäftigten Ausländer/innen nach Bundesländern und Geschlecht* (■ Annual average 2001: Foreign employees obliged to have a work permit by federal provinces and gender), p. 53 and own calculations.

Table 21: Accidents at work in 2001

Citizenship	Number of accidents	Percent of overall accidents	Percent of aliens' accidents
Austria	100,944	85.34	--
Aliens	17,342	14.66	--
Yugoslavia	4,894	4.14	28.2
Turkey	4,237	3.58	24.4
Bosnia and Herzegovina	2,850	2.41	16.4
Croatia	1,466	1.24	8.5
Germany	541	0.46	3.1
Rumania	473	0.40	2.7
Poland	422	0.36	2.4
Slovenia	347	0.29	2.0
Hungary	341	0.29	2.0
Czech Republic	144	0.12	0.8
Slovakia	89	0.08	0.5
Bulgaria	46	0.04	0.3
Macedonia	30	0.03	0.2
Switzerland	14	0.01	0.1
Asia	415	0.35	2.4
Africa	400	0.34	2.3
EU	326	0.28	1.9
Europe	117	0.10	0.7
America	92	0.08	0.5
USA/CAN	43	0.04	0.2
Australia/Oceania	9	0.01	0.1
Without Citizenship	46	0.04	0.3
Total	118,286	--	--

Source: ■ Data on industrial accidents breakdown by citizenship in 2001 provided by the AUVA, a social accident insurance and own calculations..

Table 22: Self-employed (1990-2001)

	Number of self-employed ¹¹⁶		Gainfully employed	Self-employment quota ¹¹⁷	
	Agriculture	Commercial industry and freelancers		Total	Without agriculture
1990	191,300	224,600	3,344,600	12.4	7.2
1991	182,400	227,300	3,407,100	12.0	7.1
1992	170,000	231,200	3,457,000	11.6	7.1
1993	158,800	232,300	3,446,000	11.3	7.1
1994	149,000	232,100	3,451,800	11.0	7.1
1995	139,700	231,600	3,439,500	10.8	7.1
1996	132,000	236,400	3,415,700	10.8	7.3
1997	127,500	241,400	3,424,500	10.8	7.4
1998	123,800	246,100	3,446,600	10.7	7.5
1999	120,100	250,800	3,478,798	10.7	7.5
2000	115,100	257,700	3,506,538	10.6	7.7
2001	111,100	262,500	3,521,755	10.6	7.8

Source: Bundeswirtschaftskammer, Table: Selbständige Erwerbstätige 1960-2001 (■ Self-employed 1960-2001), available at: <http://portal.wko.at/>, (02.09.02).

Table 23: Self-employed aliens in Austria and their share in self-employment (1984-1999)

	1984		1993		1999	
	Self-employed aliens	Share in self-employment (%)	Self-employed aliens	Share in self-employment (%)	Self-employed aliens	Share in self-employment (%)
Burgenland	0	0.0	100	0.7	244	2.0
Carinthia	300	1.2	2,000	7.3	580	2.4
Lower Austria	500	0.6	200	0.3	2,376	2.6
Upper Austria	800	1.3	1,300	22.4	1,005	1.5
Salzburg	200	0.8	1,000	4.0	1,136	4.1
Styria	300	0.5	1,800	3.1	1,531	2.8
Tyrol	600	2.1	200	0.6	970	2.6
Vorarlberg	100	0.9	400	3.4	408	3.3
Vienna	2,000	4.2	6,400	13.2	6,035	10.0
Austria	4,800	1.4	13,400	3.7	14,285	3.7

Source: ÖSTAT, Mikrozensus, own calculations cited according to Volf (■ 2001a), p. 75.

¹¹⁶ Owners of enterprises and people working for their own account.

¹¹⁷ Share of self-employed in total of gainfully employed.

Table 24: Self-employed aliens in Vienna by industrial sectors (1991)

	Former YU	Turkey	others	Total
Agriculture and forestry	12	3	19	34
Production of real assets	99	117	284	500
Construction	77	15	101	193
Trade	334	205	1,259	1,798
Tourism	315	149	454	918
Transport and traffic	34	11	60	105
Administration of assets	89	30	636	755
Personal and social services	104	37	790	931
Total	1,064	567	3,603	5,234

Source: ÖSTAT, *Volkszählung 1991*, cited according to Volf (■ 2001a), p. 75.

Table 25a: Qualification level of alien population in 2000 (older than 14 years) (absolute numbers)

	Compulsory school	Apprenticeship	Lower secondary school (w/o graduation)	Higher school (incl. graduation)	University or comparable education	Total
Austrians	1,941,300	2,215,300	643,800	885,000	391,300	6,076,700
All Aliens	229,200	128,100	7,800	73,300	51,500	489,900
Germany	11,200	19,700	5,700	14,300	16,100	67,100
Other EU/EEA	6,600	7,200	1,700	8,300	11,800	35,600
Former Yugoslavia	108,300	64,700	11,600	15,200	7,500	207,300
Turkey	76,000	12,800	1,700	3,800	300	94,600
Hungary	1,500	2,100	500	2,600	700	7,500
Czech Republic	2,900	2,800	600	1,500	500	8,300
Slovakia	300	1,000	700	2,100	1,500	5,600
Poland	3,900	5,200	1,100	9,600	2,100	21,900
Rumania	4,500	4,200	1,300	3,400	600	14,000
Bulgaria		400		100	300	800
Other European countries	300	100	1,100	200	2,300	4,000
USA/CAN	800	400	800	900	1,800	4,700
American countries	500	300		800	400	2,100
Africa	1,300	700		1,800	1,700	5,600
Asia	10,600	5,800	800	8,100	2,700	28,000
Australia, Oceania		100		100		200
Without citizenship	500	600	200	500	1,200	3,100
Total	2,170,500	2,343,600	671,600	958,400	442,900	6,587,100

Source: Biffl (2001b). Table 12a: *Wohnbevölkerung ab 15 Jahren nach höchster abgeschlossener Schulbildung und Staatsbürgerschaft* (■ Resident population older than 14 by highest level of education and citizenship), p. 147, calculated on the basis of the ■ Labour Force Survey (Arbeitskräfteerhebung) in March 2000.

Table 25b: Qualification level of alien population in 2000 (older than 14 years) (per-cent)

	Compulsory school	Apprenticeship	Lower secondary school (without graduation)	Higher school (including graduation)	University or comparable education
Austrians	31.9	36.5	10.6	14.6	6.4
All Aliens	46.8	26.1	1.6	15.0	10.5
Germany	16.7	29.4	8.5	21.3	24.0
Other EU/EEA	18.5	20.2	4.8	23.3	33.1
Former Yugoslavia	52.2	31.2	5.6	7.3	3.6
Turkey	80.3	13.5	1.8	4.0	0.3
Hungary	20.0	28.0	6.7	34.7	9.3
Czech Republic	34.9	33.7	7.2	18.1	6.0
Slovakia	5.4	17.9	12.5	37.5	26.8
Poland	17.8	23.7	5.0	43.8	9.6
Rumania	32.1	30.0	9.3	24.3	4.3
Bulgaria		50.0		12.5	37.5
Other European countries	7.5	2.5	27.5	5.0	57.5
USA/CAN	17.0	8.5	17.0	19.1	38.3
Other American countries	24.0	14.0		38.0	19.0
Africa	23.2	12.5		32.1	30.4
Asia	37.9	20.7	2.9	28.9	9.6
Australia, Oceania		50.0		50.0	
Without citizenship	16.1	19.4	6.5	16.1	38.7
Total	30.6	33.0	9.5	13.5	6.2

Source: Biffl (2001b). Table 12a: Wohnbevölkerung ab 15 Jahren nach höchster abgeschlossener Schulbildung und Staatsbürgerschaft (■ Resident population older than 14 by highest level of education and citizenship), p. 147, calculated on the basis of the ■ Labour Force Survey (Arbeitskräfteerhebung) in March 2000.