



International Organization for Migration (IOM)



DETERMINING LABOUR SHORTAGES AND THE NEED FOR LABOUR MIGRATION FROM THIRD COUNTRIES IN AUSTRIA



August Gächter, Caroline Manahl, Saskia Koppenberg

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EUROPEAN MIGRATION NETWORK

The European Migration Network (EMN) was launched in 2003 by the European Commission (EC) by order of the European Council in order to satisfy the need of a regular exchange of reliable information in the field of migration and asylum at the European level. Since 2008, Council Decision 2008/381/EC has constituted the legal basis of the EMN and National Contact Points (NCPs) have been established in the EU Member States (with the exception of Denmark, which has observer status) plus Norway.

The EMN's role is to meet the information needs of European Union (EU) institutions and of Member States' authorities and institutions by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the EU in these areas. The EMN also has a role in providing such information to the wider public.

The NCP for Austria is located in the Research and Migration Law Department of the Country Office Austria of the International Organization for Migration (IOM) in Vienna, which was established in 1952 when Austria became one of the first members of the organization. The main responsibility of the IOM Country Office is to analyse national migration issues and emerging trends and to develop and implement respective national projects and programmes.

The main task of the NCPs is to implement the annual work programme of the EMN including the drafting of the annual policy report and topic-specific focussed and main studies, answering Ad-Hoc Queries launched by other NCPs, carrying out visibility activities and networking in several forums. Furthermore, the NCPs in each country set up national networks consisting of organizations, institutions and individuals working in the field of migration and asylum.

In general, the NCPs do not conduct primary research but collect and analyse existing data. Exceptions might occur when existing data and information is not sufficient. EMN studies are elaborated in accordance with uniform specifications valid for all EU Member States plus Norway in order to achieve comparable EU-wide results. Since the comparability of the results is frequently challenging, the EMN has produced a Glossary,

which assures the application of similar definitions and terminology in all national reports.

Upon completion of national reports, the EC with the support of a service provider drafts a synthesis report, which summarizes the most significant results of the individual national reports. In addition, topic-based policy briefs, so called EMN Informs, are produced in order to present and compare selected topics in a concise manner. All national studies, synthesis reports, informs and the Glossary are available on the website of the EC Directorate-General Migration and Home Affairs.

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EXECUTIVE SUMMARY

In Austria, the shortage of labour is a low-priority topic for policy-makers. Firstly, it is disputed whether a shortage actually exists and, secondly, whether immigration from outside the Member States of the European Union (EU) and the European Free Trade Association (EFTA) would be necessary to fill such a shortage. In comparison, however, preventive measures for combating unemployment are allocated very high priority.

The large majority of individuals immigrating to Austria come from EU or EFTA countries or are asylum-seekers. The federal government assumes that firms will continue to be able to cover the need for practically any manpower requirements at all qualification levels by drawing on the labour force from other EU Member States.

Over the past 20 years, steps to deal with shortages in the Austrian labour market have become increasingly aligned with the needs of the specific companies affected and the options available to them. The driving force in this regard is Public Employment Service Austria; this is the case both at federal level, in which case the social partners and the federal government jointly define the agency's policies, and at the level of the provinces and districts, where the social partners are solely responsible for decisions. Here, top priority is given to responding to any labour shortage through training and re-training job-seekers and, in some cases, even existing employees. As a result, any shortages are identified and managed with a very strong relevance to individual firms and the potential workforce in the region.

Accordingly, instruments for identifying a labour shortage and a need for any workers not yet residing in the EU are not well-developed. An example is the list of shortage occupations that has been prepared annually since 2012. The list is used to determine immigration from third countries. While the list originally comprised 26 occupations, it now only lists 12, most of which are jobs filled by skilled workers. It has to be assumed that the list of shortage occupations will continue to decrease, as efforts are made to encourage available workers in Austria to enter those occupations. The list of shortage occupations is defined jointly by the federal government and the social partners.

On the whole, compared with other countries, the situation in the Austrian labour market is favourable, with a high level of employment and a low unemployment rate. In fact, the instruments used to identify labour shortages and labour migration needs revealed an average decline in unfilled vacancies for each year between 2012 and 2014 (from 69,500 in 2012 to 62,400 in 2014). The list of shortage occupations, issued in the Regulation for Skilled Workers, has correspondingly been cut by more than half since being introduced in 2012. Whereas 26 shortage occupations were still listed in 2012, there were only 12 in 2015. At the same time, the contingent for temporarily employed aliens and for harvest workers was reduced between 2013 and 2014; in 2015 it remained the same as in 2014.¹ This is reflected in the fact that a mere nine per cent of all advertised jobs related to seasonal employment in 2014. The job vacancy survey also shows that most of the job openings in 2014 (37%) only required completed compulsory schooling or no minimum educational qualification at all, i.e. the jobs were in the low-qualified sector.

There is no formal monitoring to determine whether Austria's labour migration policy is counteracting the identified labour shortage. Publicly available data have proven to be inadequate for this purpose. Only an evaluation of the Red-White-Red Card has been carried out to the extent possible based on the data. One of the facts revealed was that the number of (highly) qualified workers immigrating to Austria from third countries in 2013 (1,300 individuals) still fell far short of expectations (5,000 individuals in 2015). However, an analysis to determine the actual number of Red-White-Red Cards issued within each of the occupations is for example not possible due to insufficient data.

1 Employed aliens: 7,000 work permits in 2013 and 4,500 in 2014; harvest workers: 2,500 work permits in 2013 and 700 in 2014.

1. INTRODUCTION

1.1 Study Background

A study recently commissioned by the European Commission (EC) identified several challenges facing the European labour market. These include an ageing society that demands a more effective use of labour, rapid technological development, an increasing need for highly qualified workers and the uncertainty about the future growth of Europe's national economies (EC, 2014). Similarly, one of the tremendous challenges facing policymakers is to identify real structural shortages that are unable to be filled with domestic workers, and to respond appropriately; labour migration is a key component of such a response.

Against this backdrop, in 2015 the European Migration Network (EMN) resolved to carry out a study on the topic of "Determining labour shortages and the need for labour migration from third countries". The objective is to provide an overview of the instruments used by the EU Member States to identify labour shortages and labour migration needs. Another goal is to investigate how the impact of labour migration on the national labour market is evaluated and what instruments are used for this purpose. The focus of the study, which comprises all levels of qualification, is labour migration from third countries.

The national report on Austria evaluates the policies and instruments applicable to labour migration in Austria. Chapter 2 provides an initial overview of national policies and of current debates on the issue in public and political circles, and evaluates whether labour migration policies are linked to identified labour shortages, and if so in what way. Chapter 3 investigates the mechanisms used to identify any labour shortage and the need for labour migration. The items described in detail include the process for defining lists of shortage occupations and the role played by such lists. A special focus in this regard will be the role of the social partners. This is followed by a presentation of the results of applying those instruments, i.e. the current labour shortage and need for labour migration in Austria. Chapter 4 then discusses measures for monitoring Austrian labour migration policy with a view to reducing the labour shortage. The final

section of the study, Chapter 5, completes the report with some conclusions based on the foregoing findings.

1.2 Definitions

The terms used in this study are defined in the following, which draws on the EMN Glossary and other glossaries.

Immigration quota: A quota established for and by the country, normally for the purposes of labour migration, for the entry of immigrants (EMN, 2014). Referred to also as ‘contingent’ in the Austrian context.

Labour market test: Mechanism that aims to ensure that migrant workers are only admitted after employers have unsuccessfully searched for national workers, EU citizens (in EU Member States this also means EEA workers) or legally residing third-country nationals with access to the labour market according to national legislation (EMN, 2014).

Labour migration: Movement of persons from one state to another, or within their own country of residence, for the purpose of employment (EMN, 2014).

Labour shortage: Shortage or insufficiency of qualified candidates for employment (in an economy, country, etc.).²

Skills shortage: Refers to shortages of particular skills on the labour market. Skills shortages can be cyclical and structural. On the one hand, shortages are common during periods of rapid economic growth, when unemployment is low and the pool of available workers is reduced to a minimum. However, these types of shortages tend to be overcome along the cycle. On the other hand, some structural changes, such as the adoption of new technologies, may increase the demand for certain skills that are not immediately available in the labour market, creating skills shortages even when unemployment is high.³

Social partners: Employers’ associations and trade unions forming the two sides of social dialogue (CEDEFOP, 2014). The social partnership in Austria consists of these four social partners: Austrian Trade Union

2 Collins, *English Dictionary*, available at www.collinsdictionary.com (accessed on 2 April 2015).

3 OECD, *Skills shortages*, available at <http://skills.oecd.org/hotissues/skillsshortages.html> (accessed on 8 April 2015).

Federation, Austrian Economic Chamber, Chamber of Labour and Austrian Chamber of Agriculture.⁴

Vocational education and training: Education and training which aims to equip people with knowledge, know-how, skills and/or competences required in particular occupations or more broadly on the labour market (CEDEFOP, 2014).

Work permit: Permit allowing an employer to employ a worker from another country, where the worker is in possession of a residence permit or falls under the freedom of establishment, however, is not yet entitled to take up dependent gainful employment without additional approval.⁵

Various levels of qualification are referred to in relation to labour shortage and labour migration. These are defined as explained below.

Highly qualified: A person falling within International Standard Classification of Occupations (ISCO-08) classes 1, 2 and 3,⁶ e.g. a person qualified as a manager, executive, professional, technician or similar (EMN, 2014). These are specifically:

- Main occupational group 1: Managers;
- Main occupational group 2: University-level professionals;
- Main occupational group 3: Technicians and comparable non-technical occupations.

In Austria a distinction is made between highly qualified workers and skilled workers.⁷ This distinction reflects the Austrian educational and training system with its strong emphasis on vocational experience. This can make international comparisons difficult, particularly in the health-care and social sectors. Nurses, for instance, require no university degree in Austria; vocational education and training for this occupation

4 The Austrian Social Partnership, *The Austrian Social Partnership – Who we are and what we do*, available at www.sozialpartner.at/sozialpartner/Sozialpartnerschaft_mission_en.pdf (accessed on 2 April 2015).

5 Public Employment Service Austria, *Beschäftigungsbewilligung*, available at www.ams.at/service-unternehmen/auslaenderinnen/zugangsberechtigungen/beschaefigungsbewilligung (accessed on 28 April 2015).

6 Statistics Austria, *ÖISCO-08 Implementierung*, available at www.statistik.at/web_de/klassifikationen/oeisco08_implementierung/index.html (accessed on 7 April 2015).

7 Highly skilled workers are defined as persons who have acquired appropriate specific skills through completing advanced and usually university-level training. Skilled workers are defined as persons who have acquired appropriate specific skills through completing advanced training and/or through extensive vocational experience.

is similar to that for a commercial or technical vocation, and qualification for university is not a prerequisite (Biffl, 2011:16).

Qualified: The category of ‘qualified’ workers has been derived by combining the main groups of the ISCO-08 classification listed below:⁸

- Main occupational group 4: Clerical workers and related occupations;
- Main occupational group 5: Service and sales workers;
- Main occupational group 6: Skilled agricultural, forestry and fishery workers;
- Main occupational group 7: Craft and related trades workers;
- Main occupational group 8: Plant and machine operators, and assemblers.

Low-qualified: The ISCO-08 classification⁹ listed below is referred to as ‘low-qualified’:

- Main occupational group 9: Elementary occupations.

1.3 Methodology

The present study has been conducted by the National Contact Point (NCP) Austria in the EMN in cooperation with the Centre for Social Innovation (ZSI) within the framework of the EMN’s 2015–2016 Work Programme. The study follows a common study template with a predefined set of questions developed by the EMN in order to facilitate comparability of the findings from all Member States.

Legal texts, national and international publications, studies and internet sites were used as sources for the study. The study was also able to draw on information obtained through continuous media monitoring by the International Organization for Migration (IOM), Country Office for Austria. Statistics were taken from the Micro-census – Labour Force Survey and Job Vacancy Survey and were provided in the form of a special evaluation by Public Employment Service Austria.

8 Statistics Austria, *ÖISCO-08 Implementierung*, available at www.statistik.at/web_de/klassifikationen/oisco08_implementierung/index.html (accessed on 7 April 2015).

9 Ibid.

To supplement the information obtained through secondary research, qualitative semi-structured face-to-face interviews were carried out with two experts actively involved in the topic of labour migration in Austria. These were specifically:

- Hermann Deutsch, Federal Ministry of Labour, Social Affairs and Consumer Protection, Head of Group B (Labour Law, Public Employment Service Austria Organization and Services), Section VI (Labour Market); and
- Marius Wilk, Public Employment Service Austria, bureau of directors, head of department.

August Gächter (ZSI) and Caroline Manahl (ZSI) were responsible for research and for responding to the list of questions. Using this as a basis, the country report was prepared by Saskia Koppenberg (Research Associate, IOM Country Office for Austria) under the supervision of Julia Rutz (Head of Research and Migration Law, IOM Country Office for Austria). Thanks go also to Corinna Geißler (Research Assistant, IOM Country Office for Austria) for her support in preparing the study.

2. AUSTRIAN LABOUR MIGRATION POLICY

2.1 Institutional and Legal Framework

Two Austrian government ministries are in particular responsible for labour migration-related issues: the Federal Ministry of the Interior and the Federal Ministry of Labour, Social Affairs and Consumer Protection. While the Federal Ministry of the Interior is responsible for the entry and settlement of third-country nationals in Austria, the Federal Ministry of Labour, Social Affairs and Consumer Protection decides over their access to the labour market.

Here, Public Employment Service Austria is another important institution. As a service company under public law, Public Employment Service Austria pursues activities under the mandate of the Federal Ministry of Labour, Social Affairs and Consumer Protection and with significant involvement of the social partners. Public Employment Service Austria is made up of one organization at federal level, one in each of the nine provinces, and 101 regional organizations. Its tasks include carrying out active labour market measures (counselling, job placement and funding activities), examining eligibility for and payment of compensation in lieu of wages and salaries, and tasks relating to policy administration, such as the admission of foreign workers to the labour market (AMS, 2014a:9).

The Austrian provinces also play a key role in labour migration. Specifically, in the case of foreigners who reside – or wish to reside – in Austria for more than six months, the governor of each province is responsible for residence permits and has the authority to grant, refuse to grant and withdraw them (Art. 3 para 1 Settlement and Residence Act). Another example is the Settlement Regulation, issued each year to specify the number of residence permits subject to quotas and the contingents for temporarily employed aliens and harvest workers. Prior to issuing this regulation, the federal government is required to consider the numbers proposed by the provinces, whereby the number proposed may only be exceeded with the consent of the affected province (Art. 13 para 6 Settlement and Residence Act).

The Settlement and Residence Act is the legal basis regulating immigration of third-country nationals to Austria.¹⁰ The Act Governing the Employment of Foreign Nationals¹¹ specifies the conditions for admitting third-country nationals to employment.

The Settlement and Residence Act provides for various residence titles (residence and settlement permits) depending on the duration and purpose of the stay. Visas are issued for periods of stay of up to six months. A residence permit entitles the holder to temporary residence for longer than six months. A main feature of settlement, in contrast, is permanent residence in Austria. A visa for the purpose of employment, entailing the right to enter and reside in the country, can for example be issued to temporarily employed aliens or harvest workers, as specified in Art. 24 of the Aliens Police Act. Other residence permits, listed below by purpose, are additional options for labour migrants:

- Rotational worker (Art. 58 Settlement and Residence Act);
- Intra-corporate transferees (Art. 59 Settlement and Residence Act);
- Self-employed persons (Art. 60 Settlement and Residence Act);
- Artists (Art. 61 Settlement and Residence Act);
- Special cases of dependent gainful employment (Art. 62 Settlement and Residence Act);
- Researchers (Art. 67 Settlement and Residence Act).

For the purpose of labour migration, applications can also be submitted for the initial settlement permits listed below:

- Red-White-Red Card (Art. 41 Settlement and Residence Act);
- EU Blue Card (Art. 42 Settlement and Residence Act);
- Settlement permit (Art. 43 Settlement and Residence Act).

2.2 Migration as Response to Labour Shortages

2.2.1 Historical Summary

Prior to late 1993, immigration of workers to Austria from other countries was specifically geared towards filling labour supply shortages, as agreed among local representatives of the social partners. In the view of the general public, such shortages mostly concerned low-qualified labour. Yet, there was in fact also a shortage of highly qualified workers

10 FLG I No. 100/2005, in the version of FLG I No. 40/2014.

11 FLG No. 218/1975, in the version of FLG I No. 72/2013.

that could only be filled through immigration from other countries.¹² This was hardly ever the case with jobs requiring qualified schooling and vocational education and training, which accounted for the majority of employment in Austria since the 1980s. One of the reasons for this is the many special features characterizing the Austrian educational and training system. The obligations under human rights legislation, which Austria has expressly transposed into national law, do not give rise to any relationship between migration policy and labour shortage. This legislation specifically includes the Geneva Convention on Refugees¹³ and in particular Art. 8 para 2 of the European Convention on Human Rights.¹⁴ The quantitative impact of this form of immigration was very slight before 1989, as revealed by each population census taken.

The situation changed for the first time since 1945 when Austria joined the European Economic Area (EEA) at the beginning of 1994, and the European Union (EU) one year later. The labour market was opened for 14 EU Member States and three countries belonging to the European Free Trade Association (EFTA). This then represented an initial break with the policy of linking access to employment with short-term domestic labour needs, as previously stipulated between the social partners and thus considered tantamount to official. Austria's accession to the EU was correspondingly controversial, just as later EU enlargements to include new Member States.

Some time ago a procedure was introduced through legislation to allow third-country nationals temporary access to employment in very specific occupations. In this case, the minister with jurisdiction over labour affairs is empowered to issue a regulation laying down contingents for the numbers of employees that may be employed for up to six months and up to six weeks

12 An example to be cited in this regard is university staff. Employment in the service of the federal government was only open to Austrian citizens. Accordingly, university professors were automatically granted Austrian citizenship upon appointment, as specified in Art. 25 para 1 of the 1985 Citizenship Act (FLG No. 311/1985). Federal constitutional provisions were amended in 2008 to provide for employment relationships based on private law in future, rendering the previous arrangement obsolete (Act Revising Federal Constitutional Law, FLG I No. 2/2008).

13 Convention Relating to the Status of Refugees, 28 July 1951, United Nations Treaty Series vol. 189.

14 European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, Council of Europe Treaty Series No. 5.

(Art. 5 para 2 Act Governing the Employment of Foreign Nationals). Less recently, the social partners were empowered to stipulate contingents by occupation, including procedures to be applied in the event that contingents are exceeded. Meanwhile, in the 1990s, the formal option only existed of setting such contingents for economic sectors, namely for tourism and agriculture (Bezdeka/Graser, 1993:47).¹⁵ Even today, contingents continue to be regulated for those two sectors of the economy. The contingents only serve to control access to employment and not to migration per se. They are also open to third-country nationals already residing in Austria.

Since 1 July 2011, for the first time ever, the minister has been empowered to issue what is referred to as a Regulation for Skilled Workers and applies to third-country nationals. The regulation lists specific occupations, referred to as ‘shortage occupations’ (Articles 12a and 13 Act Governing the Employment of Foreign Nationals). Prior to that there was, and still is, a very similar legal arrangement, which regulates access to employment for EU nationals who fall under valid transitional provisions. What is referred to here is the Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers.¹⁶ Issued in 2008, the regulation currently applies to Croatian citizens. It lists many more occupations than the list of shortage occupations for third-country nationals.¹⁷

On the whole, managed immigration to Austria accounts for only a very small share of total migration. It amounts to only around 12 per cent and comprises seasonal workers and key workers from third countries as well as other third-country nationals. The majority of immigrants, roughly 57 per cent, are EU/EFTA nationals (Statistics Austria et al., 2014:39).

15 Art. 7 Residence Act 1992, Government Proposal, available at www.parlament.gv.at/PAKT/VHG/XVIII/I/I_00525/imfname_261546.pdf (accessed on 7 May 2015)

16 FLG II No. 350/2007, in the version of FLG II No. 395/2008. The Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers allows work permits to be granted to EU nationals who fall under transitional provisions, provided they have specialized training in certain occupations.

17 Public Employment Service Austria, *Information zur Ausländerbeschäftigung, Fachkräfte-Zulassung für kroatische BürgerInnen*, as of 01/2015, available at www.ams.at/_docs/Fachkraefte-Zulassungen_08.pdf (accessed on 13 March 2015).

2.2.2 Discussion among Policymakers and in the Media

The beginnings of that area of Austrian migration policy, which focuses on immigration for the purpose of employment, go back to the so-called ‘guest worker model’ of the 1960s. This model was designed to fill labour shortages through labour migration from regions of former Yugoslavia and from Turkey. At the same time, avoiding unemployment was always the top priority. Recently the notion has again emerged that a labour shortage could damage Austria’s attractiveness for business, making it more difficult to combat unemployment. A controversial debate nonetheless continues over whether to counteract any identified labour shortage through immigration of workers from other countries and in particular from third countries. Doubts are sometimes raised as to whether the Austrian labour market actually does face a short supply, particularly in the present economic climate.¹⁸ A study has been commissioned by the Federal Ministry of Labour, Social Affairs and Consumer Protection to clarify this issue.¹⁹

There is a general preference to prevent any shortages by taking timely measures to provide individuals already residing in Austria (regardless of their citizenship) with training that is suitable in terms of content and duration.²⁰ The ministry’s proposal for amending legislation to introduce the Red-White-Red Card also indicates that labour migration is viewed as a secondary measure. It reads as follows: “The orderly immigration of qualified workers in sectors where a shortage is unable to be rectified even by more intensive training of available workers safeguards Austria’s attractiveness for business and supports sound employment growth.”²¹

In this case it is typical that the offers extended to workers from third countries are limited to a small number of occupations and, more significantly, are not made with a view to immediate, permanent settlement. This position is also reflected in the fact that between 2007 and 2012 Austria had the lowest average share of persons immigrating for the purpose

18 Interview with Hermann Deutsch, Federal Ministry of Labour, Social Affairs and Consumer Protection, 19 March 2015.

19 Ibid.

20 Interview with Marius Wilk, Public Employment Service Austria, 25 March 2015.

21 Federal Act Amending the Act Governing the Employment of Foreign Nationals and the Unemployment Insurance Act 1977, Government Proposal, Preamble and Explanatory Notes, p. 3, available at www.parlament.gv.at/PAKT/VHG/XXIV/ME/ME_00250/fname_202076.pdf (accessed on 6 March 2015).

of gainful employment outside of the free movement of workers, when compared with other countries belonging to the Organization for Economic Co-operation and Development (OECD). Compared to OECD standards, the period of residence required to make highly qualified workers eligible for permanent settlement or for Austrian citizenship is also very long (OECD, 2014a: 148ff.).

The political discussion over the topic of labour migration, and the immigration of third-country nationals to fill the shortage of workers, reflects the positions on these issues held by Austria's political parties and interest group representatives. While the opposition parties, the Greens and the NEOS call for immigration to be simplified based on models such as Canada, the Austrian Freedom Party, on the other hand, has spoken out for a highly restrictive immigration system. The Austrian People's Party and the Social Democratic Party of Austria, the parties currently forming the government, hold opposing views on some issues and, according to analyst Gudrun Biffl, apparently pursue a "half-hearted approach" (Biffl, 2011:27). In contrast, the bodies representing business interest groups are in favour of the immigration of qualified workers and support a revision of the Red-White-Red Card. The trade unions continue to view immigration with scepticism (Biffl, 2011:27).

Every time the issue of the shortage of skilled workers was discussed in the context of migration in the media in 2014, it was especially mentioned that better use should be made of the potential offered by individuals with a migration background who already lived in Austria. The options cited in this regard included a better utilization of migrants' skills²² and raising the employment rate among migrants,²³ as well as providing more funding and support for education and vocational education and training in particular to young people with a migration background.²⁴

22 Salzburg Nachrichten, *Österreichern fällt Jobeinstieg leichter*, 8 March 2014, p. 34.

23 Kurier, *Dramatischer Facharbeitermangel*, 9 July 2014, available at <http://kurier.at/chronik/oberoesterreich/dramatischer-facharbeitermangel/73.908.917> (accessed on 12 March 2015).

24 Kurier, *Tausende Betriebe wollen keine Lehrlinge*, 30 July 2014, available at <http://kurier.at/wirtschaft/unternehmen/fachkraefte-alarm-tausende-betriebe-wollen-keine-lehrlinge/77.446.258> (accessed on 12 March 2015); Salzburg Nachrichten, *Duale Ausbildung als Trumpf*, 9 July 2014, available at www.salzburg.com/nachrichten/rubriken/bestellen/karriere-nachrichten/sn/artikel/duale-ausbildung-als-trumpf-112934/ (accessed on 12 March 2015).

Media reports cite (international) experts as recommending migration from third countries to be stepped up in order to fill the need for workers or skilled workers. Nonetheless, the Federal Ministry of Labour, Social Affairs and Consumer Protection recognizes little need in this regard. Instead, the ministry points out that many people in Austria are employed at jobs below their actual level of training and also notes that in recent years certain jobs have been dropped from the list of shortage occupations.²⁵

The Red-White-Red Card in particular was extensively featured in Austrian media in 2014. The main items mentioned were the high bureaucratic obstacles when applying for the Red-White-Red Card, the strict rules governing admission²⁶ and the small interest shown²⁷ – especially among the highly qualified. Since its introduction in 2011, the number of Red-White-Red Cards has remained well below expectations. In view of this fact, options for revision are under discussion. This particularly revealed a lack of unity among the government parties. While the Austrian People's Party called for the conditions for admission to the Red-White-Red Card to be simplified, the Social Democratic Party of Austria saw little need for

25 Der Standard, *OECD fordert: Regeln für Rot-Weiß-Rot-Card lockern*, 16 December 2014, available at <http://derstandard.at/2000009448399/OECD-fordert-Lockerungen-bei-Regeln-fuer-Rot-Weiss-Rot> (accessed on 12 March 2015); Format, *EU-Bericht zu Arbeitsmarkt: Migration und Mobilität forcieren*, 18 September 2014, available at www.format.at/politik/bericht-eu-arbeitsmarkt-5095117 (accessed on 12 March 2015);

26 Die Presse, *Warum die Guten nicht kommen*, 3 May 2014, available at http://diepresse.com/home/wirtschaft/economist/3800622/Arbeitsmarkt_Warum-die-Guten-nicht-kommen (accessed on 12 March 2015); Format, *Fachkräfte: Bürokratie in Rot-Weiß-Rot verhindert Zuzug*, 21 August 2014, available at www.format.at/politik/oesterreich/fachkraefte-buerokratie-rot-weiss-rot-zuzug-377508 (accessed on 12 March 2015); Wiener Zeitung, *Dickicht der Bürokratie*, 10 July 2014, available at www.wienerzeitung.at/nachrichten/wien/stadtpolitik/643634_Dickicht-der-Buerokratie.html (accessed on 12 March 2015).

27 Der Standard, *Weiter kein Ansturm auf Rot-Weiß-Rot-Card*, 29 July 2014, available at <http://derstandard.at/2000003663534/Weiter-kein-Ansturm-auf-Rot-Weiss-Rot-Card> (accessed on 12 March 2015); Die Presse, *Rot-Weiß-Rot-Karte weiterhin ein Ladenhüter*, 1 February 2014, available at <http://diepresse.com/home/politik/innenpolitik/1556681/RotWeissRotKarte-weiterhin-ein-Ladenhuter> (accessed on 7 May 2015); Wiener Zeitung, *Rot-Weiß-Rot-Karte weiter kein Renner*, 1 February 2014, available at www.wienerzeitung.at/themen_channel/integration/politik_und_recht/604804_Rot-Weiss-Rot-Karte-weiter-kein-Renner.html (accessed on 7 May 2015).

a revision.²⁸ The opposition parties of the NEOS and the Greens, on the other hand, demand that access to the Red-White-Red Card be eased for third-country nationals.²⁹ In early 2014 there was also public debate concerning highly qualified third-country nationals who leave the country after completing their studies in Austria.³⁰

No discussions are held regarding the need for workers with low qualifications, even though a demand exists. The number of third-country nationals employed at jobs below their level of training, which is relatively high when compared with other OECD countries (Krause/Liebig, 2011:13), suggests among other things that a demand for low-skilled labour does in fact exist.

2.3 Instruments for Managing Labour Migration

Austria has various instruments in place to manage the migration of specific groups of labour migrants. These include contingents, quotas, a point system, labour market tests, and others. These instruments are described in detail below.

- 28 Der Standard, *Rot-Weiß-Rot-Karte, ÖVP will Zugang rasch erleichtern*, 5 November 2014, available at <http://derstandard.at/2000007765959/OeVP-will-rasche-Einigung-bei-Rot-Weiss-Rot-Karte> (accessed on 12 March 2015); Kurier, *Hundstorfer: Absage an Kurz*, 4 April 2014, available at <http://kurier.at/politik/inland/rot-weiss-rot-card-hundstorfer-absage-an-kurz/59.193.847> (accessed on 7 May 2015); Kurier, *Kurz fordert flexibleren Zugang zur Rot-Weiß-Rot-Karte*, 3 April 2014, available at <http://kurier.at/politik/inland/kurz-fordert-flexibleren-zugang-zur-rot-weiss-rot-karte/59.033.776> (accessed on 7 May 2015).
- 29 Der Standard, *OECD fordert: Regeln für Rot-Weiß-Rot-Card lockern*, 16 December 2014, available at <http://derstandard.at/2000009448399/OECD-fordert-Lockerungen-bei-Regeln-fuer-Rot-Weiss-Rot> (accessed on 12 March 2015); Format, *Ungewollte Hilfe für Kurz*, 19 February 2014, available at www.format.at/politik/oesterreich/ungewollte-hilfe-kurz-372734 (accessed on 7 May 2015).
- 30 Der Standard, *Erst studieren und dann tschüss*, 22 March 2014, p. 9; Kleine Zeitung, *Akademiker als „Exportschlager“*, 19 March 2014, p. 34; Wiener Zeitung, *Hochqualifizierte verlassen das Land*, 18 March 2014, available at www.wienerzeitung.at/nachrichten/oesterreich/politik/616115_Hochqualifizierte-verlassen-das-Land.html (accessed on 7 May 2015).

2.3.1 Contingents

Contingents have been the main instrument for specifically controlling recruitment by occupation and region ever since the very first recruitment of workers from other countries in 1961. The term does not refer to immigration contingents but rather to employment contingents for the purpose of controlling the number of migrants, i.e. the aim is to “overcome an anticipated or existing scarcity of resources, by granting permits only to a pre-determined number of migrants” (Pöschl, 2015:112). Today employment of only two groups is limited by contingents, specifically employees from EU Member States falling under transitional provisions (currently Croatian nationals) and low-qualified labour migrants.

The contingents for employees from new EU Member States, whose right to pursue employment has been restricted for a transitional period,³¹ are specified in the Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers.³² The regulation allows work permits to be issued for certain occupations, provided that the recipient has specialized training in the particular occupation (Art. 1 Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers).

In the case of low-qualified labour migrants, the Federal Ministry of Labour, Social Affairs and Consumer Protection defines contingents of the numbers to be employed to fill the need for seasonal workers. Such contingents exist for temporarily employed aliens (i.e. seasonal workers) and for harvest workers (Art. 5 para 2 Act Governing the Employment of Foreign Nationals). These contingents are defined in the Settlement Regulation, whereby the maximum figures may not be exceeded on an annual average. In 2014 the contingent for temporarily employed aliens comprised 4,500 work permits, while that for harvest workers was 700 permits (Art. 2 para 1 and 2 Settlement Regulation 2014).³³ Only the annual average of these contingents must not be exceeded; in other words, the contingents represent the size of the pool, i.e. the average number of persons employed in that specific category during the year. Consequently, the number of work permits actually issued is a multiple of the contingent

31 For more information see EC, *Enlargement – transitional provisions*, available at <http://ec.europa.eu/social/main.jsp?catId=466&langId=en> (accessed on 7 May 2015).

32 FLG II No. 350/2007, in the version of FLG II No. 395/2008.

33 FLG II No. 480/2013.

(Kratzmann et al., 2011:41–42). Employers can apply to the regional offices of Public employment Service Austria to obtain work permits granted as part of the seasonal contingents. The permit is issued on condition that there is capacity in the contingent, wage and working regulations are observed, and Public Employment Service Austria has no registered job-seekers who could be placed in the job (Art. 4 Act Governing the Employment of Foreign Nationals). ³⁴An individual who has never been previously employed in Austria is only issued a permit if no member of the regional advisory board of Public Employment Service Austria votes to the contrary (Art. 5 para 6 Act Governing the Employment of Foreign Nationals).

2.3.2 Quotas

An additional quantitative restriction exists in the area of labour migration. This relates to a category referred to as ‘mobility cases’. The category comprises third-country nationals who have obtained the ‘permanent residence – EU’ residence permit from another EU Member State and who wish to come to Austria for the purpose of pursuing independent or dependent employment (Art. 13 para 2 subpara 5 Settlement and Residence Act). If they wish to continue their migration to Austria, like all other third-country nationals, they must provide evidence of a high or moderate level of qualification, while additionally requiring a free place under the quota (Pöschl, 2015:74). This quota is defined in the Settlement Regulation, which specifies the maximum annual numbers of third-country nationals permitted to take up residence in Austria under any residence permit subject to quotas. Such mobility cases do not, however, account for any significant numbers. Pursuant to the 2014 Settlement Regulation, 64 settlement permits for the purpose of pursuing dependent employment (dependently employed mobility cases) and 32 settlement permits for the purpose of pursuing independent employment (self-employed mobility cases) were allowed to be issued in 2014 (Art. 3 Settlement Regulation 2014). However, there is no immediate relationship between the permits and occupations in which a labour shortage was identified.

34 Federal Ministry of Labour, Social Affairs and Consumer Protection and Federal Ministry of the Interior, *Seasonal workers*, available at www.migration.gv.at/en/types-of-immigration/fixed-term-employment/seasonal-workers.html (accessed on 10 March 2015).

2.3.3 Point System

The use of quality-based criteria in labour migration management is increasing. Since 1 July 2011, the Red-White-Red Card has been available as a solely criteria-based option for immigration. Applicants for the Red-White-Red Card are evaluated individually according to a point system. It is a single permit for residence and employment. Underlying the Red-White-Red Card is a set of instruments that are consistently subject to redesign and calibration. Currently it entails several categories: (i) skilled workers in shortage occupations; (ii) other key workers; (iii) very highly qualified workers; (iv) university graduates in Austria; and (v) self-employed key workers (Bittmann, 2013:12). While the first category expressly refers to persons in specific occupations, the second relates to levels of skills and compensation without being restricted to any occupation, and the remaining categories are based on a certain level of qualification.³⁵

The term 'key worker' goes back to the 1990s. A residence permit for highly qualified immigrants was first introduced with the 2003 amendment of aliens laws (Kratzmann et al., 2011:30). Immigration of such key workers was restricted not only on the basis of criteria such as qualifications and job experience but also by a quota (Bittmann, 2013:14f.). The fact that the quota was not exhausted is attributed to the stringent admission criteria. The quota system was discontinued in mid-2011, with the introduction of the Red-White-Red Card. It was hoped that in time the Red-White-Red Card would counteract the forecast shortage of young skilled workers.³⁶

The categories listed under the Red-White-Red Card can be distinguished in terms of orientation on supply or demand, in which case demand orientation signifies alignment with an existing labour shortage. On

35 For example, individuals designated for the position of a key worker at a company, but also professional athletes or coaches; see Federal Ministry of Labour, Social Affairs and Consumer Protection and Federal Ministry of the Interior, *Other key workers*, available at www.migration.gv.at/en/types-of-immigration/permanent-immigration-red-white-red-card/other-key-workers.html (accessed on 10 March 2015) and Federal Chancellery Austria, "*Rot-Weiß-Rot – Karte*" – Antrag, available at www.help.gv.at/Portal.Node/hlpd/public/content/12/Seite.120308.html (accessed on 7 May 2015).

36 Federal Act Amending the Act Governing the Employment of Foreign Nationals and the Unemployment Insurance Act 1977, Government Proposal, Preamble and Explanatory Notes, p. 2 f., available at www.parlament.gv.at/PAKT/VHG/XXIV/ME/ME_00250/fname_202076.pdf (accessed on 6 March 2015).

the supply side, reference is made to the Red-White-Red Card for very highly qualified workers. This category provides the option of a visa-based immigration for the purpose of seeking employment, without the requirement of a specific job offer. In contrast, the Red-White-Red Card for skilled workers in shortage occupations is aligned with demand. This category is issued only to individuals qualified for occupations in which a labour shortage has been identified (OECD, 2012:62). This is determined by referring to the list of shortage occupations issued each year. The Red-White-Red Card for other key workers has also been designed to consider demand. Here too a specific employment offer is required, whereby the deciding factor is the level of compensation and not the occupation. In addition, a labour market test is conducted. Overall it can be said that the Red-White-Red Card tends to be aligned with demand (Bittmann, 2013:19–20).

2.3.4 Labour Market Test

In the case of the Red-White-Red Card for other key workers, a labour market test is carried out pursuant to Art. 4b of the Act Governing the Employment of Foreign Nationals. In other words, the Red-White-Red Card is only issued where the test reveals that no registered job-seeker with comparable qualifications could be placed in the position.³⁷ The labour market test is also used for candidates applying for the EU Blue Card and for work permits to be issued within the framework of seasonal contingents.³⁸ In the case of the Red-White-Red Card for skilled workers in shortage occupations, the individual case is not examined against the labour market. Rather, employment is restricted to an occupation in which too few individuals work, i.e. a shortage occupation (Art. 12a Act Governing the Employment of Foreign Nationals). In the case of self-employed key workers, the benefit of the intended employment for the economy as a whole is examined (Act. 24 Act Governing

37 Federal Ministry of Labour, Social Affairs and Consumer Protection and Federal Ministry of the Interior, *Other key workers*, available at www.migration.gv.at/en/types-of-immigration/permanent-immigration-red-white-red-card/other-key-workers.html (accessed on 10 March 2015).

38 Federal Ministry of Labour, Social Affairs and Consumer Protection and Federal Ministry of the Interior, *EU Blue Card*, available at www.migration.gv.at/en/types-of-immigration/permanent-immigration-red-white-red-card/eu-blue-card.html (accessed on 7 May 2015); Federal Ministry of Labour, Social Affairs and Consumer Protection and Federal Ministry of the Interior, *Seasonal workers*, available at www.migration.gv.at/en/types-of-immigration/fixed-term-employment/seasonal-workers.html (accessed on 10 March 2015).

the Employment of Foreign Nationals). No labour market test takes place for very highly qualified workers and for university graduates applying for a Red-White-Red Card (Art. 12 and 12b Act Governing the Employment of Foreign Nationals). Pöschl bases this exception on the assumption that “there is always a need for such workers, or that they are so valuable for the economy that any possible displacement of domestic or integrated foreign workers could be accepted” (Pöschl, 2015:73).

2.3.5 Other Instruments

In a certain context, **trade licences** are also employed as a tool for managing labour migration. An example is seen in round-the-clock nursing care: the heavy demand for this service led to a marked increase in illegal employment, especially of Slovakian nurses, in the wake of EU enlargement on 1 May 2004. The situation was resolved in early 2005, on the one hand, by allowing these women to work as self-employed personal caregiver under favourable taxation conditions and trade licence requirements and, on the other hand, by exempting employed caregiver from the permit requirements laid down in the Act Governing the Employment of Foreign Nationals, if “the employer is either the person requiring nursing care, a member of that person’s family or an Austrian nursing and care organization, that the person requiring nursing is a recipient of nursing care benefits, and that the employment relationship is fully subject to insurance requirements” (Bichl/Bitsche, 2014:79). There has so far not been any modification to this arrangement, even though the working conditions and the level of remuneration are occasionally criticized. Meanwhile more than 60,000 persons have registered for the free profession of personal caregiver, of which probably not all are active.³⁹

Also worth mentioning in this regard are the various measures implemented in recent years to make better use of migrants’ qualifications, as part of wider efforts to enhance Austria’s supply of skilled labour. Examples falling in this category include **qualification measures** for migrants in occupations for which there is a shortage of skilled workers (Krause/Liebig, 2011:55). The social partners have also launched various programmes aimed at migrants, such as “Mentoring for Migrants” by the

39 Interview with Hermann Deutsch, Federal Ministry of Labour, Social Affairs and Consumer Protection, 19 March 2015.

Austrian Economic Chamber⁴⁰ and the Vienna Chamber of Labour's legal advice service for migrants facing discrimination at work (OECD, 2012:68). Nonetheless, these measures are aimed at migrants already residing in Austria.

Since 2013, there are four contact points available in Austria for individuals who have acquired their training outside the country, as well a website offering a summary of information on the recognition of occupations.⁴¹ While not correcting the deficiency identified by the OECD, namely that a single office should be responsible for the **recognition of all qualifications** (OECD, 2012:79), these programmes certainly contribute to enhanced transparency.

40 Austrian Economic Chamber, *Mentoring für MigrantInnen*, available at www.wko.at/Content.Node/Mentoring/Startseite---Mentoring.html (accessed on 7 May 2015).

41 Austrian Integration Fund, *Berufsanerkennung in Österreich*, available at www.berufsanerkennung.at/en/ (accessed on 7 May 2015).

3. LABOUR SHORTAGES AND THE NEED FOR LABOUR MIGRATION

3.1 Definition and Classification

3.1.1 The Definition of Labour Shortage

Not until around 2000, when – as the dotcom bubble swelled – a shortage of skilled labour became associated with labour migration, did the social partners need to define the term ‘shortage’ in any detail. At the time need quickly vanished when the bubble burst in 2001. The issue of labour shortage was only discussed again later, in 2007. In a series of extensive and highly controversial debates, the social partners and the Federal Ministry of Labour, Social Affairs and Consumer Protection settled on a compromise formula for the purpose of the Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers. According to that formula, a labour shortage exists where Public Employment Service Austria has less than 1.5 unemployed job-seekers registered per vacancy nationwide (referred to as the ‘**applicant-to-vacancy ratio**’).⁴² However, this definition was not yet sanctioned in 2007. This only took place in 2013, when the issue at hand was no longer (as with the above-mentioned regulation) permits for EU nationals but for third-country nationals. The corresponding wording as set forth in Art. 13 para 1 of the Act Governing the Employment of Foreign Nationals is as follows:

Shortage occupations are considered to be occupations for which a maximum of 1.5 employment seekers are registered per vacancy (applicant-to-vacancy ratio). Occupations with an applicant-to-vacancy ratio of up to 1.8 can be considered when other objectifiable shortage indicators, in particular an increase in training activities among companies, are identified or when wage levels in the relevant employment sector increase at an above-average rate.

42 Interview with Marius Wilk, Public Employment Service Austria, 25 March 2015.

Up until now, the evaluation to identify any shortage occupation has always been performed at federal level.⁴³ Art. 13 para 1 of the Act Governing the Employment of Foreign Nationals does not specify whether the applicant-to-vacancy ratio needs to be as of a target date or for a certain period; this allows the social partners some scope for interpretation and negotiations. In addition, the wording “are considered” indicates that the rule is only a guideline, which also leaves some latitude for negotiations.

Apart from the Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers and the Regulation for Skilled Workers, cases of shortage occupations can occur and be identified at regional level or at the level of individual firms. Over the past 20 years **Public Employment Service Austria** has defined instruments in order to counteract skills shortages (implacement foundations, job-related training). These instruments are applied at a decentralized level. Normally, such instruments are implemented on the initiative of the provincial offices of Public Employment Service Austria. They allow skills shortages arising in specific firms or within one province’s industry to be counteracted.⁴⁴

To determine the seriousness of the shortage, the relevant information is examined. As a first step, the ‘Company Service’ department of Public Employment Service Austria seeks to fill the shortage of workers of a company only through job placement. If it becomes apparent that a skills shortage exists that is not just short-term, Public Employment Service Austria can propose that the firm share in the responsibility and the funding for training unemployed persons. The instrument usually chosen here is a ‘foundation’ or ‘job-related training’. Besides taking financial pressure off labour market policy, the firm’s funding contribution is aimed at ensuring that the trained unemployed persons actually find suitable employment at the firm.⁴⁵

In other words, a labour shortage – as interpreted by the social partners and by labour representatives in particular – exists in particular when companies have to apply specific instruments to tap sources of

43 Interview with Hermann Deutsch, Federal Ministry of Labour, Social Affairs and Consumer Protection, 19 March 2015.

44 Interview with Marius Wilk, Pubic Employment Service Austria, 25 March 2015.

45 Ibid.

suitable labour resources, which go beyond simply recruiting workers.⁴⁶ Hardly any willingness exists to discuss or define any shortage of labour, and especially a shortage of skilled labour, in a form other than an individualized one.⁴⁷

In view of this individualized form of identifying a labour shortage, it hardly comes as a surprise that policymakers are fully in a position to name firms whose specific needs are addressed through the Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers and the Regulation for Skilled Workers. The same applies to the manner of identifying labour shortages in certain industries. An example of this is the tourism industry. In this case as well, the regional office and the members of its advisory board know the names of every firm. They do not define shortages in general terms but rather in terms of the specific shortage experienced by each firm. This practice is based on the more than 50 years of experience that the regional offices have gathered with the firms in their areas, whereby the regional offices combine the experience of both the employer and the employee sides of the social partnership with that of Public Employment Service Austria. Hermann Deutsch of the Federal Ministry of Labour, Social Affairs and Consumer Protection mentioned in an interview the great confidence placed in this experience and in the information networks represented by the participants.⁴⁸

Whereas evaluations in the context of the social partners' activities are done at the level of the individual firm, evaluations at industry level by university researchers are not ruled out. Such studies can be commissioned by the competent ministry, but only rarely by the one or other member of the social partnership. In general, the regional level plays a very central role here. This can be seen in the fact that decisions on how to handle any labour shortage are taken at the level of the regional offices of Public Employment Service Austria (see above). The local level, i.e. the individual town or municipality, in contrast, is not involved at all, although the specific firms are, as mentioned above.

46 Ibid.

47 Interview with Hermann Deutsch, Federal Ministry of Labour, Social Affairs and Consumer Protection, 19 March 2015.

48 Ibid.

3.1.2 The Role of the Social Partners

The social partners play a key role in determining the need for labour from other countries. The Federal Ministry of Labour, Social Affairs and Consumer Protection, which is the ministry with competencies in labour matters, acts in coordination with the social partners, in contrast to the ministry responsible for migration, the Federal Ministry of the Interior.⁴⁹

The social partners have a say at federal level in the administrative board of Public Employment Service Austria, at provincial level in the directorates, and in the regional advisory boards. All of these bodies include employee and employer representatives. Since Public Employment Service Austria was established in 1994, the provincial directorates have tended to take any specific decisions on the need for foreign labour, whereas the administrative board at federal level has focused on maintaining responsibility for guidelines and monitoring. The administrative board has nine members. Three members are appointed by the federal government (two by the Federal Ministry of Labour, Social Affairs and Consumer Protection, one by the Federal Ministry of Finance), three by employee representative groups (two by the Austrian Trade Union Federation and one by the Chamber of Labour) and three by groups representing employers (one by the Federation of Austrian Industries and two by the Austrian Economic Chamber). One representative of the works council of Public Employment Service Austria and two co-opted members also sit on the board (Art. 5 para 1 and 2 Labour Market Service Act⁵⁰). The chairperson is the former head of the Labour Market Section in the Federal Ministry of Labour, Social Affairs and Consumer Protection.⁵¹ In the provincial directorates on the other hand, two seats each are held by representatives of employees and employers and of the provincial office of Public Employment Service Austria, without any government representation (Art. 13 para 1 Labour Market Service Act).

A committee of the administrative board of Public Employment Service Austria is also involved in preparing the annual list of shortage occupations, which in turn is used to control the admission of skilled workers from third countries within the framework of the Red-White-Red

49 Ibid.; Interview with Marius Wilk, Public Employment Service Austria, 25 March 2015.

50 FLG No. 313/1994, in the version of FLG I No. 40/2014.

51 Public Employment Service Austria, *Die Organisation des Arbeitsmarktservice*, available at www.ams.at/ueber-ams/ueber-ams/daten-fakten/organisation (accessed on 7 May 2015).

Card (refer to 3.2.1). The committee can submit unanimous proposals to define the shortage occupations. Where no consensus is reached, the representatives of employees and of employers can submit separate proposals (second sentence of Art. 13 para 2 Act Governing the Employment of Foreign Nationals).

The social partners also played a part in deciding the specific details of the Red-White-Red Card, which has regulated the access of (highly) qualified workers from third countries to the labour market since 2011. A commission, which also included representatives of the social partners as well as the Federation of Austrian Industries, was tasked by the Federal Ministry of the Interior with developing admission criteria and the point system for the Red-White-Red Card (Bittmann, 2013:17). Krings goes so far as to refer to the Red-White-Red Card as a “revival of the social partnership” (Krings, 2013:263); during the 1990s, Austria’s system of social partnership had partially lost its capacity to act, and for several years after 2000 it was forced to play an unfamiliar marginal role. Krings puts forth arguments for the Red-White-Red Card as being a classic product of social partnership compromise (Krings, 2013:263–278).

3.1.3 Short-Term versus Long-Term Labour Shortage

The Act Governing the Employment of Foreign Nationals, while making a distinction between a short-term labour shortage and a longer-term labour shortage, does not define these terms in detail.

For example, the word ‘short-term’ is mentioned in connection with “intra-corporate transferees” (Art. 18 para 2 Act Governing the Employment of Foreign Nationals), yet without any further definition.⁵² This stands in contrast to the usage with regard to a “temporary additional labour need” as referred to in Art. 5 para 2 of the Act Governing the Employment of Foreign Nationals. In this case harvest workers may be permitted on a short-term basis. Pursuant to Art. 5 para 2 subpara 2 in conjunction with para 5 of the Act Governing the Employment of Foreign Nationals, work permits may be issued for this purpose for a maximum of six weeks. Another time period is specified in the case of contingents “for the temporary permission of foreign workers in a certain sector of the economy, in a certain occupational group or region” (Art. 5 para 2 subpara 1 Act Governing the Employment

52 Yet, in the case of “intra-corporate transferees” the term is used in a context where no work permit is required.

of Foreign Nationals). Here work permits may generally be issued with a maximum validity of six months (first sentence of Art. 5 para 4 Act Governing the Employment of Foreign Nationals). In certain specified exceptions the work permit may be issued for nine months (second sentence of Art. 5 para 4 Act Governing the Employment of Foreign Nationals), whereas a total period of 12 months may not be exceeded (third sentence of Art. 5 para 4 Act Governing the Employment of Foreign Nationals). All of the above, while providing an indication of what is meant by ‘short term’, does not constitute a definition of an actual period of time.

Longer-term labour needs in terms of Art. 13 para 1 of the Act Governing the Employment of Foreign Nationals relate to the so-called Regulation for Skilled Workers, which is issued each year and includes a list of shortage occupations. No legal definition of ‘long term’ is found here either. Yet, as part of their pragmatic yet informal expertise when discussing any claimed shortage, the social partners are naturally accustomed to questioning the duration of the shortage.⁵³

3.1.4 Cyclical versus Structural Labour Shortage

No formal classification of labour shortage exists. With construction, tourism and agriculture, Austria has a total of three significant economic sectors in which capacities are utilized at seasonally varying levels. The construction sector was the first to recruit workers from other countries, in 1961. Within these three economic sectors, there is a strong awareness of seasonality. The main approach to managing seasonality shifted somewhat during the 1990s, from simply procuring labour to cover seasonal peaks towards more balanced capacity utilization throughout the year. This change has resulted in serious problems in many tourist regions as well as in agriculture, which, however, is no longer very significant in statistical terms. The construction sector has also made tremendous progress in this direction.⁵⁴

53 Interview with Hermann Deutsch, Federal Ministry of Labour, Social Affairs and Consumer Protection, 19 March 2015.

54 This development was precipitated by the social partners’ desire to take some financial pressure off two institutions administered by them, namely Public Employment Service Austria and the Construction Workers’ Holiday and Severance Pay Fund. Measures in the tourism sector include, for example, a supplementary collective agreement which stipulates that annual leave days and overtime credits are taken during the off season whenever possible. Corresponding effects were seen in time, as existing employment relationships were maintained with increased frequency during the months most typical for the off season (Biehl/Kaske, 2006:39–40).

The labour shortage in seasonal occupations, while short-term, does recur consistently. Although work permits for seasonal workers are not intended to lead to settlement, they can be renewed on an unlimited basis (OECD, 2014b:133). Kratzmann also observes that the same individuals are often employed season after season ('regular seasonals'), thus adding a circular component to seasonal employment (Kratzmann et al., 2011:42). The social partners are also aware of this fact. This was seen in 2011: during the evaluation period for submitting statements on the proposed amendments to the Act Governing the Employment of Foreign Nationals, the social partners jointly objected to a new passage in Art. 5 para 1. This passage would ensure better legal conditions for seasonal workers who had already worked in the same industry for five years compared with seasonal workers from the new EU Member States, for whom applications for permits would be made for the first time after the expiry of the transitional periods (Bichl/Bitsche/Szymanski, 2014:140–141). The amendment was intended to benefit third-country nationals, and possibly citizens of Romania and Bulgaria (and later Croatia), who resided in Austria and had already been employed as seasonals for five years.

3.2 Identification Instruments

Various instruments are used in Austria for the purpose of identifying a labour shortage and a need for labour migration. These include two instruments which are used for purposes that include identifying a labour shortage (industry-occupation matrices, job vacancy survey) as well as two specialized instruments for identifying labour migration needs (lists of shortage occupations and quotas/contingents). A model for forecasting immigration falling under quotas was also used until 2013. The model included a component for identifying the need for labour migration ('Expertise on Settlement of Foreign Nationals in Austria'). A tool is also available for identifying occupations and skills with a very high demand (Qualification Barometer of Public Employment Service Austria). These instruments are presented in the table below.

Table 1: Instruments used to Identify Labour Shortages and the Need for Labour Migration in Austria

Category	Tool	Purpose: (a) To identify needs for labour migration (b) To identify labour shortages (c) Others	Methodology
Lists of shortage occupations	Regulation for Skilled Workers	(a) To identify needs for labour migration.	Shortage occupations are defined on an annual basis by the Federal Ministry of Labour, Social Affairs and Consumer Protection in consultation with the Federal Ministry of Science, Research and Economy and with the involvement of the social partners, based on the ratio of job vacancies to job-seekers for each occupation.
	Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers	(a) To identify needs for labour migration.	Allows work permits to be granted to EU nationals who fall under transitional provisions, provided they have specialized training in certain occupations.
Quotas / contingents	Settlement Regulation	(a) To identify needs for labour migration.	<ul style="list-style-type: none"> • Analysis of changes in the labour market, in particular of the unemployment rate in the tourism and agricultural sectors; • Analysis of changes in labour supply resulting from migration policy; • Regional labour market monitoring. <p>Based on these data, the Federal Ministry of the Interior, the Federal Ministry of Labour, Social Affairs and Consumer Protection, the provinces and the social partners jointly define employment contingents for seasonal workers and harvest workers as well as immigration quotas for residence permits falling under quotas (Biffl, 2011:31).</p>
Industry analysis	Industry-occupation matrices	(b) To identify labour shortages.	Used as an integral component of econometric forecast models.

Analysis level: (1) E.g. Qualification, occupation, industry (2) International classification (ISCO-08) or national classification of occupations (3) Geographic level (national, regional)	Actors using the tool	Note
(1) Ratio of job vacancies to job-seekers (applicant-to-vacancy ratio); (2) National classification (classification of occupations by Public Employment Service Austria); (3) National level (federal government).	Public Employment Service Austria (specifically a committee of the administrative board), Federal Ministry of Labour, Social Affairs and Consumer Protection, Federal Ministry of Science, Research and Economy.	–
((1) Occupations; (2) National classification (classification of occupations by Public Employment Service Austria); (3) National level (federal government); the minister potentially has the option of introducing geographic restrictions.	Federal Ministry of Labour, Social Affairs and Consumer Protection..	–
(1) Not known; presumably industries and occupations, with qualifications implied in occupations; (2) Not known; presumably national and international classifications; (3) Regional level (federal provinces).	Federal Ministry of the Interior, Federal Ministry of Labour, Social Affairs and Consumer Protection, federal provinces, social partners.	–
(1) Occupations, incl. qualifications, industries; (2) National classification (classification of occupations by Public Employment Service Austria); (3) National (federal government) and in some cases regional level (e.g. the provinces of Upper Austria and Styria).	Austrian Institute of Economic Research.	Provide the basis for medium and long-term forecasts of changes in labour needs by occupation and industry (Biffl, 2011:30).

Category	Tool	Purpose: (a) To identify needs for labour migration (b) To identify labour shortages (c) Others	Methodology
Employer survey	Job vacancy survey	(b) To identify labour shortages.	Survey taken of a sample of companies. Participation is voluntary.
Forecast model	Expertise on Settlement of Foreign Nationals in Austria	(c) Forecast model for the purpose of compiling the quotas, specified in the Settlement Regulation, on the basis of which residence permits falling under quotas are issued to third-country nationals.	The extent to which the quotas for granting residence permits to third-country nationals were utilized during the previous years is examined. Also an estimate is provided for the required quotas for the following year.
Barometer	Qualification Barometer of Public Employment Service Austria	(c) To identify occupations and qualifications with a very high demand.	Data presented: <ul style="list-style-type: none"> • Numbers employed in the occupational areas in relation to the total number employed in the occupational sector; • Numbers employed in individual occupations in relation to the total number employed in the occupational area; • Number of job vacancies; • Significance of specific training for working in all occupations within the occupational area.

Analysis level: (1) E.g. Qualification, occupation, industry (2) International classification (ISCO-08) or national classification of occupations (3) Geographic level (national, regional)	Actors using the tool	Note
(1) Details collected on each vacancy: <ul style="list-style-type: none"> • Name of occupation; • Minimal level of school education preferred; • Apprenticeship (yes/no); • Number of working hours; • Seasonal job (yes/no); • How long a candidate has been sought; • Expected gross monthly income; (2) International classification; (3) National level (federal government).	Statistics Austria.	As the job vacancy survey is based on a random sample, it has so far not come to the attention of decision makers.
(1) Not known; presumably industries and occupations, with qualifications implied in occupations; (2) Not known; presumably national and international classifications; (3) Regional level (federal provinces).	Austrian Institute of Economic Research and Danube University Krems on behalf of the Federal Ministry of the Interior.	The link to labour migration was eventually limited to third-country nationals with a permanent residence permit from another EU Member State (referred to as 'mobility cases'). The tool was discontinued in 2014.
((1) Occupational areas, occupational sectors, industries; (2) National classification (classification of occupations by Public Employment Service Austria); (3) Regional level (federal provinces).	Public Employment Service Austria.	This online service for companies and job-seekers lists the qualification requirements for 10,000 occupations. It is also an information tool used in recruiting foreign workers (Biff, 2011:30).

3.2.1 List of Shortage Occupations

Shortage occupations lists are for the purposes of identifying labour shortages and determining labour migration needs. In Austria such lists are used within the framework of the Regulation for Skilled Workers and the Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers.

The procedure for determining shortage occupations is described in the following. Public Employment Service Austria and the Main Association of Austrian Social Security Institutions maintain a data repository, which both Public Employment Service Austria and the competent ministry can access. Using these data, an evaluation is performed to determine which occupations meet the quantitative requirements, specified by law in 2011, in order to be nominated for the shortage occupations list. The occupations that come under consideration as shortage occupations are specified in the second and third sentences of Art. 13 para 2 of the Act Governing the Employment of Foreign Nationals:

Shortage occupations are considered to be occupations for which a maximum of 1.5 employment seekers are registered per vacancy (applicant-to-vacancy ratio). Occupations with an applicant-to-vacancy ratio of up to 1.8 can be considered when other objectifiable shortage indicators, in particular an increase in training activities among companies, are identified or when wage levels in the relevant employment sector increase at an above-average rate.

'Rare' occupations with fewer than 20 employment vacancies, where for example the occupation can only be pursued at a single firm in all of Austria, are not considered (OECD, 2014b:90). The vacancies reported by temporary employment agencies,⁵⁵ as specified in Art. 3 para 2 of the Workers Relinquishment Act,⁵⁶ are to be indicated separately when determining the applicant-to-vacancy ratio (Bichl/Bitsche/Szymanski, 2014:161). The separately indicated vacancies are multiplied by a factor of 0.9 and the reduced number is then used in calculating total vacancies. That factor is not specified in law but is the result of an agreement between the social partners that has been questioned on occasion. Employee

55 Workers relinquishment is the activity of making workers available to third parties for the purpose of performing work (Art. 3 para 1 Workers Relinquishment Act).

56 FLG No. 196/1988, in the version of FLG I No. 94/2014.

representatives prefer a smaller factor of 0.7⁵⁷ and on previous occasions have referred to a factor of 0.5 as adequate.

Thus, the criteria serving as the basis for defining the lists of shortage occupations are related to the current labour market situation and not to any forecasts of future needs. According to OECD, this fact clearly distinguishes Austria from other OECD countries. It should additionally be mentioned that the job openings and job-seekers registered with Public Employment Service Austria are mostly in the low-qualified and qualified segments of the job market. This is similarly reflected in the Regulation for Skilled Workers (OECD, 2014b:90–91). As Public Employment Service Austria has rather scanty information on vacancies in the highly qualified segment, and the applicant-to-vacancy ratio for this category is hardly meaningful, there is a consequential risk of overlooking a shortage of workers in this area (OECD 2014b:22).

In principle, the Federal Ministry of Labour, Social Affairs and Consumer Protection does have some degree of discretion, and may include occupations in the list with an applicant-to-vacancy ratio of more than 1.8 or exclude others even though the specific ratio is below 1.5 (OECD, 2014b:90). Special circumstances are carefully noted and partly taken into consideration.⁵⁸ An example here is graduate nurses; with a ratio of 1.9 in 2014, the occupation was no longer considered a shortage occupation (OECD, 2014b:90). This is the result among other things of efforts to train more nurses in the last 10 years. Yet, the nursing occupation was nonetheless included in the shortage occupations list for 2014 and later added to the list for 2015. The underlying reason was to ensure that the nurses currently in the process of having their professional qualifications recognized will be allowed to complete the additional training required. Currently, any further inclusion of the occupation in 2016 is unlikely.⁵⁹

Defining the shortage occupations list is not simply a mechanical procedure but ultimately very much a negotiation process, albeit strongly guided by the quantitative requirements as specified by law.

57 Interview with Hermann Deutsch, Federal Ministry of Labour, Social Affairs and Consumer Protection, 19 March 2015.

58 Ibid.

59 Ibid.

Descriptions of how the list is defined vary somewhat. In its report, the OECD emphasizes the key role played by the social partners in comparison with other OECD countries. While in Spain and Sweden the social partners are merely consulted, in Austria they play a key role, as they actually define the shortage occupations list (OECD, 2014b:91).

According to the OECD, the shortage occupations list is developed each year by a committee comprising representatives of the social partners and the Federation of Austrian Industries. The committee, which is appointed by a committee of the administrative board of Public Employment Service Austria, defines the shortage occupations list based on the applicant-to-vacancy ratio. The committee then submits its proposed shortage list to the Federal Minister of Labour, Social Affairs and Consumer Protection, who, in accord with the Minister of Science, Research and Economy, reviews the list and subsequently publishes it as part of the Regulation for Skilled Workers for the following year. The final decision regarding which occupations will be included in the shortage occupations list lies within the competence of the Federal Minister of Labour, Social Affairs and Consumer Protection. In practice, however, the minister accepts the committee's proposal virtually unchanged (OECD, 2014b:90–91).

In contrast, the provisions of Art. 13 para 2 of the Act Governing the Employment of Foreign Nationals do not actually stipulate the procedure described above. There it is stated:

A committee to be established by the administrative board of the Public Employment Service Austria in accordance with the provisions of the Labour Market Service Act [...] can submit unanimous proposals for the definition of shortage occupations in accordance with para 1. In the event that no consensus is reached, the representatives of employers and of employees can submit separate proposals.

The reference to the Labour Market Service Act ensures that there is equal representation of employees and employers in the committee. The provision in Art. 13 of the Act Governing the Employment of Foreign Nationals does not, however, mean that the administrative board or a committee under it must take the initiative to define the list or that it must make any proposals whatsoever. The committee has the option (“can”) but is not required to. The usual practice instead is for the Federal Ministry of Labour, Social Affairs and Consumer Protection to prepare a draft list of

all occupations and then present it to the social partners to allow them to exercise their right to make proposals. This procedure avoids tedious discussions between the social partners while nonetheless considering their wishes. From the outset it is the ministry's intention to produce a paper capable of consensus, as anything else would unnecessarily add to the effort.⁶⁰

The list of shortage occupations is prepared each year and issued in the form of the Regulation for Skilled Workers by the Federal Minister of Labour, Social Affairs and Consumer Protection in accord with the Federal Minister of Science, Research and Economy. The Regulation for Skilled Workers is always issued around November 1 and enters into force as of January 1 of the following year. The regulation remains valid until the end of that calendar year. An exception was the first Regulation for Skilled Workers for 2012, which only went into effect as of 15 June 2012 and was valid until the end of 2012, as stipulated between the social partners and the federal government in 2011. The list of shortage occupations published in the Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers has not been modified since 2008. Applying to EU nationals, it is prohibited to modify the list to disadvantage and only additions could be made.⁶¹ Both regulations are available to the public in Federal Law Gazette II; however, they are also circulated within Public Employment Service Austria and the social partner organizations.

The two lists of shortage occupations – both the Regulation for Skilled Workers and the Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers – are legally binding for decisions by the branch offices of Public Employment Service Austria on whether to issue work permits and conditional assurances.⁶² Red-White-Red Cards for skilled workers in shortage occupations are granted only to persons pursuing employment in an occupation that is on the list of shortage occupations in the Regulation for Skilled Workers. The following

60 Interview with Hermann Deutsch, Federal Ministry of Labour, Social Affairs and Consumer Protection, 19. März 2015.

61 Ibid.

62 A document that allows the employer to recruit alien workers who are to work in Austria for a limited period and are not permitted to enter the country without a visa (Public Employment Service Austria, *Sicherungsbescheinigung*, available at www.ams.at/service-unternehmen/auslaenderinnen/zugangsberechtigungen/sicherungsbescheinigung, accessed on 28 April 2015).

conditions must also be met: vocational education and training completed in that particular occupation, a binding job offer, and at least 50 of a maximum of 75 points in a point system that evaluates qualification, job experience, language skills and age (refer to 2.3.3).⁶³ Similarly, work permits for EU nationals subject to transitional provisions (currently Croatian nationals) are only issued for the shortage occupations listed in the Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers.

3.2.2 Other Instruments

Quotas/Contingents

Quotas or contingents are used as a tool to identify labour migration needs. They are specifically used for the purpose of setting the annual employment contingents for seasonal workers and harvest workers as well as the immigration quota for the group referred to as ‘mobility cases’. The latter are third-country nationals who have obtained the ‘permanent residence – EU’ residence permit from another EU Member State and who wish to come to Austria (refer to 2.3.2).

These figures are based on the analyses of changes in the labour market, in particular of the unemployment rate in the tourism and agricultural sectors, and changes in labour supply resulting from migration policy, as well as monitoring the regional labour market. Based on these data, the Federal Ministry of the Interior, the Federal Ministry of Labour, Social Affairs and Consumer Protection, the provinces and the social partners jointly define the contingents and quotas (Biff, 2011:31).

The quotas/contingents are published annually as part of the Settlement Regulation in Federal Law Gazette II, making them legally binding in practice for the branch offices of Public Employment Service Austria when issuing permits.

Industry Analysis

Industry-occupation matrices provide the basis for medium and long-term forecasts of changes in labour needs by occupation and industry. As

63 Federal Ministry of Labour, Social Affairs and Consumer Protection and Federal Ministry of the Interior, *Skilled workers in shortage occupations*, available at www.migration.gv.at/en/types-of-immigration/permanent-immigration-red-white-red-card/skilled-workers-in-shortage-occupations.html (accessed on 7 May 2015).

an integral component of econometric forecast models they serve in the analysis of occupations and industries at federal level and, in some cases, at regional level (e.g. in the case of the provinces of Upper Austria and Styria). This tool is applied by the Austrian Institute of Economic Research (Biffl, 2011:30).

The analysis results are related to economic forecasts and are not used to specify any of the instruments for managing labour migration that are described in Section 2.3. The results are not actually communicated to the outside and cannot be accessed by the public.

Employer Survey

The job vacancy survey was introduced in 2009 based on the EU Regulation on Quarterly Statistics on Community Job Vacancies.⁶⁴ It serves to identify labour shortages. For this purpose, Statistics Austria conducts a survey among a sample of firms. Participation is voluntary. The details recorded for each vacancy are: name of occupation; minimal level of school education preferred; job type; number of working hours; how long a candidate has been sought; and expected gross monthly income.

No specific application of the job vacancy survey in policymaking or labour migration measures is known. One of the reasons is that the survey carried out is at random and as such is necessarily fraught with statistical uncertainty, making it unsuitable for defining such detailed measures as are taken by the social partners. The results are published on the Statistics Austria website.⁶⁵

Forecast Model

The Expertise on Settlement of Foreign Nationals in Austria was prepared annually from 1994 to 2013. The purpose was to compile the quotas for the following year, as specified in the Settlement Regulation, on the basis of which residence permits falling under quotas are issued to third-country nationals (family members, private individuals not intending to work, changes of purpose, mobility cases) (Biffl/Bock-Schappelwein, 2013:18).

64 Regulation (EC) No. 453/2008 of the European Parliament and of the Council of 23 April 2008 on Quarterly Statistics on Community Job Vacancies.

65 Statistics Austria, *Offene-Stellen-Erhebung*, available at www.statistik.at/web_de/frageboegen/unternehmen/offene_stellen_erhebung/index.html (accessed on 19 March 2015).

The extent to which the previous years' quotas had been utilized was reviewed, while the potential need for additional foreign workers was forecast, with a view to ensuring steady economic growth. The relationship to labour migration was in the end limited to third-country nationals with a permanent residence permit from another EU Member State (referred to as 'mobility cases').

The study was carried out by the Austrian Institute of Economic Research and Danube University Krems under a mandate by the Federal Ministry of the Interior. The findings are available to the public at the website of the Federal Ministry of the Interior.⁶⁶ The tool was discontinued in 2014.

Barometer

The Qualification Barometer of Public Employment Service Austria is designed to be used for identifying occupations and skills with a very high demand. The parameters listed below are presented in chart form:

- Numbers employed in the occupational areas in relation to the total number employed in the occupational sector;
- Numbers employed in individual occupations in relation to the total number employed in the occupational area;
- Number of job vacancies; and
- Significance of specific training for working in all occupations within the occupational area.

The findings are derived from an evaluation of occupational fields, occupational sectors and industries at provincial level.

The findings are published in reports on qualification structures, which are available on the website of the research network of Public Employment Service Austria.⁶⁷

The Qualification Barometer is an online service for companies and job-seekers, which is used as an information tool in basic and specialized training and for recruiting foreign workers (Biffl, 2011:30). The Qualification Barometer does not play any part in the decision-making process concerning labour migration management.

66 Federal Ministry of the Interior, *Niederlassung und Aufenthalt – Statistiken*, available at www.bmi.gv.at/cms/BMI_Niederlassung/statistiken/ (accessed on 13 April 2015).

67 Public Employment Service Austria, *Qualifikations-Barometer*, available at <http://bis.ams.or.at/qualibarometer/berufsbereiche.php> (accessed on 2 April 2015).

3.3 Current Results of Applying Instruments

The results of applying the instruments listed under 3.2, i.e. findings concerning the current labour shortage and labour migration needs, are presented below. Excepted here from are industry-occupation matrices, as these are not published.

Lists of Shortage Occupations

The annually issued Regulation for Skilled Workers, in which the shortage occupations have been specified since 2012, has consistently listed fewer occupations since 2012. Whereas in 2012 it was still possible to recruit skilled workers from third countries for 26 shortage occupations, the number fell to 24 in 2013 and further to 16 in 2014, and amounted to only 12 occupations in 2015. Most of the occupations listed in the Regulation for Skilled Workers between 2012 and 2015 were workers in trades and crafts (ISCO main occupation group 7), while a few technical occupations (ISCO main occupation group 3) and university-level professions (ISCO main occupation group 2) were listed as well. Among the top five occupations listed in the past four years were: milling machinists, asphalt roofers, metal turners, roofers, mechanical engineering technicians, welders and flame cutters, high-voltage electrical engineers and agricultural machinery mechanics.

Table 2: Shortage Occupations Including Position in the Regulation for Skilled Workers 2012–2015

Shortage occupation	Year			
	2012	2013	2014	2015
Milling machinists (7223)	1	1	1	1
Asphalt roofers (7121)	–	–	–	2
Metal turners (7223)	2	2	4	3
Roofers (7126)	3	4	2	5
Mechanical engineering technicians (3115)	4	3	3	6
Welders and flame cutters (7212)	5	6	5	8
High-voltage electrical engineers (2151)		5	7	–
Joiners (7115)	6	7	–	–
Gas and combustion technicians (3115)	7	–	–	–
Sheet metal fitters (7126)	8	–	10	–
Building and related electricians (7411)	9	8	12	–
Concrete placers, concrete finishers and related workers (7114)	–	–	9	–
Agricultural machinery mechanics (7233)	10	9	15	4
Mechanical engineers (2144)	11	11	13	–
Carpenters (7115)	12	13	–	–
Structural metal workers (7214)	13	15	–	–
(Other) sheet metal workers (7126, 7213)	14	–	11	10
Machinery technicians (7233)	15	14	–	–
High-voltage electrical technicians (3113)	16	10	6	7
Pipe fitters and erectors (7214)	17	12	–	–
Carpenters and joiners (7115)	18	16	–	–
(Other) high-voltage electrical technicians (7412)	–	18	14	11
Floor layers (7115)	19	21	–	–
Tile setters (7122)	20	–	–	–
Information technology technicians (3511)	21	17	8	–
Woodworking machinists (7523)	22	23	–	–
Special technicians (314)	23	20	–	–
Tool, die and punch makers (7222)	24	22	–	9
Spray painters and varnishers (7132)	–	24	–	–
Engineers (university level) (21)	25	–	–	–
Nursing professionals (3221)	26	19	16	12

Source: Art. 1 Regulation for Skilled Workers 2012, 2013, 2014 and 2015.

Note: The names of the occupations are taken from the classification of occupations by Public Employment Service Austria.

The list of shortage occupations for 2008, issued with the Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers, contains a total of 57 occupations, after two additions in 2008. The list has not been altered since. Since it applies to EU nationals, the list must not be modified to disadvantage, yet additions could have been made.

Quotas/Contingents

In 2015 the contingent for temporarily employed aliens comprises 4,500 work permits, while that for harvest workers includes 700 permits (Art. 2 Settlement Regulation 2015⁶⁸). This means that there was no change compared to 2014 (Art. 2 Settlement Regulation 2014⁶⁹). In 2013 a potential 7,000 work permits could still be issued for temporarily employed aliens and 2,500 work permits for harvest workers (Art. 2 Settlement Regulation 2013⁷⁰). As mentioned above, these specified numbers apply to third-country nationals, while including individuals already living in Austria who otherwise have no access to employment.

In addition, the rather small quota of 106 residence permits for the purpose of employment in ‘mobility cases’ has been specified for 2015. Such are issued to third-country nationals who have obtained the ‘permanent residence – EU’ residence permit from another EU member state and who wish to come to Austria. The number authorized in 2014 was only 96 and only 91 in 2013 (Art. 2 Settlement Regulation as amended in 2013, 2014 and 2015). In view of the rather slow business cycle, this gradual increase is somewhat surprising, especially when considering the accompanying increase of cases where the purpose of the stay was changed from ‘family member’ to ‘Red-White-Red Card Plus’ (from 165 cases in 2013 and 2014 to 195 in 2015).

Employer Survey

The job vacancy survey revealed a decline in the annual average number of vacancies between 2012 and 2014 (from 69,500 in 2012 to 62,400 in 2014). On average for 2014, about 41,200 vacancies were identified in the services sector as well as 11,300 in the production sector

68 FLG II No. 361/2014.

69 FLG II No. 480/2013.

70 FLG II No. 448/2012.

and 9,800 in the public sector. This ratio has hardly changed in recent years (Statistics Austria, 2015a).

Seasonal employment accounted for nine per cent of the advertised vacancies (Statistics Austria, 2015b).

When viewed by working time, 74.8 per cent of the vacancies advertised in 2014 were full-time positions, 14.7 per cent were part-time positions offering wages above the marginal earnings threshold and 2.9 per cent with wages below the threshold. In 7.6 per cent of cases the working time could not be ascertained (Statistics Austria, 2015b).

In terms of minimum education, 37.1 per cent of vacancies in 2014 required completed compulsory schooling or no minimum scholastic qualification, 27.9 per cent required completed vocational education and training, 12.8 per cent an upper secondary certificate, 9.9 per cent training beyond the secondary level, and for 4.8 per cent the prerequisite was either an intermediate secondary certificate or master craftsperson's training. The educational prerequisite was not known in 7.5 per cent of the cases (Statistics Austria, 2015b).

Forecast Model

The last Expertise on Settlement of Foreign Nationals in Austria, published in September 2013, predicted a constant number of working-age individuals for 2013 and 2014 (5.7 million); other forecasts included a very slight increase in the actively employed (+1.2% in 2013; +1.0% in 2014, over the previous year) and rising unemployment (+8.1% in 2013, +3.2% in 2014, over the previous year). It was predicted that the employment rate would rise by about 0.5 percentage points in each of the years 2013 and 2014 (Biffi/Bock-Schappelwein, 2013:96).

The Settlement Regulation specified maximum quotas for 2013 in the various categories as shown below.

Table 3: Annual Maximum Number of Settlement Permits Subject to Quota (2013)

Category	Annual maximum number of settlement permits subject to quota
Family reunification	4,570
Private individuals not intending to work	275
Third country nationals with 'permanent residence – EU' (mobility cases)	123
<i>Dependently employed mobility cases</i>	59
<i>Self-employed mobility cases</i>	32
<i>Mobility cases not intending to work</i>	32
Change of settlement purpose: family member settlement permit to settlement permit	165
Total	5,133

Source: Biffi/Bock-Schappelwein, 2013:32.

Based on the degree to which quotas were used up in the period between 2006 and 2012, and on the number of applications during the first six months of 2013, it was predicted that the total maximum number would be sufficient for 2013. The dependently employed and self-employed mobility cases are relevant in the context of labour migration. As of 30 June 2013, 26 permits had been issued in response to 79 applications submitted for a settlement permit under the quota for dependently employed mobility cases. Thus, 44 per cent of the quota had been used up by midyear. 10 applications were made and eight approved under the self-employed mobility case quota. Consequently, only 25 per cent of the quota in this category had been used up by midyear (Biffi/Bock-Schappelwein, 2013:50).

Barometer

The Qualification Barometer of Public Employment Service Austria is a service for companies and job-seekers. An online platform presents trends in qualification for each occupational area and lists job vacancies by province. Occupations and skills that are subject to high demand in various occupational areas are also depicted. For example, rising demand for four occupations in the area of social and educational occupations was forecast in early 2015, specifically for nursing aides, elderly care workers, home-care aides and kindergarten teachers. Good employment

opportunities with stable demand was predicted.⁷¹ As a result of the economic crisis, a rising demand for qualified support in investment decisions and for professional risk analysis was forecast in the area of clerical, business, financial and legal occupations. Demand for two specific occupations (business engineer and controller) was predicted to rise.⁷² Increased demand was also recorded for two occupations in the area of traffic, transport and despatch services, specifically for professional drivers and flight attendants. It was stated that employment in these areas could be expected to increase as a result of the fact that the economic and financial crisis, which especially between 2009 and 2010 had led to stagnation and in some cases to a decline in employment within this entire occupational sphere, had been largely resolved.⁷³

The Qualification Barometer also serves as the basis for the reports on qualification structures, annually published by Public Employment Service Austria since 2004. The 2013 report identifies growing employment potential especially in the services sector. With respect to the changes in qualification levels, the number of individuals completing apprenticeships is expected to rise by six per cent whereas the group of secondary school graduates is forecast to shrink by between three and four per cent, depending on school type, between 2014 and 2017. In addition, an increase in the number of graduates is predicted for most university-level institutions between 2014 and 2020 (AMS, 2014b:487–499).

Conclusion

According to an OECD study, the situation in the Austrian labour market is favourable compared with other countries. The employment rate of about 73 per cent indicates that a relatively large share of the working-age population is employed. Unemployment, in contrast, is low. At five per cent, Austria has the lowest rate in the entire EU (OECD, 2014b:45–46).

71 Public Employment Service Austria, *Qualifikations-Barometer. Soziales, Erziehung und Bildung*, available at http://bis.ams.or.at/qualibarometer/top_berufsbereich.php?id=80 (accessed on 7 May 2015).

72 Public Employment Service Austria, *Qualifikations-Barometer. Büro, Wirtschaft, Finanzwesen und Recht*, available at http://bis.ams.or.at/qualibarometer/top_berufsbereich.php?id=62 (accessed on 7 May 2015).

73 Public Employment Service Austria, *Qualifikations-Barometer. Verkehr, Transport und Zustelldienste*, available at http://bis.ams.or.at/qualibarometer/top_berufsbereich.php?id=83 (accessed on 7 May 2015).

Yet at the same time, like many other western European countries, Austria is experiencing demographic change. This is seen in a slow decline in the working-age population, a rapid increase in the retirement-age population and a population growth solely attributed to immigration.⁷⁴

Austria is currently confident, however, that, thanks to the huge EU labour market, any additional labour needs can be filled with workers from the EU who are entitled to free movement and are well qualified. The potential supply of qualified as well as low-qualified workers from the Member States acceding to the EU since 2004 is still perceived as substantial. Officials expect that firms will be well capable of easily satisfying their short-term or long-term labour needs through migration from those EU Member States or in some cases even from Germany.⁷⁵

In the past 15 years it has been observed that boom cycles accompanied by a rising demand for skilled workers are short-lived. Among policymakers with Public Employment Service Austria, the competent ministry and employee representatives, this observation has led to scepticism towards forecasts predicting long-term and structural shortages. Demographic factors, while also taken into consideration, are considered critically with regard to the development of the potential labour force. Presently, attempts are made to collaborate with individual firms to get an understanding of their situation regarding any special shortages they face and subsequently to identify a solution that utilizes the available instruments.⁷⁶

74 Statistics Austria, *Population forecasts*, available at www.statistik.at/web_en/statistics/population/demographic_forecasts/population_forecasts/index.html (accessed on 1 April 2015).

75 Interview with Hermann Deutsch, Federal Ministry of Labour, Social Affairs and Consumer Protection, 19 March 2015; Interview with Marius Wilk, Public Employment Service Austria, 25 March 2015.

76 Ibid.

4. MONITORING MIGRATION POLICY IN RELATION TO LABOUR SHORTAGES

4.1 Monitoring Mechanisms

No periodic formal review is provided for by law to determine whether migration policy is appropriate for identified labour shortages. An example is the lack of standardized monitoring procedures for comparing the information gathered by the Public Employment Service Austria with that of the immigration office.⁷⁷

There are nonetheless instruments allowing an indirect, rudimentary evaluation.

One example is the tables published monthly by the **Federal Ministry of the Interior**, indicating the number of residence permits issued and the current total of valid residence permits. As the database of the Federal Ministry of the Interior only contains current information, however, it is impossible to follow single individuals as they change from a permit issued in one category to another. Although the total annual number of changes of purpose is published, the individuals specifically affected cannot be identified.⁷⁸

Public Employment Service Austria is in a position to link some of its information with the evaluation of the special admission criteria for the Red-White-Red Card and the EU Blue Card. The linked social insurance data are specifically used to verify whether the promised wage or salary level that was a basis for issuing the Red-White-Red Card was in fact paid out after the card was issued. The results of that evaluation are not recorded, as the OECD observed (OECD, 2014b:56).

The **Expertise on Settlement of Foreign Nationals in Austria**, which was prepared on behalf of the Federal Ministry of the Interior each year between 1993 and 2013, contained – following the introduction of the Red-White-Red Card in July 2011 – also a chapter dealing with changes

77 Interview with Hermann Deutsch, Federal Ministry of Labour, Social Affairs and Consumer Protection, 19 March 2015; Interview with Marius Wilk, Public Employment Service Austria, 25 March 2015.

78 Federal Ministry of the Interior, *Niederlassung und Aufenthalt – Statistiken*, available at www.bmi.gv.at/cms/BMI_Niederlassung/statistiken/ (accessed on 13 April 2015).

in the number of issued and valid Red-White-Red Cards (Biffel/Bock-Schappelwein, 2013:79ff.). The 2012 report lists the number of card holders by age and province. Mention is also made of frequent areas of work and countries of origin. The 2013 report additionally presents the card holders' education level and discusses in detail university graduates holding a Red-White-Red Card. Thus, this series of reports represents a de facto evaluation – to the extent permitted by available data – of the Red-White-Red Card as an immigration management instrument. Preparation of the expertise and its specific content are not defined in any legislation. Art. 13 para 3 of the Settlement and Residence Act does, however, specify that the Austrian Institute of Economic Research – the entity publishing the annual expertise – and other parties must be heard prior to issuing the Settlement Regulation. No further expertise was commissioned for the 2014 Settlement Regulation.⁷⁹

4.2 Mechanisms for Evaluating Intra-EU Mobility

Nor does any specific instrument exist for monitoring the degree to which labour needs are filled by intra-EU mobility. The mobility of the population in general is known from the **Central Register of Residents** and from the excerpts entered quarterly in Statistics Austria's population register.⁸⁰ Yet, the register does not reveal whether movements relate to workers and, if so, whether they are employed or seeking employment.

The **labour market database**⁸¹ of the Federal Ministry of Labour, Social Affairs and Consumer Protection and Public Employment Service Austria records every employment relationship in the private sector from the moment the social insurance authorities gain knowledge of it. The information thus corresponds in time very closely with the actual beginning and end of employment. Yet the labour market database does not contain any information on the date when the employee took up residence in Austria and does not allow any reliable relationship to be established between employment and mobility. Nor does it contain any information concerning

79 Written input by Gudrun Biffel, Danube University Krems, 27 March 2015.

80 Statistics Austria, *International migration*, available at www.statistik.at/web_en/statistics/population/migration/international_migration/index.html (accessed on 2 April 2015).

81 Federal Ministry of Labour, Social Affairs and Consumer Protection and Public Employment Service Austria, *Arbeitsmarktdatenbank*, available at <https://arbeitsmarktdatenbank.at/> (accessed on 2 April 2015).

the occupation pursued (or the individual's training), rather, only the industry is recorded. Since it includes citizenship information, the database is highly suited for observing the number of employees who are citizens of an EU or EFTA country, even down to the level of individual firms, yet without any details on the occupation pursued. This database was specifically used in the 2013 Public Employment Service Austria business report, in the chapter on foreign nationals in the Austrian labour market, to indicate the number of EU citizens employed in Austria (AMS, 2014a:42).

The **Register-Based Labour Market Statistics**⁸² have been prepared as of 31 October of each year since 2008 by Statistics Austria. This information, while based largely on the labour market database, also takes into account employment relationships in the public sector as well as numerous other types. Even these statistics do not include any details on occupation. While based on linking register data with social insurance data, the beginning of residence and of employment are not within the scope of the analysis. The Register-Based Labour Market Statistics are used exclusively for the purpose of providing the most accurate information possible as of the specified reporting date. Besides that, the results only become available with a two-year delay.

Croatian citizens currently still fall under restrictions to labour market access. In the case of this group, information on permits issued is correspondingly available in accordance with the Act Governing the Employment of Foreign Nationals. In the data repository mentioned above (refer to 3.2.1), the data are linked to a certain extent with social insurance information but not with data of the Central Register of Residents.

82 Statistics Austria, *Register-Based Labour Market Statistics*, available at www.statistik.at/web_en/surveys/register_based_labour_market_statistics/index.html (accessed on 2 April 2015).

4.3 Example: The Evaluation of the Red-White-Red Card

The government programme envisages an evaluation of the Red-White-Red Card. The OECD report on recruiting immigrant workers, cited several times above, is in some cases accepted as such an evaluation or at least as an adequate substitute for one. Yet, the deficiencies in data pointed out by the OECD stand in the way of performing a proper evaluation (OECD, 2014b:29).

The OECD observed that the number of incoming (highly) skilled migrants from third countries had doubled by 2013, following the introduction of the Red-White-Red Card and the EU Blue Card in July 2011. The number in 2013 was, at 1,300 persons, nonetheless far short of expectations (5,000 persons in 2015) (OECD, 2014a:236). The Red-White-Red Card category in which the most permits were issued in 2013 was that of other key workers (735 first-time residence permits issued); a labour market test is a prerequisite for such a card. Cards for skilled workers in shortage occupations followed far behind in second place (329 first-time residence permits issued); immigration of these workers is regulated by the list of shortage occupations. The third most frequently issued permit was the EU Blue Card, with 97 issued for the first time (OECD, 2014b:78).

Public Employment Service Austria processed 3,150 applications for Red-White-Red Cards and EU Blue Cards in 2013, to evaluate whether the special admission criteria were met. According to Public Employment Service Austria, that represents a 23 per cent increase over 2012. The increase was purportedly due to rising demand for skilled workers in shortage occupations; it should be noted, however, that Red-White-Red Cards could not be issued for this category prior to June 2012. Very highly qualified and other key workers, in contrast, were somewhat less in demand. Of a total of 1,114 applications for a Red-White-Red Card in the category of skilled workers in shortage occupations, 465 were reviewed with positive outcome. The relatively high rejection rate is attributed to a lack of knowledge of the requirements for obtaining a permit (i.e. shortage occupations, compensation level, language and education), according to Public Employment Service Austria. The majority of Red-White-Red Cards for skilled workers in shortage occupations went to the construction sector (carpenters, roofers and floor layers) and to electricians (AMS, 2014a:42).

One group that has been little studied up to now is that of very highly qualified job-seekers. Provided they meet several requirements, such

individuals can obtain a six-month visa to look for employment in Austria – without any specific job offer.⁸³ 69 such applications were submitted in 2013, whereas only 34 met the requirements. Individuals who have obtained a visa to seek employment can apply for a Red-White-Red Card as very highly qualified workers if they are able to present an employment offer during the validity period of the visa. A comparison with the number of Red-White-Red Cards issued for very highly qualified workers reveals that less than half of the very highly qualified job-seekers were able to find a suitable job offer in Austria (39 of the 47 applications for an Red-White-Red Card were approved). The successful group of very highly qualified job-seekers includes almost without exception IT technicians and programmers, economists and mathematicians (AMS, 2014a:42–44).

83 Federal Ministry of Labour, Social Affairs and Consumer Protection, Federal Ministry of the Interior and Federal Ministry for Europe, Integration and Foreign Affairs, *Permanent immigration – Red-White-Red Card*, available at www.migration.gv.at/en/types-of-immigration/permanent-immigration-red-white-red-card.html (accessed on 2 April 2015).

5. CONCLUSIONS

In Austria, managed immigration accounts for only a very small share of total migration (roughly 12%). The majority of immigrants, about 57 per cent, are from EU/EFTA Member States (Statistics Austria et al., 2014:39). On the question of filling any labour needs through migration, it is assumed that, thanks to the huge EU labour market, hardly any migration policy measures will be required to counteract labour shortages in Austria. A controversial debate is going on over whether to respond to any identified labour shortage through immigration of workers from other countries, in particular from third countries. The Federal Ministry of Labour, Social Affairs and Consumer Protection expresses doubts as to whether a supply shortage exists in the Austrian labour market, while employee representatives are also sceptical of stepping up immigration. Employer representatives, on the other hand, are in favour of the immigration of qualified workers. In general, Austria prefers to prevent any shortages by taking timely measures to provide individuals already residing in Austria (regardless of their citizenship) with training that is suitable in terms of content and duration. Labour migration, in contrast, is viewed as a secondary measure.

Various instruments are used in Austria for the purpose of identifying a labour shortage and a need for labour migration as well as occupations and skills that are under high demand. Yet only two specific categories of instruments can be mentioned that are currently used to define the details of managing labour migration. The first category includes the shortage occupations lists for the issue of Red-White-Red Cards to skilled workers in shortage occupations (Regulation for Skilled Workers) and the issue of work permits to EU citizens falling under transitional provisions regulating access to the employment market (Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers). Croatian nationals are currently required to obtain work permits as referred to in the latter case. Quotas/contingents belong to the second category of instruments (Settlement Regulation). Specifically these include the annual employment contingents for seasonal workers and harvest workers as well as the immigration quotas for the group referred to as 'mobility cases'. The latter are third-country nationals who have obtained

the ‘permanent residence – EU’ residence permit from another EU Member State. With regard to their scope of application, both instruments are seen to be limited.

No statutory provisions specify any formal system for periodically monitoring the effectiveness of the measures taken to fill any labour shortage through migration from third countries. Publicly available statistics have also proven inadequate for this purpose. Instead, policymakers rely on experience gathered over many years.

On the whole, Austria is seen as being generally sceptical of any forecasts predicting long-term and structural shortages; rather, it pursues an individualized approach to identifying labour shortages (at the level of firms) and seeking appropriate solutions.

An OECD study views the lack of a strategy of using labour migration to tackle demographic change, and responding to skills needs, as a competitive disadvantage in the competition among countries to attract skilled workers (OECD, 2014b:175). Austria holds a different view. According to the Federal Ministry of Labour, Social Affairs and Consumer Protection, since opening the labour market for citizens of the new EU Member States, Austria has managed to fill any additional need for qualified workers to a large extent, preferentially through intra-EU mobility. Not least because of intra-EU mobility, the recruitment of workers from third countries will remain limited, as long as the trend continues.⁸⁴

84 Interview with Hermann Deutsch, Federal Ministry of Labour, Social Affairs and Consumer Protection, 19 March 2015.

ANNEX

A.1 Statistics

Table 4: Number of Workers Employed and of Unfilled Vacancies by Selected ISCO-08 Occupations (2013)

ISCO-08 occupation	Total employment*			Employment of EU-nationals from other Member States*			Employment of third-country nationals*			Number of positive certificates for third-country nationals issued by the Public Employment Service Austria**			Number of unfilled vacancies***		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Health professionals (22)	30,400	47,600	78,000	2,300	3,800	6,100	500	700	1,200	14	17	31	0	0	233
<i>Of which: Medical doctors (221)</i>	21,300	18,200	39,500	1,500	1,000	2,500	300	200	500	8	8	16	0	0	149
<i>Of which: Nursing and midwifery professionals (222)</i>	600	3,100	3,700	0	0	0	0	0	0	0	0	0	0	0	8
Personal care workers (53)	10,200	102,400	112,600	600	6,500	7,100	900	4,600	5,500	0	0	0	0	0	409
<i>Of which: Child care workers (5311)</i>	1,000	34,000	35,000	100	2,200	2,300	0	1,600	1,600	0	0	0	0	0	109
<i>Of which: Health care assistants (5321)</i>	9,200	68,400	77,600	500	4,300	4,800	900	3,000	3,900	0	0	0	0	0	202
<i>Of which: Home-based personal care workers (5322)</i>															98
Personal services workers (51)	105,700	157,600	263,300	10,100	13,100	23,300	14,000	13,300	27,300	22	3	25	3	25	3,563
<i>Of which: Cooks (5120)</i>	31,700	19,200	50,900	3,800	1,500	5,200	5,300	1,900	7,200	18	1	19	18	1	1,055
<i>Of which: Waiters (5131)</i>	28,500	56,400	84,600	3,400	8,700	12,100	3,800	5,400	9,200	4	1	5	4	1	1,634
<i>Of which: Cleaning and housekeep services in offices, hotels and other establishments (5151)</i>	34,200	29,700	63,900	2,200	1,300	3,500	4,200	4,500	8,700	0	0	0	0	0	51
<i>Of which: Domestic housekeepers (5152)</i>										0	0	0	0	0	10

ISCO-08 occupation	Total employment*			Employment of EU-nationals from other Member States*			Employment of third-country nationals*			Number of positive certificates issued by the Public Employment Service Austria**			Number of unfilled vacancies***
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	
Skilled agricultural, forestry and fishery workers (6)	115,300	82,400	197,700	1,600	1,400	3,000	1,700	800	2,500	1	0	1	138
<i>Of which: Field crop and vegetable growers (6111)</i>										0	0	0	0
<i>Of which: Gardeners: horticultural and nursery growers (6115)</i>	44,200	26,100	70,300	800	500	1,200	1,700	700	2,400	1	0	1	61
<i>Of which: Livestock and dairy producers (6121)</i>	36,100	30,900	67,000	400	500	800	0	0	0	0	0	0	3
Information and communications technology professionals (25)	63,100	7,400	70,400	3,600	400	4,000	1,700	200	1,800	77	19	96	384
<i>Of which: Software and applications developers and analysts (251)</i>	46,000	5,700	51,700	2,500	300	2,800	1,300	200	1,500	72	18	90	356
<i>Of which: Database and network professionals (252)</i>	17,100	1,600	18,700	1,100	100	1,200	400	0	400	5	1	6	28
Teaching professionals (23)	58,200	142,700	200,900	2,300	7,500	9,800	2,100	2,700	4,900	18	23	41	188
Engineering professionals (excluding electro-technology) (214)	33,000	5,100	38,100	2,300	800	3,100	500	0	500	39	15	54	161

ISCO-08 occupation	Total employment*			Employment of EU-nationals from other Member States*			Employment of third-country nationals*			Number of positive certificates for third-country nationals issued by the Public Employment Service Austria**			Number of unfilled vacancies***		
	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total	Male	Female	Total
Architects, planners, surveyors and designers (216)	18,900	14,500	33,400	1,400	2,100	3,500	200	100	300	18	14	32			55
Accountants (2411)	31,500	19,300	50,800	1,000	1,400	2,400	600	0	600	6	5	11			16

Source: Public Employment Service Austria, special evaluation; Statistics Austria, Micro census – Labour Force Survey and Job Vacancy Survey 2013.

Note: The job titles are those of the ISCO-08 occupations.

* Employment statistics are the annual average of 2013. The numbers are rounded to the nearest 100. Numbers below 500 cannot with adequate certainty be taken to be different from zero.

** No breakdown of issued residence permits by occupation is available. Instead, the number of positive certificates for third-country nationals issued by the Public Employment Service Austria is indicated. While the Public Employment Service Austria approved in 2013 a total of 1,990 applications, only 1,715 Red-White-Red Cards or EU Blue Cards were issued. The difference relates to a variety of reasons including, for example, the time lag between approval and issuing, the withdrawal of applications, or the non-compliance with other requirements that are not examined by the Public Employment Service Austria. For 692 of the 1,990 applications (224 female, 468 male) an ISCO coding was not possible because the national code was incomplete. This was because the occupation indicated by the applicant did not fit into the national coding scheme.

*** Unfilled vacancies are the annual average of 2013.

A.2 List of Translations and Abbreviations

English term	English abbreviation	German term	German abbreviation
Act Governing the Employment of Foreign Nationals	–	Ausländerbeschäftigungsgesetz	AuslBG
Act to Combat Wage and Social Dumping	–	Lohn- und Sozialdumping-Bekämpfungsgesetz	LSDB–G
Austrian Chamber of Agriculture	–	Landwirtschaftskammer Österreich	LK
Austrian Economic Chamber	–	Wirtschaftskammer Österreich	WKÖ
Austrian Freedom Party	–	Freiheitliche Partei Österreichs	FPÖ
Austrian Green Party	–	Die Grünen	–
Austrian Institute of Economic Research	–	Österreichisches Institut für Wirtschaftsforschung	WIFO
Austrian People’s Party	–	Österreichische Volkspartei	ÖVP
Austrian Trade Union Federation	–	Österreichischer Gewerkschaftsbund	ÖGB
Centre for Social Innovation	ZSI	Zentrum für Soziale Innovation	ZSI
Chamber of Labour	–	Arbeitskammer	AK
Citizenship Act	–	Staatsbürgerschaftsgesetz	StbG
Conditional assurance	–	Sicherungsbescheinigung	–
Convention Relating to the Status of Refugees	CRSR	Genfer Flüchtlingskonvention	GFK
European Centre for the Development of Vocational Training	CEDEFOP	Europäisches Zentrum für die Förderung der Berufsbildung	CEDEFOP
European Commission	EC	Europäische Kommission	EK
European Convention on Human Rights	ECHR	Europäische Menschenrechtskonvention	EMRK
European Economic Area	EEA	Europäischer Wirtschaftsraum	EWR
European Free Trade Association	EFTA	Europäische Freihandelsassoziation	EFTA
European Migration Network	EMN	Europäisches Migrationsnetzwerk	EMN
European Union	EU	Europäische Union	EU
Federal Law Gazette	FLG	Bundesgesetzblatt	BGBl.
Federal Ministry for Europe, Integration and	EWR	European Economic Area	EEA
Federal Ministry of Labour, Social Affairs and Consumer Protection	–	Bundesministerium für Arbeit, Soziales und Konsumentenschutz	BMASK
Federal Ministry of Science, Research and Economy	–	Bundesministerium für Wissenschaft, Forschung und Wirtschaft	BMWFW
Federal Ministry of the Interior	–	Bundesministerium für Inneres	BMI
Federation of Austrian Industries	–	Industriellenvereinigung	IV

English term	English abbreviation	German term	German abbreviation
Highly qualified	–	Hochqualifiziert	–
Immigration quota	–	Zuwanderungsquote	–
International Organization for Migration	IOM	Internationale Organisation für Migration	IOM
International standard classification of occupations	ISCO	Internationale Standardklassifikation der Berufe	ISCO
Labour market database	–	Arbeitsmarktdatenbank	AMDB
Labour Market Service Act	–	Arbeitsmarktservicegesetz	AMSG
Labour market test	–	Arbeitsmarktprüfung	–
Labour shortage	–	Arbeitskräftemangel	–
Labour migration	–	Arbeitsmigration	–
Low-qualified	–	Niedrigqualifiziert	–
NEOS – The New Austria	NEOS	NEOS – Das Neue Österreich	NEOS
Organization for Economic Co-operation and Development	OECD	Organisation für wirtschaftliche Zusammenarbeit und Entwicklung	OECD
Province	–	Bundesland	–
Pubic Employment Service Austria	–	Arbeitsmarktservice Österreich	AMS
Qualified	–	Qualifiziert	–
Red-White-Red Card - Very highly qualified - Skilled workers in shortage occupations - Other key workers - University graduates - Self-employed key workers	RWR Card	Rot-Weiß-Rot – Karte - Besonders Hochqualifizierte - Fachkräfte in Mangelberufen - Sonstige Schlüsselkräfte - StudienabsolventInnen - Selbständige Schlüsselkräfte	RWR Karte
Register-Based Labour Market Statistics	–	Abgestimmte Erwerbsstatistik	AEST
Regulation for Skilled Workers	–	Fachkräfteverordnung	–
Regulation for the Overdrawing of the Federal Maximum Number for the Employment of Skilled Workers	–	Fachkräfte-Bundeshöchstzahlenüberziehungsverordnung	Fachkräfte-BHZÜV
Settlement and Residence Act	–	Niederlassungs- und Aufenthaltsgesetz	NAG
Settlement Regulation	–	Niederlassungsverordnung	NLV
Skills shortages	–	Fachkräftemangel	–
Social Democratic Party of Austria	–	Sozialdemokratische Partei Österreichs	SPÖ
Social partners	–	Sozialpartner	–
Vocational education and training	VET	Berufsausbildung	–
Work permit	–	Beschäftigungsbewilligung	–
Workers Relinquishment Act	–	Arbeitskräfteüberlassungsgesetz	AÜG

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