2nd COVID-19-legislation-package

On 20th March 2020 the 2nd COVID-19-legislation-package was passed in the National-Council. In summary, this package contains the following reforms:

Consumption of vacation time and overtime hours

In the event that work cannot be conducted due to the COVID-19 Measures Act, which caused a ban or restriction on entering the business area, employees who cannot perform their work are obliged to use up their vacation time and overtime hours to the extent of a maximum of eight weeks of which only maximum two weeks should be from the present calendar year. The obligation excludes the consumption of time hours which result from a collective arrangement to transfer monetary claims to overtime hours.

These provisions come into force retroactively on 15th March 2020 and cease to be in force on 31st December 2020.

Extraordinary childcare time

The regulations concerning extraordinary childcare time have been modified to the extent that instead of applying those measures to "employees working in a production critical area" the exception rule now applies generally to "employees whose work is necessary to maintain the business". In addition, the extraordinary childcare time provision has been extended for the care of people with disabilities provided that the home for disabled or educational institutions for people with disabilities are closed or partially closed due to the governmental measures.

Measures in corporate law

For the duration of the measures to prevent the spread of COVID-19 pursuant to the COVID-19 Measures Act, shareholders' meetings and assemblies of board members of any corporation, partnership, cooperative, private foundation or association, mutual insurance association or any small insurance company may be held without the physical presence of the participants according to a regulation issued by the Federal Minister of Justice.

The annual general meeting of a stock corporation must be held within the first twelve months differing from sec 104 AktG (instead of the first eight months) of the fiscal year.

Our experts from the SAXINGER COVID-19-Unit will be pleased to assist you in this regard and to answer any other legal questions you may have in connection with COVID-19Crisis.

Updated: 24th March 2020, 2 pm

We point out that the legal situation may change constantly, but we are keeping our efforts to maintain the contents up to date.

Mag Bettina Poglies-Schneiderbauer
Attorney at Law
Linz
T +43 732 603030-552
F +43 732 603030-500
b.poglies-schneiderbauer@saxinger.com