

## Working

Whether or not you are allowed to work in Austria depends on your nationality, the kind of work you would like to undertake and – for nationals of third countries – also on the kind of residence title:

Nationals of Belgium, Bulgaria, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Great Britain, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxemburg, Malta, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden or Switzerland are allowed to work in Austria without any permit (e.g. work permit) being required.

Croatian nationals still need a work permit for gainful employment due to transitional arrangements until 2020. If you are carrying out a job that is not subject to the regulations of the Austrian Act Governing the Employment of Foreign Nationals, you do not need a work permit. Activities that are not subject to the regulations of the Austrian Act Governing the Employment of Foreign Nationals are: activities within the framework of exchange or research programmes of the European Union or activities in academic teaching and research.

Students from all other countries ("third countries") who are in possession of a residence permit for students ("Aufenthaltsbewilligung - Student") are allowed to work to a limited extent and in accordance with the regulations set down in the Austrian Act Governing the Employment of Foreign Nationals (Ausländerbeschäftigungsgesetz – AuslBG), which as a rule require a work permit. Please read the following regulations carefully. If you violate them, you risk a hefty fine or even losing your residence permit. If you are in any doubt please make sure to enquire at the [Public Employment Service](#) (Arbeitsmarktservice/AMS) or at an advice organisation before taking up a job.

There are two different types of employment but both must not affect your studies (your studies have to be the primary purpose of staying in Austria):

- Employment with an employment contract (Unselbständige Beschäftigung mit Dienstvertrag)
- Self-employment with a contract for work and labour (Selbständige Erwerbstätigkeit mit Werkvertrag)

### Self-Employment with a contract for work and labour (Werkvertrag)

This type of work requires no work permit. The legal regulations concerning social insurance, taxation and trade law, however, have to be observed.

Since the legal consequences differ greatly between an employment contract (Dienstvertrag) and a contract for work and labour (Werkvertrag) you have to distinguish strictly between these two types of contract. It is not the name of the contract that is relevant but the type of work that is actually carried out!

- An employment contract obliges you to personal, repeated and regular presence and work in a fixed place of work (e.g. Monday to Thursday, 9:00 to 12:00 on the premises of the XY company in Vienna) and you have to follow the personal instructions of your employer. You

are integrated into the organisation of your employer. You are paid according to the hours you work. Your employer is obliged to report your employment to the National Insurance provider for the duration of your employment and to deduct the income tax from your salary and forward it to the tax office.

- In the case of a contract for work and labour (self-employment) you only owe your client the supply of a specified service/result (e.g. addressing of 1000 envelopes); in carrying out this job you are not bound to fixed working hours and/or a fixed place of work. You can even have it carried out by somebody else. You are paid exclusively for the pieces of work/for the result you accomplish. With a contract for work and labour you will not be insured with National Insurance by your client nor will he/she deduct taxes. Both these things you have to take care of yourself.

Please note: It is often difficult to determine whether a work contract is an employment contract (Dienstvertrag) or a contract for work and labour (Werkvertrag). However, this is crucial in determining whether you need a work permit or not. Therefore please make sure to enquire at the Chamber of Labour (Arbeiterkammer, AK), the Public Employment Service (Arbeitsmarktservice, AMS), the Chamber of Commerce or other advisory bodies before taking up a job!

### Employment with an Employment Contract (Unselbständige Beschäftigung)

An employment that is subject to the Act Governing Employment of Foreign Nationals requires a work permit.

The employer has to apply for this work permit at the Public Employment Service (Arbeitsmarktservice/AMS) before the employee takes up work.

Holders of a "Residence Permit – Student" will be able to get a work permit for working for up to **20 hours/week**. This permit will be granted without labour market check.

### Special case: unpaid traineeships (Volontariat) or vocational internships (Berufspraktikum)

Unpaid trainees are persons who are employed for up to three months per calendar year for the sole purpose of acquiring practical knowledge and skills without commitment to work and without any right to remuneration.

A vocational internship is an activity that is required by the curriculum of an Austrian educational institution with public status.

In both cases no work permit is required but the employer has to **notify** the Public Employment Service (Arbeitsmarktservice/AMS) and the tax authorities in advance at least 2 weeks before the beginning of the employment. In case of a favourable decision the Public Employment Service (Arbeitsmarktservice/AMS) will issue a confirmation of notification.

### Special case: Visa D for interns

Since September 1<sup>st</sup>, 2018 third-country nationals have been allowed to work as interns for a period of 91 to 180 days in Austria.

According to this provision an intern is a person who studies towards a university degree in a third country or who has earned a university degree no more than two years before and who is employed in an appropriately qualified job by a host institution or company within the framework of a study-related internship agreement to acquire knowledge, practical knowledge and experience in a professional environment.

Again, no work permit is required but the employer has to [notify](#) the Public Employment Service (AMS) and the tax authorities at least two weeks before the intern starts the internship. If the Public Employment Service (AMS) approves the internship, it will issue a confirmation of notification. If the applicant already has an Austrian Visa D or a residence permit, he/she may also apply for the Visa D for interns in Austria (at the police headquarters of the relevant federal province).

You will find more specific information regarding working in Austria on the result pages according to your database query.