



Nominated for the

Eyesore of the Year 2013



DIXI WIEN

for precare working conditions of its waste consultants

For almost 15 years, waste consultants have been commissioned by MA 48 (Vienna City Administration) without being employed. As self-employed they have informed the population of Vienna about garbage separation and animated people to avoid waste, meaning they implemented an essential aspect of Vienna's environmental policy. The workers had clear procedures to follow and had fixed working hours. In addition, they had to wear MA 48 uniforms with name-shields. All of these measures indicate an "economically dependent self-employed" status. Nevertheless, the MA 48 has always used temporary work contracts. Commissioning people as self-employees if they're dependent employees, is against the law. That is called disguised self-employment.

Since spring 2012 the waste consultants are campaigning for social security and legal contracts. When a out-of-court settlement was failing, some waste consultants filed a suit. In August 2013, the first judgement of the court was enacted by the jury of the Labor and Social Court of Vienna: four waste consultants got the right to be hired by the MA 48. Another 22 waste consultants decided to take a compensation package. The response of the MA 48: "We took notice of that."

Problems settled? Far from it! Instead of hiring the colleagues according to their qualification and paying the corresponding social insurance for waste consultants, the MA 48 has down-graded them to "operation assistants" to classify them as physical labor force. Therefore, still no fair treatment and payment.

Additionally, four procedures to appraise the labor relationship are open and MA 48 is clearly not ready to accept the demands of colleagues according to the first jury's decision and to give up the faked self-employment practice. Decisions on the social security status are still pending for 26 colleagues. Other complaints about the classification of the re-employed colleagues are to be expected. MA 48 deliberately postpones decision because they can afford to do so. The costs of the legal proceedings are easy to cope with for the MA 48 ... for colleagues it comes to the bare existence.

The MA 48 self-image is quite different: it is stated on the website that "waste prevention is a top priority," MA 48 even has a number of certificates in the areas of quality management, safety management, environmental management, complaint management, energy management and risk management.

The MA 48 parent organization, Vienna City and Provincial Government, committed itself to use its government income in a "strict compliance with all labor and social regulations and standards" and for a "solidary, democratic and constructive dialogue between workers and employees."

Alice Kundtner, Director of the Social Affairs Department in the Labor Chamber estimates about 30.000 faked self-employed people in Austria. The situation of these self-employed is existence-threatening, because they work as an entrepreneur, but are actually employees. The organization commissioning them reduces its spending by this faked self-employed and

the payments they should have done for social security services.

NeSoVe considers that the public sector should implement a role model employment policy and hire employees as employees. This would show a respectful treatment for its own employees. This is also the constitutional mission of the City of Vienna, according to article 18 of the Austrian Federal Constitution Act, to manage and act on legal basis. This also includes the social security and labor law.

In addition, NeSoVe demands from MA 48 to start a dialogue with the waste consultants because a good employment policy is also

characterized by open communication. So far, the departmental Responsible Councilor Ulli Sima was not willing to talk to the waste consultants.

MA48 did not react in any way to the NeSoVe request on the employment of the waste consultants.

NeSoVe urges the MA 48 to

- stop closing chain- and bypass-contracts
- stop promoting the ostensible self-employment
- Rehire the waste consultants according to their qualifications



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