

Fixed-Term Contracts at Austrian Universities

If you have a fixed-term contract at a public Austrian university, you are affected by **§109** of the **Universities Act (Universitätsgesetz or UG 2002)**. In short, amongst others, §109 states, that you **have to leave the university after 8 years**, unless you get a full professorship (Univ.Prof.), a tenured position (Assoc.Prof.), or one of the few other positions with a permanent contract (e.g. Senior Scientist or Senior Lecturer). Here, we briefly summarize §109 UG's provisions regarding consecutive contracts ("Kettenverträge"). Please note, however, that the wording of the law leaves room for interpretation, and each university actually interprets these provisions in a different way.

If you want to know for how many more years your university will employ you with fixed-term contracts, please get in touch with your human resources advisor (Personalabteilung). However, please keep in mind that the human resources department rather works for the rectorate than for you.

If you need legal advice please contact

- a member of your **works council** (note that there are two works councils at Austrian universities: the "Betriebsrat für wissenschaftliches Personal" (for scientific staff) and the "Betriebsrat für allgemeines Personal" (non-scientific staff)).
- or the **Chamber of Labour (Arbeiterkammer, AK)**, or both.

Both represent employees and serve their interests. Note, that every employee in Austria automatically is a member of the Chamber of Labour (<https://www.arbeiterkammer.at/index.html>) and therefore can benefit from its support. The Chamber of Labour is the only one who can provide concrete legal advice in hardship cases. They also provide their members with legal assistance if a case is brought to the labour- and social court.

About § 109 UG

§109 regulates fixed-term contracts at universities for scientific and artistic as well as non-scientific staff members. You can find the German version of §109 here: [§109 UG 2002](#). A version that puts the German text side by side with an English translation is available here: [German-English Version UG 2002](#) (§109 is on page 172).

The present version of §109 entered into force on October 1st, 2021. Transitional rules are defined in [§143](#), paragraphs 83—85 (see pp. 225—226 of the German-English version).

Please also refer to the [information on §109¹](#) compiled by the labour union of the public service (GÖD) including universities (<https://unigewerkschaft-bv13.goed.at/>). Further information on §109 can also be found e.g. in [these handouts and FAQs²](#).

A complement to the University Act is the **collective labour agreement** for public Austrian universities (**Kollektivvertrag** or **KV**). You can find a German version here: [KV \(German\)](#).

As an exception to the principle of Austrian labour law, that restricts the conclusion of multiple consecutive contracts, §109 allows for several fixed-term contracts in a row. However, depending on the type of contract, only **a certain maximum number of contracts** might be allowed.

Furthermore, for all types of contracts the **maximum total duration** of fixed-term contracts at a university is **limited to 8 years**. This rule applies to any contract for teaching or research. You are granted four extra years for completing your PhD. However, the latter exception does not apply to contracts for lecturing that you might hold in addition to your PhD contractual obligations (see the [document of the GÖD](#))! The university could always offer you a permanent (open-ended) contract. In practice, however, the provisions of §109 mean that **you have to leave the university** if you have reached one of the above limits and if, up to that point, you did not make it to a professor or Senior Scientist/Lecturer with a permanent contract. Note that only 21.4% of the entire scientific staff have a permanent contract, while 78.6% is scientific staff with a fixed-term contract that is limited by this “8-years rule” (cf. Universitätsbericht> 2020³, p. 83).

In summary, §109 says that:

- basically, only one fixed-term contract lasting for up to 6 years is allowed (§109, para (1)). Exceptions allowing for more than one fixed-term contract are specified in the following paragraphs.
- for scientific and artistic staff, a maximum of two extensions or two new contracts are allowed up to a **total duration of 8 years** (§109, para (2)). Exceptions to these limits are
 - **projects** (third-party funded or research projects, such as FWF, FFG, EU, industry etc.): there is no limitation of the maximum number of contracts. But the total duration should not exceed 8 years. (§109, para (3));
 - if the scientist/artist becomes a (tenured) **professor**, a **further fixed-term contract up to 6 years** is possible (§109 para (4));
 - for staff acting as **temporary replacement**: the number of contracts is unlimited, but the total duration is **limited to 6 years**. (§109, para (5));
 - for staff which is exclusively used for **teaching**: repeated extensions are possible, up to **eight academic years** (§109, para (6));

¹http://131.130.33.13/goed/kette_eng/

²<https://boku.ac.at/interessensvertretungen/betriebsrat-fuer-das-wissenschaftliche-personal-br-wiss/ug-109>

³ <https://www.bmbwf.gv.at/dam/jcr:ee959e59-9fdb-40c1-8bb8-c56900af98de/untitled.pdf>

- employment contracts which also include the **completion of a PhD** are not taken into account for **up to 4 years**, when computing the maximum admissible total duration of 8 years and also not for the number of employment contracts. (If the contract does not mention the completion of a PhD, this does not apply.) The same applies to **student assistants**. (§109, para (7)).
- Periods of **maternity leave, parental leave**, military service, alternative community service etc. ((see §20, para (3), 1a)-d) KV) are not taken into account (§109, para (8)). But leave for further education/training (like the “Bildungskarenz” or “Studienurlaub”), etc. **are** taken into account.
- All fixed-term contracts (since 2004) count, irrespective of whether they are immediately consecutive.

§109 applies to contracts that are concluded from October 1, 2021 onwards. The transitional rules in §143 state that

- contracts from **before October 2021** are also taken into account for calculating the **total duration of contracts**. (§143, para (83));
- up to four years of contracts from before October 2021 that include the **completion of a PhD** or employment as a student assistant **are not taken into account**; see above ((§143, para (83));
- if an **existing contract** is extended beyond October 2021, **the old law applies** (6 years full time, 8 years part time) (§143 para (84));
- for staff used exclusively for teaching, no previous contracts are taken into account (§143, para (85));
- up to **4 years of projects** (third-party funding and research projects) before October 2021 **are not taken into account** (§143, para (85)).