



From Social Assistance to Minimum Benefits and Back: Retrenchment of the Welfare State in Austria, Consequences, and Ideas about Justice

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About ETHOS

ETHOS - Towards a European Theory Of Justice and fairness is a European Commission Horizon 2020 research project that seeks to provide building blocks for the development of an empirically informed European theory of justice and fairness. The project seeks to do so by:

- a) refining and deepening knowledge on the European foundations of justice - both historically based and contemporarily envisaged;
- b) enhancing awareness of mechanisms that impede the realisation of justice ideals as they are lived in contemporary Europe;
- c) advancing the understanding of the process of drawing and re-drawing of the boundaries of justice (fault lines); and
- d) providing guidance to politicians, policy makers, activists and other stakeholders on how to design and implement policies to reverse inequalities and prevent injustice.

ETHOS does not only understand justice as an abstract moral ideal that is universal and worth striving for but also as a re-enacted and re-constructed 'lived' experience. This experience is embedded in legal, political, moral, social, economic and cultural institutions that claim to be geared toward giving members of society their due.

In the ETHOS project, justice is studied as an interdependent relationship between the ideal of justice and its manifestation – as set out in the complex institutions of contemporary European societies. The relationship between the normative and practical, the formal and informal, is acknowledged and critically assessed through a multi-disciplinary approach.

To enhance the formulation of an empirically based theory of justice and fairness, ETHOS will explore the normative (ideal) underpinnings of justice and its practical realisation in four heuristically defined domains of justice - social justice, economic justice, political justice, and civil and symbolic justice. These domains are revealed in several spheres:

- a) philosophical and political tradition;
- b) legal framework;
- c) daily (bureaucratic) practice;
- d) current public debates; and
- e) the accounts of vulnerable populations in six European countries (Austria, Hungary, the Netherlands, Portugal, Turkey and the UK).

The question of drawing boundaries and redrawing the fault-lines of justice permeates the entire investigation.

Utrecht University in the Netherlands coordinates the project, and works together with five other research institutions. These are based in Austria (European Training and Research Centre for Human Rights and Democracy), Hungary (Central European University), Portugal (Centre for Social Studies), Turkey (Boğaziçi University), and the UK (University of Bristol). The research project lasts from January 2017 to December 2019.

EXECUTIVE SUMMARY

The aim of the Austrian country study conducted within D5.5 is to examine what people understand to be the relation between contemporary welfare states and social justice. The study discusses the retrenchment of the Austrian welfare state since 2008, the consequences thereof for vulnerable persons, and how retrenchment was contested by different groups. Particular attention is drawn to the idea of “deservingness” of social welfare benefits and the relation to contributions made to the welfare state (taxes, employment). ETHOS understands the ‘welfare state’ to be an institution which provides benefits (income, goods and services) to everyone in a particular society, regardless of whether they have contributed to the cost of providing them.

Findings clearly show that the idea of deservingness is framed by categories of citizenship, years of employment in the country, as well as personal or third-party responsibility for unemployment. In this vein, Austrian citizenship, many years of employment and third-party responsibility for unemployment are found to be characteristics of ‘deserving’ social benefits. Vice versa, foreign citizenship, little or no employment in the country and personal responsibility for unemployment (due to drug abuse, imprisonment, irregular work) are perceived as conflicting with people’s deservingness of social welfare benefits. This two-fold approach can be identified in the legal developments during retrenchment and related public discourses in the last 10 years. Findings also indicate that the more requirements there are in place for people to receive social welfare entitlements, the more efforts are attributed to the social welfare authorities.

Interestingly, findings also show that contesting retrenchment, as well as mobilising ideas of justice have been rather weak. The fact that contesting retrenchment has been weak does not apply to the complaints lodged by beneficiaries against decisions of the social welfare authority – indeed, these have rather increased during the last 10 years due to more effective redress mechanisms and legal counselling. The weak contesting of retrenchment rather applies to activism and the mobilisation of the public and of NGOs. Interviews with persons of various backgrounds, as well as an analysis of the discourses that accompanied the retrenchment of the welfare state since 2008, indicate decreased protests and mobilisation of representative organisations and the general public. Thus, it appears that contesting retrenchment rather takes place in the form of issuing expert opinions to draft legislation (by NGOs) or through individual redress mechanisms (by beneficiaries), rather than in the form of a broad public mobilisation.

When it comes to the relation between justice and the welfare state, findings clearly indicate that the economic crises and the influx of persons in need of international protection led to retrenchment of the welfare state and at the same time endangered solidarity. The decrease of solidarity was used and nourished by the government to justify retrenchment measures and to restrict access to social welfare benefits. Migrants with weak language skills, families with more than two children and the working poor are those most affected by retrenchment. These selective retrenchment measures – justified by the fact that they foster employability – undermined the logics and purpose of social welfare, which is the prevention of poverty rather than labour market policy. Social welfare payments are needs-based rather than insurance-based, their purpose is to combat poverty *regardless* of and *independent* from the reasons of poverty. Thus, in the current regulation and the accompanying discourses, two different systems are mixed up with each other.

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ABBREVIATIONS

AMS – Arbeitsmarktservice (Public Employment Service)

B-VG – Bundesverfassungsgesetz (Federal Constitution Act)

EU – European Union

NGO – Non Governmental Organisation

I. RETRENCHMENT OF THE AUSTRIAN WELFARE STATE SINCE 2008

In this section, the development of policies and regulations on social assistance in Austria will be elaborated. Thereby, we will focus on needs-based benefit systems and exclude insurance-based benefit systems. Insurance-based benefit systems are linked to the individual's former employment and tax contributions. Thus, they are not provided based on needs and are only temporarily provided to those who were employed beforehand. On the other hand, needs-based benefit systems, such as social assistance or needs-based minimum benefits, are the lowest form of social safety net; they are not linked to tax contributions.

Social assistance supports persons who are unable to earn their living by themselves. Social assistance benefits are minimum standards provided to cover the costs of living and housing. The main purpose of social assistance is to combat poverty. The provision of unemployment benefits is based on tax contributions, while social assistance is provided as subsidiary aid for persons in an emergency situation. Beneficiaries of social assistance need to provide evidence for their emergency, i.e. having no income, receiving no other social insurance benefits, possessing no property and receiving no financial aid by family members or co-habitants to cover their costs of living. The provision of social assistance is not linked to previous employment.

Unemployment benefits, on the other hand, are linked to former employment, but are provided independently from the beneficiary's property. Unemployment benefits are provided for a certain period, whereas social assistance is provided as long as the emergency persists. The "unemployment emergency assistance" (*Notstandshilfe*) somehow lies between assistance and insurance. It is an insurance-based benefit, namely an extension of unemployment benefits. However, its provision practically does not expire and thus, it practically has the effects of a social assistance scheme. This form of emergency assistance is widely believed to be an anomaly in Europe due to the amount and duration of assistance granted.¹

While the conditions and requirements of unemployment benefits generally remained the same, social assistance in Austria was subject to constant change during the last ten years. Currently, the abolition of the unemployment emergency assistance is being discussed. These changes of eligibility criteria, amounts and procedures during the last ten years will be elaborated in the following sub-sections.

A. UNEMPLOYMENT EMERGENCY ASSISTANCE

The "unemployment emergency assistance" (*Notstandshilfe*) is provided to former beneficiaries of unemployment assistance as a substitute for income after the entitlement to the unemployment benefit has expired. It provides those persons whose entitlement to unemployment benefits has expired with 95% of what they received under the unemployment benefit scheme. It is granted for a

¹ Ennser-Jedenastik, L. (2018), Die österreichische Notstandshilfe ist in Europa ein Unikat, in: Der Standard, 21 November 2018, available at <https://derstandard.at/2000091830856/Die-oesterreichische-Notstandshilfe-ist-in-Europa-ein-Unikat> (accessed 23 May 2019).

period of 12 months; after this period, the beneficiary needs to apply again. It is paid out 12 times a year. The Public Employment Service (*Arbeitsmarktservice, AMS*) is in charge of administering the unemployment emergency assistance.

Similarly to the unemployment benefit, the unemployment emergency benefit is an insurance-based passive means of labour policy (*versicherungsbasierte passive Arbeitsmarktmaßnahme*). As there are no timely restrictions to accessing it, it is also a form of minimum-income system. The amount of payment is 92% of the formerly accessed unemployment benefit. It is hardly possible to afford a living with it in the particular case of persons who worked for low salaries or in part-time employment. There is no minimum amount foreseen.

Criteria of entitlement:

- Former entitlement to unemployment benefits according to the unemployment insurance
- Means-tested: partner income and other incomes and property are recognised
- Ability to work: sick or disabled persons or others, who are not able to work, have no access
- Readiness to work: beneficiaries need to accept reasonable work. Reasonable work is defined more broadly than for beneficiaries of unemployment benefits: persons need to accept work that is beneath their qualifications, work with low salaries, workplaces in a distance of two hours (in case of full-time employment) or of one and a half hours (in case of part-time employment).²

In July 2018, the regulations on unemployment emergency assistance were amended in the sense of a retrenchment.³ After a duration of six months of receiving benefits, a cap of € 1.095 per month was introduced. Persons above 45 years of age, who worked for six out of the last ten years, are exempt from the cap. In the course of this amendment, the partner's income is no longer included in the means test. This is an improvement compared to the previous regulations, which took into account the spouse's income from € 650 upwards. Alimonies are only taken into account if they exceed the low-income threshold.⁴ Any other forms of income (rent, widower's pension, etc.) are included, whereas property (flat, car, etc.) is not included.

² Fink, M. (2008). Mindesteinkommenssysteme. Eine Analyse der nationalen Politikmaßnahmen, In: Peer Review in Social Protection and Social Inclusion and Assessment in Social Inclusion, On behalf of the European Commission DG Employment, Social Affairs and Equal Opportunities.

³ Chamber of Labour (Arbeiterkammer), Notstandshilfe, available at: <https://www.arbeiterkammer.at/beratung/arbeitsrecht/Arbeitslosigkeit/Notstandshilfe.html> (accessed 23 May 2019).

⁴ Which is €446,81 per month in 2019.

In 2017, 157.483 persons benefitted from the emergency assistance (62.578 female, 94.906 male).⁵ More than 57.000 beneficiaries are older than 50 years.⁶

Currently, the abolishment of emergency assistance (*Notstandshilfe*) by mid-2019 is being discussed.⁷ According to the government programme 2017, emergency assistance shall be integrated into a new version of unemployment benefit, "*Arbeitslosengeld Neu*", which was also developed in 2019. By this logic, the longer someone has worked and has paid money into the unemployment fund, the longer unemployment benefits shall become available to them. Emergency assistance (usually granted after unemployment benefit eligibility runs out) is thus to be replaced by the new means-oriented minimum benefit (now referred to as "social assistance", *Sozialhilfe*).⁸ It is likely that persons who were entitled to the unemployment emergency assistance will fall into the social assistance system after their entitlement to unemployment benefits expires. As a result, the authority may access the beneficiary's property. However, no information on concrete developments is available so far.

B. SOCIAL ASSISTANCE

Social assistance was existent in Austria until 2009. It was administrated and provided at the provincial level by the district authorities. Although the requirements differ between the provinces, the following basic requirements can be summarised. Evidence for a current indigence and need (debts and other circumstances from the past are not recognised) needs to be provided. Indigence refers to the subsidiary principle, i.e. the fact that a person is unable to afford their living with their own means (through income, property and work) or by means of family care or by means of other social assistance entitlements. All kinds of income (from employment, rents, of investments, other social assistance, and maintenance payments) were taken into account and assessed in the course of means testing. Care and family allowances were not taken into account. All kinds of property (money, goods, movable and immovable property as soon as it may be subject to capitalisation) were also taken into account.

All provinces except for Carinthia defined exceptions to this rule. Exceptions mainly referred to goods needed to maintain employability, such as a car, personal computer or clothing.

The beneficiary's ability and readiness to work was another pre-condition for entitlement to social assistance. Exceptions were persons in education, retired persons, persons who are physically or mentally unable to work, persons with care obligations (single-parents with children under 2 years

⁵Statistics Austria (2018), Beneficiaries of Social Assistance and Needs-based minimum benefits, based on data of the public employment service, available at: http://www.statistik.at/web_de/statistiken/menschen_und_gesellschaft/soziales/sozialleistungen_auf_bundes_ebene/arbeitslosenleistungen/index.html (accessed 23 May 2019).

⁶ Reisner, D. (2019), Gibt es die Notstandshilfe in Österreich jetzt noch oder nicht?, available at: https://www.vknn.at/notstandshilfe/#Gibt_es_die_Notstandshilfe_in_Oesterreich_jetzt_noch_oder_nicht_821_1_2019 (accessed 23 May 2019).

⁷ Reisner, D. (2019), Gibt es die Notstandshilfe in Österreich jetzt noch oder nicht?, available at: https://www.vknn.at/notstandshilfe/#Gibt_es_die_Notstandshilfe_in_Oesterreich_jetzt_noch_oder_nicht_821_1_2019 (accessed 23 May 2019).

⁸Foissner, F. (2019), Folgen einer möglichen Abschaffung der Notstandshilfe in Oberösterreich, ICAE Working Paper Series - No. 87 - October 2018, available at: https://www.jku.at/fileadmin/gruppen/108/ICAE_Working_Papers/wp87.pdf (accessed 23 May 2019).

of age). Moreover, Austrian, EU/EWR citizenship or residence permits of more than three months were required. Asylum seekers were not entitled to social assistance. Other citizens had restricted access to social assistance; restrictions differed from one province to the other. Moreover, the main residence was considered the province where the application was made (habitual residence was sufficient in some provinces).

The social assistance was paid out 14 times a year.

As soon as the situation of a person changed and she/he was not in an emergency anymore, back payments were foreseen. In case the beneficiaries were employed again, they needed to pay the money back as long as this did not endanger their ability to make a living. Moreover, children were obliged to pay back for their parents, parents were obliged to pay back for their children, heirs of the beneficiaries and (divorced) spouses of the beneficiaries were also obliged to pay back.⁹

The main critical point in relation to social assistance was that it provided low incentives to work because of lacking qualification measures. Labour market integration measures focused on beneficiaries of unemployment assistance and emergency unemployment assistance. Moreover, the provisions on paying back the social assistance in case of employment were not an incentive to work. Finally, the competence for the social assistance was confined to the provinces. There were nine different laws on social assistance, in terms of entitlements, state payments, organisational and financial structures. The situation was confusing, i.e. monthly payment could have been anywhere between € 710 (Vienna) and € 444 (Tyrol).¹⁰ The different provisions in the provinces led to a leeway in the implementation, thus decisions were not transparent. Moreover, the amounts were too low to afford a living in all provinces.¹¹

Because of these problems, a reform of the social assistance was discussed between the federal state and the nine provinces.

The number of beneficiaries of social assistance constantly increased from 71.504 in 1999, to 106.516 in 2003 and to 152.479 in 2007.¹² The working poor, precarious employment, mental illness and financial emergency of lone-parents were named as reasons for this increase. The number of working poor who received supplementary payments from social assistance increased. Moreover, four

⁹ Fink, M. (2008), Mindesteinkommenssysteme. Eine Analyse der nationalen Politikmaßnahmen, In: Peer Review in Social Protection and Social Inclusion and Assessment in Social Inclusion, On behalf of the European Commission DG Employment, Social Affairs and Equal Opportunities, p. 19.

¹⁰ Profil Magazine (2008), Ab 2009 gibt es die Mindestsicherung, Profil Magazine, 19 April 2008, available at: <https://www.profil.at/home/ab-2009-mindestsicherung-203618> (accessed 23 May 2019).

¹¹ Profil Magazine (2008), Ab 2009 gibt es die Mindestsicherung, Profil Magazine, 19 April 2008, available at: <https://www.profil.at/home/ab-2009-mindestsicherung-203618> (accessed 23 May 2019), see also: Fink, M. (2008), Mindesteinkommenssysteme. Eine Analyse der nationalen Politikmaßnahmen, In: Peer Review in Social Protection and Social Inclusion and Assessment in Social Inclusion, On behalf of the European Commission DG Employment, Social Affairs and Equal Opportunities.

¹² Die Armutskonferenz. Österreichisches Netzwerk gegen Armut und soziale Ausgrenzung (2015), Was ist die Bedarfsorientierte Mindestsicherung? Available at: <http://www.armutskonferenz.at/aktivitaeten/mindestsicherungs-monitoring/was-ist-die-bedarfsorientierte-mindestsicherung.html> (accessed 23 May 2019).

out of ten beneficiaries suffered from health-related impairments, mainly depression and states of exhaustion.¹³

C. NEEDS-BASED MINIMUM BENEFITS

Because of the regionally different systems of social assistance and other problems, an agreement between the state and the provinces according to Art. 15a Federal Constitution Act (*Bundesverfassungsgesetz, B-VG*) was made. It established common basic standards for the core areas of social assistance in all nine provinces (such as: minimum benefits, standards in the usage of property, back payments). Based on this agreement, the provinces developed provincial laws on needs-based minimum benefits between September 2010 (Vienna, Burgenland, Lower Austria, Salzburg) and October 2011 (Upper Austria). The period of validity of this constitutional agreement expired on 31 December 2016.

According to the Federal Constitution Act, the agreement aimed to make several improvements to the old system of social assistance. These included the establishment of common minimum standards all over Austria (all provinces are free to exceed the minimum standards), as well as the protection of property (savings of five times the previous amount, as well as owner-occupied property¹⁴ were not taken into account by the needs-based minimum benefits). Singles received 100%, two adults in the same household received 75% each, three and more adults in a household received 50% each, the first three children received 18% and each other child receives 15% of the full amount of needs-based minimum benefits. Back-payments for former beneficiaries and third parties were abolished or severely restricted. A maximum three-month period for authorities to decide upon granting was introduced and authorities were obliged to issue negative decisions in writing. Moreover, an annual valorisation of the needs-based minimum benefits was foreseen to secure the real value of minimum-standards. Finally, a better data exchange between social welfare authorities and the public employment service (*AMS*) was aspired. Art.15a of the B-VG agreement foresaw a prohibition of deterioration compared to the former model of social assistance.

The means-tested minimum benefit provided for a monthly income of € 863 for singles and lone parents, and around € 1.295 for couples. The minimum standards for children differed between the provinces and ranged from € 152 Euro to € 233 (all children equally). Additional payments for housing were available and differed depending on province. Healthcare insurance and free access to healthcare services were included in the needs-based minimum benefit system. Different from the social assistance, the needs-based minimum benefit was paid out only 12 times a year.

Preconditions for entitlement were Austrian citizenship or refugee status; EU/EWR citizens were entitled in case of employment in Austria or in the case of more than five years of residence.

¹³Die Armutskonferenz. Österreichisches Netzwerk gegen Armut und soziale Ausgrenzung (2015), Was ist die Bedarfsorientierte Mindestsicherung? Available at: <http://www.armutskonferenz.at/aktivitaeten/mindestsicherungs-monitoring/was-ist-die-bedarfsorientierte-mindestsicherung.html> (accessed 23 May 2019).

¹⁴ After six months of receiving the benefits.

Third country nationals were entitled in case they have been legally resident in Austria for more than 5 years. In some provinces (such as Vienna), subsidiary protection status holders were entitled to the needs-based minimum benefits; in other provinces (such as Upper Austria) they were not, but there they remained in basic care, same as asylum seekers. Other eligibility criteria were the beneficiary's ability and readiness to work (same criteria as with social assistance). Persons in need of international protection and migrants with weak language skills were obliged to participate in language courses and integration measures. Property up to € 4.200 was protected and would not be taken into account. All income of the beneficiary and their relatives, as well as of co-habitants, was taken into account. Family allowance and care allowance was not taken into account.

The needs-based minimum benefit system severely reduced the conditions for the obligation to pay back. The obligation to pay back was abolished for the following persons:

- Former beneficiaries, who have an income from work again or who have come to own property
- Parents for their adult children (exception: Carinthia)
- Children for their parents (exception: Carinthia)
- Grandparents and grandchildren (same with the social assistance)
- Gift takers (exception: Burgenland and Lower Austria)

The obligation to payback still exists for:

- Former beneficiaries who are entitled to retirement payments or similar payments
- (divorced) spouses (exception: Styria and Lower Austria)
- Parents for their minor children (exception Lower Austria and Styria)
- Former beneficiaries who have come to own property but did not buy/build it by themselves, e.g. heritage, upon consideration of a free-amount and a limitation period of three years

The period of validity of this constitutional agreement expired on 31 December 2016. Subsequently, intense negotiations on a new constitutional agreement according to Art. 15a Federal Constitutional Act (*Bundesverfassungsgesetz, B-VG*) took place. These discussions remained without outcome because the negotiation partners could not reach consensus. Different views remained e.g. with regard to maximum benefits for multi-person households. Thus, no new constitutional agreement between the state and the provinces could be decided on. Since 1 January 2017, social assistance and needs-based minimum benefits can be implemented by the provinces without reference to the common framework of an Art. 15a B-VG agreement.

1. PROVINCIAL AMENDMENTS

The expiration of the agreement between the federal state and the provinces according to Art. 15a Federal Constitution Act led some provinces to make several amendments regarding the needs-based minimum benefit. Upper Austria and Lower Austria imposed restrictions on the amount and on

barriers in accessing them. The Needs-based Minimum Benefit Acts in these provinces limited benefits for persons granted subsidiary protection and also for “refugees with a time-limited residence title” according to §3 (4) Asylum Act (*AsylG*), which includes all recognised refugees who applied for asylum after 14 November 2015 for the first three years of residence.¹⁵ The limited benefits were composed of a basic amount and an additional amount, which was conditional upon compliance with an “integration declaration”. This additional amount already included the maximum benefit for a person in a private single household, which is € 560 per month (compared to € 921.30 for an Austrian beneficiary). This regulation has been criticised for violating article 29 (1) Directive 2011/95/EU¹⁶ and the European Court of Justice abolished it (C-713/17) in autumn 2018.

Moreover, these provinces introduced a cap in the needs-based minimum benefits, which foresaw a maximum benefit of around € 1.500 per household, irrespective the number of household members. The Constitutional Court abolished these regulations in spring 2018 and ruled that the cap is not proper and just, because the additional expenditures of larger families are not compensated.¹⁷

Until 2010, the “old” model of social assistance was different in all nine provinces, the amounts and requirements differed. The needs-based minimum benefit system was introduced in Austria with the aim to provide for harmonised standards of social assistance. Due to the expiration of the agreement between the federal state and the nine provinces and the fact that these parties could not reach an agreement, the “old status” of a differentiated system was thus re-introduced in early 2017.

In 2018, the average amounts of needs-based minimum benefit as stated by the Social Ministry were:

- Single persons/single parents: € 863
- Couples: € 1295 in total
- Children (per child under 18): between € 152 and € 233

¹⁵ Austria, Upper Austrian Needsbased Minimum Benefit Act (*Landesgesetz, mit dem das Gesetz über die bedarfsorientierte Mindestsicherung in Oberösterreich (Oö. Mindestsicherungsgesetz - Oö. BMSG) erlassen wird*), LGBl.Nr. 74/2011, last amendment LGBl.Nr. 55/2018, available at: <https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=LrOO&Gesetzesnummer=20000652> (accessed 23 May 2019).

¹⁶ Helping Hands Linz (2016), Kürzung der Mindestsicherung für Asyl- und Subsidiär Schutzberechtigte, July 2016, available at: www.helpinghands-linz.at/images/Information_Mindestsicherung.pdf (accessed 23 May 2019).

¹⁷ Austria, Constitutional Court, Decision No.: G 136/2017 ua of 7 March 2018, available at: https://www.vfgh.gv.at/downloads/VfGH_G_136-2017_ua_Entscheidung_Mindestsicherung_NOe.pdf (accessed 23 May 2019).

2. STATISTICS

Due to the decentralisation of minimum guaranteed resources, a separate basis for statistics had to be negotiated between the provinces, the Social Ministry and Statistics Austria. The resulting handbook is not available to the public.¹⁸

Statistics regarding the beneficiaries of needs-based minimum benefits in Austria (the numbers for 2011¹⁹ and 2016²⁰ were compared. It should be noted that the parameters considered in the Social Ministry reports differ from year to year):

- 2011: 193.276 persons and 119.928 multi-person households, majority of 58% in Vienna. 40% women, 33% men, 27% children.
- 2016: 307.533 persons and 182.173 multi-person households, majority of 56% in Vienna. 37% women, 36% men, 27% children.
- Both 2011 and 2016: dominance of single persons assuming means-based minimum income, followed by single parents
- 2011: state expenses for means-based minimum income at 439,1 Million €, majority of which went to Vienna
- 2016: average duration of assuming means-based minimum income: 8,8 months in Vienna and 6-7,5 months in other Provincial states.
- 2016: state expenses for means-based minimum income at 924,2 Million €, majority of which went to Vienna

During 2017, 332.236 persons assumed minimum benefits in 183.239 multi-person households (“Bedarfsgemeinschaft”), 63% of persons lived in Vienna. Overall more women (51%) than men (49%) assume this benefit, only in Vienna it was the other way around. Half of the persons were Austrian

¹⁸ Pratscher, K. Statistik Austria, Direktion Bevölkerung/Soziales und Lebensbedingungen (2018), Mindestsicherungsstatistik 2017, Beauftragung: Bundesministerium für Arbeit, Soziales, Gesundheit und Konsumentenschutz (GZ: BMASGK-59800/0009-V/B/7/2018, 26.04.2018), Stand des Berichts: 24.08.2018 (Aktualisierung: 04.09.2018), available at: https://www.sozialministerium.at/cms/site/attachments/7/7/1/CH3434/CMS1536151893778/mindestsicherungsstatistik_2017.pdf (accessed 23 May 2019).

¹⁹ Federal Ministry for Work, Social Affairs and Consumer Protection (*Bundesministerium für Arbeit, Soziales und KonsumentInnenchutz, BMASK*) (2012), 1. Bericht des Arbeitskreises Bedarfsorientierte Mindestsicherung, available at: https://www.sozialministerium.at/cms/site/attachments/0/2/8/CH3434/CMS1452101332258/soziales-konsumentinnen_bms_bericht_2012.pdf (accessed 23 May 2019).

²⁰ Kurt Pratscher, Direktion Bevölkerung/Soziales und Lebensbedingungen; Stand des Berichts: 01.08.2017 (Erstfassung: 28.07.2017). Beauftragung: Bundesministerium für Arbeit, Soziales und Konsumentenschutz (GZ: BMASK-59800/0009-V/B/7/2016, 29.04.2016) (2016), Statistik der Bedarfsorientierten Mindestsicherung der Bundesländer, available at: https://www.sozialministerium.at/cms/site/attachments/9/4/4/CH3434/CMS1503490353501/bms-statistik_2016.pdf (accessed 23 May 2019).

citizens, a third was third-country nationals, 27% were asylum seekers, and 4% were subsidiary protection holders.²¹

An average of 8% of minimum benefit holders were in employment, 1% in vocational training. 39% of all persons with minimum benefit were available to the labour market, 27% either below or above age, and 27% were subject to exceptional rules on labour market activity (unable to work, going to school, childcare obligations, etc.). Almost half the affected people (48%) had no creditable income, which means that the other half belonged to the working poor, who receive supplementary payments. Most recipients of minimum benefit were single (34% of people and 64% of communities of dependence), followed by couples (34% and 14% respectively) and single parents with children (22% and 15%). The monthly average income per multi-person household was € 606 (excluding Carinthia). Vorarlberg (€ 838) and Tyrol (€ 715) spent most for living and housing assistance. State expenses for the minimum benefit in 2017 were at € 977 million (living and housing: € 924 million, sick care € 54 million). There is an increase of € 53 Million in expenses compared to 2016.

Year	Total	Women	Men	Total	Women	Men
	Yearly average (absolute)			Yearly fluctuation (in %)		
2008	78.431	32.038	46.393	-7,9	-8,6	-7,5
2009	91.211	35.354	55.856	16,3	10,4	20,4
2010	97.931	37.573	60.358	7,4	6,3	8,1
2011	98.230	39.158	59.072	0,3	4,2	-2,1
2012	105.132	42.063	63.069	7,0	7,4	6,8
2013	120.276	47.641	72.634	14,4	13,3	15,2
2014	140.778	55.320	85.458	17,0	16,1	17,7
2015	163.040	63.154	99.886	15,8	14,2	16,9
2016	167.075	65.548	101.527	2,5	3,8	1,6
2017	157.483	62.578	94.906	-5,7	-4,5	-6,5

Table 1: Number of Beneficiaries of Social assistance (2008-2010) and Needs-based minimum benefits (2011-2017)²²

D. FRAMEWORK LEGISLATION ON SOCIAL ASSISTANCE

In late 2018, the acting Austrian government (coalition between conservative ÖVP and right-wing FPÖ) submitted new draft legislation on the principle of social assistance (*Sozialhilfe-Grundsatzgesetz, Sozialhilfe-Statistikgesetz*) to the national parliament to replace the loose needs-based minimum benefit system. The draft legislation took on the old naming again: instead of needs-based minimum benefit (which implies a minimum standard for living), the idea of social welfare / assistance was re-introduced, which is strongly related to social welfare. While the needs-based minimum benefit system has the objective to combat poverty by providing a minimum standard of income, the draft legislation's

²¹ It is interesting to note that neither the citizenship nor the status of international protection were present in any statistics prior to 2017.

²² Translated from Statistik Austria (2018), Notstandshilfebezieherinnen und -bezieher 1980 bis 2017, basierend auf Daten des Arbeitsmarktservice, available at: http://www.statistik.at/wcm/idc/idcplg?IdcService=GET_PDF_FILE&RevisionSelectionMethod=LatestReleased&dDocName=020065 (accessed 23 May 2018).

objectives are located in the area of labour market integration, decreasing migration and intense collection of beneficiaries' personal data. The draft on "social assistance" seeks to:

- Newly develop and harmonise the guaranteed minimum services across the provinces by establishing a new law (termed "social assistance")
- Better integrate recipients of social assistance services into the labour market through improving incentives
- Decrease migration into the Austrian social system by introducing more restrictions for new arrivals
- Improve and newly establish the now decentralized statistics on social assistance.

This new form of "social assistance" explicitly seeks to minimise incentives for migration into the Austrian social system. In this vein, the provinces shall be obliged to provide a series of data on recipients to the federal state, and an effective control-and-sanction mechanism shall be initiated through the provinces. Sanctions, a reduction, or even the complete ceasing of social assistance services is foreseen in the case of "refusal to work or integrate", as well as in cases of illegal employment.²³

For the very first time in the Austrian social welfare system, social assistance explicitly aims at serving the interests of integration policy and the alien police.²⁴

1. ELIGIBILITY CRITERIA

Art. 4 of the draft legislation regulates the eligibility criteria for social assistance. According to Art. 4 (1), social assistance shall only be provided to Austrian citizens or beneficiaries of international protection. All other third country and EU nationals are only entitled to social assistance if they have been continuously and legally resident in Austria for at least five years. Subsidiary protection status holders are excluded from social assistance, they are only entitled to the core benefits on the level of basic supply.²⁵

²³ Austria, Overview on the Federal Law on the Principles of Social Assistance (Basic Act on Social Assistance), *Bundesgesetz betreffend Grundsätze für die Sozialhilfe (Sozialhilfe-Grundsatzgesetz)*, Art. 1 (2), available at: https://www.parlament.gv.at/PAKT/VHG/XXVI/ME/ME_00104/index.shtml#tab-Uebersicht (accessed 23 May 2019).

²⁴ Austria, Federal Law on the Principles of Social Assistance (Basic Act on Social Assistance), *Bundesgesetz betreffend Grundsätze für die Sozialhilfe (Sozialhilfe-Grundsatzgesetz)*, Art. 1 (2).

²⁵ Austria, Agreement between the federal state and the provinces according to Art. 15a Federal Constitution Act on collective measures for the temporary basic care of foreigners in need for help and protection (asylum seekers, recognised refugees, displaced persons and others, who cannot be deported due to legal or factual reasons) in Austria – Agreement on Basic Care (*Vereinbarung zwischen dem Bund und den Ländern gemäß Art. 15a B-VG über gemeinsame Maßnahmen zur vorübergehenden Grundversorgung für hilfs- und schutzbedürftige Fremde (Asylwerber, Asylberechtigte, Vertriebene und andere aus rechtlichen oder faktischen Gründen nicht abschiebbare Menschen) in Österreich – Grundversorgungsvereinbarung - Art. 15a B-VG*) BGBl. I 80/2004, available at: <https://www.ris.bka.gv.at/eli/bgbl/I/2004/80> (accessed 23 May 2019).

According to Art. 4 (2), the following types of persons are explicitly excluded from social assistance: persons without factual residence in the national territory, asylum seekers, persons who are required to leave the country, and persons who are sentenced to at least six months imprisonment for the period of imprisonment, starting with the date of the final judgement.

According to Art. 4 (3), the provincial legislation may impose additional regulations on a temporary or permanent exclusion. While the previous federal framework legislation only allowed the provinces to impose improvements for the beneficiaries and consequently prohibited less favourable provincial laws, the situation is the opposite in the new draft legislation.

Access to the full amount of social assistance is restricted by the number of people in the household and their age (minor or adult):²⁶

Type of person	Amount of social assistance
Adult single or lone parent	100%
Adult person in a common household (shared flat)	70%
More than three adult persons sharing a household	45%
The first dependent child, who is entitled to childcare allowance	25%
The second child	15%
After the third child	5%

Table 2: Amounts of social assistance per persons in the household

Lone parents may receive additional benefits of 12% for the first child, 9% for the second, 6% for the third child and 3% for each further child. Moreover, persons with disabilities may receive additional benefits of 18% - depending on their entitlements to other state benefits.

According to Art. 5 (6), the provincial legislation is obliged to secure that a monthly share of at least 35% of social assistance is dependent on the adult receiver’s employability in the Austrian labour market. This regulation is called “employment qualification bonus” (*Arbeitsmarktqualifizierungsbonus*), although it is actually a cut of the minimum amount made available. According to Art. 5 (7), persons with the following characteristics are assumed to be employable and thus, they are *not* subject to the reduction: German language skills of at least level B1, or mandatory education completed in Austria, or English skills of at least level C1. Proof of adequate knowledge of German can take several forms: completing German-speaking compulsory school, presenting a language certificate issued by the Austrian Integration Fund (ÖIF) or an accredited

²⁶ Austria, Federal Law on the Principles of Social Assistance – Basic Act on Social Assistance (*Bundesgesetz betreffend Grundsätze für die Sozialhilfe – Sozialhilfe-Grundsatzgesetz*), Art. 5 (2-5).

institution thereof, or attending a personal interview with the Austrian authorities.²⁷ According to Art. 5 (9), persons with lower level language skills receive the difference of these 35% in the form of in-kind contributions, which are language courses and other qualification measures. In other words, persons who do not fulfil the above-mentioned requirements are subject to the employment qualification bonus; that is, a reduction of at least 35% of social assistance.

2. DEBATES

The “employment qualification bonus” (*Arbeitsqualifizierungsbonus*) is linked to being classified as “fit” for the Austrian labour market, in the sense that persons should be considered referable. Receiving these 35% is linked to a series of concrete requirements, including: speaking German (minimum level B1) OR English (minimum level C1). In the case of vocational training, relevant qualifications or an integration agreement, as well as a completed “value and orientation course” must also be provided.

The draft law has been subject to intense scrutiny: during the short assessment period (from 30th November 2018 to 10th January 2019) various actors in the public and social sectors submitted a total of 142 statements commenting on the draft, many of which point to newly arising problems when it comes to benefits for housing, children, or people with disabilities. In addition, points were raised relating to the increase of social exclusion, the implicit stigmatisation of those in need of assistance, as well as to the overall ambivalence of focusing the law on decreasing migration. According to critics, the proposed measures do not correspond to the goal of a guaranteed minimum benefit, which is for the state to provide support in living a life of dignity and worth.²⁸ Indeed, the re-naming of support from “needs-based minimum income” to “social assistance” is telling when it comes to the assumed status of recipients.

II. EMPIRICAL STUDY

The empirical findings of this report are based on documentary legal and policy analysis and quantitative data. Material from previous ETHOS national reports and deliverables was included in the following section of the report. Moreover, seven interviews were conducted between April and May 2019. Interviews were carried out with two beneficiaries of needs-based minimum benefits. One of them is a native Austrian, who is a long-term beneficiary of social assistance. The other one is a refugee, who has received the needs-based minimum benefit since 2016. Moreover, three client managers and two members of the public employment service (hereafter: *AMS*) were interviewed. Six interviews were conducted face-to-face and one via telephone. All interviews were audiotaped and transcribed.

²⁷ Austrian Integration Funds (*Österreichischer Integrationsfonds*), available at: <https://www.integrationsfonds.at/> (accessed 23 May 2019).

²⁸ Austria, Federal Law on the Principles of Social Assistance – Basic Act on Social Assistance (*Bundesgesetz betreffend Grundsätze für die Sozialhilfe – Sozialhilfe-Grundsatzgesetz*), Opinions, available at: https://www.parlament.gv.at/PAKT/VHG/XXVI/ME/ME_00104/index.shtml#tab-Stellungnahmen (accessed 23 May 2019).

III. DESERVINGNESS

The new regulation on social assistance constructs different beneficiary groups and imposes a broad variety of eligibility criteria. The previous needs-based minimum benefits were commonly provided for those in need. However, the new social assistance distinguishes between groups of beneficiaries along the categories of citizenship, language skills, criminal record, disability, lone parenthood, or number of children in the household. Members of each group are entitled to different amounts under different conditions. Interviewed client managers critically point out that the new regulations restrict access to (the full amount of) social welfare for members of groups, which are vulnerable anyway. This distinction between beneficiaries closely relates to, and aids the construction of the concept of “deservingness”. Given the basic purpose of social assistance, namely the prevention of poverty, no person-related criteria should play a role. Rather, only the economic situation of a person should be taken into account. However, the differentiation along the lines of citizenship, criminal record and the number of children in the household has several implications when it comes to the concept of deservingness.

The new legislation shifted the initial purpose of social assistance, namely combating poverty, to enhancing incentives to work. The newly formulated purposes of social assistance are enhancing employability by incentives (which are in fact punishments and sanctions for those who are not employable) and serving the purposes of alien’s legislation (which amounts to decreasing immigration into the social system). The previous needs-based minimum benefits were focused on combatting poverty, independently from the reasons for poverty. This approach did not necessarily imply a concept of deservingness, while the new approach does indeed. Generally, “deservingness” seems to be linked to an understanding of not being inherently *entitled* to benefits, but rather as having to *earn* them. The law and the accompanying discourses foresee certain parameters that render someone deserving.

A. WHO DESERVES MINIMUM BENEFITS/SOCIAL ASSISTANCE?

- Those with long-term payments into the social insurance system (older people rather than young professionals, recent graduates or drop-outs)
- Those who have “nothing left to lose” (€ 4000 savings may be kept, other property (such as a car) and income must be used up)
- Those whose priority it is to work again (independently from their qualifications)
- Those with long-term residence in Austria (at least 5 years)
- Those with two or less children
- Refugees, who obey the societal values and have high level language skills (assimilation)
- Those with no criminal record

Interviewees confirmed this perceived approach of deservingness when talking about the new regulations. The new regulations imply that only those who previously contributed to the social insurance system with tax payments also deserve to benefit from it. This approach practically excludes newcomers and children, as well as those who are difficult to place into the labour market due to low language skills and qualifications. An interviewed long-term beneficiary of social assistance agrees with this approach. In his opinion, it is not fair that everybody is entitled to receive social assistance. When asked about the fairness of the (former) needs-based minimum benefit system, he says:

IP: To put it like this: I don't find it fair that they all receive the money. The fact that I receive money here in Austria by not ever having had to make any effort (...) that wouldn't work anywhere else.

I: What do you mean with 'never having had to make any effort'?

IP: Paying back [to the pension fund]. It could be childcare, for all I care. But having ensured that in the broadest sense, someone someday will pay for my pension - so having paid into the pension fund. I do think to myself (...) I understand of course that people need some money to live off, but I think this should be seen in a more differentiated way, I think. (D5.5.T.7)²⁹

Unemployment, caused by one's own fault is another criterion for lacking deservingness, according to the interviewee. More particularly, he refers to young drug users and former prisoners. According to the interviewee's perception and the perception of his circle of acquaintances, these people do not deserve social assistance because they are responsible for their lacking ability to work. In his case, long-term unemployment and lacking the eligibility for unemployment benefits is due to long term-irregular work (without contributions to the social system), and due to chronic illness. These two parameters do not affect the concept of deservingness, neither in the interviewee's point of view nor in the one of his friends and acquaintances. The interviewee says:

So, ever since the needs-based minimum benefit has existed, I have discussed it with many people. I explain to them why I receive it, and then that's not a problem anymore. You need to speak to the people, you need to educate them and then for most of them it's not a problem anymore, I think. (...) You were ill, earlier on you used to work illegally, most of the people [used to do it that way] themselves and then crossed over into the daily work routine. This is something you yourself were not able to do due to the illness. But then it works, then the understanding is there [in the case of a 22-year-old drug addict]. Then the problem is, that most people whom I speak to, they see it as a matter of

²⁹ Original quote: "IP: Um das so zu sagen: ich finde es nicht fair, dass alle das Geld kriegen. Dass ich ohne dass ich jemals einen Aufwand betrieben habe, bei uns in Österreich ein Geld kriege, das gibt es woanders nicht.
I: Was meinst Du mit Aufwand betrieben haben?
IP7: Einzahlen. Von mir aus Kinderbetreuung, dafür gesorgt haben, dass im weitesten Sinne irgendwann einmal wer meine Pension zahlt, eben in die Pensionsversicherung eingezahlt habe. Da denke ich mir schon (...) ich verstehe schon, dass die Leute natürlich etwas zum Leben brauchen, nur sollte man halt schon das ein bisschen differenzierter sehen, glaube ich." (D5.5.T.7)

personal negligence. If I am [chronically] ill, that's fine. Just: drug addicts, alcoholics, former detainees, of course the level of tolerance is quite low in those cases. (D5.5.T.7)³⁰

Interviewed social workers however criticise this approach of deservingness and argue with the need for a conceptual and practical differentiation between social welfare benefits and social insurance benefits. While social insurance benefits are connected to the earlier income and tax contributions, social welfare benefits need to be holistically provided for those in danger of poverty. The new legislation on social assistance and the accompanying discourses of deservingness however mix up these two types of social benefits. They imply that retired nationals, who contributed to the system by employment or childcare, deserve social assistance,³¹ while newcomers or young persons do not. An interviewed social worker argues that very low pension entitlements indeed result from lacking contributions to the social insurance system. Thus, the discourses of deservingness are conflicting. Low or no contributions into the social system (due to irregular work, long-term unemployment or childcare) do not affect deservingness in case of old nationals, but do in case of young and newcomers. The person says:

A note on the side: it's not quick and easy to receive the pension supplement: in my life for example, I have not worked that much and not earned that much. So, it's highly conventionalised that it's the good ones, the hard workers. On that, political decisions are made on who is deserving and who isn't – so, the good ones are the Austrians who have worked their whole lives and – yes. (D5.5.T.5.1)³²

Moreover, the social welfare authority expects massive administrative efforts to check these various conditions in the individual cases, as the more eligibility requirements in place, the more has to be assessed. An interviewed client manager says:

That means we have different groups of applicants and they already need to be administered differently when granting [the benefit], and of course the same thing happens again when it comes to sanctions and cuts. That means we have a very comprehensive procedure and actually you cannot store an individual's record, you need to check it day in and day out: it's the same as it was when notifications were issued. (...) It's really a lot of effort. And we deal with topics, for example deciding whether or not someone is able to work, if the person has German skills or not. However, for [the actual

³⁰ Original quote: "Also ich diskutiere mit vielen Leuten über die Mindestsicherung seit es sie gibt. Erkläre ihnen warum ich sie kriege und das ist dann eigentlich nicht mehr das Problem. Man muss mit den Leuten reden, man muss sie aufklären und dann ist es glaube ich für die meisten auch kein Problem mehr. [...] Man ist krank, man hat früher schwarz gearbeitet, die meisten haben das selber getan und die sind dann nachher halt in den Arbeitsalltag übergestiegen, was du dann halt durch die Krankheit nicht machen hast können und dann geht das, dann ist das Verständnis schon da. [Beim 22 jährigen Drogenabhängigen] Da ist dann dass Problem, weil die meisten Leute, mit denen ich rede, empfinden das als Eigenverschulden. Wenn ich krank bin, ist es ok, nur: Drogenabhängige, Alkoholabhängige, ehemalige Häftlinge, da liegt natürlich die Toleranzschwelle relativ niedrig." (D5.5.T.7)

³¹ As equalisation supplement to pensions, which are below the minimum amount.

³² Original quote: „Bemerkung am Rande: eine Ausgleichszulage beziehe ich nicht so schnell, da habe ich schon in meinem Leben nicht sehr viel gearbeitet oder nicht sehr viel verdient. Also das wird auch hochstilisiert, dass das die Braven, Fleißigen waren. Also auf dem basieren Entscheidungen der Politik wer würdig ist und wer nicht würdig ist, – also die Braven sind die Österreicher, die ihr Leben lang gearbeitet haben und – ja.“ (D5.5.T.5.1)

purpose of social assistance] fighting against poverty, this is not relevant. It's important for taking up work and for the opportunities available in that particular area of work. Based on that, it is assessed or sanctioned by the relevant office, the Public Employment Service. (D5.5.T.2)³³

Moreover, the eligibility criteria are formulated vaguely by the law and the authority anticipates challenges in assessing whether they are met. The clients need to be registered at the Public Employment Service (AMS) and they are requested to participate in courses and other measures suggested by the Public Employment Service. The social welfare authority has access to the data and becomes notified in case the client is not ready to cooperate in these measures.

We have access to all of these portals. We know whether or not someone is insured or if they are registered with the Public Employment Service. Whether they are registered with the Public Employment Service, whether they attend a course, if they refused any measures, we see everything on the AMS Platform. (D5.5.T.2)³⁴

Interviewed members of the AMS do not really know how to practically implement the new legislation on social assistance and thus feel insecure in their work. They do not feel informed about the law, their duties and how to execute the legal provisions, E.g. they do not know who is mandated to assess the requested B1 level German language skills of their clients.

Particularly the interviewed members of the AMS strongly emphasise that they are not the authority in charge of social assistance. During the interviews, they focus on their primary mandate to refer workplaces. They perceive themselves as an interface between social assistance and the labour market. The interviewees point out that they were only informed on the new social assistance scheme by the media. They say that they are reluctant and wait until the law enters into force. So far, they treat all clients equally, independent of whether they receive unemployment benefits or needs-based minimum benefits. Interviewed members of the AMS did not reflect upon the idea of deservingness. They are strongly bound by their mandate of placing persons in the labour market.

The following sub-chapters discuss the consequences of the new regulation for certain groups of people who are assumed as vulnerable in this project.

³³ Original quote: „D.h. wir haben verschiedene Antragsgruppen und die müssen schon bei der Zuerkennung unterschiedlich bearbeitet werden und dann natürlich bei den Sanktionen und Kürzungen noch einmal das gleiche. Das heißt: wir haben ein umfangreiches Prozedere und eigentlich wird der Akt ja gar nicht mehr weggeräumt, sondern man muss tagesaktuell immer wieder überprüfen: ist das noch so wie es im Bescheid-Zeitraum war. [...] das ist wirklich ein hoher Aufwand. Und wir befassen uns mit Themen, zum Beispiel ob jemand arbeitsfähig ist oder nicht, ob derjenige Deutschkenntnisse hat oder nicht, aber das ist für die Armutsbekämpfung und Mindestsicherung nicht relevant. Das ist für die Arbeitsaufnahme und die Möglichkeiten im Arbeitsbereich wichtig und wird entsprechend von der zuständigen Stelle, dem AMS, geprüft oder sanktioniert“. (D5.5.T.2)

³⁴ Original quote: „Wir haben Zugänge zu diesen ganzen Portalen. Wir wissen ob jemand versichert ist oder ob er beim AMS gemeldet ist. Wenn er beim AMS gemeldet ist: ob er einen Kurs besucht, ob er irgendwelche Maßnahmen verweigert hat, das sehen wir alles auf dieser AMS Plattform.“ (D5.5.T.2)

B. PERSONS WITH DISABILITIES

The social welfare regulations for persons with disability are a provincial competence. There are huge differences from one province to the other. In Styria for instance, the services for persons with disabilities include the costs for living in other provinces this is not the case. In Styria, people with disabilities were excluded from the social assistance system, because their costs for living are covered by the disability allowance system. In Styria, this was already the case in the former regulation on needs-based minimum benefits. This approach is taken by all provinces in the course of the new regulation on social assistance. Interviewees can hardly access whether this is an advantage or not.

One interviewed beneficiary points to his experiences with the Styrian disability regulations. He has severe health problems due to an accident, but does not receive disability allowances of any sort by the province. He receives the needs-based minimum benefit. He tells the story of his experience with the AMS whilst being in a grey-zone between able and unable to work due to these health problems. When he was presenting evidence of an existing physical impairment, which should disqualify him from being ready to work certain jobs despite remaining eligible for needs-based minimum benefit, he explains:

I said to them I have a physical problem and they sent me to a, I don't know what's the name of the building. Pension or handicaps (...) and I gave my file to the doctor there, he works for the AMS. He is taking up the people [who get referred from the AMS]. He said 'I don't need your documents; I will check myself'. I said 'alright'. He said 'walk'. I walked. He said 'sit'. He said how many fingers is it? I said 'three'. He said how many fingers is it now? I said 'four'. He said 'you can see'! And I said 'hey man, I have had three knee operations. And I have arthrosis. And this is the hospital report.' And he said no, he will check by himself. And he wrote down that I can do everything. (D5.5.1.6)

The interviewee states that as a consequence, he is sent vacancies and must apply to jobs that he is physically unable to do. He gives the example of being sent jobs in factories that require lots of walking and general movement. Despite knowing that he is unable to perform the duties required, he applies to the jobs to avoid being sanctioned by the AMS. However, he is well aware that he will not get the jobs because of his impairments. Thus, he finds his way to deal with the requirements and submits meaningless applications:

From a management vision it's right, they have a right. Personal experience, of course I don't like it. (...) So, this is the reason I said 'okay, you can send me to the factory'. You know, if you do whatever job in the factory you should go to the interview, yes? And they would say 'are you okay?' and I would say 'I am just having a little problem in my knee'. And they would not employ you. Alright, you [the AMS] want to have a game, I will do it. (D5.5.1.6)

Even though he is personally not happy with the way this decision was made by the AMS, he does consider the system from an objective point of view and recognises that several factors play into the AMS acting this way, including management and having to fulfil quotas.

However, it cannot be found out if the doctoral assessments on the ability of persons to work were influenced by the EU crises or new legislation. Members of social welfare authorities clearly point

out that with the new law on social assistance coming into force, the administrative efforts in executing social assistance (assessing eligibility criteria and additional payments) will for sure increase in the future. An interviewed social worker points out that the representative organisations of persons with disabilities perceive the exclusion of these persons from the social assistance system as being the result of their political engagement and negotiations:

And for some, I don't know, I also found that very interesting, so in the case of persons with disability – in those cases it was the self-representation organisations – they ultimately did manage to achieve a lot. Their lobby very strongly influenced this law. And they managed that persons with disability are mostly excluded from this law and all of the reprisals. What I actually also find very interesting in all of these discussions, something I can actually barely stand, because they [the self-representation organisations] then leaned back and said: yes, they have attained everything for themselves now. Now I am thinking: who are “they”? It's primarily people with physical disabilities, and to a lesser degree people with learning disabilities or mental illnesses, who are not excluded from the employment qualification bonus (“*Arbeitsmarktqualifizierungsbonus*”). And also, in this case, the conclusion is that everyone is responsible for themselves. That's also how the NGOs are reacting, they are saying: yes, they fought for it, they criticized it, and now they are leaning back and saying that now it is time for the provincial states to act. (D5.5.T.5.1)³⁵

Overall, the exclusion of persons with disabilities from the social assistance system is perceived as a benefit. This is because the eligibility requirements (having no property, ability to work, etc.) and sanctions (lower payments in case of not participating in AMS courses) in case of social assistance are more severe than in the disability allowance system. However, practical problems remain on how to classify someone as being disabled.

C. NON-CITIZENS

As already addressed above, the new regulations on social assistance have the explicit purpose of serving alien's legislation and preventing migration into the social welfare system. Consequently, the entitlement of non-citizens to (the full amount of) social assistance is subject to change in the new law.

³⁵ Original quote: „Und bei manchen, was weiß ich, das fand ich auch wieder sehr spannend, also bei Behinderten – das waren eher so Selbstvertretungsorganisationen – die haben ja sehr, sehr viel erreicht letztendlich. Deren Lobby hat ja sehr stark hineinregiert in dieses Gesetz. Und die haben es ja geschafft, dass Menschen mit Behinderungen durchwegs ausgenommen sind von diesem Gesetz und von diesen ganzen Repressalien. Was ich eigentlich auch sehr spannend finde in diesen ganzen Diskussionen, was ich auch eigentlich kaum aushalte, weil sie sich dann zurückgelehnt haben und gesagt haben: ja für sich selbst haben sie alles erreicht. Jetzt denke ich, man muss auch schauen: wer ist „sich“? Das sind primär Menschen mit körperlichen Beeinträchtigungen, weniger Menschen mit Lernschwächen, oder psychischen Erkrankungen, die zum Beispiel vom Arbeitsqualifizierungsbonus nicht ausgenommen sind. Also da ist sich wieder jeder selbst der nächste, das ist die Conclusio. Und so reagieren jetzt auch wieder die NGOs, die sagen: ja, sie haben dafür gekämpft, sie haben das kritisiert und jetzt lehnen sie sich zurück und sagen: die Länder sind gefordert.“ (D5.5.T.5.1)

The concrete consequences differ depending on the exact type of non-citizen. This will be pointed out in the following sub sections.

1. RECOGNISED REFUGEES

An interviewed beneficiary of needs-based minimum benefits (in the previous system, which is still in place) reported about the previous system, while the interviewed professionals mainly commented on the new regulations.

The beneficiary reports severe language barriers in the beginning of his contacts with the authority. These barriers entailed barriers to information. According to him, the authority requested German language skills already from the early beginning:

It was not their problem, it was our problem because we are not able to speak in German and normally, in an official place like the Public Employment Service, the consultants don't like to talk in English. They don't like to talk in English so somehow, they are pushing you to learn German. Even if you have been in the new country for less than one year. So, we just took the papers and we asked another refugee. It's the ambience, we are connected. They said okay, you should go to that room or to that organisation, and sometimes friends came with us and we were able to handle it. (D.5.5.T.6)

The interviewee speaks about his treatment by the authorities at the AMS:

I cannot call it respect or disrespect. I think if you are working at some place, an ordinary job with a lot of clients, you know, maybe your behaviour cannot be very polite but it does not mean that it was impolite, you know. It was very normal it's like a guy who was working casually. You can see they have 15 or 20 clients a day, a lot of talking, it's not easy. As a guy I can see that, it's also not easy. They are not engaged with your thoughts or desires; they have to do their job. I can also not say they are like robots. Except one time, I got lucky. Because during this time I got a consultant there and he was an artist. We could talk a little bit; it was much easier. Also, he spoke in English with me and it was much clearer. (D.5.5.T.6)

During the beginning of his stay, the interviewee reports a huge amount of efforts to receive social assistance:

The process is that you go over there, you make a contract with the AMS so in case you are asked to do something, study German or have a qualification, it depends. I think now they changed it a bit. Before, every month you had to fill out an application in the city, in city hall, and sign it every month that you want to receive it. And then every month, it was not a big deal, just a sheet of paper, you sign it and put it in the post box or whatever. You didn't need to talk or anything. Now it has changed. When they give you a notification, there is a date. Today in six months. It works. In those six months, you will have it [the money]. If you get a job, you inform them and they cut the payment. If you don't inform them you will have a problem because later you need to pay it back. (D.5.5.T.6)

The interviewee reports that for him, the efforts to receive the money are low. However, the assessments and the duration of the procedures took too long. On the other hand, he can understand the duration given the amount of eligibility criteria to be assessed, as well as the capacities for placement at the labour market. The refugee, who currently receives the full amount of needs-based minimum system, reports that he is able to live with it and to cover all his expenses. When he was an asylum seeker, he was subject of basic care and received payments of € 150. He reports that he was also able to live with this amount:

It depends, you know. But with 150 Euros, we had the experience when we were in [city], we earned 140 Euros monthly before you go to the court, they give you money. We were three guys, we lived together in one house, I was the oldest and I cashed all this money and with 450 Euros almost I could handle our house. It was not hard. Yes, we had some additional help by the people or something like that, but with 450, 3 guys were able to control expenses for cooking, for smoking. If you want to go to the bar every day and drink red wine for 7 Euros, it's not possible. But there is also the 2 Euro wine in the shop, one bottle. You don't need to drink every night, maybe once a week. If you collect this money and someone is like the 'mother' of the house, you can manage it, you know. But if everyone wants to follow their desire, they will not be able to do it with 150 Euros. It depends on what 'living' means. It depends on the kind of quality of life you want to have, you know. Of course, you can. You can live with, if you have some place to sleep, you can live with 50 Euros per month. (D.5.5.T.6)

In terms of monthly efforts, the interviewee reports that he had to go to the AMS every six weeks for an appointment of 15 minutes. Apart from this, he was sent job offers where he had to apply and also, he had to search for jobs on his own initiative and to report on his efforts to the AMS. The interviewee reports that due to the transition to electronic services at the AMS (e-AMS), his efforts became smaller. He says:

Prior to your first job you need to fill it out on paper and you have to go over there and give it to them by hand. If you work, even for one month, then you are out of the system. Then when you are back, you go to the e-AMS and then you will have more time. You don't need to go over there and you can do it via your profile page, it's okay. But every six weeks almost you need to go and speak to them personally. (D.5.5.T.6)

The new regulation links social assistance with employability, which is in itself linked with high-level German language skills. An interviewed member of the AMS understands and accepts these language requirements for placing migrant workers. He refers to the need to understand safety regulations, which are relevant in many occupational fields also and particularly in the lowly qualified labour market sectors. However, an interviewed beneficiary who is a native Austrian does not understand these high-level requirements. When discussing deservingness, he says:

I find these stories with the German language; I find them completely unnecessary. So, for me that's not understandable, because I think for some positions you don't necessarily need to speak German - I mean, of course it's an advantage, but I don't find it right that you need to be able to speak German to receive money. For me that's not understandable at all. If someone is willing to work but hasn't been here for that long yet, but you can tell

the person is willing to work but can't really speak German yet, then somehow pulling them down with the money issue as opposed to others, who maybe do speak German and settle here but don't want to do [work] and receive more money anyway (...) I simply don't find that fair.³⁶ (D5.5.T.7)

The quote shows that employability and the readiness to work are not necessarily connected to language skills. However, the new regulation does so by requiring B1 level language skills.

In case the employability requirements are not met, non-nationals' social assistance is reduced by € 300 per month, which amounts to a total of € 560 for a person who lives alone. The difference of € 300 will be provided as in-kind contribution to pay for language courses. Interviewees critically point out that this reduction in the law is called "employment qualification bonus" (*Arbeitsmarktqualifizierungsbonus*).

Interviewed social workers expect restricted access to adequate housing. It is difficult in almost all areas to access adequate housing with a monthly income of € 560 for one person. They point out that the name "bonus" is cynic, because in fact, it is a reduction of the amount. An interviewed client manager says:

Of course, this leads to a massive worsening of the situation, so, 35% less when it comes to daily sustenance and housing assistance is not little, and it leaves few opportunities to even exist here and live here, I would say. In addition, because this reduction – not in the way I understood it until now - is not an actual bonus, but it's already an inherent minus point. So, it's also reduced even if the people are ready to do it [participate in measures] and are also already taking part in German courses, but it's only paid out as a bonus if the level of German has been reached. (D5.5.T.5.1)³⁷

Interviewed client managers expect barriers in accessing language courses for the affected, particularly because the funds for the carrier organisations, which provide language courses, were significantly reduced as well. An interviewed member of the AMS assumes that reaching German language level B1 will be the priority for those who are affected by the reduced social assistance. At the same time, the AMS budgets for the provision of language courses were reduced by 50%. The person says:

In the case of persons who will receive the reduced new social assistance, I assume that they will make use of several services – or many of them, yes – will make use of several

³⁶ Original quote: „Ich finde diese Deutschgeschichten, die finde ich absolut unnötig. Also das ist für mich nicht nachvollziehbar, weil ich denke einmal, für manche Stellen muss ich nicht unbedingt Deutsch – ich meine, es ist natürlich ein Vorteil, aber ich finde es nicht richtig, dass ich Deutsch können muss, um das Geld zu kriegen, das ist für mich absolut nicht nachvollziehbar, weil wenn jemand arbeitswillig ist und zwar noch nicht so lange da ist, aber man merkt er ist arbeitswillig, aber er kann noch nicht wirklich Deutsch und den irgendwie runter zu ziehen mit dem Geld im Gegensatz zu einem anderen, der vielleicht Deutsch kann und sich da breit macht und einfach nichts tun will und aber trotzdem mehr Geld kriegt, das finde ich einfach nicht fair.“ (D5.5.T.7)

³⁷ Original quote: „Das führt natürlich zu einer massiven Verschlechterung der Situation, also 35% weniger vom Lebensunterhalt und vom Wohnbedarf ist nicht wenig und lässt wenig Möglichkeiten offen, hier überhaupt existent zu sein und hier leben zu können, sage ich jetzt einmal. Noch dazu, weil dieser Abzug – nicht so wie es bisher verstanden wurde – nicht ein tatsächlicher Bonus ist, sondern eigentlich von Haus aus ein Malus, sprich auch abgezogen wird, wenn die Menschen schon dazu bereit sind und tatsächlich auch schon Deutschkurse absolvieren, sondern erst dann ausgezahlt wird als Bonus, wenn dieses Deutschniveau erreicht ist.“ (D5.5.T.5.1.1)

services to reach this German level B1 or at least B1, so they can leave the reduced new social assistance. We will not be able to offer that completely by ourselves, right? But it depends and we also don't know that yet, but the budgets and the guidelines for 2020 are not clear yet, who will end up being responsible for what exactly, right? (D5.5.T.3)³⁸

The interviewee further points out that the situation on the labour market is currently quite good; there is a growing number of vacancies each month – also in the lowly qualified sector. Thus, the AMS's priority is to place refugees in the labour market, even in the lowly qualified labour market, because employees are urgently needed in various sectors – mainly in harvesting and gastronomy. For the interviewees, facilitating refugees' access to employment prevents them from being subject to the problematic regulations of social assistance. Placing them in understaffed occupations must be prioritised over reaching high-level language skills. Interviewees indeed perceive it as fair to request high-level language skills from those who have lived in Austria for more than five years. One interviewee, who migrated to Austria several years ago, points out that it is understandable that there are certain requirements and thresholds posed to non-citizens in order to receive benefits. He points out that the system provides for possibilities to learn the language – a notion that should be prioritised over acting selfishly due to laziness, ulterior motives, etc. He says:

You can get training and they will pay you, go there, you go there, you can live your life. How can I be selfish, you know? (...) There are a lot of bugs in the system but they are doing it as they can. Of course, there is the political background to the side, because each party has different visions and different targets, different meanings of justice [when it comes to language requirements]. For me it's understandable. (D5.5.I.6)

Other interviewees point out that as the migration flows into Europe took place only less than four years ago, thus it is unfair to expect B1 level language skills in such little time.

Moreover, interviewees point out that families with several children are over-represented within the refugee group. Consequently, this group is also over-proportionally affected by the second severe restriction of payments, which the new law on social assistance imposes. Finally, refugees are additionally over-represented in the group affected by a third restriction, namely the reduction of social assistance amounts for people who live in shared flats. As refugees (with low language skills) are affected by a reduction of financial benefits anyway, they are forced to live in shared flats, which will itself lead to a further reduction of financial benefits. According to an interviewed social worker, this is a very cynical regulation:

In general, it's a very cynical provision, because if you saw the TV discussion yesterday [a discussion on the topic], in that discussion, if you heard it, it was argued that refugees or persons who don't have this employment qualification bonus are definitely able to live in shared accommodation, where they will live more cheaply. And it's exactly that group

³⁸ Original quote: „Bei Personen, die in reduzierter neuer Sozialhilfe dann sein werden, gehe ich davon aus, dass die dann sämtliche Angebote nutzen werden – oder viele davon, ja – sämtliche Angebote nutzen werden, um dieses Deutschniveau B1 oder mindestens B1 zu bekommen, um aus dieser reduzierten Sozialhilfe-Neu herauszukommen. Wir werden es nicht bieten können, komplett allein, ja? Aber es kommt darauf an und das wissen wir auch noch nicht, aber die Budgets oder die Vorgaben 2020 sind auch noch nicht klar, wer da wirklich dann tatsächlich für das zuständig sein wird, ja?“ (D5.5.T.3)

that will be affected most by this provision - it will be adults. Adults who live together and exactly in that area, cuts will be made in a very drastic and blatant manner and that's what makes it a cynical legislation, next to many other points that are outlined in there. (D5.5.T.5.1)³⁹

It can be concluded that the most severe restrictions and reductions of social assistance affect refugees over-proportionally, even if they are formulated in a neutral manner. As the explicit purpose of social assistance is the prevention of migration into the social system, it can be assumed that these restrictions are not imposed coincidentally.

2. SUBSIDIARY PROTECTION STATUS HOLDERS

Subsidiary protection status holders, i.e. those, who do not meet the criteria of the Geneva Convention but who also cannot be deported because their life is threatened in their country of origin, are excluded from social assistance. Their entitlement to the former system of needs-based minimum benefits differed from province to province. However, the new regulation foresees a general exclusion of subsidiary protection status holders from social assistance. They are only entitled to the core benefits available for asylum seekers. The awareness of interviewees on this issue is rather low. They did not comment on this issue a lot. Only one interviewed social worker says:

Yes, if it happens according to the current government, then all subsidiary protection status holders would fall out of the social assistance/needs-based minimum benefit. The services for subsidiary protection status holders are limited to core services and the core benefit amount that was determined in this case is the amount given for primary care. As subsidiary protection holders receive primary care, they are basically excluded from social assistance. So, that's a very concrete group that will fall through. (D5.5.T.5.1)⁴⁰

3. OTHER NON-NATIONALS

Non-nationals who are not refugees are entitled to social assistance only if they have been legally resident in the country for more than five years. Interviewed social workers and members of representative organisations indeed perceive this as fair. According to the EU free movement

³⁹ Original quote: „Das ist überhaupt eine sehr zynische Bestimmung, weil wenn man die gestrige TV-Sendung [Diskussion über das Thema], die Diskussion, wenn man die gehört hat, dann wurde hier ja argumentiert, dass Flüchtlinge oder Menschen, die nicht diesen Arbeitsmarktqualifizierungsbonus haben, ja durchaus in einer Wohngemeinschaft leben können, wo sie ja dann günstiger leben und genau diese Gruppe trifft es ja dann am stärksten, diese Regelung bei den Erwachsenen, die zusammenleben und genau dort wird dann ziemlich unverhohlen und drastisch gekürzt und das ist eine zynische Gesetzgebung, neben vielen anderen Punkten, die drinnen stehen.“ (D5.5.T.5.1.1)

⁴⁰ Original quote: „Ja, wenn es nach der Bundesregierung geht, dann würden alle subsidiär Schutzberechtigten aus der Sozialhilfe / Mindestsicherung herausfallen. Bei subsidiär Schutzberechtigten die Leistung auf Kernleistungen beschränkt und die Kernleistungshöhe, die hier festgelegt wurde, ist die Höhe der Grundversorgung. Da subsidiär Schutzberechtigte Grundversorgung erhalten, sind sie quasi aus der Sozialhilfe dann draußen. Also das ist eine ganz konkrete Gruppe, die herausfallen wird.“ (D5.5.T.5.1)

regulation, employment is required for EU nationals for a residence permit anyway. Interviewed social workers request third-country nationals who are not in need of international protection, to migrate at least for the purpose of employment, rather than for the purpose of having access to social assistance. An interviewed member of the social welfare authority argues for restricted access to social assistance for newly coming third-country nationals and EU citizens, contrasting refugees:

You either say that they can only come in if they, before they come here, they already have a workplace, so as is the case with the Green Card in the USA or Switzerland. Other than that, there is nothing, they very clearly need to already have a workplace. But we need to take the refugees, there is no other way. (D5.5.T.2)⁴¹

Interviewees expect an endangerment of social peace if access to social welfare payments would be opened to all non-nationals without restriction. They are clearly in favour of the five years waiting period for non-nationals other than persons in need of international protection. They argue that refugees do not move to Austria voluntarily, but rather because their life is in danger – they are in an emergency. A waiting period for access to social assistance would not be fair for them, while on the other hand it is fair for EU and third-country nationals. An interviewee summarises the crux of the matter:

We can't compensate for poverty in other countries. It's impossible. You need to consider the situation Europe-wide. (D5.5.T.2)⁴²

However, an interviewed beneficiary of social assistance believes that it is easy to practically circumvent the criterion of five years of legal residence in Austria. According to him, it is "sufficient" to be registered in the country, while no one assesses if the person is actually resident. He says:

It's already makes a big difference whether I need to have been registered here for five years. Because whether I have been registered here or have actually stayed here for five years, that's a big difference. Who checks whether or not I have been here for five years? There is a lot of fuzziness behind that. (D5.5.T.7)⁴³

This interviewee perceives it as unjust that non-nationals have access to social assistance. However, he does point out that refugees who are willing to work should have access to social assistance.

⁴¹ Original quote: „Entweder sagt man, die kommen nur herein, wenn sie, bevor sie zu uns kommen, schon eine Arbeitsstelle haben, also wie eine Greencard in den USA oder der Schweiz. Dann gibt es ja gar nichts anderes, dann muss er ja ganz klar Arbeit haben. Aber die Flüchtlinge müssen wir ja aufnehmen, das geht ja gar nicht anders.“ (D5.5.T.2)

⁴² Original quote: „Wir können die Armut der anderen Länder nicht kompensieren. Das ist ein Ding der Unmöglichkeit. Und da muss man europaweit schauen.“ (D5.5.T.2)

⁴³ Original quote: „Ich muss 5 Jahre da gemeldet sein, das ist schon einmal ein großer Unterschied. Weil ob ich 5 Jahre da gemeldet bin oder 5 Jahre da bin, ist schon ein großer Unterschied. Weil wer überprüft ob ich 5 Jahre da bin? Also da ist auch sehr viel Schwammiges dahinter.“ (D5.5.T.7)

D. YOUNG ADULTS AND CHILDREN

Families with more than two children are subject to severe reductions of the amount of social assistance. This reduction was subject of intense public debate in Austria and was also intensely commented on by interviewees. The opposition of the Austrian conservative and right-wing government, as well as NGOs like Caritas, repeatedly criticised this regulation and argued that it will also affect “native Austrian families”, even if migrant families are over-proportionally affected. They accused the government of creating child poverty. An interviewed social worker comment:

What is especially said by all these actors like Caritas, is that child poverty is a larger issue to deal with. Even though we are living in prosperity, child poverty is still an issue unfortunately, and it will then be an even bigger one. (D5.5.T.1)⁴⁴

Moreover, in the province of Styria, children were entitled to minimum benefit payments 14 times a year in the former regulation. The new regulation foresees a maximum of 12 payments a year.

An interviewee *assumes* that the regulation of reduced amounts with every further child is not in line with the Austrian constitution or with European law. He is *sure* that it is not in line with issues of justice. Moreover, it contradicts other social welfare entitlements of families, such as family allowance, which progressively increase with the number of children and their age. Family allowance is available for all children – independent from citizenship. This interviewee says:

Particularly at the lower end, so, where poverty actually occurs – in the needs-based minimum benefit, in social assistance – you do exactly the opposite and make these values obsolete or even undercut them. So, that’s a point to be made: families and children who will be particularly affected, families with multiple children. But in Vienna it’s every child, ultimately. And the losses will be very, very massive, the bigger the family is. (D5.5.T.5.1)⁴⁵

The Viennese needs-based minimum income system improved the access to social welfare for young adults. The authority’s right to reclaim from relatives and from the later income was abolished. This is the most significant improvement compared to the former system of social assistance. The needs-based minimum benefit system provided explicit support for young adults to foster their access to the labour market. Programmes for the integration of young adults into the labour market were created - incentives, but also sanctions in case of lacking readiness to cooperate – were created as well. The concrete amount of minimum benefits for young adults was related to their active participation in courses and other means of labour market integration. However, at the same time, young adults up to the age of 25 were included into the “needs unit” of their parents again. In case the parents had enough income, the young adult had no access to needs-based minimum benefits. However, an interviewee points out that this regulation is not likely to affect a large number of young adults, because usually

⁴⁴ Original quote: „Und was halt von allen Trägern, wie Caritas, gesagt wird, dass Kinderarmut dann noch ein größeres Thema ist. Leider ist Kinderarmut ja, trotzdem wir in einem Wohlstand leben, leider bei uns nach wie vor ein Thema und das wird dann ein größeres Thema sein.“ (D5.5.T.1)

⁴⁵ Original quote: „Und gerade am untersten Ende also dort wo Armut tatsächlich auftritt – in der Mindestsicherung, in der Sozialhilfe – macht man dann genau das Gegenteil und egalisiert letztendlich dann oder sogar unterschreitet dann diese Werte. Also das ist einmal ein Punkt – Familien und Kinder, die da besonders getroffen werden, das sind die Mehrkindfamilien. Aber in Wien ist es letztendlich jedes Kind. Und die Verluste sind dann sehr, sehr massiv, je größer die Familie ist.“ (D5.5.T.5.1)

the income of parents of young adults who are dependent on minimum benefits is not high too. The interviewee says:

So, this has actually excluded many of the clients we have had from the needs-based minimum benefit. We know that it was not the biggest number – it was rather a smaller number, as usually also the parents did not have a lot of income. But it could be the case that here, persons did fall through the needs-based minimum benefit, fell through this measure. Yes, so that's what I can spontaneously think of when it comes to Vienna. But in general, the opposite was the case, because otherwise there would not have been more recipients. (D5.5.T.5.1)⁴⁶

The new regulation on social assistance imposes no special sanctions or supporting measures for this group. Thus, nothing is known about the specific consequences for this group.

E. GENDER ASPECTS

Gender aspects are closely related to childcare. Childcare practically affects women (mothers) and has consequences for their access to employment and social benefits. Interviewees point out that the pension entitlements of mothers are restricted due to their part-time work, which in turn results from care obligations. Women who were active in childcare during their life and consequently not very active at the labour market, are mentioned the most when it comes to persons who fall out of the system of social benefits. An interviewed member of the AMS says:

When it comes to the question of whether there are cases in which people have a hard time, or who fall out of the system: we have dozens of cases at women's discussion days, so, clients who come to us and then come with some kind of notice on the pre-calculation of the pension, that in 5 or 7 years they will get paid this and that amount. When you look at the sums, we can't help everyone, right? What we can do is that for example in this house with the gender-approach, we can help with support, by telling women that when it comes to employment for 20 hours [per week] we advise that 25 or 30 are by far better, because otherwise it won't be enough. Women with this longer calculation time – also men – receive their pension sums on paper, it's a sum you can hardly believe, you think you are going to topple over (...) because then none of it will be enough. With 65 you won't be able to rent an apartment, because it simply costs more than what you end up receiving. (D5.5.T.3)⁴⁷

⁴⁶ Original quote: „Also das hat wahrscheinlich schon auch einige der KundInnen, die wir hatten, von der Mindestsicherung her ausgeschlossen. Wir wissen, dass das nicht die große Zahl war – es war eher eine kleine Zahl, da in der Regel auch das Elternhaus nicht über ein großes Einkommen verfügt hat. Aber es kann sein, dass hier Personen durchaus aus der Mindestsicherung gefallen sind, durch diese Maßnahme. Ja, also das fällt mir jetzt spontan dazu ein für Wien. Aber grundsätzlich war das Gegenteil der Fall, weil sonst hätte es ja auch nicht mehr BezieherInnen gegeben.“ (D5.5.T.5.1)

⁴⁷ Original quote: „Zu der Frage ob es Fälle gibt, die sich schwertun oder die aus dem System rausfallen: wir haben Duzende Fälle bei Sprechtagen von Frauen, also KundInnen, die zu uns kommen und die kommen mit irgendeinem Pensionsvorrechnungsbescheid, dass sie in 5 oder 7 Jahren das und das bezahlt kriegen, also da sind

The AMS has several specific measures in place to support women with caring obligations because of their disadvantaged situation on the labour market. Gender budgeting is one of these measures, providing the target group of women with half of the budget available for AMS supporting measures, independent from the gender-composition of clients. The interviewed members of the AMS perceive this as just, because it is a compensation for the disadvantaged situation of women. An interviewee says:

Yes, it's just, because women are disadvantaged in the labour market. I need to look where there is disadvantage in the labour market – that's only just – it's larger, and you know that disadvantage is larger among women. Partly also the qualification is not there to the extent needed, that's what affects our office more, because we have very low educational attainment [among clients]. So, we try different programmes in the case of women or girls, where we say: get women into technology, see that you get them into that area where the salary is better, to also particularly encourage women to go there. You simply need to make use of more money, because the disadvantage is larger. (D5.5.T.4)⁴⁸

Programmes to qualify women for the better-paid labour market sectors in engineering are also in place.

Moreover, the new regulation on social assistance foresees improvements for lone parents (in practice these are mostly lone mothers). However, improvements only apply for parents of one or two children without additional adults in the household. An interviewed social worker comments:

There are very few exceptions, for example single parents with 1-2 children mostly profit from the law in this case, so if you want to hear something positive, then it's about lone parents with 1-2 children, but starting with the 3rd child it's already a loss, at least compared to the current provision in Vienna. (D5.5.T.5.1)⁴⁹

Summen drinnen, da können wir alle nicht helfen, ja? Was wir tun können im Haus ist mit diesem Gender-Ansatz, wir können auch in der Beratung helfen, dass wir Frauen mitteilen, dass wir bei einer Beschäftigung mit 20 Stunden raten, da sind 25 oder 30 Stunden weit besser, weil sonst geht sich das nicht aus, da kriegen Frauen mit dieser längeren Durchrechnungszeit – auch Männer – Pensionssummen am Papier, da steht eine Summe drinnen, da glaubst du, du fällst um [...], weil dann geht sich alles nicht aus, dann geht sich mit 65 die Mietwohnung nicht aus, weil die einfach mehr kostet als was du dann rauskriegst.“ (D5.5.T.3)

⁴⁸ Original quote: „Ja, das ist gerecht, weil Frauen sind die Benachteiligten am Arbeitsmarkt. Ich muss dort hinschauen, wo die Benachteiligung am Arbeitsmarkt – und das ist ja nur gerecht – größer ist und das weiß man eben, dass bei Frauen die Benachteiligung größer ist und zum Teil auch die Qualifikation auch nicht in dem Ausmaß da ist, was unsere Geschäftsstelle größer betrifft, weil wir ja ein sehr niedriges Ausbildungsniveau haben. Und da versucht man eben mit unterschiedlichen Programmen, das ist bei Frauen oder bei Mädchen, wo man sagt: Frauen in die Technik, zu schauen dass man sie eben in die Technik bekommt, wo eben das Gehalt besser ist, auch um diesen Einkommensgap auch ein bisschen, also darum fördert man auch speziell Frauen da hin, dass man sagt, man muss da einfach mehr Geld in die Hand nehmen, weil da eben die Benachteiligung größer ist.“ (D5.5.T.4)

⁴⁹ Original quote: „Es gibt ja ganz, ganz wenige Ausnahmen, z. B. AlleinerzieherInnen mit 1-2 Kindern, profitieren hier – meistens – vom Gesetz, also wenn sie etwas Positives hören wollen, dann sind das AlleinerzieherInnen mit 1-2 Kindern, aber ab dem dritten Kind ist es jedenfalls dann schon ein Verlust, zumindest im Vergleich zur derzeitigen Regelung in Wien.“ (D5.5.T.5.1.1)

Alimonies are counted as income for the assessment of social assistance entitlements. In terms of alimony payments, the needs-based minimum benefit system imposed a major improvement compared to the old social assistance system. The old social assistance system foresaw the responsibility of mothers to make claims for alimonies in case the father does not pay. This regulation was abolished with the needs-based minimum benefit. According to an interviewed member of the AMS, this was a huge advantage particularly for women affected by domestic violence. The interviewee comments:

In the case of alimony payments, it's also the case that the obligation to legally follow-up on alimony was removed with the law on the needs-based minimum benefit. That's very good, because we have many single mothers who left their husbands due to abuse, and then apply for the needs-based minimum benefit with us. In case there was no previous title for alimony, in previous years in such a situation, the issue had to be brought before the court. And of course, that was an immense burden for the applicant. (D5.5.T.2)⁵⁰

However, the new regulation on social assistance introduced the responsibility of women to make claims for alimonies again.

F. OTHER DISADVANTAGED GROUPS

Findings indicate the prevalence of several disadvantaged groups, apart from the ones named above. These are: old employees, lowly qualified persons, the working poor, and owners of small property, like a flat. All these groups have restricted access to the labour market and / or restricted access to social assistance. The concrete consequences will be addressed in the following sub-sections to the extent that they have become clear.

1. WORKING POOR

Persons whose income is lower than the amount of social assistance / needs-based minimum benefit, are entitled to supplementary payments out of the social welfare pot. They are subject to the same eligibility requirements as the unemployed. The newly imposed restrictions on accessing social assistance (i.e. language skills, qualification and trainings, employability) will affect the working poor even more, because they are not as flexible to complete language classes or other trainings, due to their employment. Refugees who are part of the working poor and whose German language skills are below level B1 are subject to the reduced payments in the framework of the "employment qualification bonus" anyway. An interviewed social worker comments that nobody talks about this "punishment of working poor refugees" in the current public discourse:

⁵⁰ Original quote: „Bei dem Unterhalt ist es ja auch so, dass die Rechtsverfolgungspflicht des Unterhalts ja beim Mindestsicherungsgesetz abgeschafft wurde. Das ist sehr gut, denn wir haben sehr viele Alleinerziehende, die den Mann aufgrund von Missbrauch verlassen haben, und bei uns dann um Mindestsicherung ansuchen, und wenn da kein Unterhaltstitel bestanden hat, musste das früher eingeklagt werden. Und das war natürlich eine extreme Belastung für die Antragstellerin. (D5.5.T.2)“

This is something only very few people speak about, but because of the introduction of the employment qualification bonus, employed persons who receive minimal supplementary benefits from the needs-based minimum benefit system, fall through because of the cuts. And that's not an inconsiderable group. Of course, because of other cuts like for example this declined granting of needs-based minimum benefits for children, - the cap - will cause an exclusion of more households from the minimum benefit system. It's always those who receive supplementary benefits, so, the employed, who receive small welfare amounts to supplement income. They fall through the cracks of receiving the needs-based minimum benefit.⁵¹ (D5.5.T.5.1)

Interviewees perceive it as unjust that the working poor are subject to the same eligibility criteria as the unemployed. In their opinion, the eligibility criteria need to be reduced as otherwise no incentives for work are provided. Moreover, working persons (even in part-time contracts) are less flexible when it comes to meeting the requirements, e.g. course attendance.

2. OLDER EMPLOYEES

Persons, who are dismissed at the age of 45 or above, face major difficulties in entering the labour market again, particularly in case they are lowly qualified. The interviewed members of the AMS point to the problems arising from the situation of this group. They make claims for employers to keep these persons in jobs and to acknowledge their experiences, particularly against the backdrop of the demographic developments and the shortage of qualified staff. An interviewee says:

They need to stay; they need systems so that they can be occupied, so that they can stay healthy, so they can also cope with all these changes when it comes to knowledge transfer. Otherwise it won't be possible out there due to a lack of skilled employees. So, also this loss of knowledge, if you take these numbers, for example I don't know how many leave the Austrian Federal Railway (ÖBB), thousands here and thousands there. We notice it ourselves at the Public Employment Service, also in our case there will be a change in 7-10 years, after which not many will be left. That's always the question: is it even possible with digitalization, will we really need fewer workers then? It could be the case. I am sure that digitalization will also change human resources, I am convinced.⁵² (D5.5.T.3)

⁵¹ Original quote: „. Es werden – davon sprechen die wenigsten – durch die Einführung des Arbeitsmarktqualifizierungsbonus – Mindestsicherungsbezieher, die bis jetzt nur kleine Ergänzungsleistungen aus der Mindestsicherung erhalten haben, durch die Kürzung aus dem Bezug fallen. Also das ist auch keine so unerhebliche Gruppe. Es werden natürlich auch durch andere Kürzungen wie z. B. diese degressive Gewährung der Mindestsicherung für Kinder, die Deckelung bei größeren Haushaltsgemeinschaften weitere BezieherInnen herausfallen, da handelt es sich immer um BezieherInnen einer Richtsatzergänzung, also die kleinere Beträge ergänzend zum Einkommen kriegen, dann herausfallen aus dem Bezug der Mindestsicherung.“ (D5.5.T.5.1)

⁵² Original quote: „Die müssen bleiben, sie brauchen Systeme, dass sie beschäftigt werden können, dass sie gesund bleiben können, dass sie auch diese ganzen Veränderungen im Wissenstransfer schaffen, sonst geht sich das alles draußen im Zuge des Fachkräftemangels nicht aus. Also auch dieser Wissensverlust, wenn Sie jetzt diese Zahlen hernehmen, weiß ich nicht, wieviele bei der ÖBB gehen, tausende da, tausende dort, wir merken es selber im AMS, bei uns ist in 7-10 Jahren auch der große Schwung, wo viele nicht mehr da sind, das ist immer auch die

One interviewee, who is both a refugee and over the age of 45, reports about being allocated to an organisation that was specifically geared towards the integration of male refugees over 45 into the labour market. This organisation turned out to be vital in facilitating his access to the labour market due to a combination of factors. The interviewee states that although he does not believe he got “lucky” with being allocated this organisation, he does point out several benefits he was able to enjoy in this particular institution. One of the most important benefits for him was having access to an individual who was available for constant counselling on the social welfare system in Austria, as well as who provided guidance on their opportunities at the labour market. Due to this particular situation of having an immediate contact person and structure available to cater to his needs, the interviewee points to the importance of individual institutions in facilitating not only the integration of refugees, but also the integration of people over the age of 45 into the labour market. For him, the small setting and the prevalence of other men in the same situation eased his ability to become independent and to find his place despite his age. The interviewee ended up finding – by self-described luck – a job that fit his experience and qualification from his home country. He credits the NGO with this lucky accident as it is well-connected, focused on one particular group, and well-integrated into the town.

However, apart from individual good practice examples, older employees are in a difficult situation as they are not yet entitled to a pension and at the same time are difficult to place in the labour market. Moreover, in the case they were able to accumulate some property due to long-term employment, this becomes endangered by the social assistance and the provisions it brings. At the same time, few organisations acknowledge the possible intersectional aspects emerging from residency status, age, and qualifications. However, generally, the interviewees overall cannot provide a clear prognosis on how this situation will develop as the new laws on social assistance and the unemployment benefit entitlements have not entered into force yet.

3. PROPERTY OWNERS

Persons are only entitled to needs-based minimum benefits or social assistance in the case they made use of all their property before. As already pointed out above, a car, a flat and monetary property of more than 4.500€ is considered as property to be made use of before being able to receive needs-based minimum benefits. In case a person owns a flat she or he lives in, the authority may sign into the land registry as co-owner. This is a huge barrier particularly for those who live in rural areas, as they are more likely to own property compared to people who live in cities like Graz and Vienna. Interviewees have different opinions on this regulation. While some interviewees believe that a car, a flat or a house used by a beneficiary should be left out, others think it should indeed be counted as property. An interviewed social worker is in favour of the authority signing into the land registry, because social assistance is the “last social net”. He says:

Generally, you could always go to the land registry immediately, in case there are assets. And we are the social net - the reason why you don't immediately go to the land registry (...) but those six months, many only have this to bridge time, the effort is simply too big

Frage: geht sich das mit der Digitalisierung aus, brauchen wir dann so viele weniger, das kann sein, die Digitalisierung wird die human resources auch verändern, da bin ich überzeugt. (D5.5.T.3)

and it's not worth it when you spend 400 Euros on securing ownership rights with all the side costs. But, extending it to three years has a particular background. But it's also the case, on the other hand I must say, if I get into an emergency then I will be supported, but of course if I have assets and an apartment, then under those conditions I would say alright, the authorities can seize my assets at some point. That doesn't mean I have to leave the apartment; my living space remains. However, those payments, these minimum payments are secured, and maybe once I have died or sold the apartment or whatever, then the authority or the state will get the money back.⁵³ (D5.5.T.1)

Another interviewed member of the social welfare office perceives it similarly:

We are out there as fighters against poverty. That means if someone owns a piece of property, then that's an asset and the person needs to use it. If they have 200.000 Euros in cash, then they also don't have any claim [to needs-based minimum benefits] and they need to spend it all apart from this exempt amount of 4800 Euros. And if they have cash or a property (...) otherwise everyone could say, before I apply I will buy a property quickly, then the authorities will not fall back on it (...) an asset is an asset.⁵⁴ (D5.5.T.2)

On the one hand, it is perceived as fair because social assistance is indeed the "last social net". On the other hand, this regulation imposes barriers for those who find themselves in temporary emergencies or for the working poor, who are only entitled a very small amount of compensation payments. These persons are deterred from applying for social assistance so as to not jeopardise their property; this is particularly in case there are co-owners.

⁵³ Original quote: „Prinzipiell könnte man auch sofort ins Grundbuch gehen, wenn Vermögen da ist. Und wir sind ja das letzte soziale Netz – warum man da nicht gleich ins Grundbuch geht (...) Aber die sechs Monate, es haben ja viele auch nur übergangsmäßig, da ist einfach der Aufwand zu groß und es zahlt sich auch nicht aus wenn man dann wegen 400 Euro eine grundbücherliche Sicherung durchführt mit den ganzen Nebenkosten. Aber auf drei Jahre ausweiten das hat einen speziellen Hintergrund. Aber es ist so, auf der anderen Seite muss ich sagen, wenn ich in eine Notsituation komme, werde ich ja unterstützt, aber natürlich wenn ich über Einkommen und auch über eine Wohnung verfüge, finde ich es unter dem Aspekt schon, dass ich sage ok, die Behörde kann ab einer bestimmten Zeit auf mein Eigentum zurückgreifen. Das bedeutet ja nicht, dass ich aus der Wohnung raus muss, der Wohnraum bleibt mir ja erhalten. Sondern es werden halt diese Zahlungen, diese Mindestleistungszahlungen gesichert, und wenn ich dann vielleicht irgendwann nicht mehr bin, oder die Wohnung verkaufe oder was auch immer, dann bekommt die Behörde oder der Staat das Geld wieder zurück.“ (D5.5.T.1)

⁵⁴ Original quote: „Wir sind ja als Armutsbekämpfer unterwegs, das heißt, wenn jemand eine Immobilie hat, dann ist das ein Vermögen und das hat derjenige auch einzusetzen. Denn wenn er 200.000 Euro bar hat, hat er ja auch keinen Anspruch und muss das erstmal verbrauchen bis auf diesen Freibetrag von 4800 Euro. Und ob er jetzt Bargeld hat oder eine Immobilie hat... sonst könnte ja jeder sagen, ich kaufe mir, bevor ich einen Antrag stelle, noch schnell eine Immobilie, dann greifen die Behörden nicht darauf zu... also Vermögen ist Vermögen.“ (D5.5.T.2)

IV. CONTEST OF RETRENCHMENT AND MOBILISATION OF IDEAS OF JUSTICE

The unemployment rate severely increased during the times of the financial and economic crises and at the same time, the vacancies available on the labour market decreased. Waves of dismissals took place in large companies and those people affected were very heterogeneous. One consequence for the social welfare office was an increased number of beneficiaries of the needs-based minimum benefits; on the other hand, one consequence for the AMS was an increased number of unemployed persons to place in the labour market. Interviewees homogenously commented that the economic and financial crises affected their work. One of the most severe effects was the massive increase of unemployment during the beginning of the economic crises. In the meantime, the labour market and the economic situation restored. However, there are still high rates of unemployment among lowly qualified persons, persons with low German language skills, disabled persons, and persons aged 50 years and above. Interviewed members of the AMS commented that in the meantime, the labour market situation became comparably good and that the unemployment rate decreases year by year by almost 10%. However, the interviewees anticipate the situation will become worse again in the course of "Brexit". They anticipate challenges for the Austrian labour market, because Austria is an export-oriented country.

However, as the economic situation "calmed down" in the meantime and bad prognoses related to Brexit are up in the air, interviewed members of the AMS comment on the need for qualified staff and staff for certain areas of the labour market, i.e. gastronomy, harvesting, and software development.

In a lot of areas, and I will say it like this now - even though you can also read it in the press - regardless of whether its gastronomy, software development, if it's also in completely lowly qualified areas, you can also stay there. Sometimes we also try that with our clients, those with bad knowledge of German. They also don't have bad chances, but it's very important [to note] that without knowledge of German, it won't work. It will be really difficult. Why? Because also these security regulations: if I don't understand them, there is hardly any possibility of acceptance.⁵⁵ (D5.5.T.3)

The influx of refugees again led to an increase of unemployed persons and of those entitled to needs-based minimum benefits. An interviewed member of a social welfare office says that the governments made use of the developments and challenges they entailed in order to justify retrenchment. The interviewee comments:

⁵⁵ Original quote: „Wir können in vielen Bereichen und das sage ich jetzt auch so – obwohl das auch in der Presse nachzulesen ist – ob das jetzt in der Gastro ist, im Softwareentwicklungsbereich, ob das jetzt auch in Bereichen ist, auf komplett niedrig qualifizierten Bereichen, da kann man auch bleiben, das versuchen wir auch zum Teil mit unseren Kunden, mit schlechten Deutschkenntnissen, die haben ja auch nicht schlechte Chancen, aber ganz wichtig ist: ohne Deutschkenntnisse geht es nicht. Da wird es ganz, ganz schwer, warum? Weil auch diese Sicherheitsbestimmungen, wenn ich das nicht verstehe, dann gibt es fast auch keine Möglichkeit der Aufnahme.“ (D5.5.T.3)

So, that's to say - for refugees and subsidiary protection status holders, nothing else remains than to assume minimum benefits during the time of integration, so, learning German and so on. That's not really that much of a surprise, you do need to mention that when it comes to the needs-based minimum benefit: it is exactly the target group of refugees that has increased. It emerges from the logic of those systems that integration only really starts with the recognition as refugee or subsidiary protection status holder. So, those were surely two factors that were used very cleverly by the government. But [this was the case] even in advance to generate a mood and then at some point, public opinion also followed, I need to point that out. Yes, I do think that these two factors [the economic crisis and the refugee movement] were strongly responsible and that those developments were also used politically.⁵⁶ (D5.5.T.5.1)

However, this strategy did not lead to a mobilisation of ideas of justice, but rather to broad acceptance of retrenchment measures. This will be addressed in more detail in section 5.

To sum up, the most important consequence of the crisis in the EU is increased unemployment. During the beginning of the crises, especially lowly qualified persons could hardly be placed in the labour market due to the lacking demand for staff in the lowly qualified sector and due to their lacking language skills. This again led to an increase of social assistance users. Particularly the lowly qualified persons find themselves in social assistance relatively quickly, as an interviewee points out:

That means that this base of people that has built up over the past few years, those people who have a hard time finding work in the labour market (...) maybe with time, the hope of finding work after a long period of unemployment decreases, motivation sinks as well, possibly. So, there are additional problems that occur. [Since the crisis] this base has never dissolved and with every crisis, it gets built up more. Yes, and as I said, the factor of refugees, I mentioned that already.⁵⁷ (D5.5.T.5.1)

⁵⁶ Original quote: „Also sprich – es bleibt Flüchtlingen und subsidiär Schutzberechtigten ja wohl nichts anderes über als zumindest in der Zeit der Integration, also des Deutschlernens usw. auf Leistungen der Mindestsicherung zurückzugreifen. Also das ist ja gar nicht so DIE Überraschung, muss man auch dazusagen, dass jetzt gerade Flüchtlinge und subsidiär Schutzberechtigte in der Mindestsicherung besonders gestiegen sind, sondern das ergibt sich ja aus der Logik der Systeme, dass quasi die Integration ja erst beginnt mit der Anerkennung als Asylberechtigter. Also das sind sicherlich zwei Faktoren gewesen, die hier sehr geschickt genutzt wurden von dieser Bundesregierung, aber auch schon im Vorfeld, um hier auch Stimmung zu machen und dann ist irgendwann einmal auch die öffentliche Meinung muss ich jetzt einmal sagen, auch gekippt. Ja, das glaube ich schon, dass diese zwei Faktoren [Wirtschaftskrise und Flüchtlingsbewegung] dafür sehr stark verantwortlich waren und das halt auch politisch genutzt wurde, diese Entwicklungen. (D5.5.T.5.1)

⁵⁷ Original quote: „D.h. dieser Sockel, der sich jetzt aufgebaut hat in den letzten Jahren von Menschen, die sich sehr schwer tun, auf dem ersten Arbeitsmarkt Arbeit zu finden, vielleicht wird auch durch lange Arbeitslosigkeit die Hoffnung, Arbeit zu finden, immer geringer, die Motivation sinkt möglicherweise auch. Also es treten zusätzliche Problemstellungen auf. Also dieser Sockel, der hat sich [seit der Krise] nie mehr wieder abgebaut und wird bei jeder Krise immer wieder ein Stück mehr aufgebaut. Ja, und wie gesagt, den Faktor der Flüchtlinge, den habe ich auch schon erwähnt.“ (D5.5.T.5.1)

A. DISCRETIONARY POWER OF AUTHORITIES

Interviewed members of the social welfare office point out that their actions are pre-determined by the legal provisions and that their discretionary power is small. They are only (rather) free to provide additional aid in case of individual emergency situations, e.g. if there are rent delays or the washing machine must be replaced, or for clothes. Interviewed members of the social welfare office point out that their discretionary power was already quite limited before the crisis and it is still limited now. Even if the law leaves some leeway, the authority must interpret the leeway in the sense of the law, or they make decisions based on previous court decisions. If they do otherwise, they are threatened by complaints of beneficiaries. Another interviewed social worker perceives the situation differently. According to him, the needs-based minimum benefit provides less leeway for the authority compared to the old system of social assistance. The old system of social assistance left some leeway for the authority to provide additional aid in case of emergency situations and – moreover – beneficiaries of social assistance had a legal entitlement to this additional aid. In the course of the implementation of the needs-based minimum benefits, both the leeway and also the beneficiaries' legal entitlement were abolished. The only leeway that remains is related to above-mentioned rent or electricity delays. The interviewee comments:

The focus of help in specific problems in the needs-based minimum benefit system now lies on backlogs of payments, which means: persons who were somehow behind on their rent or who had delayed energy bills, in those cases their [financial] backlogs were previously taken over under certain preconditions. Household goods, clothing and such things that used to be financed by the old social assistance, those are now less financed. This is also because the monthly payments in the needs-based minimum benefit were higher and included such special needs in lump sum within the minimum standard.⁵⁸
(D5.5.T.5.1)

A long-term beneficiary of social assistance confirms this assessment. He reports that not only the margin of discretion was reduced, but also the amounts of additional support. The old system of social assistance provided full reimbursement for glasses in case of defective vision; however, the system of needs-based minimum income foresees deductibles. The interviewee reports that the payment only covers one glass. He says:

I recently needed glasses, that's why I know that it's different now. They only pay 300 Euros for the glasses once and in total, including the insurance (GKK), and that it's very scarce, because even the actual glass alone costs more. Before, if you assumed social assistance, you didn't have to pay any deductibles, but you have that now: you need to

⁵⁸ Original quote: „ Der Schwerpunkt der Hilfe in besonderen Lebenslagen hat sich auf Rückstände konzentriert, also sprich: Personen, die irgendwelche Mietzinsrückstände hatten oder Energierückstände, da wurde die Leistung übernommen unter Bedingungen. Die Kosten für Hausrat, Bekleidung etc., die früher finanziert worden sind, werden heute kaum mehr übernommen. Das lag auch daran, dass die Mindestsicherung höher war, und solche Sonderbedarfe pauschal im Mindeststandard enthalten sind.“ (D5.5.T.5.1)

pay parts of it yourself. They don't really care whether you end up missing the money, you need the glasses and that's it - so, pay.⁵⁹ (D5.5.T.7)

Moreover, the interviewed beneficiary observes a change in staff at the authority (client managers). While in the old system the client managers were flexible enough to deal with particular requirements or circumstances in individual cases, new client managers rather apply a "law and order" approach. He comments:

I have no idea, but I think they only put people in there who act according to the law, and not according to humanity. At least those whom I have met. It's different of course in the case of those who have been working there for a long, long time, I also go and have a coffee with them and also meet them occasionally, at least those, with whom I started to work there. One of them, she still works there and she was part of the initial reception until the end. She has since somehow disappeared into some backroom office. So, apparently, they aren't letting her to the people [clients] anymore, I have no idea why.⁶⁰ (D5.5.T.7)

Interviewed client managers and members of the AMS conflict this view. They say that their margin of discretion was and is low. An interviewed member of the AMS explains this approach:

Our approach is that we assume - and this has worked well for us - the better and more transparently we can explain what we can really do [for the people], those are our services, where can we really help, where can we really also support this next step of qualification for persons with migratory background. We try to do that, because the future counselling appointments will work a lot better. We also have cooperation projects with the City.⁶¹ (D5.5.T.3)

In the course of the increased unemployment during the crisis, the AMS was equipped with more budgets to qualify clients and to extend their portfolio of qualification measures, such as through apprenticeship projects. Moreover, more budgets were available for supporting measures to re-integrate persons into the labour market. In the course of the migration flow, the budgets for language courses and other qualification measures increased. However, as the number of clients increased too,

⁵⁹ Original quote: "Ich habe jetzt eben einmal eine Brille gebracht, deswegen weiß ich das, dass das jetzt ganz anders ist, dass sie eben gerade einmal €300 für die Brille insgesamt samt der GKK zahlen und dass das sehr knapp ist, weil allein schon meine Gläser mehr kosten. Damals hattest du eben bei der Sozialhilfe keinen Selbstbehalt, das hast du jetzt: du musst was von dir selbst dazuzahlen. Denen ist es dann relativ wurscht ob dir das von deinem Geld abgeht oder nicht, du brauchst die Brille und fertig – also zahle!" (D5.5.T.7)

⁶⁰ Original quote: "Ich habe keine Ahnung, aber ich glaube, dass sie da eben nur Leute reinsetzen, die eben nach Gesetzestext und nicht nach Menschlichkeit mehr agieren, also zumindest die, die ich jetzt kennengelernt habe. Weil bei den alt eingesessenen ist das natürlich ganz anders, mit denen gehe ich auch einen Kaffee trinken und treffe sie so auch noch, also zumindest die, mit denen ich angefangen habe. Eine davon, die arbeitet immer noch und die war eben bis zum Schluss bei der Erstaufnahme und die ist jetzt irgendwo hinten in ein Büro verschwunden, also die lassen sie anscheinend nicht mehr auf die Leute los – keine Ahnung warum." (D5.5.T.7)

⁶¹ Original quote: „Unser Ansatz ist, wir gehen davon aus und mit dem sind wir auch sehr gut gefahren: je besser und transparenter wir erklären können, was können wir wirklich tun und was sind unsere Dienstleistungen und wo können wir wirklich unterstützen wo können wir diesen Qualifizierungsschritt für Personen mit Migrationshintergrund auch unterstützen, das versuchen wir, weil einfach die nächsten Beratungstermine dann viel, viel besser funktionieren. Also wir haben auch Kooperationsprojekte mit der Stadt.“ (D5.5.T.3)

the leeway actually remained the same. The AMS implemented several services for beneficiaries of international protection. They hired migrant staff members and translators. In the meantime, all these budgets were cut by the new government.

When it comes to justice and the margin of discretion, client managers say that they follow the rules and this secures them against being accused of being unjust (i.e. preferring some clients over others). They state that some persons will always feel discriminated against or treated unjustly.

We have the legal means and rules, and in that case, it's very important for it to also be regulated legally: so how are minimum standards calculated, etc. Otherwise I may really have someone whom I like better, and I will give them more. And the person who doesn't seem friendly gets less. That [possibility] is completely ruled out. (D5.5.T.1)⁶²

Again, a long-term beneficiary of social assistance contradicts this view. According to him, personal characteristics indeed play a role. Moreover, he notices that the timely resources of client managers were cut during the implementation of the needs-based minimum benefit system. He reports:

And the problem is also, you don't really have the time anymore to really explain to the people where exactly the problem is, as you did before. You are dealt with quite quickly. Your concern is acknowledged, and then you are pretty much done, your cause is referred to a supervisor, whom you don't really know at that point in time, with whom you are in touch for the first time in that situation. And the supervisor – at least that's what I think – at that point has already decided for him/herself or according to the legal provisions: will you receive it or will you not receive it. Like now for example, I need to pay back money for electricity, rent, heating costs, the washing machine if it happens to be broken – you need to apply for all those things separately and apparently there is some margin of discretion where I think opinions are already formed beforehand. So that you can't really, at least that's my subjective impression – that it's more the personal criteria that play a role [in the decision of whether or not benefits are cut] and not the legal ones.⁶³ (D5.5.T.7)

⁶² Original quote: „Wir haben die gesetzlichen Möglichkeiten und Regeln und da ist es sehr wichtig, dass es genau im Gesetz festgelegt ist, also wie Mindeststandards berechnet werden usw. Sonst habe ich vielleicht wirklich jemanden, der mir besser gefällt, und dann gebe ich dem mehr, und der Unsympathische kriegt weniger. Das ist ausgeschlossen. I: Und das Gesetz an sich, finden Sie das gerecht? (D5.5.T.1)

⁶³ Original quote: “Und das Problem ist auch, du hast halt nicht mehr wirklich die Zeit dazu, dass du mit den Leuten – die du früher hattest – dass du ihnen erklärst, wo das Problem liegt, sondern du wirst eigentlich relativ schnell abgefertigt. Dein Anliegen wird angehört und dann bist du eigentlich schon fertig, weil das wird weiterverwiesen, dann, an einen Betreuer, den du aber zu dem Zeitpunkt noch nicht wirklich kennst, mit dem du das erste Mal in Berührung bist. Und der aber – so glaube ich zumindest – zu dem Zeitpunkt schon entschieden hat für sich selber oder eben laut Gesetzesstatuten: kriegst du es oder kriegst du es nicht, wie jetzt z. B. dass ich eben habe Stromnachzahlung, Mietnachzahlung, Heizkostennachzahlung, Waschmaschine einmal wenn kaputt ist, das musst du ja alles extra beantragen und da gibt es schon Spielraum anscheinend und da glaube ich, dass manche sich ihre Meinung schon vorher bilden, also dass du nicht wirklich – zumindest mein subjektives Gefühl ist – dass da eher nach persönlichen Kriterien gehandelt wird und nicht nach rechtlichen. (D5.5.T.7)

When asked about the personal criteria, the interviewee responds:

Yes, I know two supervisors there: let's say you are 22, have a big bosom, you are female – of course you will have it easier than if you are 45, bald and old. And of course, then we also have the foreigner criteria – of course, Austrians and foreigners. It's totally subjective. Back when we had the social assistance, we didn't have that in my experience. Because the law set forth how to make decisions and you also received the 13th and 14th salary, you had a budget for clothing, the glasses were included, it's paid for and that's it (...) I don't know. For me the needs-based minimum benefit is simply a deterioration compared to the social assistance.⁶⁴ (D5.5.T.7)

The findings show different assessments when it comes to the margin of discretion. While the authorities in charge describe the margin as small and perceive this as good as it prevents them from accusations of preferring certain clients to others, the interviewed beneficiary perceives it as comparably high. The beneficiary notices preferences among the client managers, as well as lacking time resources. In the view of the interviewed beneficiary, client managers lack time for taking into account specific circumstances in individual cases; rather, they apply a "law and order" approach, while previously the relations between client manager and client were more personal. At the same time, the beneficiary believes that personal characteristics of clients indeed play a role.

B. COMPLAINTS BY BENEFICIARIES

Also, in terms of complaints by beneficiaries, the information provided by interviewees differs. Some say that the complaints increased, others state that they remained the same during the last ten years. A member of a social welfare authority says that they have 9.000 beneficiaries and 7.000 needs-based communities and only between 50 and 60 complaints per year – meaning a very small share. Another interviewee reports that complaints always increase when there is a new regulation because new regulations always leave some leeway, for example when funding is cut for housing. The interviewee says:

That was once the case when the last amendment to the needs-based minimum benefit came into force. However, back then it was foreseen to be like that by the law, some people lost money or received less, because there used to be an additional housing supplement before that. With the new amendment, that [money] was cut, of course many people received less money but it was clear then, it was simply in the law. That was in the year 2016.⁶⁵ (D5.5.T.1)

⁶⁴ Original quote: "Ja, ich kenne eben zwei Betreuer drinnen: bist Du – sagen wir einmal – 22, vollbusig, weiblich, hast du es natürlich einfacher, als wie: bist du 45, blad und alt, dann haben wir natürlich eben – wie übe all auch – die Ausländerkriterien, logischerweise: Österreicher und Ausländer. Es ist total subjektiv. Das gab es eben damals bei der Sozialhilfe nicht, meiner Erfahrung nach. Weil das Gesetz hat das vorgegeben und du hast deine 13. Und 14. Gehabt, du hast dein Gewandt-Budget gehabt, die Brille war fix, das bezahlt wird und aus. [...] Weiß nicht, für mich ist die Mindestsicherung einfach eine Verschlechterung gegenüber der Sozialhilfe." (D5.5.T.7)

⁶⁵ Original quote: „Es war einmal als die letzte Mindestsicherungsnovelle in Kraft getreten ist, aber das war dann eben vom Gesetz so vorgesehen, da haben einige an Geld verloren oder weniger bekommen, weil es vorher noch

The interviewee says that the result of increased complaints is a concretisation of the regulations and clearer legal instructions, which prevent complaints in the future. Moreover, the beneficiaries' entitlement to legal aid helps reduce unjustified complaints. NGO lawyers pre-assess complaints and advise their clients against complaints in case recent court decisions indicate that such complaints would lead to nothing for the clients or they would be unjustified.

Another interviewed social worker perceives it differently. According to him, the number of complaints indeed increased during the last ten years. He explains this by referring to the increased redress mechanisms and the increased awareness of beneficiaries on their rights and legal possibilities. Moreover, the increased number of clients in the course of the economic crisis led to longer waiting periods for decisions. This fact led to increased complaints. Moreover, the interviewee points out that the redress mechanisms underwent an important change – they became more independent:

What also needs to be mentioned is that - maybe this shouldn't be said too loudly - but in earlier years, a long time ago, the magistrate itself was the appeal authority. There, we evaluated our law and then also decisions; so, that was different. And now, it's the Administrative Court of Vienna that makes decisions and the number of justified complaints increased.⁶⁶ (D5.5.T.5.1)

C. INCENTIVES TO WORK

The needs-based minimum benefit system as well as the newly developed social assistance provide for sanctions in case the beneficiary is not willing to work. Beneficiaries are obliged to take up all “decent” work that is offered to them. Decent work refers to work they are able to do. Ability does not necessarily mean qualification. Thus, persons are obliged to take up work beneath their qualifications as well. Work is only not defined as decent in the case it impairs the person's health or morality. The latter means that for example a Muslim person is not obliged to take on work in a Christian church. In terms of the distance to work, a daily travel time of two hours is perceived as decent in case of full-time work, and a daily travel time of 1,5 hours in case of part-time work. There are exceptions in case the beneficiary lives remote or in a rural area. In these cases, longer travel times are perceived as decent. In case the person does not take up work that is assumed to be decent based on these criteria, their payments may be suspended for six weeks.⁶⁷ Thus, there are several mechanisms in place that “secure” the readiness of beneficiaries to work.

so einen individuellen Wohnbedarf zusätzlich gab. Der ist dann halt mit der neuen Novelle gestrichen worden, da haben natürlich einige weniger Geld gekriegt aber das war klar, und das war vom Gesetz her halt so. Das war im Jahr 2016. (D5.5.T.1)

⁶⁶ Original quote: „Man muss auch dazu sagen, dass auch die – das sollte man vielleicht nicht zu laut sagen – aber in früheren Jahren, das ist schon lange her, da war der Magistrat selber die Berufungsbehörde. Also da haben wir unser Gesetz beurteilt und dann auch über Entscheidungen, also das war anders. Nunmehr ist das Verwaltungsgericht Wien für Beschwerden zuständig und die Anzahl der berechtigten Beschwerden ist angestiegen.“ (D5.5.T.5.1)

⁶⁷ Austria, Federal Ministry of Finance (Bundesministerium für Finanzen, BMF), Notstandshilfe Neu, available at: <https://www.finanz.at/steuern/notstandshilfe/> (accessed 23 May 2019).

When it comes to issues of justice, interviewees draw a lot of attention to incentives to work. When referring to incentives to work, interviewees mean that the amounts of social assistance should clearly be lower than the salaries. However, in certain low wage sectors and particularly in case of part-time work, salaries are lower than the social assistance provided. However, interviewed members of the social welfare office perceive it as unfair that social assistance exceeds income, as there are no incentives to work.

Those affected indeed receive compensation payments from the social assistance system. In these cases, social assistance is higher than the (low) income. An interviewed client manager critically refers to public discourses, according to which an asylum seeker's family would receive more social assistance than a lowly paid Austrian worker. He says:

Not like that. And that's what is always communicated by politics. Because if the asylum seeker was to receive more than the doctor's assistant, then the doctor's assistant would also have a claim [to social assistance]. Then she could also top it up. If she is just a little over the limit, how is that possible? There is a minimum indicative rate, and up to that point, the person who receives the needs-based minimum benefit will receive that. And if the person who works is below that [income], they can have it topped up. It may well be the case that the person who works earns less, but they also have the right to top up the money in order to reach the minimum indicative rate.⁶⁸ (D5.5.T.2)

The interviewee further explains that there is a minimum standard imposed in Austria – no matter if this minimum standard is achieved by employment or by social assistance. According to him, low wages can never justify the abolishment of social assistance – social assistance is valid independently from the need for incentives to work:

Of course, a system of incentives should be created, to ensure that employment is also worth it. We all know that today, you won't get rich anymore just based on work. But there is a minimum standard with which you can live. And one person has work and has the minimum standard, and the other person has no work, for whatever reason, and also has the minimum standard. Of course, we try everything we can to bring those people who receive the minimum standard and have no job back into employment. But that's not an ongoing service, but should bridge an emergency situation. And with that, it's completely justified.⁶⁹ (D5.5.T.2)

⁶⁸ Original quote: Eben nicht. Und das ist das, was von der Politik immer kommuniziert wird. Denn wenn der Asylbewerber mehr bekommen würde als die Arzthelferin, dann hätte die Arzthelferin auch einen Anspruch. Dann kann sie genauso aufstocken. Wenn sie gerade ein bisschen drüber ist, wie gibt's das? Es gibt den Mindesttrichsatz, und bis dorthin bekommt der Mindestsicherungsbezieher, und wenn der, der arbeitet darunter ist, kann er aufstocken. Es mag schon sein, dass der der arbeitet, weniger verdient, aber er hat auch das Recht aufzustocken auf diesen Mindestbeitrag. (D5.5.T.2)

⁶⁹ Original quote: „Natürlich sollte ein Anreizsystem geschaffen werden, dass Arbeit sich auch bezahlt macht. Das wissen wir alle, dass wir heute rein von der Arbeit her nicht mehr reich werden, aber es gibt einen Mindeststandard, damit man leben kann. Und der eine hat eine Arbeit und hat halt den Mindeststandard und der andere hat keine Arbeit, aus welchen Gründen auch immer, und hat auch den Mindeststandard. Aber wir versuchen natürlich alles um diese Leute, die den Mindeststandard und keine Arbeit haben, wieder in Arbeit zu

However, the problem is that even if the affected “working poor” basically have access to supplementary payments by social assistance, they still need to meet the eligibility criteria (no property, language skills, etc.). Thus, another interviewed member of the social welfare authority perceives it as just to treat the “top-ups” (i.e. those with low income, who receive supplementary payments from the social welfare) differently from those who solely live off social assistance. She can imagine providing the top-ups with more money. Other interviewees can imagine reducing the eligibility requirements for them.

At the same time, interviewees argue that employability and the readiness to work are essential eligibility criteria for social assistance and needs-based minimum benefits anyway. Persons who are not ready for employment will be sanctioned anyway in the form of reduced or suspended payments.

However, an interviewed long-term beneficiary of social assistance reports that he was never “pushed” by the AMS to work. According to him, the AMS has no interest to push him to work because they do not pay for his social assistance, while on the other hand, the social welfare authority, which pays for the social assistance, cannot place him in the labour market. He reports:

And the employment office doesn’t stress me at all, because I don’t receive money from them - and that’s why they don’t stress me at all. I go up there about every six months, and get my sheet of paper. We found a project to which I go once a month. Because of that, I am left alone by the employment office.⁷⁰ (D5.5.T.7)

The interviewed refugee confirms this assessment and portrays the regulations imposed by the AMS as acceptable:

When you lose a job, after working for some months and you lose the job, for the first six months afterwards they don’t push you too much. They say alright, go and find a job as you like, just show us once a month that you are looking in the way you see fit. But after six months, maybe they think oh, he or she is too lazy, oh no (...) then you need to show twice a week [that you are actively applying to jobs]. (D5.5.I.6)

As regards the criteria under which a job must be taken up, the interviewees’ point of view is differentiated. In terms of distance between job and flat, the interviewees only perceive very long distances as fair if the job is not too lowly qualified. An interviewee says:

Commuting does not only take time, but it’s also not exactly cheap to commute. And then you also need to consider: what kind of job is it? Because if that’s the worst job you can imagine, you also need to ask whether it’s justified to commute in the first place. Then it also depends on my resources, my environment and so on. If I have five children to care

bringen. Das ist ja keine Dauerleistung, sondern es soll Not überbrücken. Und somit ist das vollkommen gerechtfertigt. (D5.5.T.2)

⁷⁰ Original quote: “Und das Arbeitsamt stresst mich überhaupt nicht, weil ich kriege vom Arbeitsamt kein Geld und dadurch stresst mich das Arbeitsamt nicht. Ich gehe einmal alle 6 Monate hinauf, hole mir meinen Wisch. Dann haben wir eben ein Projekt gefunden, wo ich einmal im Monat hingeh. Dadurch habe ich auch vom Sozialamt meine Ruhe.” (D5.5.T.7)

for and then also need to commute, then the situation becomes critical, I would say. So, there are many different factors, there is no general answer to that.⁷¹ (D5.5.T.5.1)

The interviewee points out that usually, persons who receive needs-based minimum benefits will mainly access lowly paid jobs with bad working conditions – they are lowly qualified. Moreover, physical and psychological impairments are overrepresented in this group too.

Another interviewee explains that he has come to understand the need of AMS employees to fulfil quotas and to ensure that jobs are sent to people who must apply to them. Thereby, he can understand that he is offered jobs that do not entirely fulfil his profile, albeit he mentions that as artists, also native Austrians would have difficulties finding a job in this sector. He explains that he experienced a situation in which it became clear to him that there is also a management side to consider before making a personal judgement about whether or not to be angry about the jobs he is being sent. The interviewee goes on to say that he believes the AMS employees are right to send jobs that do not fit his qualifications, are far away, require extra effort, etc:

You know, the guy who is over there, he is working [at the AMS], I think they are also just looking out to keep their job. They don't want to lose their job. I can see this in many organisations here. I said, you know it's very funny how they do it. I went over there and told them 'you sent me this [vacancy] that I had to apply there and I did. I said to you that I don't have a car. This job starts at ten past six o'clock AM. And the first bus that goes over there arrives at 7. Why did you send it to me?'. Then I got it. Alright, they also want to do their job. Their job is to send these jobs to the people. They don't care, they don't even know what they are sending. (D5.5.I.6)

The same interviewee points out that he has the wish to become self-employed. He is grateful for the incentives provided by the Austrian state to do so, pointing to several services that help start-up founders and newly self-employed people to get on their feet. At the same time, start-ups and self-employed are not entitled to needs-based minimum benefits anymore. Thus, the interviewee states that the AMS does not recognise that the self-employed need assistance to get started with their businesses. He makes a claim for a prolonged entitlement to needs-based minimum benefits until the self-employed are able to stand on their own feet with their businesses.

Overall, interviewees show different experiences with being “pushed” to find work, and their experiences and assessments on incentives to find work differ. While some perceive incentives as a means-to-an-end and consider it justified, others perceive it as wrong that the jobs offered end up providing less salary than the needs-based minimum benefit, thereby diminishing the role of incentives. Moreover, it was pointed out that the AMS faces a grey area of self-employment, which is seemingly not considered in the system of incentives and job referrals.

⁷¹ Original quote: Das Pendeln braucht nicht nur Zeit, sondern es ist ja nicht gerade billig, zu pendeln. Und dann muss man natürlich auch berücksichtigen: was ist das für ein Job? Weil wenn das der mieseste Job ist, dann ist das auch die Frage ob pendeln gerechtfertigt ist. Dann hängt das auch von meinen Ressourcen, von meinem Umfeld usw. ab. Wenn ich 5 Kinder zum Versorgen habe und dann noch pendeln muss, dann wird es auch kritisch, würde ich sagen. Also da gibt es viele verschiedene Faktoren, da gibt es keine generelle Antwort dafür.“ (D5.5.T.5.1)

D. CONTEST OF RETRENCHMENT

Interviewees point out that contesting retrenchment – concretely the new regulation on social assistance – was rather weak. During the assessment period of the draft legislation, many NGOs and activists published critical statements. However, currently, since the law passed the national assembly's voting, resistance became weak. NGOs still complain about it, albeit not publicly. They rather invoke the responsibility of the provinces, who are now in charge of implementing the framework legislation. However, the leeway of the provinces is actually quite low. An interviewee not only criticises NGOs for lacking resistance, but also criticises the political opposition. He states that he indeed understands lacking resistance coming NGOs because they depend on public funding. However, even the political opposition remained silent during recent developments. The interviewee explains this with the upcoming elections and the election campaigns.

An interviewee observes these tendencies with great sorrow, as they show him that old values and old common ideals, such as the welfare state, are easily endangered. He says:

These campaigns targeted against the beneficiaries of social assistance and the now agreed-upon law on social assistance with all its evils, the majority of the population appreciates those things. How quickly it can happen, that such an opinion, a societal consensus - the fact that Austria as a welfare state and its high social welfare standards - that you can barely even get by with that, that it simply gets blown away?⁷² (D5.5.T.5.1)

The interviewee is sure that the EU crises, the migration influx, and the economic crises were used to tactically prepare this public discourse and the eradication of social coherence and solidarity. The interviewee further says:

But also, how easily that could happen and how little you could do against that, at least now in this hot phase. That's something that worries me and that ultimately also bothers me: how does it work, and how can it work again, to reinstate the trust of the people into the welfare state? The social state is more than just help in an emergency; it also brought a lot of stability to our state, social peace, etc. And with one snap of the fingers, it's at least partly destroyed. We know that it was prepared very carefully; politically it was prepared very, very carefully. An instrument to somehow distract from the current politics that we have and see daily.⁷³ (D.5.5.T.5)

⁷² Original quote: „Und zwar diese Kampagne, die gegen die MindestsicherungsbezieherInnen geführt wird, das nun beschlossene Sozialhilfegesetz mit all den Grauslichkeiten, das vom Großteil der Bevölkerung goutiert wird. Wie schnell das gehen kann, dass das, was einmal hohen Wert hatte bzw. gesellschaftlicher Grundkonsens war, plötzlich nichts mehr wert ist, der Sozialstaat, die hohen sozialen Standards in Österreich.“ (D5.5.T.5.1)

⁷³ Original quote: „Aber wie leicht das auch ging und wie wenig man dem auch entgegensetzen hatte, zumindest jetzt in dieser heißen Phase, das ist etwas, was mich auch beunruhigt und was mich auch beschäftigt letztendlich: wie gelingt es auch und wie kann es auch wieder gelingen, dieses Vertrauen der Bevölkerung in den Sozialstaat, der ja mehr ist als diese Hilfe in der Not, das ja auch viel Stabilität in unserem Staat gebracht hat, sozialer Friede etc. was jetzt mit einem Fingerschnippen zumindest teilweise zerstört wurde. Ist halt so. Wir wissen eh, dass das sehr gut vorbereitet war, politisch wurde das schon alles sehr, sehr gut vorbereitet, ein Instrument um quasi von dieser Politik auch ein Stück abzulenken, die wir da täglich haben und sehen.“ (D5.5.T.5.1)

The interviewee explicitly points out the liaison of the conservative People's Party (ÖVP) - per tradition in favour of a lean and rationalised welfare state - with the right-wing Freedom Party (FPÖ) - per tradition aiming to exclude non-nationals from state services - worked effectively to eradicate societal ideas of justice and solidarity. The ÖVP eradicated social protection measures and liberalised workers' protection measures and the FPÖ blamed non-nationals, refugees and particularly Muslims for it. The powerful discourses created by this liaison explain to him the lacking resistance against the retrenchment of social welfare mechanisms.

Ideas of justice were mobilised for this purpose too: as already reported, the discourse mixes insurance-based benefits with social welfare benefits and served the fears of the middle classes to lose their status. The interviewee points out:

What is offered to the middle class here is an outlet. Maybe it works now, but for how much longer? Parts of them are even losing now and want to draw boundaries between themselves and those who have even less.⁷⁴ (D5.5.T.5.1)

V. MOBILITY

Several issues in connection with mobility were discussed in the interviews. The responsibility for needs-based minimum benefits as well as for social assistance lies with the regional level. Thus, if a person wants to move from one region to the other, he or she will have to file a new application. Practically, movement may lead to a gap of payments when the entitlement to social assistance in the former place of residence expires with the move, while the new entitlement in the new place of residence has not yet been granted. However, the lacking money will be paid back as soon as the new benefit is granted. Some Austrian provinces foresee legal residence of half a year until social assistance is granted – however, this is not true for all nine provinces. An interviewed beneficiary of social assistance reports that the need for a new application prevents him from moving, although he would like to move to a more rural area. He says:

Of course [I will not move], because then I need to apply to the municipalities and then there is an issue with having control over everything there. Perhaps new problems will emerge, because another employment office will be responsible for me there, a different district will be responsible. Here, I am in control: I can live here, I know what is expected of me, I know what I need to do. And the other thing would be a journey into the unknown and actually I don't want to do that to myself anymore.⁷⁵ (D5.5.T.7)

⁷⁴ Original quote: „Was dem Mittelstand da angeboten wird, ist ein Ventil. Das funktioniert vielleicht jetzt, aber wie lange noch? Die verlieren zum Teil jetzt schon und möchten sich abgrenzen gegenüber denen, die noch weniger haben.“ (D5.5.T.5.1)

⁷⁵ Original quote: “Natürlich [ziehe ich nicht um], weil ich ja dann bei den Gemeinden beantragen muss und dass ist dann eben die Geschichte, dass ich da alles im Griff habe und dort wahrscheinlich neue Probleme auftauchen, weil ja dort dann ein anderes Arbeitsamt zuständig ist für mich, ein anderer Sprengel zuständig ist für mich, da habe ich es ja im Griff: da kann ich leben, da weiß ich was auf mich zukommt, da weiß ich was ich zum tun hab. Und das andere wäre dann eine Reise ins Ungewisse und das mag ich mir eigentlich nicht mehr antun”. (D5.5.T.7)

In terms of reasonable jobs that need to be taken, the maximum journey to work is two hours for full-time employment and 1,5 hours for part-time employment. Interviewed members of the AMS speak about a project on cross-regional job provision in the tourist industry, which was developed by the federal government and must be implemented by the AMS. The rationale is that staff is urgently needed in the rural tourism areas in Western Austria and in harvesting in rural South Eastern Austria. At the same time, the majority of unemployed persons (refugees included) are resident in Vienna. Thus, the federal government requires the AMS to ask their clients (beneficiaries of needs-based minimum income and beneficiaries from unemployment benefits) to move to the areas where staff is needed. However, only persons without caring obligations who are unable to find a job in their region of residence, are eligible to be placed supra-regionally. An interviewee comments on this measure:

Pan-regional referral is a programme that is also arranged by the government - it was already arranged last year. Actually, the pan-regional referral was always a topic when it came to the law or guidelines, but it was never really followed-up on or implemented, at least not in the rigorous way it is being implemented now.⁷⁶ (D5.5.T.4)

According to the interviewee, the persons receive job offers from other regions and are obliged to apply seriously. Whether or not the application is successful is beyond their scope of influence. Only in case the application was purposefully written in a way that it would be rejected, the social welfare office will be informed by the AMS. However, the interviewees repeatedly emphasise the amount of vacancies in the gastronomy sector. Thus, rejections of applicants who receive social assistance or needs-based minimum benefits are very unlikely:

Just as I said: at the moment, we rather have the situation that there are 5.500 open vacancies in the [city], also in the gastronomy business. And if there is no proper reason, of course we will not train someone who doesn't want to work there. A cook will not be re-trained to be an office administrator.⁷⁷ (D5.5.T.3)

Against the backdrop of the large amount of vacancies in the gastronomy sector, the AMS assesses the applications of their clients in more detail in case of rejections.

Interestingly, an interviewed social worker points out that the cross-regional job provision is not in place practically, it is only in place legally. The interviewee works for the social welfare office in Vienna and reports that the branch offices of the AMS in the provinces do not report any demand for Viennese beneficiaries of social assistance, e.g. for harvesting or tourism. They do not meet the requirements for employees in gastronomy and when it comes to harvesting, it is perceived as too complicated to accommodate them. He says:

So, these discussions that keep coming up, harvesters are being searched for - it's always a popular topic in the government. I only know, because we only recently discussed this

⁷⁶ Original quote: „Überregionale Vermittlung ist ein Programm, das von der Regierung auch vorgegeben ist und das auch schon seit vorigem Jahr. Eigentlich war die überregionale Vermittlung von Gesetzes her, den Richtlinien her, immer Thema, aber es ist nicht so wirklich verfolgt worden oder umgesetzt worden, oder nicht ganz so rigoros wie es jetzt umgesetzt wird.“ (D5.5.T.4)

⁷⁷ Original quote: „Nur wie gesagt, momentan haben wir eher den Weg: es sind 5,500 offene Stellen in [Stadt] und [Umgebung] auch in der Gastronomie und wenn es keinen triftigen Grund gibt, schulen wir natürlich auch niemanden, der sagt, er will dort nicht arbeiten. Ein Koch wird nicht umgeschult zur Bürokauffrau.“ (D5.5.T.3)

with our Public Employment Service, that de facto it doesn't take place because currently, these needs don't exist, these requirements from employment centres from the federal provinces. It only occurs very rarely. In practice that doesn't happen, because the need for it is not registered. Well, it's always about the fact that the people there also need a certain kind of care and accommodation on site, which does not seem to be offered here. However, that may be - we can't really explain it ourselves, but it doesn't exist.⁷⁸ (D5.5.T.5.1)

Mobility within the EU is only possible for beneficiaries of unemployment benefits or – more generally – for insurance-based benefits. The needs-based minimum benefits are linked with the place of residence. Beneficiaries of needs-based minimum benefits may move somewhere else and newly apply for benefits, as pointed out above. However, subsidiary protection status holders who are only entitled to basic care are not allowed to move in case they are accommodated in caring homes. They may only move if they are accommodated privately.

VI. RELATION BETWEEN WELFARE STATE AND JUSTICE IN THEORY AND PRACTICE

Interviewees discussed several issues in connection with justice and the welfare state – particularly in relation to the crises faced by the EU during the last ten years. Thereby, they observed that the crises endangered solidarity in the population, which was used and at the same time nourished by the government to justify retrenchment measures and restricting access to social welfare. Interviewees clearly point out that restrictions in access to social welfare not only affect refugees and subsidiary protection status holders, but also affect nationals. The budgets for social assistance form a very small part of the overall budgets. At the same time, public and political discourses tend to over-estimate this share.

At the same time, the concrete retrenchment mechanisms affect certain groups of people – as pointed out above – mainly non-nationals and families with several children. Refugees are overrepresented in these groups. Interviewees argue that these selective retrenchment measures – justified by the notion of employability – undermined the logics and purpose of social welfare, which is the prevention of poverty and not labour market policy. The current retrenchment mechanisms suggest that mainly those persons who contributed to the system by paying wage taxes deserve to benefit from it. However, this approach is in line with unemployment benefits, which are insurance-based. Social welfare payments are needs-based rather than insurance-based. Thus, the two different

⁷⁸ Original quote: „Also diese Diskussionen, die es immer wieder gibt, ErntehelferInnen werden gesucht – das ist immer ein beliebtes Thema der Regierung, da weiß ich nur, weil wir jetzt vor kurzem mit unserem AMS Gespräche darüber geführt haben, dass die de facto nicht stattfindet, weil de facto diese Wünsche, also die gibt es nicht, diese Anforderungen der Arbeitsämter aus den Bundesländern, so dass quasi so etwas nur ganz, ganz selten vorkommt. Das passiert in der Praxis nicht, weil der Bedarf wird zumindest nicht hier gemeldet, bzw. geht es ja auch immer darum, dass die Menschen dann dort eine bestimmte Versorgung ja auch benötigen bzw. Unterkunft benötigen und das scheint halt hier nicht gegeben zu sein. Wie auch immer – wir können das selber nicht ganz erklären, aber geben tut es das nicht.“ (D5.5.T.5.1)

systems are mixed up with each other in the current regulation. A member of a social welfare authority says:

You need to be careful, because it should only be available to those people who don't have any opportunity left otherwise. It's always so great to say that everyone should go to work, but there are many people who would like to go to work but simply can't manage. We also have a lot of employment projects and many participants are in a very fragile state, physically and mentally, and nobody really knows what happened to the person. It doesn't matter if they are young or old, they are simply not capable anymore. Someone like that can probably be employed for a couple of hours to earn a bit of money and to find some sense of worth in life, but you won't be able to re-integrate that person into the labour market. And that's what this social net is there for - so that as a society, we can also catch those people.⁷⁹ (D5.5.T.1)

Another interviewee goes even further and asks about the consequences of this approach of deservingness:

That's the last social net and we shouldn't question it, whether someone should receive more or fewer services. We need to fight against poverty and prevent it. But if we start selecting people in this process, where do we start and where do we end? Should the industrious person get something and the lazy one shouldn't? Or, the alcoholic whose illness is his own fault? That's not our job. It's our job to prevent poverty in Austria.⁸⁰ (D5.5.T.2)

Members of the social welfare office argue that poverty needs to be combatted – independently from whether the reasons for poverty were drug abuse, or dismissal because of old age, or economic crises. In their opinion, the question of how to help these people to be included into society again is a much more important question.

In terms of the welfare state and justice in theory, interviewees discuss several means of redistribution. A basic income for all, which is financed by higher taxes for property, was discussed in this regard. Applying this approach would save massive administration costs for the social welfare authority – because there would be no need to assess heterogeneous requirements and eligibility

⁷⁹ Original quote: „Man muss dann halt aufpassen, weil es wirklich den Personen zur Verfügung stehen sollte, die sonst wirklich überhaupt keine Möglichkeit mehr haben. Es immer so toll, wenn man sagt, jeder soll arbeiten gehen, aber es gibt viele Leute, die würden gerne arbeiten gehen, aber die schaffen es einfach nicht. Also wir haben ja auch sehr viele Arbeitsprojekte und viele Teilnehmer sind einfach in einem psychisch oder gesundheitlich labilen Zustand, und keiner weiß, was um diese Person herum alles passiert ist - egal ob jung oder älter – die sind dann einfach nicht in der Lage. Die wollen selber vielleicht gerne, aber die schaffen es eben nicht. So jemand kann vielleicht stundenweise beschäftigt werden, um sich ein bisschen Geld zu verdienen und für sich selber einen Wert im Leben zu finden, aber den bringt man nicht mehr in den Arbeitsmarkt herein. Und genau dafür ist ja auch dieses soziale Netz gespannt, damit ich auch die als Gesellschaft noch auffangen kann.“ (D5.5.T.1)

⁸⁰ Original quote: „Das ist das letzte soziale Netz und da haben wir nicht zu hinterfragen, ob jemand mehr oder weniger Leistungen bekommen soll. Sondern wir müssen Armut bekämpfen und vermeiden. Wenn wir aber dabei zu selektieren anfangen, wo fangen wir dann an und wo hören wir auf? Soll dann der Fleißige was kriegen und der Faule nicht? Oder der Alkoholkranke, der ja selber Schuld ist an seiner Krankheit? Das ist nicht unsere Aufgabe. Unsere Aufgabe ist es, Armut in Österreich zu vermeiden.“ (D5.5.T.2)

criteria anymore. An interviewee explains his approach of a just distribution of income, property, work and education:

When you speak about justice, then you need to seek out these questions of redistribution and of course, those include taboo topics like wealth. In practice, how is labour distributed and how are the wages distributed? So, you really need to step out of the question of the needs-based minimum benefit, and out of the question of the last social net. In that case, I do think that (...) this is also about questions of financing the welfare state and when it comes to that, we are deeply within the question of redistribution and very little is done in that domain, or at least not as much as I would like to imagine.⁸¹ (D.5.5.T.5)

According to this interviewee, the distribution of property is of utmost importance for the financing of a welfare state. A basic income, which is not connected to work or employment, is important because of the decline of the relative value of employment. Employment no longer creates or provides security against poverty. Moreover, two interviewed members of the social welfare authority point out that the welfare state itself is a “bureaucracy monster” and the more requirements and eligibility criteria are imposed, the more issues have to be assessed by the authority and the more information has to be disclosed by the beneficiaries. Interviewees perceive this as unjust as well, not at least because it extends the duration of decisions:

And in particular because it’s the last social net in the area of welfare, it’s very important to ensure that accessibility is given and that services are provided relatively quickly. However, if we first need to check all sorts of things, and the persons need to lay open everything one or two generations back, then that’s a catastrophe.⁸² (D5.5.T.2)

I also think that it doesn’t have anything to do with justice, the fact that our welfare system is a bureaucratic monster that we have created, that is now beating everything with this new social assistance. But that doesn’t have anything to do with justice. In this way, I think that we need to develop models of how to build up the welfare system to reach more redistributive justice. Maybe that’s not very concrete, but ultimately, we need to have this discussion.⁸³ (D.5.5.T.5)

⁸¹ Original quote: „Wenn man von Gerechtigkeit spricht, dann muss man danach trachten, diese Verteilungsfragen anzugehen und da zählen natürlich auch so Tabuthemen wie Vermögen etc. sicherlich auch ganz, ganz stark dazu. Tatsächlich, wie ist Arbeit verteilt und wie sind die Löhne auch dabei verteilt. Also da muss man schon ein Stück raus aus der Frage der Mindestsicherung und der Frage des letzten sozialen Netzes. Also da glaube ich schon, dass (...) da geht es schon auch um Fragen der Finanzierung des Sozialstaates und da sind wir schon auch ganz stark in der Verteilung drinnen und da wird auch schon sehr wenig getan, oder zumindest nicht in dem Ausmaß wie ich mir das auch vorstelle.“ (D5.5.T.5.1)

⁸² Original quote: „Und gerade weil es das letzte soziale Netz ist im Fürsorgebereich ist es ganz wichtig, dass die Zugänglichkeit auch gegeben ist und Leistungen auch relativ rasch gewährleistet werden. Aber wenn wir erstmal allesmögliche abprüfen müssen, und die Personen bis zu zwei Generationen zurück alles offenbaren müssen, ist das eine Katastrophe. (D5.5.T.2)

⁸³ Original quote: „Auch glaube ich, dass es nichts mit Gerechtigkeit zu tun hat, dass unser Sozialsystem jetzt ein Bürokratiemonster ist, das wir da geschaffen haben und das jetzt mit dieser neuen Sozialhilfe überhaupt alles schlägt. Aber das hat jetzt nichts mit Gerechtigkeit zu tun. In dieser Weise glaube ich schon auch, dass wir hier Modelle entwickeln müssen, wie wir das Sozialsystem auf neue Beine stellen, dass wir zu mehr

VII. CONCLUSION

The purpose of the social welfare system is to maintain social security and to achieve the highest possible social protection for the individual resident. Social welfare protects persons in difficult situations of life (unemployment, sickness, accidents or in old age). According to European Union Statistics on Income and Living Conditions (EU-SILC) data of 2018, 44 % of all Austrians would be at risk of poverty without social welfare benefits. Even when taking into account social welfare benefits (unemployment, pension, sick leave), 14% of all Austrians who live in private households are at risk of poverty.⁸⁴ Thus, the social welfare system in Austria significantly reduces the share of those at risk of poverty. In the course of the EU financial crisis, but even more due to the regional level responsibility for social assistance and the influx of persons in need of international protection, the social assistance system underwent several amendments in the sense of retrenchment during the past years.

This report analyses the social welfare system in Austria in relation to justice. Thereby, it draws particular attention to the retrenchment of social welfare measures as result of EU crises, as well as to the concept of deservingness, i.e. who is deserving of social welfare and under which circumstances. Moreover, the report asks whether and which ideas of justice were mobilised in the course of contest of retrenchment. The report bases on interviews with experts and beneficiaries of social welfare, as well as on literature and documentation of public debates.

The system of needs-based minimum benefits was introduced in September 2010 and provided for uniform minimum standards all over the country. It replaced the old system of social assistance, which was shaped differently in each Austrian province. Moreover, contrasting the old system of social assistance, the needs-based minimum income linked entitlement to these benefits with the readiness to be employed. This means that beneficiaries were now obliged to participate in trainings, counselling and reintegration measures provided by the AMS. The constitutional agreement between the federation and the provinces on the needs-based minimum benefit system expired at the end of 2016. At the same time, the influx of persons in need of international protection reached its peak that year. As a consequence, several provinces imposed restrictions on needs-based minimum benefits, which particularly affected recognised refugees and subsidiary protection status holders.

In 2018, the coalition between the conservative People's Party (ÖVP) and the right-wing Freedom Party (FPÖ) developed a new framework legislation on a nation-wide system of social assistance. They re-named the former needs-based minimum benefit system back to being called "social assistance" (*Sozialhilfe*). This is not only a matter of naming, as the previous legislation factually defined minimum standards that could be improved by the provinces in their implementing legislation. Contrasting this, the current framework legislation defines maximum rates, which the provinces may not improve but can only reduce in their implementing legislations. There are no minimum standards in the new framework legislation anymore. Thus, some experts expect a "retrenchment competition" between the provinces. The restrictions in the new framework legislation are biased. They practically affect certain groups, namely refugees, subsidiary protection status holders, and families with more

Verteilungsgerechtigkeit kommen. Ist jetzt nicht ganz so konkret vielleicht, aber diese Diskussion, die müssen wir letztendlich führen." (D5.5.T.5.1)

⁸⁴ Eurostat, Database, available at: <https://ec.europa.eu/eurostat/web/income-and-living-conditions/data/database> (accessed 29 May 2019).

than three children the most. It can be concluded that the new framework legislation transports a concept of deservingness along the categories of employability, which is in itself not in line with the purpose of social assistance - combatting poverty, and ensuring social protection and social security. Still, employability in the concept of deservingness is connected with high language skills and having no or few children. Thus, the new legislation implicitly follows the assumption that unemployed persons are not ready to work and use the social system for their personal gains. Moreover, it implies that migrants and – ironically – persons in need of international protection are incentivised to migrate into the Austrian social system. Consequently, the aim of social assistance, as enshrined in Art. 1 of the new legislation, is fostering labour market integration and serving foreign policy, concretely reducing the number of migrants into the labour market.

The draft legislation was subject of contest and criticism during its appraisal period. Several NGOs and individual experts expressed their criticism in public and also by submitting statements to the law. The most important arguments were that the draft legislation is in conflict with the actual purpose of social assistance, namely combating poverty and ensuring social protection. These critics refer to the various restrictions for groups of beneficiaries, such as the exclusion of subsidiary protection status holders and prisoners. Moreover, they criticise the reduction of benefits for persons with low German language skills, without completed mandatory schooling in Austria, and families with more than three children. The creation of child poverty through the draft legislation was a major subject of public debates. Critics point out that the purpose of social assistance should be ensuring minimum standards for a life in dignity – independent from the reasons of unemployment and poverty. However, the amendment prioritises the labour market, integration and foreign policy-related policies over fundamental rights and social protection of the poor. The new law does not fight poverty but those living in poverty, the poor.

However, despite the various critics, the law passed in the national council. Currently, the provinces are obliged to draft their implementation laws by the end of 2019. According to the interviewees, the civil society criticism became more and more silent. Lacking resistance on the side of NGOs is understandable because they depend on public funding. However, interviewees do not understand the low level of resistance on the side of the political opposition, and refer to upcoming elections at the local and regional levels to explain this.

The following recommendations for a just social welfare system can be summarised from the findings: first, a system of redistribution needs to be achieved by means of wealth taxes and a universal minimum income. Second, a just social welfare system protects all members of society equally and independently from individual reasons for poverty and employability. Interviewees clearly state that only an effective social welfare system ensures social peace and stability.

Translated into policy terms, these findings give rise to two broader considerations about welfare in Austria. While the issue of welfare is clearly political, the entire discourse surrounding it is dominated by ideological rather than justice concerns. This can easily lead to the instrumentalization of welfare to make broader arguments, for example about migration or citizenship, which is best evidenced by the scope of the legislative draft of 2019. At the same time, this entirely disregards the individual capabilities of those affected by or in need of welfare. It is therefore crucial that policy-makers become aware of and re-think the relationship between ideology, social protection and individual capabilities. Taking into account the vital role of policy-makers and government in decisions

on taxation and income distribution, it is thus recommended to increase the systematic inclusion of NGOs, experts, and in particular also the four Austrian social partners into policy-discussions on welfare. This inclusion should exceed the ability to merely make statements on finished draft legislation but could draw inspiration from the Austrian social partners' tradition (and obligation) of finding *compromise* on issues related to employment (see D6.4 Austrian country report by Meier & Tiefenbacher, 2018). At the same time, it would help ensure the representation of marginalised voices and could lead to the recognition of the needs, concerns and capabilities of those affected.

Second, it makes sense to strengthen the ability of civil society organizations to advance their agendas effectively, which can also have a positive impact on justice as representation and recognition. This includes making easier the ability to mobilise the public and to raise points in public, which could be achieved for example by re-evaluating the rather restrictive law on public assembly. This law was amended in 2017 by the Austrian People's Party (ÖVP) to include several bureaucratic hurdles for holding public assemblies or demonstrations. This has led to the inability to start spontaneous demonstrations and protests, with each request for a public assembly having to be vetted and accepted by police. In addition, it makes sense to question the dependency of NGOs on third-party funding and the impact thereof on public mobilisation. While this is a broader problem relating to civil society, in the context of welfare it is recommended for decision-making authorities, such as the multi-stakeholder group proposed above, to collectively settle on guidelines for NGOs to receive government funding for issues related to social welfare. A decision-making process with several stakeholders could help balance different financial interests, claims for justice, and especially the right freedom of association.

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