

Complete legal framework for the Act Governing the Equal Treatment Commission and the Ombud for Equal Treatment, as amended on 01 January 2014

Full title

Federal Act Governing the Equal Treatment Commission and the Ombud for Equal Treatment
 StF¹: Federal Law Gazette No. 108/1979 (NR²: GP³ XIV IA 138/A AB 1203 p. 120. BR⁴: AB 1987 p. 384.)

As amended in

Federal Law Gazette No. 577/1980 (DFB⁵)
 Federal Law Gazette No. 290/1985 (NR: GP XVI RV 644 AB 671 p. 99. BR: 3002 AB 3004 p. 464.)
 Federal Law Gazette No. 410/1990 (NR: GP XVII IA 427/A AB 1411 p. 148. BR: AB 3927 p. 532.)
 Federal Law Gazette No. 833/1992 (NR: GP XVIII RV 735 AB 838 p. 90. BR: 4382 AB 4385 p. 562.)
 Federal Law Gazette No. 370/1994 (VfGH⁶)
 Federal Law Gazette I No. 44/1998 (NR: GP XX RV 842 AB 1047 p. 107. BR: AB 5629 p. 636)
 Federal Law Gazette I No. 98/2001 (NR: GP XXI RV 621 AB 704 p. 75. BR: 6398 AB 6424 p. 679.)
 Federal Law Gazette I No. 129/2001 (NR: GP XXI RV 745 AB 804 p. 80. BR: 6456 AB 6480 p. 681.)
 Federal Law Gazette I No. 66/2004 (NR: GP XXII RV 307 AB 499 p. 61. BR: 7042 AB 7059 p. 710.)
 [CELEX-No.: 32000L0043, 32000L0078, 32002L0073]
 Federal Law Gazette I No. 82/2005 (NR: GP XXII RV 836 AB 1028 p. 115. BR: AB 7341 p. 724.)
 [CELEX-No. 32000L0078]
 Federal Law Gazette I No. 2/2008 (1. BVRBG⁷) (NR: GP XXIII RV 314 AB 370 p. 41. BR: 7799 AB 7830 p. 751.)
 Federal Law Gazette I No. 98/2008 (NR: GP XXIII RV 415 AB 559 p. 63. BR: AB 7968 p. 757.)
 [CELEX-No.: 32004L0113]
 Federal Law Gazette I No. 7/2011 (NR: GP XXIV RV 938 AB 1047 p. 93. BR: AB 8449 p. 793.)
 Federal Law Gazette I No. 107/2013 (NR: GP XXIV RV 2300 AB 2326 p. 204. BR: AB 9004 p. 821.)
 [CELEX-No.: 32010L0041]

Text

Equal Treatment Commission

Section 1 (1) An Equal Treatment Commission (ETC) shall be set up within the Federal Chancellery.

(2) The Equal Treatment Commission is composed of three Senates. The Senates are responsible for the following areas:

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- 1 StF = original version
 - 2 NR = National Council
 - 3 GP = legislative period
 - 4 BR = Federal Council
 - 5 DFB = corrigenda
 - 6 Constitutional Court
 - 7 First Act Consolidating the Federal Constitution

1. Senate I is responsible for equal treatment between women and men in employment and occupation (Title I of the Equal Treatment Act, Federal Law Gazette I No. 66/2004);
2. Senate II is responsible for equal treatment irrespective of ethnicity, religion or belief, age or sexual orientation in employment and occupation (Title II of the Equal Treatment Act);
3. Senate III is responsible for equal treatment irrespective of sex or ethnicity in other areas (Title III, Part I of the Equal Treatment Act).

(3) Senate I shall be responsible for cases before the Equal Treatment Commission that affect equal treatment between women and men in employment and occupation as well as equal treatment irrespective of ethnicity, religion or belief, age or sexual orientation in employment and occupation. In this context, Senate I shall also apply the provisions on equal treatment irrespective of ethnicity, religion or belief, age or sexual orientation in employment and occupation (Title II of the Equal Treatment Act).

(4) The Chairperson of Senate I shall coordinate the activities of the Equal Treatment Commission.

(5) If a request or petition filed with the Equal Treatment Commission alleges an infringement of the principle of equal treatment exclusively or inclusively due to discrimination on grounds of disability, the Equal Treatment Commission is not responsible and shall reject the examination of this request or petition for lack of competence. The notice of rejection shall contain explicit information that the Federal Office for Social Affairs and Disability is competent for conducting an arbitration procedure in accordance with the provisions of the Federal Disability Equality Act, Federal Law Gazette I No. 82/2005, or the Disability Employment Act, Federal Law Gazette No. 22/1970, and that therefore no action may be brought.

Composition of the Senates

Section 2 (1) Each Senate shall be composed of the Chairperson and additional members.

(2) The additional members of Senate I shall be as follows:

1. one member delegated by the Federal Economic Chamber of Austria;
2. one member delegated by the Federal Chamber of Labour;
3. one member delegated by the Federation of Austrian Industries;
4. one member delegated by the Austrian Trade Union Federation;
5. one member appointed by the Federal Chancellor;
6. one member appointed by the Federal Minister of Labour, Social Affairs and Consumer Protection.

(3) The additional members of Senate II shall be as follows:

1. one member delegated by the Federal Economic Chamber of Austria;
2. one member delegated by the Federal Chamber of Labour;
3. one member delegated by the Federation of Austrian Industries;
4. one member delegated by the Austrian Trade Union Federation;
5. one member appointed by the Federal Chancellor;
6. one member appointed by the Federal Minister of Labour, Social Affairs and Consumer Protection.

(4) The additional members of Senate III shall be as follows:

1. one member delegated by the Federal Economic Chamber of Austria;
2. one member delegated by the Federal Chamber of Labour;
3. one member appointed by the Federal Chancellor,
4. one member appointed by the Federal Minister of Economy, Family and Youth,
5. one member appointed by the Federal Minister of Justice,
6. one member appointed by the Federal Minister of Labour, Social Affairs and Consumer Protection.

(5) *(Note: repealed by Federal Law Gazette I No. 98/2008)*

(6) A federal civil service employee appointed by the Federal Chancellor shall act as the Chairperson. Another member of the Senate who is also a civil service employee shall be appointed as a deputy chairperson by the Federal Chancellor. Before appointing the Chairpersons and their deputies, the interest representations entitled to delegate members shall be consulted.

(7) At least one deputy member shall be delegated and/or appointed for each additional member of the Senate. The term of office of the members and their deputies is four years. Re-delegation and re-

appointment are admissible. In the event of voluntary withdrawal, revocation of delegation or appointment, gross breach or continued dereliction of duty, the members or their deputies shall be dismissed by the Federal Chancellor before the end of their term of office. If required, new members of the Senate shall be delegated or appointed for the remaining term of office. If the right to delegate or appoint members is not exercised within two months after the request was made, the Federal Chancellor shall appoint the respective members or deputy members.

(8) Before assuming office, the members and their deputies delegated by an interest representation shall pledge before the Chairperson to perform their duties conscientiously and impartially.

(9) At least 50% of the members and deputy members delegated shall be women. Each of the Federal Ministries appointing a member shall appoint at least one woman as a member or deputy member.

Ombud for Equal Treatment

Section 3 (1) An Ombud for Equal Treatment shall be set up within the Federal Chancellery.

(2) The Ombud for Equal Treatment consists of :

1. the Ombud
 - a. for equal treatment between women and men in employment and occupation (Title I of the Equal Treatment Act);
 - b. for equal treatment irrespective of ethnicity, religion or belief, age or sexual orientation in employment and occupation (Title II of the Equal Treatment Act);
 - c. for equal treatment irrespective of sex or ethnicity in other areas (Title III, Part I of the Equal Treatment Act);
2. the required number of Other Ombuds in accordance with sub-para. 1;
3. the Regional Ombuds (Section 4);
4. the required number of staff members.

(3) In performing their duties the members of the Ombud for Equal Treatment (para. 2, sub-paras. 1 to 3) are not subject to any instructions, they act on their own initiative and independently.

(4) After consultation with the interest representations entitled to delegate members to the Equal Treatment Commission, the members of the Ombud for Equal Treatment shall be appointed by the Federal Chancellor. The Federal Chancellor shall appoint employees of the federal civil service for these tasks. The Federal Chancellor shall entrust one of the Ombuds appointed for the areas mentioned in para. 2, sub-para. 1 with the task of coordinating this area. The Ombud responsible for coordinating equal treatment of women and men in employment and occupation shall coordinate the overall activities of the Ombud for Equal Treatment.

(5) The performance of functions in accordance with para. 2, sub-paras. 1 to 3 shall be suspended

1. from the institution of disciplinary proceedings to their final conclusion and
2. during periods
 - a) in which another function is performed by the Ombud for Equal Treatment, whereby suspension refers to the previous function,
 - b) of suspension,
 - c) of withdrawal from service while holding another public office,
 - d) of extended paid leave of absence or annual leave of more than three months and
 - e) of military service , training for professional soldiers or alternative civilian service.

(6) The performance of functions in accordance with para. 2, sub-paras. 1 to 3 shall end upon

1. the legally binding imposition of disciplinary sanctions,
2. transfer abroad,
3. transfer to another position,
4. resignation or retirement from the federal civil service,
5. renunciation,
6. leave of absence exceeding 36 months.

(7) The Federal Chancellor shall dismiss a member of the Ombud for Equal Treatment if

1. he/she is no longer able to perform his/her duties for health reasons
2. he/she has grossly breached or persistently neglected his/her official duties.

(8) The Federal Chancellor is entitled to be informed on all issues affecting the administration of the Ombud for Equal Treatment. The Ombud for Equal Treatment has the duty of providing the information requested by the Federal Chancellor.

Regional Offices

Section 4(1) If it is deemed necessary to improve the counselling and support provided to persons on equal treatment issues within the meaning of the Equal Treatment Act, the Federal Chancellor may set up Regional Offices of the Ombud for Equal Treatment and Regional Ombuds for the areas mentioned in Section 3, para. 2, sub-para. 1(a) to 1(c). The geographical and subject-matter competence of a Regional Office shall be set out in the respective decree. If several Regional Ombuds are appointed for a Regional Office, one of them shall be responsible for coordinating the Regional Office.

(2) Insofar as this Act or the Equal Treatment Act stipulate rights and duties of the Ombuds, these provisions shall also apply to Regional Ombuds within their remit.

Tasks of the Ombud for Equal Treatment

Section 5 (1) Within their legal sphere of responsibility, the members of the Ombud for Equal Treatment are responsible for providing counselling and support services to persons feeling discriminated against within the meaning of the Equal Treatment Act. To this end, the Ombuds may hold consultation hours and consultation days.

(2) The Ombud for Equal Treatment may conduct independent investigations into matters of discrimination, publish independent reports and provide recommendations on all issues regarding discrimination.

(3) An Ombud is entitled to participate in the meetings of the Senates of the Equal Treatment Commission and its working committees. He/she shall be given the floor on his/her request.

(4) In the case of an alleged infringement of the principle of equal treatment, the Ombud may, if necessary, request the employer or any other responsible person to provide a written statement. He/she may also obtain additional information from the employer, the works council or the employees of the enterprise affected or other representatives or other persons who are able to provide information. The respective persons have a duty of providing the Ombud with the information he/she requires to perform his/her tasks.

(5) If an Ombud responsible for Title I or Title II of the Equal Treatment Act presumes an infringement of the principle of equal treatment within the meaning of Section 3, sub-para. 2 or Section 17, para. 1, sub-para. 2 of the Equal Treatment Act, he/she may request the respective social insurance institution to provide information on the contribution basis under the social insurance law as well as under the Corporate Staff and Self-Employment Provision Act (*Betriebliches Mitarbeiter- und Selbständigenvorsorgegesetz*), Federal Law Gazette I No. 100/2002, in respect of persons knowledge of whose income is indispensable to take a decision on an alleged infringement of the principle of equal treatment. The Ombud has to provide the name, date of birth and insurance number of the persons affected as well as the names of the employers of the persons affected. The respective social insurance institutions have a duty of providing the Ombud with the information he/she requires to perform his/her tasks. In discharging their duty of providing information, the respective social insurance institutions are not liable for any disadvantages caused by incomplete or inaccurate data contained in their systems. In the process of requesting information, the Ombud shall treat all data disclosed to him/her confidentially. As an exception, the Ombud may pass on the data obtained in the process of requesting information in an anonymised form to the person affected by the alleged discrimination to allow him/her to pursue a discrimination claim.

(6) If the Ombud presumes an infringement of the principle of equal treatment and substantiates the alleged claims before the Senate, the Senate has to initiate proceedings in accordance with Section 11 or Section 12. The Senate shall deal with such a case brought before it at its next meeting but no later than within one month. If the decision of the Senate in a case submitted by the Ombud differs from the opinion of the Ombud, Section 12, para. 5 will be applied.

(7) The Senate may request the Ombud to conduct the investigative activities. On behalf of the Senate, the Ombud may access the corporate premises and inspect the records of the enterprise. On his/her request, (photo) copies or excerpts of these documents shall be made available to him/her. In accordance with Section 3, para. 2, sub-paras. 1(a) and 1(b), the Ombud shall involve the works council in these investigative activities. Before inspection, he/she shall notify the employer in a timely manner in order to allow the employer or a person appointed by him/her to participate in the inspection.

Tasks of the Senates of the Equal Treatment Commission

Section 8. Within their sphere of responsibility (Section 1), the Senates of the Equal Treatment Commission shall deal with all issues relating to discrimination and violations of promotion guidelines that govern the observance of the principle of equal treatment.

Rules of Procedure

Section 9. The Rules of Procedure of the Senates and their committees shall be laid down in a decree issued by the Federal Chancellor.

Legal status of the members (deputy members) of the Commission

Section 10 (1) The members (deputy members) of the Commission – with the exception of the federal civil service employee appointed as the Chairperson and his/her deputy – shall act in an honorary capacity. They are entitled to reimbursement for the necessary travel and subsistence expenses; the same shall apply to the representatives of the parties to collective agreements and other experts (Section 11, para. 2 and Section 14, para. 4a), with the exception of experts preparing written opinions on behalf of the Commission. The amount to be reimbursed is determined on the basis of the provisions of the 1975 Expense Claims Act applicable to witnesses. Cost reimbursement claims are exempted from charges or federal administrative fees.

(1a) The Chairperson and his/her deputy as well as the members (deputy members) of the Commission perform their tasks without receiving any instructions, on their own initiative and independently. The Chairperson and his/her deputy shall be allowed to take the time off which is necessary to fulfil his/her tasks, while receiving his/her salary and other emoluments; his/her supervisor shall be informed thereof.

(1b) The heads of the respective units may not restrict the Chairperson and his/her deputy in fulfilling his/her tasks and shall not discriminate them for this reason. He/she shall not suffer any disadvantages in connection with performance appraisals and career development due to fulfilling his/her tasks. Insofar as this is reconcilable with the official duties to be performed, the head of the respective unit shall allow the Chairperson and his/her deputy to participate in further training in the field of equal treatment law.

(1c) The Federal Chancellor is entitled to obtain information on all issues regarding the administration of the Commission. The Commission has a duty of providing the information requested by the Federal Chancellor. He/she shall dismiss a member (deputy member) of the Commission if he/she

1. is no longer able to perform the tasks related to this office permanently for health reasons or
2. has grossly breached or persistently neglected the duties related to this office.

(2) The employers and all employees of the enterprises affected shall provide the information required for performing their tasks to the Commission and its committees (Section 15)

(2a) If the Senate presumes an infringement of the principle of equal treatment in accordance with Section 3, para. 2 or Section 17, para. 1, sub-para. 2 of the Equal Treatment Act, it may request the respective social insurance institution to provide information on the contribution bases under social insurance laws well as under the Corporate Staff and Self-Employment Act (*Betriebliches Mitarbeiter- und Selbständigenvorsorgegesetz*) of persons knowledge of whose income is indispensable to take a decision on the alleged infringement of the principle of equal treatment. The Senate has to provide the name, date of birth and the insurance number of the persons affected as well as the names of the employers of the persons affected. The respective social insurance institutions have the duty of providing the Senate the information required. They are not liable for any disadvantages caused in discharging their duty due to any incomplete or inaccurate data in their systems. The members (deputy members) of the Senate are required to treat the data confidentially, which were disclosed to them in the process of providing the required information.

(3) The members (deputy members) of the Commission shall treat all business and trade secrets disclosed to them in performing their activities confidentially; this shall apply *mutatis mutandis* to the representatives of the parties to the collective agreements as well as to the other experts.

Opinions

Section 11. (1) At the request of the one of the interest representations represented in the respective Senate of the Commission, at the request of the Ombud (Section 3, para. 2) or in cases in which it has to act *proprio motu*, the responsible Senate shall, in particular, prepare opinions on issues relating to the principle of equal treatment.

(2) If an opinion to be prepared in accordance with para. 1 deals with discrimination in collective labour law, the responsible Senate may set up a working group to prepare decision-making. It shall include, apart from the Chairperson, one member of each interest representation in the respective Senate. Representatives of the parties to collective agreements shall be called in to participate in the deliberations. Section 14, paras. 2 to 5 shall apply mutatis mutandis.

(3) The opinions of the Senate have to be issued within three months after adoption; the full, but anonymised text shall be made available free of charge on the website of the Federal Chancellery provided that the individual cases cannot be identified.

Examinations on a Case-by-Case Basis

Section 12. (1) At the request of an employee, an employer, a works council, of one of the interest representations represented in the respective Senate of the Commission, of a person affected by discrimination as defined in Title III, Part I of the Equal Treatment Act, at the request of the Ombud (Section 3, para. 2) or when acting proprio motu, the responsible Senate shall examine, in each particular case, whether the principle of equal treatment has been infringed.

(2) The employee or the person affected by discrimination as defined in Title III, Part I of the Equal Treatment Act is entitled to be represented in proceedings instituted before the Commission by a person of his/her confidence, in particular by a representative of one of the interest representations or of a non-governmental organisation. At the request of the employee or the person affected by discrimination within the meaning of Title III, Part I of the Equal Treatment Act, the Senate shall, in accordance with Section 14, para. 4a, call in a representative of a non-governmental organisation nominated by the person affected. Upon initiating the examination of a specific case, the Senate shall expressly advise the employee or the person affected of his/her right to file such a request.

(3) If the Senate holds that the principle of equal treatment has been infringed, it shall forward a written proposal on the implementation of equal treatment to the employer or, in cases related to other areas of discrimination in employment and occupation, to the person responsible for the discrimination or to the person responsible for discrimination within the meaning of the Title III, Part I of the Equal Treatment Act and request him/her to end discrimination. A deadline of two months shall be granted for implementing the proposal.

(4) If a request in accordance with para. 3 is not complied with, each interest representation represented in the respective Senate may bring an action for declaratory judgment establishing infringement of the principle of equal treatment before the competent labour tribunal or the civil court having jurisdiction. The periods of statutory limitation and limitation under collective agreements are interrupted up to the end of the month following the date on which such decisions become final.

(5) In proceedings instituted at the request of the Ombud, the right of action in accordance with para. 4 may also be exercised by this Ombud. However, such action may be brought only subject to the prior consent of the employee or the person affected.

(6) The Senate shall make the full, but anonymised text of final court judgments within the meaning of paras. 4 and 5 which establish infringements of the principle of equal treatment available free of charge on the website of the Federal Chancellery.

(7) The findings of an examination of an individual case by the Senate shall be issued and served upon the addressees within three months after their adoption. Any information on the outcome of proceedings provided by the administration of the Senate (Section 14, para. 5) prior to the issuance date will end the period of suspension (Section 15, para. 3, Section 29, para. 3 and Section 38, para. 5 of the Equal Treatment Act). The full, but anonymised text of the findings of the examination of the individual case shall be published free of charge on the website of the Federal Chancellery provided that the individual cases cannot be identified.

Reporting duty

Section 13. (1) If a communication submitted by a person entitled to file a request in accordance with Section 12, para. 1, which substantiates the allegations credibly, gives rise to the presumption that the principle of equal treatment was infringed, a written report shall be submitted upon request to the Commission

1. by the employer in equal treatment cases relating to employment relationships or by the person allegedly responsible for alleged discrimination in cases of other discrimination in employment and occupation,
2. by the person allegedly responsible for the alleged discrimination in cases within the meaning of Title III, Part I of the Equal Treatment Act.

If such a report is requested by the employer, he/she shall facilitate comparisons of employment conditions, basic and advanced training measures, opportunities for advancement as well as the employment period and the way of terminating the employment of women and men or of any other allegedly discriminating characteristics by furnishing a numerical breakdown for the operational areas affected. If required, the report shall also provide insight into the connection between basic and advanced training measures and opportunities for advancement. If such a report is requested in the case of discrimination as defined in Title III, Part I of the Equal Treatment Act from the allegedly responsible person, the latter shall give a comprehensive and detailed account of all the circumstances of the case from his/her perspective.

(2) If the Senate established an infringement of the principle of equal treatment, the report requested may have to cover one or several consecutive years.

(3) Based on the reports, the Commission may draw up opinions (Section 11) on compliance with the principle of equal treatment in the enterprise.

(4) If the employer or the person allegedly responsible for discrimination fails to comply with his/her obligation as defined in paras. 1 and 2 completely or partly and if the employer fails to comply with the request to modify the report, the Commission shall publish this fact on the website of the Federal Chancellery. The employer shall be informed in the request to modify the report that non-compliance or inadequate compliance with the reporting duty will be published on the website of the Federal Chancellery.

Administration of the Commission

Section 14. (1) The Chairperson may convene a Senate meeting whenever required. A Senate meeting shall also be convened if this is requested by more than one third of the members or by the Ombud.

(2) The members (deputy members) shall be summoned to attend the meeting in a timely manner by ensuring proof of service and by informing them of the meeting agenda.

(3) The Senate constitutes a quorum if more than half of its members (deputy members) are present. Decisions of the Senate require a majority of the votes cast. In case of a tie, the Chairperson shall have a casting vote.

(3a) The Chairperson shall ask the person affected by discrimination as well as the person against whom the request is filed before the hearing whether they are willing to accept an amicable settlement of the dispute and, where appropriate, facilitate such an amicable settlement of the dispute.

(4) The meetings of the Senate are not public. If the subject-matter of the proceedings is an alleged (sexual) harassment, the hearings of the person(s) affected by (sexual) harassment and the person against whom the request is filed shall be held separately unless both parties agree to a joint hearing requested by both of them. The persons shall be informed of their right to submit such a request.

(4a) The Chairperson may request external experts to participate in an advisory capacity in the meetings of the Senate. He/she shall comply with the request by more than one third of the members or by the Ombud.

(5) The administration of the Senate's day-to-day business, the preparation of meetings and administrative tasks of the Senate may be performed by one or, if required, by several federal civil service employees.

(6) Persons who were summoned to supply information to the Senate, are, upon request, entitled to reimbursement of the necessary expenses incurred for travelling to the place of the hearing, the stay at this place as well as the return trip. The amount to be reimbursed is determined on the basis of the provisions of the 1975 Expense Claims Act applicable to witnesses. Cost reimbursement claims are exempted from charges and federal administrative fees.

Senate Committees

Section 15. (1) The Senate may entrust the task of dealing with infringements of the principle of equal treatment in individual cases to a committee; if required, several committees may be set up.

(2) Every committee shall consist of at least three members. Meetings shall be presided by the Senate Chairperson or a member (deputy member) appointed by the Chairperson, who shall be a federal civil service employee. The remaining members shall be selected by the Senate Chairperson from among the members or deputy members of the interest representations represented in the respective Senate.

(3) Section 14 shall apply mutatis mutandis to the administration of the committees.

**Application of the General Administrative Procedure Act (*Allgemeines
Verwaltungsverfahrensgesetz/AVG*)**

Section 16. Proceedings before the Senates of the Equal Treatment Commission shall be governed by Section 6, para. 1, Section 7, Sections 13, 14 to 16 as well as Sections 17 to 22, Sections 32 and 33 as well as – in accordance with Section 12, para. 12, Section 26, para. 12 and Section 38, para. 3 of the Equal Treatment Act – Sections 45 and 46 of the AVG, Federal Law Gazette No. 51/1991. Insofar as these provisions deal with sovereign powers, they shall not apply to the Equal Treatment Commission. The use of the services of interpreters and translators is governed by the provisions of Section 39a, Section 52, paras. 2 to 4, Sections 53 as well as 53b of the AVG; the costs have to be borne ex officio.

Section 21. (1) This Federal Act enters into force on 1 July 1979. Section 2, paras. 1, 1a, 1b and 2, Section 2a, paras. 1, 1a, 2, 5, 5a, 7, 8 and 9, Section 3, para. 5, Section 5, para. 3, Section 6, para. 4, Section 6a, para. 4, Section 10, para. 1, Sections 10b, 10c and 10d, as amended in the Federal Act published in Federal Law Gazette No. 833/1992, enter into force on 1 January 1993.

(2) Decrees based on Title I may be issued as from the day following the date of promulgation. These decrees may enter into force on 1 July 1979 at the earliest.

(3) Section 12, paras. 1, 1a, 1b and 2, Section 13, paras. 1, 1a, 2, 5, 5a, 7, 8 and 9 as well as Section 18, as amended in the Federal Act published in Federal Law Gazette No. 833/1992, enter into force for the Laender on the date of promulgation of this Federal Act. The Implementing Acts shall be passed within six months after the day following the date of promulgation.

(4) Section 2, para. 1a, Section 2a, para. 7, Section 3, Section 3a, paras. 1, 2a, 3a and 7 as well as Section 7, paras. 4 and 6 as well as Section 10b, as amended in the Federal Act published in Federal Law Gazette I No. 44/1998, enter into force on 1 May 1998. The members of the Equal Treatment Commission and their deputy members appointed as of this date are deemed appointed in accordance with Section 3 of this amendment until and including 30 June 1999.

(5) Section 12, para. 1a and Section 13, para. 7, as amended in the Federal Act published in Federal Law Gazette I No. 44/1998, enter into force in respect of the Laender on 1 May 1998. The Implementing Acts shall be passed within six months after this date.

(6) Section 2a, para. 7 and Section 10d, as amended in the Federal Act published in Federal Law Gazette I No. 98/2001, enter into force on 1 January 2002.

(7) Section 13, para. 7, as amended in the Federal Act published in Federal Law Gazette I No. 98/2001, enters into force for the Laender on 1 July 2001. The Implementing Acts shall be passed within six months after that date and shall provide for entry into force on 1 January 2002.

(8) Sections 1 to 16 as well as Sections 22 to 24, as amended in the Federal Act published in Federal Law Gazette I No. 66/2004 as well as the deletion of the headings “Title I”, Title III” and “Concluding Provisions” shall take effect on 1 July 2004. Section 10a to 10d as well as previous Title II expire with effect 30 June 2004.

(9) Section 5, para. 1, Section 6, para. 1, Section 10, para. 1 and Section 16, as amended in the Federal Act published in Federal Law Gazette I No. 82/2005, enter into force on 1 July 2004, Section 1, para. 5, as amended in the Federal Act published in Federal Law Gazette I No. 82/2005, enters into force on 1 January 2006.

(10) Section 1, paras. 1 and 2, Section 2, paras. 2, 4, 6 and 7, Section 3, paras. 1 and 2, 6 und 9, Section 4, para. 2, Section 6, Section 7, para. 1, Section 11, para. 3, Section 12, paras. 1 to 3, 6 and 7, Section 13, para. 1, as well as Sections 22 and 24, as amended in the Federal Act published in Federal Law Gazette I No. 98/2008 enter into force on 1 August 2008. Section 2, para. 5, as amended in the Federal Act published in Federal Law Gazette I No. 98/2008, are repealed with effect 31 July 2008, 12 p.m. The members of Senate III to be appointed on account of Section 2, para. 4 of the Federal Act as amended in Federal Law Gazette I No. 98/2008 shall be appointed with effect 1 October 2008; up to that date Senate III shall perform its tasks in its composition of 1 July 2008.

(11) Section 1, para. 2, sub-para. 3, Section 3, para. 2, sub-para. 3, para. 5a and para. 8, sub-paras. 4 and 5, Section 4, para. 1, last sentence and para. 2a, Section 5, para. 1, last sentence and para. 2a, Section 6, para. 1 as well as the headings of Section 6, Section 9, Section 10, para. 1a, first sentence, para. 1c and para. 2a, Section 12, paras. 1, 2 and 3, Section 13, paras. 1 and 4, Section 14, paras. 4 and 4a, Section 16, Section 22 and Section 24, as amended in the Federal Act published in Federal Law Gazette I No. 7/2010, enter into force on 1 March 2011. Section 14, para. 4 and Section 16, as amended in the Federal Act published in Federal Law Gazette I No. 7/2010 shall apply to proceedings before the Equal Treatment Commission, in respect of which requests or petitions are filed after 28 February 2011.

Section 14, para. 4 and Section 16, as amended in Federal Act published in Federal Law Gazette I No. 7/2010 shall apply to proceedings before the Equal Treatment Commission in respect of which requests or petitions are or were filed before 1 March 2011 and which have not been dealt with in a Senate meeting provided that this has been requested either by a person affected by discrimination within the meaning of the Equal Treatment Act or a person against whom the request or petition has been filed and subject to the consent of the other party.

(12) Sections 3 to 5, including the headings, Section 10, para. 1, Section 11, para. 1, Section 12, paras. 1, 2, 5 and 7, Section 13, paras. 1 and 4, Section 14, para. 1, second sentence, paras. 3a, 4 and 4a, second sentence, Section 15, paras. 2 and 3 as well as Section 22, as amended in the Federal Act published in Federal Law Gazette I No. 107/2013 enter into force on 1 August 2013. Sections 6 and 7, including the headings, are repealed with effect 31 July 2013, 12 p.m. Regional representatives in accordance with Section 3, para. 1, sub-para. 4, as amended in the Federal Act published in Federal Law Gazette I No. 7/2011 shall be deemed to mean Regional Ombuds in accordance with Section 3, para. 2, sub-para. 3, as amended in the Federal Act published in Federal Law Gazette I No. 107/2013 as from 1 August 2013. As from 1 August 2013, deputies in accordance with Section 3, para. 1, sub-para. 5, as amended in the Federal Act published in Federal Law Gazette I No. 7/2011, shall be deemed to mean Other Ombuds in accordance with Section 3, para. 2, sub-para. 2, as amended in the Federal Act published in Federal Law Gazette I No. 107/2013. Sections 14, paras. 3 and 4, as amended in the Federal Act published in Federal Law Gazette I No. 107/2013, apply to proceedings before the Equal Treatment Commission if the respective request has been filed after 31 July 2013. The existing version of Section 14, paras. 3 and 4 shall apply to proceedings before the Equal Treatment Commission if the respective request has been filed before 1 August 2013.

(13) Section 2, paras. 2 to 4 and Section 9 will enter into force on 1 January 2014. As from this date, the members of the Equal Treatment Commission shall be re-appointed for the remaining term of office ending on 30 June 2016.

Section 22. Implementation of Section 5, para. 6, last sentence and Section 12, paras. 4 and 5 of this Federal Act falls within the remit of the Federal Minister of Justice; the Federal Chancellor – by common agreement with the Federal Minister of Labour, Social Affairs and Consumer Protection – shall be responsible for the implementation of Section 24; the Federal Chancellor is competent for implementing the remaining provisions of this Federal Act.

References

Section 23. All references made in this Federal Act to other Federal Acts shall apply to the latest amendments of the respective Federal Acts.

Reports to the National Council

Section 24. The Federal Chancellor and the Federal Minister of Labour, Social Affairs and Consumer Protection shall submit a report on the implementation of the Equal Treatment Act to the National Council at two-year intervals. This report shall, in particular, contain information on the activities and observations made of the Ombud for Equal Treatment, the proceedings before the Commission and other activities of the Commission. This biennial report shall be complemented by comments of the interest representations of employers and employees and submitted to the National Council at four-year intervals.