



EGU25 exhibitor information about wage documents

If you have staff members working in Vienna to setup and/or dismantle your own exhibition booth construction, we herewith would like to draw your attention to the **Austrian Wage and Social Dumping Control Act** (LSD-BG – Lohn- und Sozialdumping-Bekämpfungsgesetz).

The full text in German can be accessed at:

<https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20009555>

Why do we point your attention to this? Since Austria introduced this law the Finance Police sometimes controls international events. The background is that staff members of companies registered outside of Austria, when being sent to Austria for work, are required to carry two specific documents as proof of the status of their social insurance in their home country and to be registered with the Central Coordination Office. The two documents include the so-called A1 certificate (certificate of your health insurance) and your wage documents including your working contract and a recent salary statement.

Fortunately, attending scientific conferences and staffing exhibition booths in industry fairs is excluded from the duty to carry these documents and to be registered at the Central Coordination Office. However, when working in Austria for the setup and dismantling of exhibition booths, you are not excluded.

To be on the safe side, **we therefore recommend checking your individual situation**. If your material is sent by a forwarding agency and your staff members attending the booth during the week only open boxes to put flyers on shelves, this is fine. However, if members of your staff are sent to Vienna to setup and dismantle your own booth construction, these colleagues are not freed from the regulations during the time of setup and dismantling.

The relevant part of the LSD-BG law about the requirements to send a staff member to Austria is listed in the following:

§19, Central Coordination Office

- (1) Employers and transferors based in one of the EU Member States or the EEA State or the Swiss Confederation must notify the employment of workers posted to Austria and workers transferred to Austria. [...]



(2) Posting or transfer within the meaning of subsection (1) shall be reported to the Central Coordination Office prior to commencement of work. [...]

§21, A1 certificate

(1) Employers established in an EU Member State or EEA Member State or the Swiss Confederation must keep the following documents available at the place of employment during the posting period [...]:

1. Documents about the employee's registration for social insurance. [...]

§22, availability of wage documents:

(1) Employers within the meaning of §§ 3 (2), 8 (1) or 19 (1) shall have the employment contract or service list in the period of employment (in Germany) or of the period of posting as a whole (§ 19 (3) no For the purposes of Council Directive 91/533 on the employer's obligation to inform the worker of conditions applicable to his employment contract or employment relationship, payslips, statements of pay or bank transfer slips, payroll records, working time records and payroll documents to check the posted worker for the worker Duration of employment in accordance with the Austrian legislation in German language, except the employment contract, at the place of work or to make it accessible to the issuing authorities or the construction worker's holiday and severance fund in the field and at the time of collection in electronic form, even if the employment of the individual employee in Austria ended earlier. The employment contract must be kept either in German or in English. In the case of workplaces that change within one working day, the wage documents must be kept available at the first place of work or made accessible in electronic form. An employee posting an employee to work in Austria shall be deemed to be an employer in relation to the obligation under this provision. Section 21 (2) applies mutatis mutandis.

§28, fines in case of absence of wage documents

Who as

1. Contrary to § 22 (1) or (1a), the employer does not provide the salary documents, or



2. In the case of a cross-border transfer of labour to Austria contrary to § 22 (2), the contractor does not demonstrably provide the wage documents to the employee, or
3. Employee in the case of cross-border temporary employment, contrary to § 22 para. 2, the salary documents is not ready

commits an administrative offense and is punished by the district administrative authority for each worker with a fine of €1,000 to €10,000, in the event of a recurrence of €2,000 to €20,000, more than three workers, for each worker with a fine of €2,000 up to €20,000, in case of recurrence from €4,000 to €50,000.

§1, exclusion from LSD-BG

(5) This Federal Law shall not apply if the employee is posted to Austria solely for the purpose of performing the following works of minor and short duration:

1. business meetings without the provision of other services or
2. participation in seminars and lectures without the provision of further services or
3. the participation in fairs and trade fair-like events within the meaning of § 17 Abs. 3 to 6 of the Occupational Rest Act (ARG), BGBl. No. 144/1983, with the proviso that the lower limit of § 17 Abs. 4 ARG does not apply, except for preparation - and final work for the event (construction and dismantling of the exhibition facilities and delivery and delivery of the fair goods), or [...]