



**Fédération Européenne
des Médecins Salariés**
European Federation
of Salaried Doctors

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1. INFRINGEMENT PROCEEDINGS - WORKING TIME OF HOSPITAL PHYSICIANS

The European Commission has recently initiated infringement proceedings against Austria for not complying with the EU rules on limits to working time for doctors.

The proceedings are currently at an examination stage; in its letter of formal notice the European Commission criticises that in Austria, the average weekly working time may be more than 48 hours, compensatory rest must not be taken immediately after extended duty and in exceptional cases and rest periods can be reimbursed financially.

The Austrian Federal Ministry of Labour and Social Affairs is currently examining the allegations and will prepare an opinion to be transmitted to the European Commission.

As already mentioned in previous reports the Austrian Federal Body of employed doctors reiterates its call for a limitation of working hours to a maximum of 25 h/hospital shift.

Better working conditions are a necessary means to ensure that the medical profession continues to enjoy recognition and to guarantee that hospitals remain attractive to a new generation of medical doctors.

Permanent stress and pressure caused by long duty hours leads to demotivation among medical doctors and, as a consequence, to a shortage of physicians.

The Austrian Federal Body of employed doctors claims:

- Maximum of 25 hours of continuous duty
- Strict compliance with recovery periods
- Occupational medical monitoring, in order to prevent health care problems
- Flexible working time models, that respect life realities of medical doctors
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2. PERIODS OF SERVICE WITH ANOTHER EMPLOYER - EUROPEAN COURT OF JUSTICE RULING

The European Court of Justice has recently ruled that the fact that Salzburger Landeskliniken (Staff committee of the company administering the clinics and hospitals of the Province of Salzburg) took into account only a proportion of the periods of service completed by its employees with another employer is incompatible with community law.

According to Article 7 (1) of the Regulation on freedom of movement for workers within the Union a worker who is a national of a Member State may not, in the territory of another Member State, be treated differently from national workers by reason of his nationality in respect of any conditions of employment and work, in particular as regards remuneration, dismissal, and, should he become unemployed, reinstatement or re-employment.

The ECJ stated that the national law draws a distinction depending on whether the employee has already worked for Land Salzburg to the exclusion of other employers.

If the employee has not worked for Land Salzburg, account is to be taken of only 60% of the periods of service completed before recruitment by Salzburg.

According to the ECJ such provision of national law must be regarded as indirectly discriminatory if it is intrinsically liable to affect migrant workers more than national workers and if there is a consequent risk that it will place the former at a particular disadvantage.

After the ruling of the ECJ the labour court Salzburg has decided that Land Salzburg has to repay periods of service to the employees of „Salzburger Landeskliniken“ in the amount of € 24 million.

3. EHR - ELECTRONIC HEALTH RECORD - ELGA

ELGA (Electronic Health Record) is a project initiated by the Austrian government in 2006, that has the goal of achieving a secure platform for exchanging electronic patient information and services for electronic prescribing and dispense.

The so-called ELGA is supposed to allow to share information relevant to a patients' healthcare treatment, such as electronic prescriptions, hospital reports, findings, over a network.

The possibility of a precise and efficient search function for medical contents and the usability in general will be crucial for the acceptance and the benefit of ELGA in daily healthcare practice.

Essential requirements applied to the search function are (among others):

- full text search with error tolerance regarding data input (word variants, inverted letters...)
- possibility of specific search for diagnosis, medication, laboratory results and medical parameters
- possibility to filter search results
- display of results according to their relevance
- presentation of results with surrounding text
- search history appears when searching for laboratory results
- situation related search during patient contact

The respective law has already entered into force in Austria and shall initially be applied to hospitals from January 2015.

Despite numerous requests from the Austrian Medical Chamber, a lot of legal and practical questions (responsibility, costs etc.) for physicians as well as patients are still unsolved.

4. MULTIPLE SENIOR MANAGEMENT POSITIONS WITH A VIEW TO ACHIEVING SAVINGS

The Austrian Medical Chamber is still strongly against the fact that chief physicians shall be responsible for more than one senior management position.

This interferes with the responsible exercise of the medical profession. Furthermore, chief physicians who are responsible for more than one senior management position have to cope with unreasonable daily stress burden.

Multiple senior management positions may jeopardise the quality of health care in the long term, with consequences on the training of the next generation of the medical profession.

In addition to the administrative workload there will also be a high responsibility pressure, when fulfilling their duties as head of more than one department.

The Austrian Federal Body of Employed Doctors, as a matter of principle, rejects multiple senior management positions, because this would not only lead to reducing of medical senior management in hospitals, but also to relativizing of its significance and value.

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Dr.S/Mag.G/NH