

Ministry of Justice (Austria) - Update of the Catalogue of Measures

13 April 2020

- The orders issued on 15 March 2020 (no visit as defined in § 93 StVG, no exits, no free access) are again extended until the end of 30 April 2020:
https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2020_II_120/BGBLA_2020_II_120.html
- The order issued on 12 March 2020, according to which all further educational events of the Prison Service Academy are suspended until 13 April 2020, is extended until the end of 31 May 2020.
- In addition, all other (preventive) measures and orders and special reporting obligations that have been implemented to date will be extended until the end of 30 April 2020.
- Reference is also made to the BMAFJ's instructions for the treatment of workrooms in which a potentially infected person has been present:
<https://www.bmafj.gv.at/Services/News/Coronavirus/FAQ-Arbeitnehmerschutz.html>
- Fixed non-contact disinfectant dispensers must be installed at heavily frequented locations (e.g. next to elevators or permanently installed telephone devices for occupants) as well as at all sanitary facilities for staff, with the best possible avoidance of any risk of misuse. Care must be taken to ensure regular and timely refilling.
- If inmates are involved in the processing, production or distribution of food, the strictest hygiene regulations shall also apply to them (in particular, at present, the use of a mouth and nose mask).
- According to a decree of the Federal Ministry of the Interior, the detained person must wear a mouth-nose mask when being admitted to prisons. If the prisoner is refused the wearing of a mask, the prison must be informed of this prior to admission.
- With regard to the protective measures in force for new entrants, it is additionally stated that transfers from one prison to another are not to be classified as new entrants. However, this only applies if the inmate in the last prison has not been granted any exits in the last 4 weeks prior to transfer, if no further executions have been carried out and if the inmate is completely unobtrusive with regard to any symptoms. With regard to a possible antibody test, the Chief Medical Service of the General Directorate must be consulted in any case. In all other cases, the inmate must be classified as a new arrival.
- The 3rd COVID-19 Act (Federal Law Gazette I No. 23/2020) regulated with regard to the Covid-19 risk group that there is no entitlement for paid absence if the person concerned is employed in areas of critical infrastructure.
https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2020_I_23/BGBLA_2020_I_23.html
- Prisons belong to the critical infrastructure. Prison employees are therefore not entitled to time off work. It follows from the employer's duty of care that personnel from the Covid-19 risk group must be protected as well as possible against possible infection. The following procedure is bindingly defined for this purpose.
- The Covid-19 risk group includes staff members who have reached the age of 60 or who, due to previous illnesses, present a Covid-19 risk certificate from their attending physician. If a medical certificate does not sufficiently reflect the risk analysis required for further employment, a medical examination (by the service authority) should be requested. After consultation with the doctor treating the staff member, the staff member should, if possible, refrain from a personal examination and the report should be drawn up on the basis of the findings submitted and the telephone interview with the staff member by the doctor.
- In the case of staff assigned to the Covid-19 risk group, priority should be given to examining the possibility of arranging teleworking.
- If teleworking is not possible, any outstanding time credits and residual leave from previous years must be used up without exception before considering any leave of absence.

- A temporary leave of absence from work, which is to be granted until revoked, is to be granted upon the request of the person concerned if the points 1 to 3 are fulfilled and only as long as there are no compelling business reasons that make it necessary to work in the prison.
- If there are compelling business reasons that make it necessary to serve in the prison, the person concerned shall be called upon to perform business activities that are associated with the lowest possible risk of infection (above all, few personal contacts necessary, sufficient protective measures possible). The occupational physician is to be consulted when determining the tasks and the necessary protective measures. It is mandatory to wear a protective mask during the service. Special reference must be made to the general rules of conduct and hygiene measures (above all keeping distance, hand, mouth and face hygiene). All exemptions already granted must be re-examined in the light of these criteria and treated accordingly.
- The institutions are called upon to examine whether at least individual facilities that do not serve the basic needs of the institution can be continued or resumed during the upright group system. As teams of the General Directorate's task force were able to assure themselves personally on site last week in individual institutions of several federal states, this is working without any problems and completely inconspicuously, which is a further contribution to an everyday life in an institution that is regulated even in times of crisis.