

Recommendation of the
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**Guidelines on fixed-term
employment contracts
with academic and
artistic staff**

HRK German Rectors' Conference

The Voice of the Universities

Ahrstraße 39 Tel.: +49/(0)228/887-0 post@hrk.de
D-53175 Bonn Fax: +49/(0)228/887-110 www.hrk.de
Germany

Guidelines on fixed-term employment contracts with academic and artistic staff

I. Introduction:

Higher Education Institutions (HEIs) are responsible for both permanent and fixed term staff. Fixed-term employment contracts with academic and artistic staff enable employees to become better qualified and HEIs to increase their innovative strength. The fixed-term employment contracts must be designed in such a way that they support the needs and interests of the junior academics and the HEIs¹.

The various individually shaped career paths of junior academics must be transparent and allow planning: the limits on the employment contract should be derived from the qualification targets that are agreed on, i.e. the qualification target must be achievable and academically feasible within the scope of the employment period. The potential types of qualifications based on academic work are very diverse: in addition to doctoral studies and the post-doctoral 'Habilitation' to qualify for the title of professor (or equivalent achievements), a qualification target may also include the planning of research projects and related funding applications, as well as attracting project financing, work on a specific research project, preparation for study periods abroad, or even management-related activities within the academic context. The HEI, senior managers and junior academics are required equally to be involved in determining the outline of the qualification target. An awareness of this task cultivates a culture of responsibility towards junior academics, which is to be individually developed by each HEI. To achieve this, HEIs need to ensure the necessary structural conditions.

II. Background

1. In order to fulfil their complex tasks, HEIs need both permanent and fixed-term employees. Opportunities for fixed-term employment that are specifically designed to meet the needs of higher education and research are essential in ensuring that HEIs maintain their innovative potential, flexibility and capacity to act. In an academic context, the number of fixed-term appointments for junior academics needs to be considerably higher than that of permanent contracts. In particular, this ensures constant movement and, therefore, the

1) The following recommendations apply *mutatis mutandi* to fixed-term employment contracts with academic and artistic staff in part-time employment.

advancement of junior academics², who, and this is also in their own interests, can only become qualified for various work in academia and beyond through fixed-term appointments. Guaranteeing innovation in research and teaching likewise requires the option of having fixed-term contracts³.

2. Only basic funding that is both guaranteed and sufficient will enable HEIs to offer reliable qualification paths and ensure the necessary working conditions⁴.

3. Project work also necessarily requires the option of having fixed-term contracts. This applies equally to projects financed by third-party funds and those that are financed by other, specific purpose and limited sources of funding, such as from the federal state budget.

III. Recommendations for action

The following recommendations for action were thus agreed in the interests of good practice:

1. Planning

Higher education institutions should create an awareness of a system that offers opportunities for fixed-term employment and of the ways in which they can be organised. HEIs should always bear in mind the career prospects of the fixed-term employee. The actual contract limit must be linked as closely as possible to agreed qualification targets, i.e. the targets at each stage are to be measured against the length of the employment contract. In order to reasonably achieve this, senior staff members must make a conscious commitment to supervise the progress towards further qualification and provide ongoing evaluation. Senior staff members shall ensure a realistic level of supervision with regard to staff development - i.e. including setting specific goals and time frames within the scope of the employment period. This shall include, with regard to intelligent and responsible staff development in the best interests of the junior academics, pointing out career paths to them both within and outside academia, and equipping them with the necessary qualifications for such paths. This may also include advising against continuing an academic career.

2) HRK: Recommendations on the rights to service, standard wage, salary and remuneration, as well as on the staffing structure within HEIs - Resolution of the 186th Plenary Assembly on 2 November 1998
III. Academic staff (research)

3) See also: Judgement of the BAG (German Federal Labour Court) from 1.6.2011, 7 AZR 827/09 – Rn. 37

4) See the resolution "Financing higher education institutions" of the 11th Annual General Meeting of the HRK on 22.11.2011

2. Transparency

In the interests of the employee, every fixed-term contract shall be designed transparently. Any recognition of employment contracts shall be communicated clearly and transparently so that it is easily comprehensible to the junior academics. Any particular criteria shall be defined and openly disclosed. For example, any previous employment contracts shall only be recognised if they have also supported the qualification at the same stage of the process.

HEIs are required to give a definition of the conditions for completing doctoral studies that is as clear and consistent as possible in order to make the transition from the fixed-term contract to the first and second stages of qualification clear to the fixed-term employee.

3. Family Policy / Gender Equality

Fixed-term employment contracts should obviously also enable a higher proportion of women in working towards academic qualifications that are relevant to their careers.

Family-related funding opportunities shall be used in every individual case. In order to extend the employment contract - in accordance with section 2 subsection 5 of the Academic Fixed-Term Contract Law (WissZeitVG) - for periods of time in which, for family-related reasons, the employee cannot work towards further academic qualification, then preference should be given to an entirely third-party funded fixed-contract - as stipulated in section 2 subsection 2 WissZeitVG - over an employment contract limited without requiring an objective reason, as stipulated in section 2 subsection 1 WissZeitVG. When applying for a third-party funded project, any costs arising from family-related support are to be carried by the HEIs as far as this is possible. Within the framework of higher education policy, HEIs are campaigning for third-party sponsors to carry costs arising from this in the future.

Fixed-term contracts are to be designed such that academic careers and family commitments can be combined for both men and women. In this regards, the opportunities for extending contracts in accordance with section 2 subsection 1, paragraph 3 WissZeitVG (family component) should be used effectively to compensate for those times that cannot be used, or cannot be fully used, towards a qualification. Care should be taken that the stages of qualification are not unnecessarily extended through this (for example, because the employee is required to work primarily on other tasks) and that the instrument does not hinder the ongoing advancement of early career researchers and the attraction of new junior academics.

4. Implementation at higher education institutions

To fulfil their responsibility for fixed-term employment contracts, HEIs are encouraged to set standards specifically

designed to meet the needs of higher education. Within the required legal framework, these standards are then to be followed when drafting their employment contracts, taking into account the goals of planning, transparency and gender equality mentioned above.

It is recommended that the faculties and departments create policy concepts for permanent employment contracts to keep the number of permanent appointments in proportion to the fixed-term 'qualification' appointments. This must be conducted in agreement with the university senior management.

The HEIs should combine current opportunities available in career services, mentoring and key qualifications to ensure that junior academics have access to continuing professional development in interdisciplinary aspects, as well as to support in planning their careers.

Management training for senior staff members should also make them aware of the particular needs of junior academics in fixed-term employment.