

**KNOW
YOUR
RIGHTS**



PNN workshop for LEO Leiden

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- ▶ Promovendi Netwerk Nederland (PhD Network Netherlands)
- ▶ Committed to represent the interests of PhD candidates at the national level for over three decades
- ▶ **Advocacy group** for PhDs at national and international level
 - ▶ Fair labour conditions
 - ▶ Putting mental health on the agenda
 - ▶ Social safety
 - ▶ Talking with members of parliament, other advocacy groups, players in the field of higher education

WHAT & WHY

- ▶ For PNN, focus on behind-the-scenes lobbying
- ▶ Increased focus on providing information for PhDs
- ▶ Reasons:
 - ▶ PhDs don't seem to know much about basic rights
 - ▶ May lead to abuse
 - ▶ This leads to increased chance of mental health issues



The new CAO valid
since June/July
(available at the
homepage of UNL)

POINTS TO DISCUSS

- ▶ Start and scope of contract
- ▶ Salary & payment
- ▶ Supervision
- ▶ Maternity leave, partner leave, and parental leave
- ▶ Sick leave
- ▶ Conflict and assistance
- ▶ End of contract
- ▶ Transition allowance
- ▶ Unemployment benefits

START AND SCOPE OF CONTRACT

- ▶ Employee-PhDs: a temporary employment contract for the expected duration of the promotion process
- ▶ In principle, the duration of your employment is **four years**, based on a full working week (**38 hours**). Usually ‘probationary period’ is included
- ▶ The so-called chain provision (*ketenbepaling*) does not apply for employees in a position for education purposes (i.e. doctoral candidates)
- ▶ No restrictions to the number of successive employment contracts
 - ▶ The law thus always offers space for a contract extension!

SALARY & PAYMENT

- ▶ Employee PhD candidates are subject to the P-scale (short for *promovendi*), which includes four salary grades
- ▶ The following monthly (gross) salary levels apply since 1 July 2022:

NU

Grade	Salary
0	2.541
1	2.960
2	3.098
3	3.247

OIO UMC

Grade	Salary
0	2631
1	3047
2	3188
3	3336

MD PhD UMC

Grade	Salary
0	3336
1	3505
2	3652
3	3798

- ▶ On inception of the employment contract, you are placed in grade P0 for a period of 12 months
- ▶ At the end of the probation period, you will be placed in salary grade P1. This will also happen if your first employment contract runs longer than twelve months.
- ▶ If your personal contract does not state if salary increases are related to an annual assessment, it will take place automatically
- ▶ You are entitled to a structural **end-of-year bonus** of 8.3% of the salary received during the calendar year, as well as a **holiday allowance** amounting to **8% of your total remuneration**

SUPERVISION

- ▶ Can make or break the success of your PhD
- ▶ Not much mandatory regulation exists regarding day-to-day supervision
- ▶ Reading tip with general guidelines: *Golden Rules for Supervisors and PhD Candidates* (2019) from Universiteit Leiden

TRAINING AND GUIDANCE PLAN

- ▶ Should be one of the cornerstones of your PhD trajectory
- ▶ Customised plan that should be set up for you by the appointed mentor or supervisor
- ▶ Following consultation with you and in accordance with the plan, your employer should see to it that the plan is forwarded to you within three months of inception of your contract

TRAINING AND GUIDANCE PLAN

- ▶ In any case the training and guidance plan should establish:
 - ▶ What knowledge and skills must be acquired and how this should be done;
 - ▶ Who shall act as your mentor, i.e. under whose supervision you shall work and who shall be the promotor
 - ▶ If the mentor is not the promotor, it is also stipulated that you shall discuss the doctoral research with the promotor at the beginning of the research project and at moments which are decisive for the progress of the research, at least once a year;
 - ▶ The extent, in minimum hours per month, of personal guidance from the appointed mentor to which you are entitled.
- ▶ Towards the end of your first year, the training and guidance plan is supposed to be worked out in further detail for the remaining term of the employment contract
- ▶ If there are fundamental changes to the plan, it may be adjusted annually thereafter

MATERNITY LEAVE

- ▶ The total term of the maternity leave you are entitled to is **at least 16 weeks**
- ▶ A distinction is made between **pre- and post-natal maternity leave**
 - ▶ Pre-natal maternity leave starts between **at least 4 weeks** (max. 6 weeks) **before** the **calculated day after your due date** (the so-called *flexibility period*).
 - ▶ After the birth, you are entitled to post-natal maternity leave and childbirth benefit (**at least six consecutive weeks**; 10 weeks must be taken)
 - ▶ The rest of your maternity leave can be taken **flexibly over a period of 30 weeks**, in consultation with employer
- ▶ At your **request**, possibility of **extension of employment contract with the amount of maternity and birth leave taken** if taken during PhD project

PARTNER LEAVE

- ▶ **5 days of full paid partner leave** (hours of one work week)
 - ▶ E.g. if you have a 38-hours contract, you are entitled to 38 hours partner leave when your partner has given birth.
- ▶ Partners can take up to **5 weeks of additional birth leave** (5 times hours of work week) - with a benefit amounting to **70% of their daily wage**
 - ▶ The employee must take these weeks of leave within **6 months of the birth of the child**
 - ▶ The 5 weeks don't have to be consecutive
 - ▶ PhD contracts are not (yet?) extended for the period of partner leave

PARENTAL LEAVE

- ▶ According to national law, you are entitled to an (unpaid) parental leave of **26 times your weekly working hours** within the **first 8 years of your child's life**
 - ▶ As of August 2022: **first 9 weeks paid** (benefit 70% salary) if taken within first year of child's life
- ▶ The parental leave should be limited to a maximum of **50% of your weekly working hours** (but this can be negotiated sometimes)
- ▶ Due to CAO NU regulations, you are entitled to a partially paid (70% in the first year of child; 62.5% salary afterwards) parental leave **for 13 out of these 26 weeks**
- ▶ Parental leave has to be taken for **at least 6 consecutive months**
- ▶ **From Aug. 2022:** both parents can get **9 weeks of paid parental leave** as a benefit by the government (**50% of salary**) - must be taken within first year after birth + can't be taken if all 26 weeks were already taken!
 - ▶ E.g. if you work 32 hours a week, you are entitled to 13 times 32 hours of *paid* parental leave (62.5% salary; CAO) (+ extra 9 times 32 hours (50% salary; government)), and 13 (or 4) times 32 hours of *unpaid* parental leave
- ▶ Parents in the Netherlands can apply for child care allowances to cover expenses

SICK LEAVE

- ▶ In the unfortunate event you turn ill, the first 39 weeks of your illness you receive 100% of salary
- ▶ Then the salary is adjusted to 76%
- ▶ After a full two years of sick leave, in principle your contract is dissolved.
- ▶ At your request, your employer *may* decide to extend your employment contract in the case of illness, if there is a **continuous period of illness of at least 8 weeks**
- ▶ Contrary to other forms of leave, such as maternity and parental leave, unfortunately your employer is not obliged to extend the contract in the event of illness

CONFLICT AND ASSISTANCE

- ▶ A starting point is to see if the situation can be solved with the people directly involved
- ▶ If you feel you are being treated unjustly, it helps to make your concerns known directly to the ‘aggressor’
 - ▶ Of course you shouldn’t if the nature of the problem is such that you feel it could endanger your position, be it professional or personal
- ▶ A failed attempt at a joint solution is often considered a prerequisite for eligibility for further steps

INTERNAL

- ▶ *Arbitration committee*
 - ▶ Dispute settlement: if you want to use your rights as laid down in the Labour Agreement, but you think your employer refuses (non-compliance).
 - ▶ Committee must be set up at every university as of 1-1-2020.
 - ▶ Condition to handle the request: ‘demonstrable consultation’ has taken place between employee and immediate superior
- ▶ *Faculty/graduate school confidential advisor (vertrouwenspersoon)*
 - ▶ Almost every faculty or graduate school has one
 - ▶ Working Conditions Act (*Arbeidsomstandighedenwet*) obliges universities to protect employees from psychological stress
 - ▶ Can refer you to the appropriate actor inside or outside university
 - ▶ Can also mediate, of course with your consent, in order to find a solution
 - ▶ Has direct access to all departments and information within the university
 - ▶ Bound by official secrecy

INTERNAL

▶ *Ombudsperson*

- ▶ If there is a need for a party who can act independently from the faculty and who has a mandate to conduct inquiries
- ▶ Can establish an independent investigation
- ▶ Similar mandate as confidential advisor (conducting discussion, offering advice, refer to another party, through mediation)

▶ *Works council*

- ▶ *Ondernemingsraad* or OR (employee representative committee)
- ▶ National Works Councils Act (*Wet op de ondernemingsraden*): right of advice, right of consent and right of initiative
- ▶ Meets at least once a month with the Executive Board

EXTERNAL

▶ *Local PhD Council*

- ▶ Typically maintain contact with the university's Executive Board, deans and individual PhD candidates
- ▶ Problems and issues interlinked with local regulation can be discussed there and brought to the attention of relevant bodies

▶ *Promovendi Netwerk Nederland*

- ▶ Every PhD candidate in the Netherlands is free to send her or his legal and rights-related questions
- ▶ One board member is in charge of all matters concerning labour conditions (*arbeidsvoorwaarden*) and will try to provide an appropriate answer for your situation
- ▶ PNN also has a signalling function when it comes to conflict situations: when we observe structural deficiencies in the disadvantage of PhD candidates, we will take action and pass this on to the relevant stakeholders, such as the Association of Universities in the Netherlands (UNL) and the Ministry of Education, Culture and Science.

▶ *Labour union (AOb, FNV, CNV)*

- ▶ All labour unions employ specialised lawyers who provide expert advice to their members
- ▶ To get tailored advice, you should be a union member for six months or longer, for situations that arise from then onwards (also called the 'burning house policy')
- ▶ Labour unions provide advice on matters such as collective bargaining, pensions, social security rights, or in the event of a dispute over reorganisations

END OF CONTRACT

- ▶ Does finishing your dissertation take longer than the duration of your contract?
 - ▶ Rule rather than exception! Most research points to an average duration of five years (with some differences between disciplines)
- ▶ If your contract expires and is not renewed, your formal employment ends
- ▶ Once your contract has expired, you can unfortunately no longer claim the rights you had as an employee
 - ▶ Tip: start planning and considering your options timely! A final planning as well as back-up plans

TRANSITION ALLOWANCE

- ▶ If your contract ends, you are entitled to a transition allowance
- ▶ Intended to give you the opportunity to retrain or to start your own business
- ▶ You cannot apply for this allowance:
 - ▶ If you resigned yourself
 - ▶ If you sign a termination agreement (also known as a *vaststellingsovereenkomst*) with your employer
- ▶ Beware: your appeal to a transition allowance expires if you get offered a new contract by the university – regardless of whether you accept it
- ▶ Technically you can be offered a much smaller contract and will still be denied the transition allowance!

UNEMPLOYMENT BENEFITS

- ▶ If you become unemployed, you may claim benefit in accordance with the Unemployment Act (*Van Werk naar Werk*, WW). Apply for benefits at the Employee Insurance Agency (UWV)
- ▶ Expiry of a temporary contract is also considered a form of dismissal!
- ▶ You should fulfill the following requirements:
 - ▶ You lose five hours or more of your work per week and you are no longer entitled to receive a salary for those hours
 - ▶ You are immediately available for paid work
 - ▶ You have worked at least 26 weeks in the last 36 weeks before you became unemployed
 - ▶ You did not get unemployed through your own fault
- ▶ If you work on your thesis, you risk that the unemployment benefits will be withdrawn!

What if you're not a CAO employee?

External / Scholarship
PhDs

SCHOLARSHIP PHD CANDIDATE

- ▶ Someone:
 - ▶ Who does not have an employment contract with the university where their PhD project is being completed,
 - ▶ Whose main objective is to obtain a PhD
 - ▶ Who has dedicated funding and/or time available for this
- ▶ How can you tell you are a scholarship candidate?
 - ▶ You have an agreement for a PhD (e.g. access to graduate school, TSP, promotion plan)
 - ▶ You do not receive a salary from the university
 - ▶ You have funding available for your PhD project and promotion

SCHOLARSHIP PHD CANDIDATE

- ▶ Unclear formal status: student, employee, external PhD candidate, something else?
- ▶ Often entitled to use the same facilities, and to receive a similar graduate training, as other PhD candidates
- ▶ Sometimes entitled to a research and travel budget from their institution
- ▶ Bursary amount differs, but can be less than minimum wage in the Netherlands, some institutions provide top up
- ▶ Social benefits: often entitled to rent, healthcare, and child allowances

EXTERNAL PHD CANDIDATE

- ▶ An umbrella term for different kinds of PhD candidates
- ▶ It could be someone:
 - ▶ Who is funding their own PhD project themselves OR
 - ▶ Who is receiving the funding and/or time for their PhD project from their employers (often called externally financed) OR
 - ▶ Who is receiving funding and/or time for their PhD project from the same institution that grants their PhD, but it is not their main appointment (often called contract PhD or PhD employee)
- ▶ External PhD candidates still have an agreement for a PhD (e.g. access to a graduate school, TSP, promotion plan)

EXTERNAL PHD CANDIDATE

- ▶ Very few guidelines
- ▶ If you have another job: make clear agreement with your employer about how you should combine your PhD with your job
- ▶ Make clear agreements about supervision and the use of facilities, training, etc.
- ▶ Fees: some institutions charge PhD candidates for supervision. This is allowed, although many institutions offer supervision for free. Make clear agreements about how much you pay, what you receive in return, and what fee you pay if the project is delayed or temporarily put on hold.

Thanks for listening!

Marcella and I are available for questions, but you may also contact us later

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