

Second yHEP Statement on the planned reform of the Act on Fixed-Term Employment Contracts in Academia (Wissenschaftszeitvertragsgesetz)



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To the Committee on Education, Research and Technology Assessment of the German Bundestag

In the coalition agreement [1], the German government has set out to significantly improve working conditions in science in Germany, which is to a certain degree regulated by the Act on Fixed-Term Employment Contracts in Academia (WissZeitVG) [2]. The goals were described as follows: *"In doing so, we want to significantly increase plannability and commitment in the post-doc phase and create prospects for alternative careers at an earlier stage. We want to link the contract terms of doctoral positions to the total expected project duration and work toward creating permanent positions for permanent tasks in science."* (translated from the German original) [1, page 19]

On 17.03.2023, the Federal Ministry of Education and Research (BMBF) presented a key point paper to reform the WissZeitVG [3], which after heavy contradiction by the community was withdrawn on 19.03.2023. yHEP has reacted with a statement [4] on that first draft.

On 06.06.2023, a draft bill (Referentenentwurf) [5] was presented after a stakeholder consultation. This draft was approved by the Federal Cabinet [6] on 27.03.2024 and is now debated in the Parliament.

Important aspects of the Referentenentwurf

The reform foresees introducing minimum contract duration times:

- One year for the first contract for student assistants
- Three years for the first contract before PhD graduation (R1¹ phase)
- Two years for the first contract after PhD graduation (R2 phase)

Regarding the duration of fixed-term employment for qualification:

- For student assistants, the maximum is increased from six to eight years
- A maximum of six years is maintained before PhD graduation (R1 phase)
- The maximum of six years is lowered to four years after PhD graduation (R2/R3 phase)
- In addition, a maximum two-year extension is granted for the time after PhD graduation if a commitment for a permanent position is given in case pre-defined goals are fulfilled (4+2 model).

¹ The categorization corresponds to the definition by the European Commission [7].

According to the draft, the WissZeitVG limitations have priority over contract limitations by project funding by third-party funds.

In addition, the catalogue of rules, where collective agreement (Tarifvertrag) deviations are possible, will be extended. This implies that the tariff block will be looser. Employers and labour unions are today not allowed to agree on regulations opposing the WissZeitVG, except for a small set of points specifically mentioned in the law. The catalogue of points shall be extended. Another foreseen change is that the reasons for extensions of the maximum durations, e.g. for own children, will be extended to relatives requiring day-care.

Our view on foreseen changes

The young High Energy Physics association (yHEP) supports the general intention of the government to improve the working conditions for researchers and in particular the plannability and commitment in the PhD and post-doc phases. We therefore welcome the initiative to change the WissZeitVG as one component to reach these goals. Specifically, we see improvements for student assistants. They often take up research or teaching duties at universities to co-fund their studies or be involved in research groups early on. The minimum duration of one year for the first contract adds to the plannability and should also be considered for follow-up contracts as student assistants. We equally acknowledge the minimum three-year first contract before PhD graduation (R1 phase), which in usual cases leads to a minimum three-years contract at the start of a PhD project. As three years is in general a minimum duration of a PhD project, this duration is meaningful.

However, evaluating the changes currently foreseen in the WissZeitVG, we see several discrepancies between the intention of the coalition agreement and the reform the changes should bring:

- The introduction of a minimum first contract duration for the R1 phase of three years does not correspond to the expected project duration in general. This duration significantly depends on the research domain and is usually longer.
- The introduction of a minimum first contract duration for the R2 phase as well as the changes foreseen regarding the maximum duration for fixed-term contracts after PhD graduation (4+2 model) is insufficient to increase plannability and commitment in the post-doc phase and creating permanent positions for permanent tasks in science.

In general, the foreseen changes to the WissZeitVG are minimal and insufficient to lead to a significant and desperately required improvement of the working conditions in academia. If agreed as is, an opportunity would have been missed for a real reform targeting the known issues in the academic system (see appendix).

Call to the members of parliament

The suggested changes, hence, can only be a draft towards a real reform. **We call on the members of parliament to modify the proposal and implement additional changes** that have a true impact on improving the working conditions in academia. Therefore, we would like to highlight the following points:

- Disentangling the contract duration from third-party project durations by giving the rules of the WissZeitVG limitations priority can only be a first step. This, together with the minimum first contract duration, is particularly beneficial for the R1 phase. We

recognise that it is difficult to establish general rules for further contract extensions due to the diversity of standards in different areas of research. However, **other measures should be implemented** to improve plannability of a PhD project as **minimum contract extension periods**, or a **requirement to define goals to finish a PhD** project successfully and at a defined time. In addition, we advocate for **measures to mitigate conflicts of interest between PhD students and their supervisors** that might result in additional workload of the student, often unrelated to their PhD topic.

- It is likely that contracts will be extended fixed-term based on third-party project durations after the qualification limitations by the WissZeitVG are surpassed. In particular in the R1 phase, we see a danger of misusing this possibility to keep PhD students as a cheap workforce. **The flexibility to employ PhD students fixed-term for longer than six years should be strongly restricted to exceptions.** At best at the start of a PhD project, but at least when the three years of the first fixed-term employment have finished, a **clear definition of goals to graduate** should be necessary.
- While fixed-term contracts are meaningful during the R1 phase and during an early stage after the PhD graduation, e.g. a first PostDoc position in the R2 phase, there are **contradictions for the later R2/R3 phase.** Fixed-term contracts contradict the plannability of both working and living conditions at this stage. They hinder both career development and life planning. This leads to the fact that excellent researchers and highly qualified personnel for permanent tasks move abroad or leave academia. This is harmful to Germany as a whole and in particular the long-term projects in our field of research. For academics, contract uncertainties and the possible need to move places hinder family planning and discriminate in particular women in science. **The setting of further qualification goals after the PhD is problematic.** There is no further academic degree, so these qualifications or experiences are obtainable under usual non-academic working conditions e.g. within a permanent employment. This is also supported by the European Qualifications Framework (EQF), where it is stated that scientists are qualified for academia after their PhD. **There is no justification to limit a contract based on such work-related qualifications. A more diverse landscape and a significantly higher number of permanent positions is needed. Permanent scientist positions of different career levels and different foci such as lecturers, project scientists or science management positions would be desirable to complement the professorship positions that currently exist predominantly in Germany.**
- In the R2/R3 phase, the situation of PostDocs will not change significantly if more permanent positions are not generated by other means. **The 4+2 model could even increase the stress and insecurity of PostDocs.** The R3 phase includes Emmy Noether Junior Research Groups, Helmholtz Young Investigator Groups, Max Planck Research Groups, ERC Starting Grants, W1 Junior Professorships, as well as the classic habilitation positions (Akademische/r Rat/Rätin auf Zeit). These positions can usually only be obtained after 1-2 postdoc appointments and have terms of 5-6 years. A maximum duration of 4 years for the entire R2+R3 phase will make these career paths in Germany more difficult or even impossible. For established career paths like the habilitation or Emmy-Noether, which are typically on a time-scale of six years, new mechanisms will have to be established and it is unclear if they will be to the benefit of career plannability.

- In the R3 phase, which usually covers the essential years of life related to career and life planning - from 30 to 45 -, fixed-term employment is detrimental, both to research performance and to individual lifestyles. For women in particular, this phase is essential for family planning, and the lack of security provided by a permanent position can have a negative impact - either in terms of career or in terms of family planning, thus resulting in discrimination against women in academia. Working in temporary positions for several years also leads to self-selection, regardless of gender, so that only those who can afford the years of financial and life insecurity remain in the academic system, which is contrary to the intended merit-based science system. In yHEP's view, a reform of the WissZeitVG should aim to especially address this and **translate the positions located in the R3 area into permanent positions**. This does not necessarily require professorships, but the creation of permanent positions alongside professorships. If the proposed maximum duration of 4 years for the R3 phase was implemented, applications for professorships (W2/W3) from the R3 phase would practically only be possible from abroad. This would be equivalent to a massive cut in the attractiveness of Germany as a location for science, both for German and international researchers.
- We support the idea of introducing a **required ratio of non-permanent to permanent positions** at the Universities. This idea was investigated by the academic service of the Bundestag [8] and we **highly recommend adding such measures to the WissZeitVG**.

Conclusion

A reform of the WissZeitVG can only be a first step to improving the situation of researchers and the whole research system in Germany. More general changes to the academic system are required to make it attractive and competitive on an international level. This concerns on the one hand the plannability and predictability of individual career paths, which require besides laws as the WissZeitVG more permanent positions besides the professorship. Research should be regarded as a permanent task and contract durations more strongly disentangled from (third-party) project funding. Other permanent duties such as teaching, management and leadership are for good reasons part of a researcher's tasks. We call for a Federal States programme (Bund-Länder-Programm) to substantially and sustainably increase the number of permanent academic positions. Science must not be open only to those who can afford to live and do research under precarious conditions. The self-selection that is currently taking place is at odds with the idea of merit in science and is not sustainable with regard to investments in research infrastructure and personnel. Top-level research requires top-level personnel, not personnel who are preselected and restricted in their lifestyle by precarious working conditions. On the other hand, third-party project funding should be better adapted to the duration of research projects, in particular in our field of research. A proper balance between project plannability and flexibility has to be found. This has to be made possible by more flexible funding regulations negotiated between the funding providers and the project executors of different research fields.

yHEP is very happy to actively support the reform process with suggestions and critical debate - for a science that creates knowledge and the future in a fair and in a sustainable way.

References

[1]

https://www.spd.de/fileadmin/Dokumente/Koalitionsvertrag/Koalitionsvertrag_2021-2025.pdf

[2] <https://www.gesetze-im-internet.de/wisszeitvg/BJNR050610007.html>

[3] <https://www.bmbf.de/SharedDocs/Downloads/de/2023/230317-wisszeitvg.html>

[4]

https://desy-yhep.desy.de/sites/sites_custom/site_yhep-association/content/e61874/e203014/yHEPstatement_englisch_WissZVG.pdf

[5]

https://www.bmbf.de/SharedDocs/Downloads/de/2023/2023-06-wisszeitvg-referentenentwurf.pdf?__blob=publicationFile&v=1

[6] <https://www.bmbf.de/bmbf/shareddocs/faq/wisszeitvg-reform.html>

[7] <https://www.more-4.eu/indicator-tool/career-stages-r1-to-r4>

[8]

<https://www.bundestag.de/resource/blob/975054/d01114d01f8ca811631ad99406aef89a/WD-8-059-23-pdf-data.pdf>

Appendix

Issues within the academic system

During the R1 phase, fixed-term contracts are the norm and can be considered appropriate given the limited PhD project time and the qualification provided by the doctoral degree. However, the duration of a PhD project is difficult to anticipate by the supervisor or the student at the beginning of the project. Doctoral students often lack clearly defined goals, which can make it difficult to plan and complete their doctorate. This is particularly relevant given the often complex and interdependent relationship between students and their supervisors. An experienced PhD student is a benefit for group leaders to efficiently advance research projects and to take over roles of responsibility, which should be carried out by staff. Through this, problematic situations can arise, where the position intended to obtain a PhD is extended beyond necessity, in order to keep an experienced, inexpensive workforce available.

In our field, more than 80 % of the PhD students are trained for the German business sector, while less than 20 % finally stay in academia. In the R1 phase, it therefore is acceptable that a majority of the positions are third-party funded, leading to fixed-term positions.

During the R2 and particularly the R3 phase, scientists gradually take over tasks of a permanent nature such as lecturing, student supervision, project/science management or leadership. Due to a dramatic lack of solid base funding, they qualify on the job and become experts while still on fixed-term contracts. Competition for the few permanent positions and the continuous need to re-apply for third-party funding to finance their own position make the system inefficient. The inefficiency arises, because many projects are started but then lack more permanent resources for a long-term successful research path or maintenance of research infrastructures. The lack of perspective and insecure career path lets the best minds drop out of academia or leave Germany. Experts with years of critical know-how leave research projects. Significant delays or project failures due to this brain drain add to the inefficiency of the research system. In the R2 and R3 phases, fixed-term contracts, a

majority of third-party funding and too short periods compared to the research projects hinder both the advancement of science and the careers of scientists.

The yHEP association represents scientists with non-permanent contracts in the fields of astroparticle physics, hadron and nuclei, as well as elementary particle physics. yHEP aims to understand and improve the situation of young scientists, to strengthen their involvement in decisions about the future of the field, and to provide a network of PhD students, post-docs, junior group leaders, junior professors and other non-permanent staff in these fields.