



Irish Research Staff Association
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Togher, Cork City,
Ireland

To:

Mr Carlos Moedas, Commissioner for Research, Science and Innovation;
Ms Fabienne Gautier, Head of ERA Policy and Reform, DG Research and Innovation;
Dr. Irmela Brach, Office for Charter and Code and the Human Resources Strategy for Researchers

Clarification on Irish postdoctoral “period of training”, and its consistency with European Charter and Code

The Irish Research Staff Association (IRSA) would like to seek the European Commission’s position on the recent alteration of the status of researchers in Ireland, and whether this is consistent with the principles of the European Charter & Code for research.

In 2011/12, two Irish Universities (UCD and UCC) implemented a ‘Research Career Framework’ as part of the HRS4R. This framework was presented to research staff in the respective universities as a *fait accompli* without consultation in a series of briefing sessions. The new framework designated researchers in the first 6 years of postdoctoral employment post PhD as being in a ‘period of training’. The Framework also forces career progression across salary scales every 3 years, requiring researchers to either secure increasingly unsustainable salary levels or leave the university.

I attach a copy of the Research Career Framework of UCD and UCC for your information.

Subsequent to the release of the Frameworks in both universities, the resident research staff associations (UCDRSA and UCCRSA) expressed concerns to their HR about the Framework’s designation of postdoctoral positions as “periods of training”, stating that the term would be used to deny researchers in those universities a Contract of Indefinite Duration (CID) under the Protection of Employees (Fixed Term Workers Act) of 2003, after four years of employment, based on the premise that that researcher was in a “period of training”.

Two cases have now been reported in Ireland where this has now eventuated. In April 2015, a University College Dublin (UCD) researcher took a case to the Irish Labour Court requesting the reversal of a decision to deny the renewal of their employment contract. They had 3 successive contracts within a 4 years period, which under the European Fixed Term Workers Act entitles the candidate to a CID. The Irish Labour Court ruled that denial of renewal of contract by the university be upheld,

based on the fact that the researcher had entered a "period of training" by signing his final contract, which came under the then enacted Career Framework of that university.

In Dec 2014, University College Cork (UCC) denied a postdoctoral researcher of 5 years continuous employment in that university a CID on the basis that they were in a "period of training". The researcher has not yet sought a labour court ruling on their case.

The result of this policy is that researchers can now be employed on repeat fixed term contracts for 10 years before being eligible for a CID, whereas previously the threshold was four years. This means a lack of security and stable research context in a stage of life and career when these are most needed. The policy also denies researchers professional credentials that would apply to permanent members of staff with similar research experience and publications. Furthermore it raises concerns as to the eligibility of researchers to pension rights and redundancy entitlements.

The European Charter and Code for researchers is based on the European Framework of Research Careers, which states that postdoctoral staff and senior postdoctoral staff are professionals and staff members of an institute. ***'Training and development' is highly recommended, but the role was never defined as a "period of research training".*** While the European Charter and Code refers to "researchers in their training phase" (pg 14) and a "period of research training" (pg 28), IRSA believe it was never meant to alter the professional status of postdoctoral researchers, nor to have an impact on their eligibility for CID, pension and redundancy entitlements. According to the European Researcher framework, postdoctoral positions are considered a profession from stage R1. The Irish Labour Court ruling now means that researchers employed under these new Frameworks will not be considered as professionals and eligible for CID until stage R4.

IRSA considers that the designation of postdoctoral researchers as 'trainees', along with 3-year cycles of forced progression is discriminatory, and inconsistent with the ethos of the European Career Framework for researchers and the European Charter and Code for Researchers. IRSA seek the opinion of the EC as the awarders of the HR badge of Excellence to both universities whether these HR practices are 1) deemed to be in line with the principles of the Charter & Code, or if they 2) may jeopardise retention of the HR badge of Excellence awarded to these Universities.

We thank you for your time in considering this matter and look forward to receiving your response in due course.

Regards,

Dr. Gordon Dalton

On behalf of Irish Research Staff Association