

An experiment with bursary PhDs in the Netherlands?

February 2015. Composed by worried members of university councils and works councils and representatives of local and national PhD organisations

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Offer letter

24 February 2015

Dear members of the Executive Boards and Boards of Directors of the Dutch universities and university medical centres,

We would like to present you with a document drawn up by concerned members of university councils and representatives of PhD organisations from the Netherlands. We hope with this document to draw your attention to our concerns about a proposed experiment with bursary PhDs in the Netherlands.

Since the introduction of the assistant-in-training (NL. assistent-in-opleiding, from now on *aio-system*) in the 1980s, the appointment of PhD candidates with an employee status who receive a salary (from now on *employee PhDs*) has been the norm in the Netherlands. However, several attempts have been made to allow the appointment of PhD candidates with a student status who receive a scholarship from the university (from now on *bursary PhDs*). Recently on 10 February 2015 the Ministry of Education, Culture, and Research (OCW) proposed a draft decision to the House of Representatives for an experiment with bursary PhDs.

The signatories of this letter are concerned about the consequences of such an experiment. We respond in this document to the arguments of proponents of the experiment and we examine what we see as possible negative consequences.

We kindly urge you to consider our concerns and arguments and to further discuss the experiment with your own university council or works council. We hope that this document will convince you not to take part in the experiment as long as our concerns are not addressed.

We respectfully invite you to get involved in the discussion on the experiment.

Yours faithfully,

More than 100 members of university councils, works councils, student councils, and representatives of local and national PhD organisations.

The full list of signatories is to be found at the end of this document.

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Summary

The current aio-system is working successfully. Nevertheless the Ministry of Education, Culture, and Science has proposed that the Dutch universities should experiment with a bursary PhD system, whereby PhDs are considered students and not employees (so-called bursary PhDs). The necessity of such an experiment is, however, not clear as there has already been experiments with bursary PhDs for years, with plenty of criticism and long-lasting court cases as a result. The experiment is furthermore rather vaguely formulated and insubstantial.

The main benefits of a bursary PhD system which proponents defend are the following:

- better international mobility and recognition of the doctorate;
- cost savings and as a result an increased number of PhDs;
- a wider choice of subjects and education for PhDs;
- better preparation for PhDs for the non-academic job market.

We do not agree with these arguments. It is not clear whether the international mobility of graduates will increase seeing as other European countries are switching to an employee PhD system. The good working conditions for employee PhDs are a strong incentive for attracting talented graduates. Furthermore, by increasing the differentiation in PhD programmes, the PhD system becomes less transparent, particularly for foreign graduates, and as a result less attractive. While bursary PhDs are less expensive than employee PhDs, it is unclear whether there will be additional costs related to the supervision of more PhDs. Moreover, it is unclear whether there is an actual demand for more PhDs on the job market. Lastly, there is no relation between a student status for PhDs and the proposed benefits, such as improved education and better preparation for the job market. These should also be achieved for employee PhDs and are furthermore randomly left to the participating universities to fill in.

The reasons for the experiment are thus not adequately supported. On the contrary, we believe that there will rather be important negative consequences from the experiment:

- worsening of the living conditions of PhDs as a result of reduced working conditions and financial insecurity from the student status;
- removal of university teaching from the PhD programme and as a result a worsening of preparation for an academic career;
- pressure on universities to participate in the experiment in order to maintain a competitive position with respect to government funding;
- worsening of the currently excellent reputation of the PhD programmes in the Netherlands;
- loss of talented graduates from the knowledge economy;
- reduction in the general research level in the Netherlands.

The signatories of this letter urge you to consider our concerns and to discuss this with your respective co-determination councils. We also urge you not to participate in the experiment as long as these concerns are not addressed.

Introduction

Since the introduction of the assistant-in-training (NL. *assistent-in-opleiding*, from now on *aio-system*) in the 1980s, the appointment of PhD candidates with an employee status who receive a salary (from now on *employee PhDs*) has been the norm in the Netherlands. However, several attempts have been made to allow the appointment of PhD candidates with a student status who receive a scholarship from the university (from now on *bursary PhDs*). The Association of Universities (VSNU) has argued to legally allow a bursary PhD system alongside the employee PhD system. The Ministry for Education, Culture, and Science (OCW) initially proposed a bill to legally allow a bursary system in the Netherlands, but this was met with strong negative advice from the Council of State. As a result, the OCW responded by reducing the bill to a 'small' scale experiment and proposed on 10 February 2015 a draft decision to the House of Representatives in order to legalise this experiment with bursary PhDs (from now on *the experiment*). [1]

Below we summarise the results of previous attempts to introduce a bursary system in the Netherlands. We then examine the proposed benefits of the experiment and we discuss our main concerns. Lastly, we give a short summary of our points and offer a conclusion.

Previous court cases on bursary system in the Netherlands

The current *aio-system* was introduced in 1986 due to dissatisfaction with the existing system. The number of PhD projects was too low and the duration of PhD projects varied widely. The *aio-system* was designed to enable the appointment of PhDs as university employees, which would ensure that they enjoy legal privileges. The *aio-system* was meant to increase the number of PhDs, to improve the comparability of PhD trajectories, raise the research quality, and shorten the duration of PhD projects. In addition, universities could still appoint PhD candidates with their own scholarships coming from abroad. However, these bursary PhDs did not benefit from the same rights as the employee PhDs [2] [3] [4]

Despite the introduction of the *aio-system*, various universities attempted to appoint PhD candidates from their own resources. Each attempt led to much criticism and long-standing lawsuits on the issue of whether bursary PhDs in fact performed work for the universities, and if they should therefore be legally regarded as employees. The rulings on this issue differed and were often appealed. The University of Amsterdam (UvA) appointed bursary PhDs and was taken to court in 1995, with the ruling being in favour of the UvA. However, an appeal in 1999 was ruled in favour of the bursary PhDs, and this decision was confirmed by the High Council in 2006. [5] Utrecht University (UU) began an experiment with bursary PhDs in 1996, for which an evaluation after two years was to determine whether the bursary PhDs were to continue as employee PhDs. The evaluation, however, never took place and the bursary PhDs held their own inquiry, which showed that they were not satisfied and wanted to continue as employee PhDs. A lawsuit was filed against the UU, and the court ruled in favour of the bursary PhDs in the year 2000. [6] Leiden University also had to go to court for the appointment of bursary PhDs, which ruled in favour of the university in 1999, but the decision was later overruled in favour of the bursary PhDs. [7] The University of Groningen (RUG) was last to appear before the court, which in 2003 ruled in favour of the bursary PhDs. However, after an appeal, the ruling went in favour of the RUG in 2014. [8] Nevertheless, the Tax Authority intervened in the

case as well, and decided that these bursary PhDs did perform work for the universities and thus had to pay tax. [9]

Some of the Dutch universities remained supporters of the appointment of bursary PhDs, and the VSNU pleaded in 2004 for the appointment of bursary PhDs in the Netherlands. [4] In response to this plea, the government presented a plan in 2011 that made it legally possible to appoint bursary PhDs in the Law of Higher Education (NL. Wet op het Hoger Onderwijs). [10] However, the proposal led to much protest from unions and PhD organisations. [11] [12] [13] In 2012, the Council of State also expressed strongly negative advice on the plan, resulting in it being removed from the new education law. [14] [15] The proposal was adapted to create the possibility to nevertheless experiment on a 'smaller scale' with bursary PhDs, and so evaluate the risks of the bursary PhD system and dispel the concerns of the Council of State. [16] A draft decision for this experiment was sent to the House of Representatives on 10 February 2015. [1] The PhD Network of the Netherlands has already been extremely sceptical of the experiment even before its presentation, and reacted negatively to the draft decision. [17] A petition against the experiment was started, which until now has gathered more than 2700 signatures. [18] Lastly, on 20 February 2015 a letter was sent to university co-determination councils advising against involvement in the experiment from a number of labour unions, PhD representatives, and student organisations. [19]

Pros and cons of a bursary PhD system

Renouncing a successful system?

The aio-system was introduced to increase the number of PhDs, to professionalise PhD programmes, to raise the research level, and to shorten the duration of PhD projects. [20] [3] [4] The aio-system has been extremely successful in achieving these goals. The professionalization of PhD programmes attracted more (talented) students and the number of PhD candidates in the Netherlands has quadrupled in the last 25 years. [21] PhD programmes are monitored following national and university guidelines. The PhD programme focuses on research and the Netherlands has climbed the rankings and now belongs to the top of the academic world. The duration of PhD projects has been considerably shortened and is below international averages. [22] *Renouncing this successful system for a system not proven in the Netherlands is not justified.*

Increase in the number of PhDs

OCW argues in the draft decision that, by means of cost savings, more PhD candidates can be appointed. [1] However, the Netherlands is already on track to reach the European average. [23] Moreover, a rapid increase of the number of PhD candidates is in fact not desirable. Only a third of PhD candidates will eventually manage to pursue an academic career, and PhDs are currently not well prepared for the job market outside academia. [24] Compared to other countries, the highest proportion of PhDs in the Netherlands are working in non-professional or non-managerial positions, which indicates that they are overqualified and are in comparably low demand. [25] *A rapid increase in the number of PhDs leads to fewer opportunities for PhDs in an academic career and more PhDs who enter the non-academic job market unprepared.* An increase of PhD candidates also means more and maybe even too many PhD candidates per supervisor. [23] [26] New staff would need to be

appointed to ensure their supervision, but this goes precisely against the cost savings argument, and is not included in the proposals. *A rapid increase of PhD candidates can lead to a decrease in the quality of supervision and the research quality of PhD programmes, and thus ultimately to a lower level of research in Netherlands.*

International mobility and recognition of the doctorate

The bursary PhD system would, according to OCW, lead to better international mobility and recognition of the doctorate. [27] [1] By making the PhD programme the third cycle in university education following the bachelor and master, the Netherlands would come in line with the Bologna Process and thus with other European countries. This would allegedly allow easier entry to PhD programmes and attract more graduates from abroad. The VSNU has clearly argued that no quality differences should arise between bursary PhDs and employee PhDs. Regardless of the trajectory they followed, the obtained doctoral degree of both types of PhD candidates should be the same. The entry criteria for bursary PhD programmes should thus be the same as those for employee PhD programmes. The current Dutch employee PhD system is furthermore highly regarded abroad, which results in Dutch PhDs successfully going abroad, but which also attracts high numbers of foreign graduates to the Netherlands. Switching to a bursary PhD system would effectively reduce the positive interest in Dutch graduates to follow a PhD in the Netherlands and would reduce the positive interest of PhD programmes for foreign graduates wishing to come to the Netherlands. Moreover, the experiment is precisely contrary to the developments in some European countries, which are planning to renounce the bursary PhD system and switch to a system comparable to the Dutch employee PhD system. [28] [29] [30] *The bursary PhD system not only does not lead to improved mobility for PhDs and recognition of the doctorate, but could actually reduce international mobility and recognition of Dutch PhD programmes.*

More freedom with PhD education?

Through the cost savings from the bursary PhD system, OCW intends to improve the choice of research topics and course offer for PhD candidates, as well as to reduce the duration of PhD projects by removing teaching tasks. [4] [1] The question is whether these plans are realistic. First, the choice of topic is largely dependent on the project and the research framework within which the bursary appointment is offered. There could be opportunities to submit a research proposal for a bursary grant, but this possibility already exists in the aio-system. *The bursary PhD system will not lead to more freedom of choice for research topics.* Secondly, the bursary PhDs would be treated as students and therefore should follow more education that is specific for PhDs and is both professionally and job-market oriented. However, these courses should already be available to all PhD candidates, through the national research schools, graduate schools, and strategic human resource policies. The universities are furthermore free in how they implement the bursary PhD programme and which courses they offer PhDs [31] [32] *The bursary PhD system will not increase the education offer for PhD candidates.* Additional education is also no reason to appoint PhD candidates as students. Other employees also have a job profile with a distinct training component, such as notary candidates (NL. candidaatnotarissen), trainee lawyers (NL. advocaat-stagiaires), and doctors in specialist training. *The training component of the PhD programme has no implications for the employee status of PhD candidates.*

No teaching for bursary PhDs

Because bursary PhDs are not allowed to officially teach for the university, the possibility for teaching will be removed from bursary PhD programmes. [1] Most PhD candidates in fact eagerly want to teach, since they hope thus to improve their chances of employment. The draft decision suggests that bursary PhDs could follow internships at Dutch secondary schools. Teaching at secondary level differs significantly to teaching at university level, and thus does not qualify as relevant experience for someone hoping for an academic career. [13] [23] *Removing the possibility to teach deprives PhDs of the opportunity to gain important work experience.*

Working conditions and financial uncertainty

Bursary PhDs are in no circumstances considered employees. This is contrary to the recommendation of the European Commission: "All researchers in a research career should be recognized as professionals and be treated accordingly". [33] Unlike employee PhDs, bursary PhDs are not entitled to parental leave, unemployment benefits, holiday, and year-end bonuses, are not insured against disability, accumulate no pension, and are not protected through collective labour agreements. *The bursary PhD system leads to a marked deterioration in the working conditions of PhD candidates.* Most PhD candidates begin their PhD trajectories in their mid twenties. In this life stage, the financial uncertainty brought about by the lack of employee status is particularly problematic. It makes it extremely difficult to close a mortgage and can lead to delays in starting a family. In addition, PhD candidates have peers who work outside the university with (higher) salaries and better career prospects, despite the fact that PhD candidates form one of the most highly educated groups of employees. *The bursary PhD system leads to a deterioration in the living conditions of PhD candidates.*

First and second class PhDs

Introducing the bursary PhD system does not only lead to adverse consequences for PhD candidates, but also has far-reaching negative consequences for the Netherlands as a knowledge economy. Although the VSNU argues that no differences may arise between bursary PhDs and employee PhDs, previous experiments with a bursary system have clearly shown that bursary PhDs do experience differences. The Council of State is rightly concerned that a gap can occur between "first class" and "second-class" PhD candidates, in which an institution may appoint brilliant students as employee PhDs and less brilliant students as bursary PhDs. [34] This would affect the image of Dutch PhD programmes and make pursuing a PhD in the Netherlands much less attractive. An important aspect of the current employee PhD system is that it is clear for graduates which working conditions they can expect as PhDs in the Netherlands. *The difference in employee PhD positions and bursary PhD positions makes the Dutch PhD system less transparent, particularly for foreign graduates, and thus less attractive.*

Loss of talent

The Council of State has warned that talented students will choose a PhD programme abroad or a job in the business sector, which offer more attractive conditions, instead of pursuing a PhD as a bursary

candidate. [10] *Introducing the bursary PhD system will lead to a loss of talent from the knowledge economy. A loss of talent would in turn have adverse effects on the overall level of research. Furthermore, the declining willingness to pursue a PhD would lead to a decrease in the number of PhD candidates and a decrease in scientific output. Introducing the bursary PhD system will lead to a lower level of research in the Netherlands and to a decline in the strong position the Netherlands currently enjoys in the academic rankings.*

Universities competing for PhD bonuses

One of the main reasons for appointing bursary PhDs is that they are cheaper than employee PhDs, because the university does not have to pay social security contributions for them. At the same time, the university receives a PhD bonus (NL. promotiebonus) from the government for each completed dissertation. A university that switches to the bursary PhD system would thus achieve a substantial cost advantage. Not all universities are in favour of bursary PhDs, but the lower costs of bursary PhDs make it possible to appoint more PhD candidates. And a university that trains more PhD candidates receives a greater share of the government's available resources. Although the promotiebonus will be capped in the future, [35] a significant part of government funding will still be apportioned through a formula based on the number of PhDs. As soon as some universities start appointing bursary PhDs, the pressure on the other universities to also appoint bursary PhDs will increase. Participating in the experiment is in fact not fully optional. *Introducing the bursary PhD system leads to pressure on all universities to replace the aio-system with the bursary PhD system, and the lower costs in conjunction with the distribution of government funding based on the number of PhDs will lead to a 'race to the bottom', whereby gradually more bursary PhDs and less employee PhDs will be taken on.*

Lack of support

Following the negative advice of the Council of State, the OCW wants to experiment with bursary PhDs. The recently proposed draft decision ensures that it is legal for universities to appoint bursary PhDs on a 'small' scale in order to evaluate the bursary PhD system. [1] However, the need for a bursary PhD experiment and its implementation is not clear. There have already been experiments with bursary PhDs for years, with much criticism and long-standing court cases as a result. An evaluation of such an "experiment" in Utrecht already showed that the PhD candidates were not at all satisfied as bursary PhDs and would rather have worked as employee PhD. [6] The Council of State is against the bursary PhD system and has advised OWW to reconsider their plans. [10] [15] The Tax Authority has also concluded that bursary PhDs should be considered employees. [36] The unions and PhD organisations are against the experiment and will continue to fight the bursary PhD system. [19] Through this letter numerous representatives of university co-determination councils and PhD organisations want to make it clear that they are against the experiment. *There is no support for the experiment.*

Conclusion

The signatories of this letter are not convinced of the usefulness or necessity of an experiment with bursary PhDs and predict direct and far-reaching negative consequences as a result of the experiment.

We urge you to take into consideration the issues outlined above and to discuss this matter with your co-determination councils. We also urge you not to participate with the experiment as long as our concerns are not addressed.

Yours faithfully,

The Works Council of the VU University Amsterdam

The Joint Meeting of the University Student Council, Works council, and members of the UMC Council of Radboud University Nijmegen

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APROVE, PhD Organisation of the Academic Medical Center, Amsterdam

EPAR, PhD Organisation Rotterdam

FGW, PhD Council of the Faculty of Humanities Amsterdam (UvA)

FNV, Federatie Nederlandse Vakbeweging (Dutch Federation of Trade Unions)

GRIN, Groningen Graduate Interest Network

LEO, PhD Organisation Leiden University

LAP, PhD Organisation Leiden University Medical Center

PhD Academy, PhD Organisation Maastricht University

PhD Council LUCL, Faculty of Humanities, Leiden University

PhD Council LUIH, Faculty of Humanities, Leiden University

PhD Council LUCAS, Faculty of Humanities, Leiden University

PhDoc, party for PhDs and PostDocs, Leiden University

PON, PhD Organisation Nijmegen

PROMERAS, PhD Organisation Rotterdam University Medical Center

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