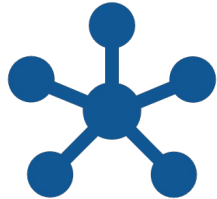


# Know Your Rights

October 15th, 2024 | Lex Mandos | Antonio Pinilla Torres

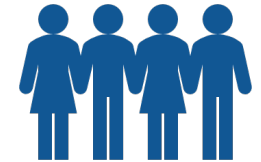
# What does PNN do?



PhD Network Netherlands



Represent PhD candidates at the national level (for over three decades!)



**Advocacy group**

Fair labor conditions

Talking with members of parliament and other players in the field

Maintaining close relationship with the labor unions

Putting mental health and social safety on the agenda

Inform PhDs about their rights → *this workshop!*

# Who are we?



**Lex Mandos**

Board Member Labor Conditions Universities



**Antonio Pinilla Torres**

Board Member Labor Conditions External, International and  
Scholarship PhD candidates

# Meet the rest of the team



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Voorzitter

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# Today's session



Introduction to various PhD contracts in the Netherlands



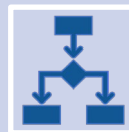
PhD rights as per the Collective Labor Agreement (CLA)



External, international & scholarship PhD candidates



Key take-aways for PhD candidates



Algemene Onderwijsbond (AOB) presentation



Q&A

# Different PhD contracts



Employed PhD  
candidates



External PhD  
candidates



Scholarship PhD  
candidates



Externally financed  
PhD candidates



Regular employee  
pursuing a PhD

# Different PhD contracts per university

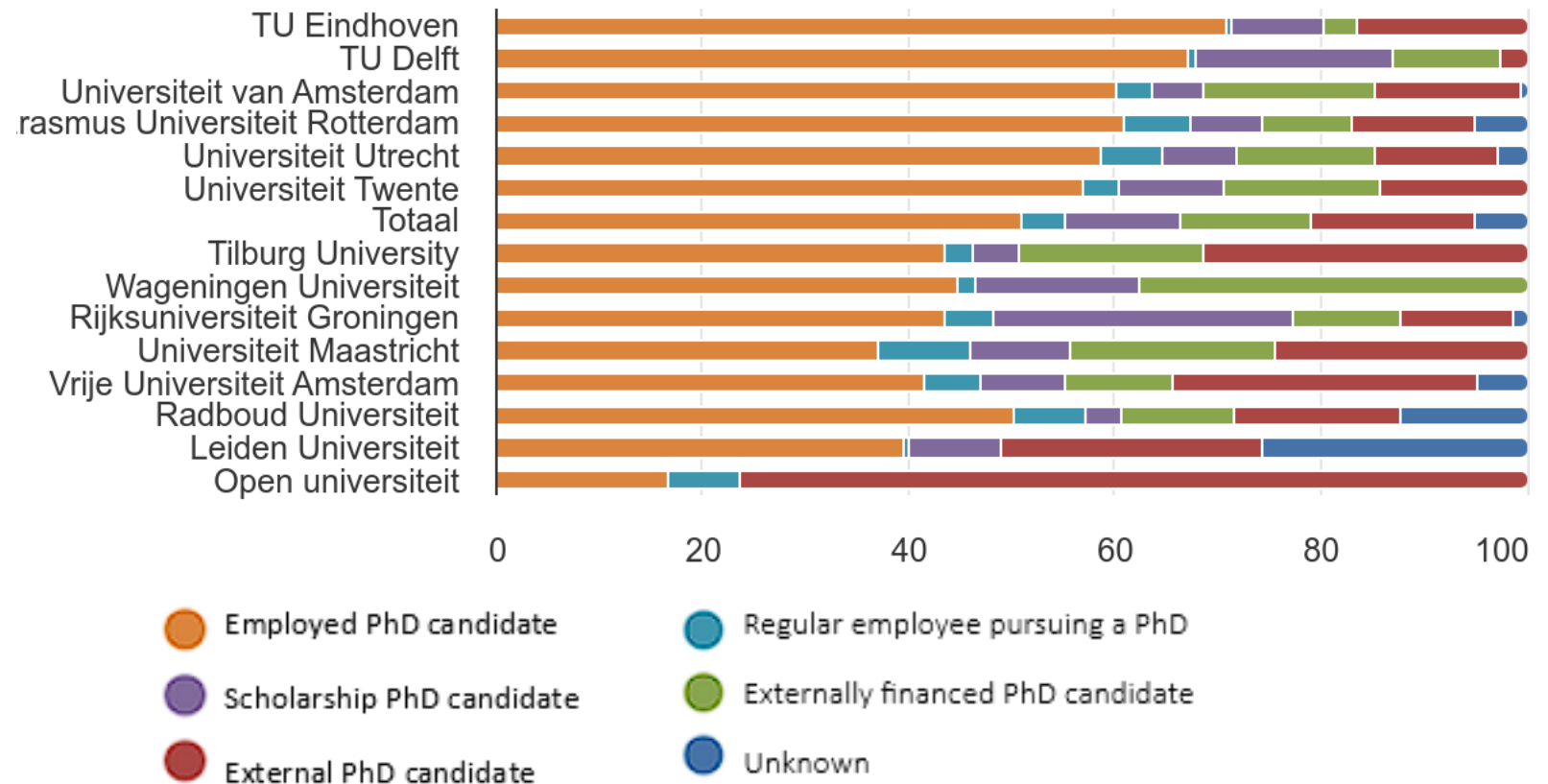


About half are employed by University

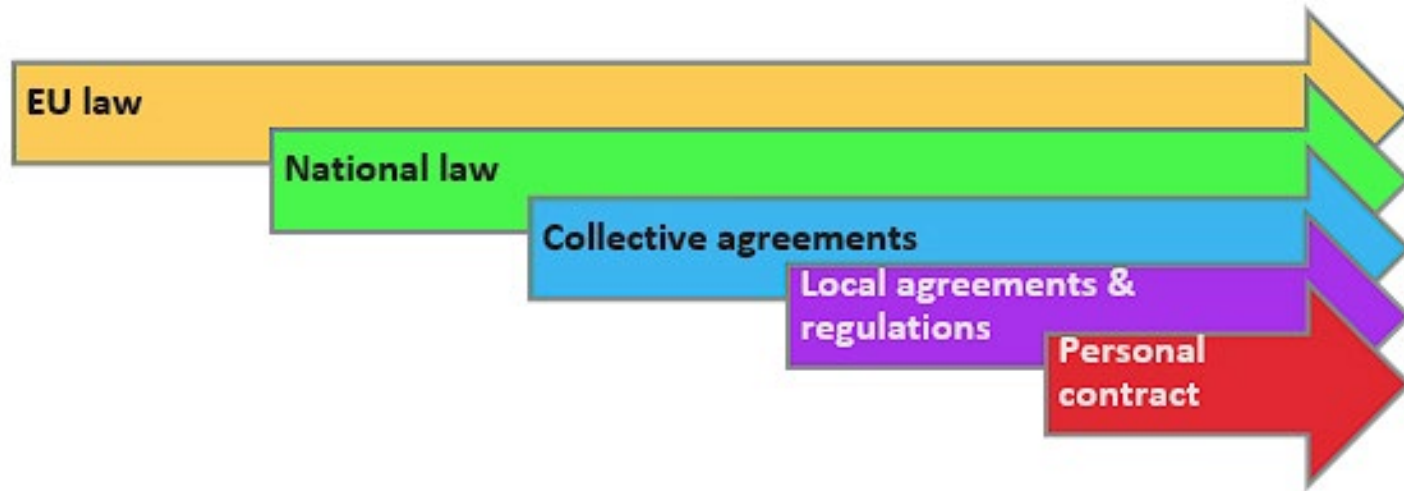
CLA is applicable to you!



More about external & scholarship PhD candidates later in this presentation



# Four levels of labor rights





# Why join a labor union?



Labor conditions are not only determined by your employer!



As a union member, you can receive (legal) support



Conflict with your employer usually arises unexpectedly and often at the end of your PhD contract (Burning house policy)



Most relevant labor unions for PhD candidates at universities:

Education specific: AOb  
Largest general:

FNV



Labor union contribution is (partially) reimbursed by your employer!



# Why the Aob?



Union for everybody working in academia



Has been a long-lasting partner of PNN and has greatly advocated for PhD rights!



Negotiates collective labor agreements (right now!)



Gives advice and (legal) support



# Collective Labor Agreement (CLA)

## “Terms and conditions” for an employee

- Dutch Universities (CAO-NU)
- Research Institutes (CAO-OI)
- University Medical Centres (CAO-UMC)
- Many more such as HBO, secondary education, company-specific, etc.
- This presentation will cover the Dutch Universities CLA



# Points to discuss

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

# Start and scope of contract



- Employed 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-time working week (**38 hours**) (article 2.3 section 8 under a CLA NU)
  - When you work **part-time**, or when your contract is changed to part-time during your PhD, **CAO-NU requires that the employment contract should be extended proportionally**
  - A request to work part-time can only be refused if it has serious harmful consequences for your employer

# Probationary period and go/no-go decision

Article 2.3 section 8 under b CLA NU

- The law provides space for ‘a probationary period’ with a term of 18 months at most
  - And 2 months regular ‘trial period’ (mutual immediate termination)
- Regulation regarding the go/no-go decision is mostly handled locally
  - Factors influencing a go/no-go decision can include:
    - Proof of proficiency in English
    - Approval of your project proposal
    - Approval of your Training and Supervision plan
    - Evaluations of your progression





# Supervision

- Can make or break the success of your PhD
- Not much mandatory regulation exists regarding day-to-day supervision
  - Training and Supervision Plan
  - Local PhD regulations



- Reading tip with general guidelines: [Golden Rules for Supervisors and PhD Candidates \(2023\) from the Universiteit Leiden](#)

LU  
MC Leids Universitair  
Medisch Centrum

## GOLDEN RULES FOR PHD SUPERVISION



# Training and Supervision plan

Article 6.9 CLA NU



A) Initial version within three months

B) Revised version after a year

C) Must contain:

- The knowledge and training you will be required to gain/follow
- Who will be the supervisor and who will be the promotor
- The amount (in hours) of supervision per month

# Teaching



- According to your UFO profile (function profile description)
  1. Preparing tutorials/seminars and **pre-structured lectures**
  2. Execute tutorials/seminars and **pre-structured lectures**
  3. **Co-developing** and assessing assignments and examination

Intention in CLA: all novice teachers should receive supervision and are given the opportunity to develop teaching skills, for example by taking part in the University Teaching Qualification (UTQ) track

# Teaching



There are no strict rules on how much a PhD candidate can be asked to teach, this is agreed upon in your contract



Within a four-year contract, between 0% and 20% of your working hours is considered common



If it exceeds 50% of total fte, you don't qualify as a PhD candidate and should be appointed (and paid) as a lecturer (Junior Docent)

# Birth related leave



- Maternity (Article 3:1 Wazo)
  - Entitled to at least 16 weeks
    - prenatal maternity leave starts at least 4 weeks (max. 6 weeks) before the calculated day after your due date
    - After birth, you are entitled to post-natal maternity leave and childbirth benefit (at least six consecutive weeks; 10 weeks must be taken)
- Partner (Article 4:2 Wazo)
  - Five days of full paid partner leave (hours of one work week)
    - Partners can take up to 5 (partial or non-consecutive) weeks of additional birth leave with a benefit amounting to 70% of their daily wage (Article 4:2a Wazo)
    - The employee must take these weeks of leave within 6 months of the birth of the child
- Pregnancy related sickness after leave = 100% daily wage benefit

# Parental leave

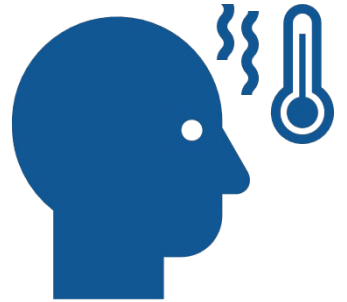
Article 6:1 Wazo



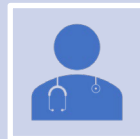
- You are entitled to an (unpaid) parental leave of 26 times your weekly working hours within the first 8 years of your child's life
  - First 9 weeks paid (**benefit 70% salary**) if taken within the **first year of the child's life**
  - The parental leave should be limited to a maximum of 50% of your weekly working hours



# Sick leave



Sickness = (mental or physical) inability to work, no further requirements  
no 'proof' required for short term sickness



The first 39 weeks of your illness, you receive 100% of your salary. Then, the salary is adjusted to 76%

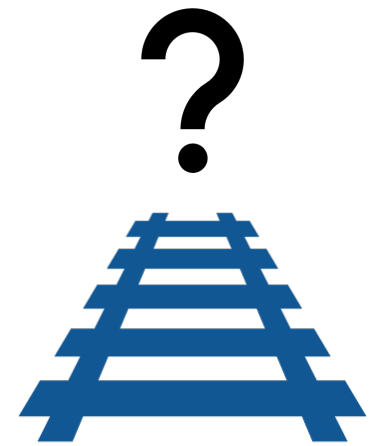


After a full two years of sick leave, in principle your contract is dissolved.

# Contract extensions

- Contract extensions are **mandatory** in case of (article 2.5 section 2 CLA NU):
  - Maternity leave
  - Partner leave
  - Parental leave
- And **optional** in case of (article 2.5 section 1 CLA NU):
  - Sickness longer than 9 weeks
  - time spent on co-participation (university council or worker's council)
- **Any other reason** if the university is willing (the CLA does not limit contract extensions)
  - PhD candidates are exempt from the 'ketenregeling' (article 2.4 section 2 CLA)

# End of contract



- Does finishing your dissertation take longer than the duration of your contract?
  - Rule rather than exception! On average, 5 years completion time!
- If your contract expires and is not renewed, this can put you into a vulnerable position
  - Once your contract has expired, you cannot claim rights you had as an employee
- Tip: start planning and considering your options timely!

# Transitional allowance

Article 673 of book 7 of the Civil Code



Given by employer, roughly  $\frac{1}{3}$  monthly wage per year of employment



Intended to support transition to new job or to start your own business



No right if:

You resign yourself

You sign a termination agreement (vaststellingsovereenkomst) with your employer

You get offered a new contract by the university – regardless of whether you accept it or not

# Unemployment benefits



You may claim benefit in accordance with the Unemployment Act (WW) from the Employee Insurance Agency (UWV)



First two months 75% and then 70% of salary (minimum total duration of 3 months)



You are eligible when:

- You are immediately available for paid work
  - Job searching is mandatory
- You have worked at least 26 weeks in the last 36 weeks before you became unemployed, and have worked in NL at least 4 out of last 5 years
- You did not get unemployed through your own fault
  - Expiry of temporary contract = no fault

# Unemployment benefits



Some PhD candidates are told they can finish writing their doctoral thesis on unemployment benefits, but **unpaid ≠ unemployed**



The UWV will ask you to provide an overview of the hours worked per week (this includes writing on your doctoral thesis!)



Withholding this information is considered **fraud** and **can have major financial consequences!**



# Internal assistance in case of conflict

## **CAO NU: Arbitration committee**

- Dispute settlement: if you want to use your rights as laid down in the Labor Agreement, but you think your employer refuses (non-compliance).
- Administrative rules may differ per university.
- Condition to handle the request: 'demonstrable consultation' has taken place between employee and immediate superior

## **Confidential advisor (vertrouwenspersoon)**

- Almost every employer, faculty, or graduate school has one
- 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 assistance in case of conflict

## **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)

## **Worker's 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 assistance in case of conflict

- **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 Network Nederland**
  - PNN also has a signaling 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.
- **Labor union**
  - All labor unions employ specialized 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')

# External assistance in case of conflict

- **Het Juridisch Loket**
  - Provides assistance with legal questions for low-income
  - Well-trained lawyers confidentially provide advice and information
  - Consultation phone costs amount per minute, but face-to-face consultation at one of their locations is free of charge
- **Rechtswinkel (a.o. Amsterdam, Utrecht)**
  - Voluntary organisation where advanced law students give free legal advice every day during telephone consultation hours and walk-in consultations
- **Media**
  - Appropriate if you are convinced that you have been wronged greatly
  - No organization likes to get negative publicity, and it could form an external means of pressure for your university to take direct action!
  - If you think the problem is local in nature, consider submitting it to your university's newspaper.
  - Be aware of the dangers of traceability when you go to the media, it can backfire

What if you are not an employed PhD  
candidate?

# Scholarship / External PhDs

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# 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)
- PNN's position: PhDs are employees! (also for scholarship PhDs)



# External PhD candidate

- Very few guidelines
- No protection under the collective labour agreement
- Everything is locally arranged
  - Make clear agreements about supervision and the use of facilities, training, etc.
- **Bench fees** are 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

# 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 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, visiting scholar, something else?
- No protection under the collective labour agreement
- Often entitled to use the same facilities and 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
  - Top-ups: differs by university, often remains under official taxable amount (but check with your institution!)
- Social benefits: often entitled to rent, healthcare and child allowances, but the childcare allowance is often problematic.

# Internationalization of Higher Ed.

We want to voice PhD perspectives:

- The current debate is creating an increasingly hostile environment.
- It increases the opportunity for racism, xenophobia.
- Signals from colleagues that they feel unwelcome.
- We consider international staff/students a valuable part of Dutch academia.
- "No academia without internationalization".
- Staff members should be given the opportunity to learn Dutch.
- PhD candidates are unsure about next career opportunities
- Increasing Dutch education decreases career opportunities.

# Application round open

PNN is looking for:

- Commissioner External
- General Board Member - Research Affairs Bestuurslid – Research Affairs
- General Board Member - Employment Conditions - External, International and Scholarship PhD students

## Interested?

Any questions or interest? Please do not hesitate to contact us! You can send your cover letter and CV to the secretary, [secretary@hetpnn.nl](mailto:secretary@hetpnn.nl). Interviews will take place via Zoom. Due to the short deadline, we encourage everyone to apply as soon as possible! The final deadline is **November 3rd**.

# Budget cuts in higher education and research

The government is cutting over a billion euros on higher education and research, affecting all Dutch research institutes and our future careers. Join Promovendi Network Nederland in protesting against the budget cuts!

## What is at stake?



**Billion-euro cuts:** Without sufficient funding and support for research, your research projects and career are at risk.

Read more:  
[hetpnn.nl/budgetcuts](http://hetpnn.nl/budgetcuts)



**International character in jeopardy:** Without international researchers and lecturers, programs will shrink and research will dwindle.



**Goodbye career perspective:** The plans will limit the opportunities for independent research and the future of young talents in science.

## What can you do right now?

On the **14th of November**, there will be a protest in Utrecht. Want to join PNN's action? Leave your contact information!



[hetpnn.nl/action](http://hetpnn.nl/action)

If you hear how these budget cuts impact your research environment let us know via [info@hetpnn.nl](mailto:info@hetpnn.nl)!



**PNN | PROMOVENDI  
NETWORK NEDERLAND**

# Thank you!

Reach out to us on:

[www.hetpnn.nl](http://www.hetpnn.nl)

<https://twitter.com/hetpnn>

<https://linkedin.com/company/pnn>

[info@hetpnn.nl](mailto:info@hetpnn.nl)