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RESEARCH DIRECTORATE-GENERAL

Directorate C - European Research Area: Knowledge-based economy
The Director

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Charter and Code 2007

Mr Iain Cameron
Head RCUK Research Careers and
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North Star Avenue

UK - SWINDON SN2 1ET

Dear Mr. Cameron,

Subject: European Charter for Researchers and Code of Conduct for their recruitment.

Within the Open Method of Co-ordination, one of the pillars of the co-operation between the Commission and EU Member States is surely represented by the sharing of common goals in the area of human resource policies.

The wide recognition of the Commission's Recommendation on the *European Charter for Researchers and Code of Conduct for the Recruitment of Researchers*, Charter & Code as a key policy tool has been an important step in that direction. To date, the Charter & Code Recommendation is being endorsed by a growing number of research organisations (i.e. so far around 170 institutions representing more than 700 institutions from 22 countries).

I would like, therefore, to take this opportunity to thank the working group comprising the UK Higher Education key stakeholders¹ for its "gap analysis" measuring the impact of the Charter & Code on UK HE sector rules and practices, which I consider as an important signal of the interest by the UK's research community for the EC's Recommendation².

The results of this gap analysis show that current rules and practices in the United Kingdom already present a high level of compliance with the Charter & Code's principles and, thus, there should be no major problems preventing UK research institutions from adopting the EC's Recommendation on the Charter & Code.

¹ HE Funding Councils, Quality Assurance Agency (QAA), UK GRAD, University and Colleges Employment Association (UCEA), the National Postgraduate Committee (NPC) and the UK Research Office (UKRO)

²

<http://www.universitiesuk.ac.uk/research/downloads/European%20Charter%20and%20Code%20UK%20HE%20sector%20gap%20analysis.pdf>

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In the "gap analysis" on the UK's contribution to the *Mobility of Researchers and Career Development - Implementation Report 2006*, however, reference is made to the fact that the Charter & Code principles may need to be adapted to the UK's context and that some of them would require further clarification in order to prevent risks of ambiguity or misinterpretation.

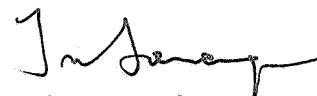
In the annex, you will find some comments that I hope will help clarify in particular the three main outstanding issues and in advancing further the implementation of the principles taking account of the UK specific situation. This may contribute to further analysing the impact of this policy tool on UK national and institutional arrangements.

I confirm the Commission's availability to provide any further information that can help clarify these and other Charter & Code principles. For that purpose, please do not hesitate to contact our services: Mr Massimo Serpieri tel. +3222966150 - massimo.serpieri@ec.europa.eu .

I would like to underline that the Commission follows with much interest the ongoing process of revision of the Concordat for career management of research staff in the United Kingdom and hopes that it could also provide opportunities to further raise awareness about the Charter and Code principles.

Sharing common principles of human resource management by all European research organisations will help strengthen the attractiveness of the researcher's career, reduce fragmentation between national labour markets, and contribute to European economic and employment growth.

Yours sincerely,



Isi Saragossi

CC: R. Krenzel, M. Serpieri

Enclosure: 1

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1) Language: *"A requirement for non-discrimination could have enormous practical consequences in the UK, as language (unlike ethnicity, gender or sexual orientation) is likely to form a key part of a person's ability to carry out the requirements of the post. Non-discrimination in terms of language must be subject to the requirement for employees to have a working knowledge of the language spoken in their research institution" (page 18 gap analysis)."*

As known, the non-discrimination principle is a cornerstone of the EC Treaty. This principle forbids any legal and/or administrative discriminatory measure unless justified by objective grounds and proportionate to the goal which is pursued by the concerned provision. The Charter & Code³ applies this principle to human resources policies in research.

The remark raised in the UK gap analysis on the need to ensure that a *"working knowledge of the language spoken in the research institution"* is held by the researcher in order to carry out a research project seems to be a reasonable requirement (though, of course, any definitive assessment should be tailor-made to each specific situation). It can be considered as compatible with the non-discrimination principle. I do not see, therefore, in this respect a specific point of contrast between the Charter & Code and the analysis made in the UK document.

2) Funding and Salaries: *"If there was a move for doctoral candidates to have employee status across Europe, this would prove to be extremely problematic in the UK. The majority of doctoral candidates currently have student status, rather than being classed as employees of the institution. This is largely seen as beneficial for the student as they are not subject to income tax or National Insurance contributions, although they are also unable to benefit from social security and pension rights... However, the UK HE sector believes that doctoral students should continue to be treated as professionals with corresponding rights in relation to skills training and development, including continuing professional development" (page 21 gap analysis)."*

The Charter & Code statements on suitable working conditions for researchers are coherent with the goal of increasing attractiveness of researchers' career paths in Europe, in particular concerning young researchers who are often affected by problems of lack of adequate social security coverage.⁴ This is mainly due to the use of forms of remuneration (e.g. stipend), which may not fully allow researchers holding the "students" status, for instance, to acquire (and, consequently, preserve or transfer) pension, unemployment, health insurance or other social security rights.

³ **Non-discrimination (section of the Charter & Code)**

"Employers and/or funders of researchers will not discriminate against researchers in any way on the basis of gender, age, ethnic, national or social origin, religion or belief, sexual orientation, language, disability, political opinion, social or economic condition"

⁴ **Funding and salaries (section of the Charter & Code)**

"Employers and/or funders of researchers should ensure that researchers enjoy fair and attractive conditions of funding and/or salaries with adequate and equitable social security provisions (including sickness and parental benefits, pension rights and unemployment benefits) in accordance with existing national legislation and with national or sectoral collective bargaining agreements. This must include researchers at all career stages including early-stage researchers, commensurate with their legal status, performance and level of qualifications and/or responsibilities".

The financial reasons for granting doctoral candidates stipend instead of more costly employment contracts are evident; the Commission acknowledges that the majority of European countries treat doctoral candidates as fellows and that, therefore, a move to the employee status may not be feasible in the short-term.

Nevertheless, it is worthwhile reminding that the Charter and Code has intended to draw the attention of employers, funders and national authorities to the need to limit as much as possible the use of stipend, in terms for instance of number/percentage of researchers receiving such form of remuneration and/or by foreseeing additional resources for social security coverage, etc.

It is well known that strategies and actions in this area depend on national legislation, institutional arrangements, and national/local labour markets. However, efforts should be made at any level to extend as much as possible social security coverage to all researchers, in order to make their working conditions consistent with their full recognition as "professionals".

On the basis of the above comments, the Commission does not consider the partial divergence between the Charter & Code and UK practices in this specific area as an obstacle to the endorsement of the Charter & Code by UK research organisations. The Commission will, however, continue raising awareness and discussing on this aspect, while respecting the voluntary nature of the Charter & Code Recommendation as well as institutional autonomy of research institutions.

Evaluation/appraisal systems: *"The majority of UK HEIs already have their own institutional evaluation/appraisal systems in place, which are widely considered to be effective and robust and there is also an appeals process if required. The Research Assessment Exercise performs a similar function on a UK-wide level. External representatives are sought on recruitment panels for most senior appointments. The Charter's requirement for 'independent and international evaluation/appraisal systems' for all research posts is considered to be undesirable and unworkable from a UK HEI perspective"(page 28 of the gap analysis)."*

The relevant Charter & Code section⁵ is to be read according to the goal of increasing researchers' accountability, which is a necessary condition to be recognised as professionals. This requires that all researchers are assessed in a transparent, regular and objective way (see the "independence" of the Charter & Code text). The international composition of the evaluation committees is recommended "preferably" and only for senior researchers; otherwise, a systematic international evaluation of all researchers would obviously be too cumbersome and costly.

It has also to be stressed that the setting up of impartial evaluation mechanisms is coherent with the concept in the second part of the same Charter & Code section referring

⁵ Evaluation/appraisal systems (section of the Charter & Code)

Employers and/or funders should introduce for all researchers, including senior researchers, evaluation/appraisal systems for assessing their professional performance on a regular basis and in a transparent manner by an independent (and, in the case of senior researchers, preferably international) committee.

Such evaluation and appraisal procedures should take due account of their overall research creativity and research results, e.g. publications, patents, management of research, teaching/lecturing, supervision, mentoring, national or international collaboration, administrative duties, public awareness activities and mobility, and should be taken into consideration in the context of career progression.

to appropriate and wide evaluation criteria proving the "*... overall research creativity and research results, e.g. publications, patents, management of research*".

Therefore, if impartial assessment procedures are already embedded in national and/or institutional human resources strategies of UK research organisations, there is not a contradiction between the Charter & Code and UK practices.