
DGB Report on Higher Education Institutions

02.12.2020

Selected findings

Temporary Contracts and Overtime are the Norm in Academia

Confederation of German Trade
Unions
Department Education and
Qualification

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The German Trade Union Confederation has commissioned **two studies on the employment situation in higher education and science in Germany**. Both of the studies from the DGB Report on Higher Education Institutions have enabled us **to provide current figures for assessing the quality of work in higher education institutions** from the point of view of the **employees** surveyed and **figures on the employment conditions within German higher education institutions and extramural research institutions**, based on official data. The **findings are intended to support DGB structures, unions and employee committees and works councils in higher education institutions and research institutes in their fight to ensure good working conditions in academia**. They aim to indicate where action is needed to policy makers and for human resources staff in higher education institutions and extramural research institutes, and thus show where they need to improve. Ultimately, the academic sector is increasingly in competition with other employment opportunities within the economy.

Main findings of the employee survey

Between September and November 2019, employees with a principal occupation in technology and administration (not including nursing staff) and employees with a principal occupation as academic and arts faculty members below W2 professorship status (so called junior scholars, excluding apprentices and students) took the survey. Employees from 31 universities (and higher education institutions equivalent to universities) and from 24 technical colleges or colleges for applied sciences across eight German federal states took part. In total, 10,549 questionnaires were included in the analysis.

The following subjects constituted the central focal points:

- Evaluation of the quality of the work at the higher education institutions from the employees' perspective (using the DGB 'Good Work' index)
- Contract length
- Working hours and work-life balance
- Work intensity and overtime
- Income and expected pension provision

Information was also collected on the work required for one's own qualification (e.g. doctorate), teaching activities, social benefits from the employer and opportunities for advancement was also recorded. The employee questionnaire is accompanied by a secondary analysis of the official statistics which also looks at employees with a secondary occupation, not just employees with a principal occupation, in higher education institutions and the employment situation in extramural research institutes over a long period of time. This includes highlighting the situation for assistant lecturers, professors and student teaching assistants who were not included in the survey.

The main stress factors:

The evaluation of the quality of the work at higher education institutions was sobering indeed. Both so called junior scholars that we surveyed and the technology and administration staff evaluated the quality of their working conditions as poorer, on the whole, than comparable groups of employees did (all academics and employees in civil service who took part in the 2019 DGB Good Work Index questionnaire).

The so called junior scholars that we surveyed felt that, in particular, the high level of pressure they experienced at work, along with the numerous hours of overtime and the escalating practice of making contracts temporary, were all very stressful. The technology and administration employees were particularly critical in their evaluation of the excessive workload, unsatisfactory income, too little or complete lack of social benefits and a lack of opportunities for advancement.

Fixed-term contracts far more widespread than on average

The IAB (Institute for Employment and Research) Establishment Panel determined that 8.3% of all dependent employee contracts had fixed terms in 2017. Fixed-term contracts are far more common in higher education institutions, across all employee groups, than they are on average. In 2018, 67.9% of all academic staff with a principal occupation (including professors) at higher education institutions had fixed-term contracts. 74.5% of female academics had fixed-term contracts, a figure which is far higher than that of their male equivalents: 63.6%. For employees in technology and administration (including nursing staff), this figure was 21.4%.

Within the scope of the questionnaire, 78% of the so called junior scholars and 16% of the employees in technology and administration stated that they were employed on a temporary basis.

At the point in time that the questionnaire was issued (autumn 2019), each academic staff member on a temporary basis had on average entered into three fixed-term contracts at their current higher education institution. More than one in four faculty members had already worked through four or more fixed-term contracts at their current higher education institution. The employees working under fixed-term contracts in technology and administration had, on average, already concluded 2.7 contracts with their current higher education institution. The insecurity that goes hand in hand with temporary contracts places a lot of stress on employees. The length of the term only plays a trivial role here; the fact that the contract is temporary is the reason behind the poor evaluations in the employment security criterion, which definitively place in the category of 'poor work' (with, on average, values under 50 of 100 index points).

The terms of temporary contracts and their suitability

The impact of the amendment to the Law on Fixed-Term Employment Contracts in the Higher Education and Research Sector (*Wissenschaftszeitvertragsgesetz, WissZeitVG*) of 2016 remains limited. On average, the contract terms for the surveyed academics who were in roles funded by third parties extended to 30.5 months. For 33% of the academic employees in a project role funded by a third party with a term of up to one year, the contracts had a shorter term than the duration of the third-party funded projects themselves. This was also true for 23% of the contracts funded by third parties with a term of between 1 and 2 years and around 10% of the contracts with a term of over 3 years.

The contracts of the junior scholars we surveyed who were working towards their own qualification for career progression with the objective of procuring their doctorates had an average term of 31 months. For around a third of these, however, the term only extended to two years. Post-docs (excluding temporary tenured staff) held contracts with a term of 35.5 months on average.

The issue of the adequacy of the contract's term for attaining the target qualification is particularly problematic. The DGB Report on Higher Education Institutions shows that the shorter the contract term, the higher the proportion of surveyed academic staff members holding a qualifying position who state that the term is not sufficient for reaching their qualification objectives. A contract term of over 3 years is the crucial milestone here. If the term is shorter, over half of the academic staff with doctoral positions and almost two-thirds of post-docs do not consider the qualification objective to be attainable within the stipulated term of the temporary contract. In addition, both of these groups execute the majority of the work required to attain their qualifications outside their paid working hours, as unpaid overtime, regardless of whether the qualification is being worked towards as part of a part-time or full-time role.

The issue of fixed-term contracts without substantial reason

The fact that permanently necessary positions, such as those for course coordination, are constantly filled by workers on 2 year fixed-term contracts in accordance with the Part-Time and Fixed-Term Employment Act (*Teilzeit- und Befristungsgesetz, TzBfG*) causes huge issues for employees in technology and administration. This group of employees was removed from the scope of the German Law on Fixed-Term Employment Contracts in the Higher Education and Research Sector, and this appears to have led, in part, to shifting these fixed-term contracts so that they come under the scope of the Law concerning Part-Time and Short-Term Employment, and above all to extensive exploitation of fixed-term contracts without substantial reason. This means that higher education institutions lose out on much skill and motivation.

Part-time contracts far more widespread than on average

46% of the so called junior scholars and 34% of the surveyed employees in technology and administration stated that they are employed on a part-time basis. This means that the rate of higher education institution employees on part-time contracts is far higher than the rate of all dependent employees on part-time contracts in Germany, which amounted to 29.2% in 2019. Over half of junior scholars stated that they had not been offered any full-time positions or that their qualifying role was generally only available on a part-time basis. This indicates that a high proportion of junior scholars on part-time contracts in higher education institutions do not wish to be employed on a part-time basis.

The evident link between part-time work and fixed-term work makes employment particularly precarious here: Academics on permanent contracts are far less likely to be employed part-time than fixed-term employees (21% as opposed to 53%). Technology and administration employees on fixed-term contracts are also more frequently employed part-time (46%) in comparison to those on permanent contracts (32%). If employees do not find follow-on employment that begins immediately after their contract ends, this generally means that the payments from their unemployment benefits cannot cover their bare necessities.

Weak point: Compatibility of work and family life

29% of the surveyed junior scholars and 38% of the surveyed employees in technology and administration are responsible for childcare and raising children. 6% of the academic body and 15% of the employees in technology and administration stated that they care for dependents. Both academic faculty members and technology and administration employees 'often' or 'very frequently' have issues in balancing childcare or participating in caring for dependents with their work in terms of time. This is particularly true for female faculty members. This is because, even for employees of higher education institutions, the traditional division of labour between the sexes continues to exist: Working women

continue to perform far more domestic care work than men. This is also shown by the higher proportion of women in part-time roles and the reasons for part-time employment that female employees in higher education institutions gave in the survey. Women take the lead in meeting family and personal obligations far more frequently than men do.

Overtime is the norm

78% of the junior scholars that we surveyed regularly work longer hours than those stipulated in their contracts, amounting to an average of around 10 hours of overtime per week. Here, the following rule applies: the shorter the stipulated working hours, the higher the amount of overtime. Academic faculty members holding part-time positions work, on average, 25% to 33% more hours than those stipulated in their contracts. In addition, academic faculty members on fixed-term contracts perform far more overtime than those on permanent contracts, and this is especially true of academic faculty members in qualifying roles.

61% of the surveyed employees in technology and administration stated that they work more hours than those stipulated in their contract. On average, they each perform 3.2 hours of overtime every week.

76% of the surveyed academic body and 68% of the surveyed employees in technology and administration said that the sheer amount of work is the most frequent reason for this overtime. 17% of the employees in technology and administration and 40% of the academic faculty employees said that this increase in workload is due to the expectations that are placed upon them. 37% of the employees in technology and administration stated that the reason was that they enjoyed the work, and 43% of the academic faculty stated the same (participants could select multiple options in response to this question). Therefore, it is not surprising that the evaluation of the intensity of work, on average, is perceived across all employee groups as so critical that it falls into the poor working conditions range. In terms of managing the workload, over half of all surveyed employees stated that they had to make sacrifices in terms of the quality of their work very frequently and therefore felt that they were under a lot of pressure.

The high workload incumbent upon technology and administration employees could also be due to the fact that the increase in employee numbers in this sector has not kept up with the increase in the number of students and faculty members (both full and part-time), as was shown in the secondary analysis based on official statistics.

Critical evaluation of income and expected pension provision

A sufficient income is, from an employee point of view, an important criterion in evaluating working conditions. Income is a crucial factor in determining the recipient's standard of living and opportunities in life. Income also expresses the value assigned to the work completed.

Income was assessed as extremely critical across all groups of higher education institution employees that we surveyed. 29% of junior scholars stated that their income was not sufficient (3%) or was just barely sufficient (26%). A correlation with the high proportion of part-time roles can be observed here. The proportion of employees in technology and administration who stated that their income was not sufficient (7%) or was just barely sufficient (40%) was even higher than those seen in the faculty. Many of the employees' comments also indicated that their income had only been evaluated as sufficient in the questionnaire because their partner had a high income.

Similarly to the evaluation of income, the critical expectations in terms of the expected pension provision are mainly based on three factors: the working hours (full time vs. part time), employment status (employee vs. tenured) and career bracket (lower-grade and clerical occupations vs. executive or higher roles).

Main results from the analysis of the official statistics

There has been **significant growth in the number** of faculty personnel with a principal occupation and employees in technology and administration (including nursing staff). On the whole, this happened concurrently with **the significant increase in student numbers**. The group of part-time academic and artistic staff has experienced particularly strong growth.

Atypical employment relationships have increased particularly strongly in higher education institutions: 1. Teaching roles appointed on a basis similar to that of service contracts and 2. Student and academic auxiliary roles that are predominantly executed outside of collective agreement regulations.

A **growing proportion of activities in teaching and research at higher education institutions** are thus not only being **compensated with relatively low hourly rates**, but are also, to a great extent, **not supported by statutory social security coverage** – specifically, unemployment and pension cover are lacking.

In 2018, **almost a third of the academic staff with a principal occupation at higher education institutions were externally funded**. Concerning the fixed-term, competitive basis upon which funds are allocated, nothing has really changed following the tenure track programme from the Excellence Initiative for German Universities as part of the Excellence Strategy.

Young academic staff in particular are under **huge pressure to perform**, due to being in constant competition with their colleagues in order to obtain a potential extension of their contract. This situation not only has a negative impact on work-life balance and contributes to a structurally accepted practice of (unpaid) extra work in many specialist areas; it also results in excellent academic staff, particularly women, leaving the academic system due to the unsatisfactory working conditions. The gender ratio is particularly striking in the distribution of part-time roles in higher education institutions: Though the proportion of female staff in part-time work in 2018 was, in general, at the (high) average level present across all industries, a strikingly high number of men working in higher education institutions also held part-time contracts. Results which were taken into account from other studies strongly indicated that a **significant proportion of staff in higher education institutions were working on a part-time basis although they did not want to**, and would prefer to have contracts with more hours. This is also due to the high proportion of academic workers who are working hours of overtime.

Even on the **sites of the four biggest extramural research institutes**, around a **third of the staff are part-time** and the **term of around half of the contracts is fixed**. The **extent of unpaid overtime** and the **performance pressure** that the employees experience seem to be **even greater** here than they are in the higher education institutions.

How can we improve the situation – the DGB's demands

1. Permanent tasks are to be carried out on permanent jobs

This applies both for the remits of employees in technology and administration and for the so called junior scholars involved in teaching and research. The opportunity to implement permanent jobs within the scope of the Future Pact "Strengthening Study and Teaching" has been wasted. Apart from a few positive exceptions, mandatory target provisions and measurable criteria for permanent positions are missing in the declarations of commitment of the German federal states. Action to remedy this is urgently needed.

2. Research is a permanent task for higher education institutions

Research should predominantly be allotted to those in permanent positions, regardless of whether financing (temporarily) stems from external funds or not. The legislators in the federal and state governments must ensure that the awarding of funds from third parties cannot be bound to fixed-term positions.

3. Fixed-term contracts without material reason must be eliminated

Permanent tasks in technology, administration, libraries and laboratories etc. must not be carried out by employees who only have fixed-term contracts no longer than 2 years without material reason. This is an unacceptable misuse of the Part-Time and Fixed-Term Employment Act (TzBfG).

4. In higher education institutions, too, **full-time positions must be held on the basis of a regular employment contract** in order to combat the high proportion of unpaid hours of overtime. This also applies for academic employment contracts without exception.

5. Higher education institutions must devote far more attention to the subject of **personnel development concepts**. This includes **long-term prospects for the next generation of academics** and the **development prospects for employees in technology, administration, libraries and laboratories**.

6. We demand that the higher education institutions implement **measures to develop the managerial skills of their employees who bear responsibility for other staff** and to improve the working atmosphere/social cohesion. The survey results showed a huge need for action here.

7. **The social employment benefits, including the provisions for pension schemes, are in urgent need of upgrading throughout the higher education institutions, and should also be communicated with more clarity.** Specifically, the framework conditions must be configured by policy makers so that employees on fixed-term contracts also have access to the relevant benefits and the accrued entitlements can also be procured, even across national boundaries.

8. The amendment to the German Part-Time and Fixed-Term Employment Act in the Higher Education and Research Sector has remained too vague. **A further amendment must be made to the German Law on Fixed-Term Employment Contracts in the Higher Education and Research Sector, specifying the following:**

- Clarification of what constitutes a permissible qualification under the law, typically a doctorate or doctorate-equivalent qualification in the field of art and music.

- In addition, the law must clearly stipulate the minimum contract term which is suitable for achieving the target qualification. The suitability of these contract durations must be evaluated regularly and adjusted where necessary. The National Report on Junior Scholars 2017 (Page 13) determined that the average time taken to gain a doctorate was between 3.5 and 4.5 years, based on various studies. The widespread fixed term of 3 years, present in many contracts, is, in many subjects, neither sufficient for a doctorate nor to qualify for a professorship in the post-doctoral phase.
- In addition to this, at least 50% of the contractually agreed working hours for qualifying roles with the objective of gaining a doctorate should be used to work towards qualification for an academic role - this must be taken into consideration. A supervision agreement must be stipulated as being mandatory.
- Academics who have gained their doctorates and move on to post-doctoral positions must, in general, be employed on a full-time basis in permanent contracts. Exceptions to this rule should then only be permitted if the fixed-term contract is due to a binding employment prospect, for example a binding tenure track position.
- When the person fulfilling the role is responsible for one or more children (a family policy component) or if they have a disability or chronic condition (a disability policy component), the expansion of the permitted maximum fixed-term duration must be converted into a legally binding right to extension of the term from the employee. Extension of the contract for the aforementioned reasons may not remain at the discretion of the employer.
- For employment which is fixed-term due to funds being provided by a third party in accordance with the Law on Fixed-Term Employment Contracts in the Science and Research Sector, the link to the project's term must be rendered binding. The survey results show that extensive free use is made of the existing 'should' wording in order to split projects into sub-projects, and this is used as a reason to create shorter terms for contracts. Employing project researchers for a term duration that does not reflect the duration of the project contravenes this Act, and therefore the provision should be reworded using the term 'must' instead of 'should'.
- Teaching staff, lecturers and other employees fulfilling predominantly teaching functions should be explicitly excluded from the scope of the Law on Fixed-Term Employment Contracts in the Science and Research Sector, because they have no possibility of academic or artistic qualification.

Underlying studies and further sources

Underlying studies of the DGB Hochschulreport:

Results of the secondary analysis of official statistics:

Banscherus, Ulf (2020): DGB Hochschulreport – Arbeit und Beschäftigung an Hochschulen und Forschungseinrichtungen. Expansion und Wettbewerb im Spiegel der amtlichen Statistik, Deutscher Gewerkschaftsbund (Hrsg.), Berlin.

Results of the employee survey:

Hobler, Dietmar/ Reuyß, Stefan (2020): DGB Hochschulreport - Arbeits- und Beschäftigungsbedingungen an Hochschulen in Deutschland, Deutscher Gewerkschaftsbund (Hrsg.), Berlin.

Both of the studies can be downloaded here:

<https://www.dgb.de/-/v3c>

Links:

More detailed information on the DGB 'Good Work' index: <https://index-gute-arbeit.dgb.de/>

Consortium for the National Report on Junior Scholars (2017): National Report on Junior Scholars.

Overview of Key Results. Bielefeld. W. Bertelsmann Verlag.

<https://www.buwin.de/dateien/buwin-2017-keyresults.pdf>