

Precarious Perspectives for Young Researchers

Luxembourg's Labor Law Restricts Development of Knowledge Society

For researchers the Luxembourgish labor law stipulates a maximum of five years of employment on fixed-term contracts (Code du Travail, Art. L. 122-5, §3). That is, the employability of young researchers is limited to five years in total, unless in the rare cases when a permanent contract gets offered. This, however, is highly improbable, not least given that the University of Luxembourg has completed its major phase of expansion. While there are various meaningful reasons for an overall time limit of consecutive fixed-term contracts, in the domain of research the 5-years rule does not protect young researchers against precarious employment, but in fact causes it. It is only after an “exclusion period” of twelve months that the young researcher can officially be hired again by the employer. Thus, young researchers, to avoid the risk of losing touch with their field and not being considered for reemployment, sometimes continue their work during the obligatory waiting period, all by living on unemployment benefits. Another consequence is that a lot of young researchers see themselves forced to quit their academic career or to leave the country, as we exemplify below by representative case histories of two people who did their PhD in Luxembourg and two postdoctoral researchers. The forced exit of young talented researchers is immensely costly to the Luxembourgish tax payer. It signifies a severe brain drain and hinders the country's progression towards a knowl-

edge-based economy. An adapted special statute for researchers could help to ameliorate the situation. Such a statute could be inspired by policies in other European or non-European countries, as we will discuss in the concluding section.

The 5-years rule in Luxembourg

After a maximum of five years, young researchers in Luxembourg have to leave the country in order to be able to continue their career in science – except in the increasingly unlikely cases of securing an unlimited contract or, under special circumstances, a swop from the university to one Luxembourg's extra-university research institutes (or vice versa). This, in fact, means that much of the state's investment in the qualification of young researchers is unsustainable, as in the long-run they cannot employ their acquired skills within the Grand-Duchy. Nor is it likely that more than a few of these expelled researchers will return to the Luxembourgish academic system once they have started to build their futures abroad. The 5-years rule implies that a professor in Luxembourg cannot hire her or his best PhD students for a follow-up postdoc project, which are usually the projects that add most to the scientific productivity of research institutions. One of the core tasks of many postdoctoral researchers is to acquire third-party funding from external sources. However, in Luxembourg their capacity to do so is very much limited as it can take one to two years to prepare a promising application, but then often there is not enough time left to actually carry out the research

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project within the given five years. As a consequence, Luxembourg's research institutions receive far less third-party funding – for example from European funding agencies – than they otherwise could.

While limits on short-term employment got established in order to protect employees against repetitive contracts and, thus, precarious living conditions, it can be argued that for the domain of research the effect of this law is rather the opposite. It is important to note that the 5-years rule is already an exception, granted to researchers by the Luxembourgish labor law, which usually limits the employability on fixed-term contracts to two years. However, this exception does not go far enough to account for the specificities of the labor market in academia with its complex, lengthy and highly competitive qualification process – from PhD candidate to junior postdoc to senior postdoc to professor – that is most common in the major science systems around the world. Researchers located in other countries are, for instance, able to secure fixed-term contracts for longer than 5 years and, afterwards, to still finance their own position through third-party funding – which may help them to manage the long and difficult transition to a professorship or a senior researcher position on an unlimited contract.

In the following we present examples of four “unsuccessful” career trajectories of young researchers

in Luxembourg – that could easily be turned into success stories if the involved political stakeholders decide to reform the 5-years rule. While the names and cases are fictional, they are representative for the existential challenges that the majority of young researchers face in the Grand-Duchy.

Four case histories

Peter is a brilliant former PhD candidate at the University of Luxembourg, with outstanding competences in biology. After four years Peter has completed his doctorate. His supervisor would like to offer him the opportunity to continue his academic career by doing a postdoc. Funding possibilities are already available. As the subject of Peter's research is very specific, there is no other specialist who can easily replace him. However, Peter has already worked at the university for four years and taking on this new position for only one further year makes neither sense to him nor to the professor, who has invested heavily in Peter's academic skills. Waiting for twelve months also is not an option. This is the time interval of the “exclusion period”, after which he could theoretically apply again at the University of Luxembourg and stay there for another five years. The whole process would start all over again unless he could this time secure a permanent contract, which, however, is not at all likely. Peter initially wanted to stay in Luxembourg but eventually decides to



2015 the University of Luxembourg will move on the site of Esch Belval. (© Rol Schleich / Le Fonds Belval)

apply for a postdoctoral position in another European country, where he is highly welcome.

Anne is a Luxembourgish PhD candidate, working on a topic related to Luxembourgish history. She started her PhD with the idea of pursuing an academic career. Seeing that her topic is closely linked to her home country, finding a position abroad is quite improbable for her. Furthermore, she is a young mother who has settled down in Luxembourg. She did not initially have the intention of leaving the country again, even less considering the fact that she had already done her undergraduate studies and her Master abroad. Her family situation makes the change of location even more complicated. Anne has to give up her plans to stay in academia. Thus, her potential contribution to a better understanding of Luxembourg's complex and under-researched social history is lost.

Louis is working as "assistant chercheur" on a structural position at the University of Luxembourg and, at the beginning of his postdoc-employment, he helped his professor's team to apply for third-party funding. The envisaged project treats the structural change from the steel industry to the financial and service economy and explores ways in which research can contribute to the innovativeness and sustainability of Luxembourg's economy. His professor eventually received the grant, which in fact could finance Louis' position for a 6th year. However, due to the 5-years rule Louis had to leave the country before the project was concluded. This damages his employment biography as he could not finish the second book he was writing and which is required in order to increase his chances to receive a professorship. But also for his professor the situation is highly problematic, as it is not realistic to hire another talented young researcher for just one year, let alone the impossibility to find another expert who could replace Louis who has acquired project-specific knowledge on the topic in question. As a result, the research project cannot be concluded as planned.

Francisca has written her PhD on European politics at a top university abroad. She then came to Luxembourg as a postdoc researcher on a two years contract. In fact, this contract may be extended to up to five years upon positive evaluation. After her first two years in Luxembourg Francisca was willing to invest her time in preparing an application for project funding through the European Commission's Framework Programme for Research. If that grant were to be bestowed, it would greatly enhance her faculty's international reputation. However, by the time the project would be launched, there would only be two years left until the end of her contract.

As the EU grant provides funding for a total of five years, Francisca decides to work with a university in a neighboring country in order to be able to carry out her highly promising European project.

A revised special researchers' statute for Luxembourg

What these case histories show is that Luxembourg urgently needs an open debate about a reform of the current 5-years rule, as this rule signifies a major bottleneck for the sustainability and quality of the research that can be carried out at Luxembourg's research institutions and also for young researchers' opportunities to obtain reasonably secure jobs at an age when family planning is relevant for many of them. Beyond that, this rule also depletes much of the innovative potential that the domestic research institutions have for Luxembourg's economy. It is difficult to legitimize this unsustainable spending of tax payers' money, which is used to finance the qualification of promising young researchers – who afterwards cannot employ the acquired skills within Luxembourg but are forced to do so in other countries.

One solution would be a true researcher's statute that acknowledges the specific career trajectories in academia. The discussion about this statute could be inspired by the experiences made in other countries. For example, the German model allows researchers to work in academic institutions on fixed-term contracts for a 12-years period. This includes 6 years for the PhD phase and another 6 years for the postdoc phase and an eventual habilitation. However, in the case of third party financing this 12-years phase can get further extended. While this model is far from perfect – as it needs careful monitoring to ensure that employers still open up the maximum number of unlimited contracts –, it can still serve as a helpful point of reference for further discussions about fitting solutions for Luxembourg – just like the respective policies implemented in other science producing nations. A true researcher's statute would provide far more reliable professional perspectives to PhD-candidates and postdoctoral researchers, and help domestic research institutions to secure the best talent for Luxembourg's increasingly knowledge-based economy. ♦

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