# Doctoral Candidates as Employees or Students: Status and Social Security

## One Job, Two Legal Forms, Two Sets of Rights

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A doctoral candidate in Europe is classified as an employee in some systems, as a student in others and as a third category in a few, and the classification determines her income, her social security and her rights. This article examines the status: the four legal forms that a candidacy can take, the entitlements that each confers and the ones it withholds, the consequences of the classification for the completion of a doctorate and for the composition of the doctoral population, and the arrangements that a system can adopt to converge the forms without abolishing them. It argues that the decisive element is not the label but the bundle of rights attached to it, and that a system which offers the same bundle under two labels has solved a problem that a system which debates the label has postponed.

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## 1. One Activity, Three Labels

A doctoral candidate conducts research, is trained in it and is paid for it, and the three descriptions correspond to three legal labels that European systems apply differently.

In a group of systems the candidate is an employee: she has a contract, a salary, a pension contribution and the protections of labour law, and she is a member of staff who is also enrolled. In another group she is a student: she receives a grant or a scholarship, she pays a fee or not, and she has the rights of a student and not of a worker.

**What matters is the bundle of rights, not the label on the contract**

In a third group she is a third category, defined by a specific statute: a doctoral researcher with a contract that is neither employment nor a grant, with a defined set of rights that a law enumerates. The three labels describe the same activity and produce very different conditions, and a candidate who moves between systems discovers the difference in her bank account and in her pension record.

## 2. Four Legal Forms

Within the three labels there are four legal forms, and each has a different set of entitlements.

The first is the employment contract: a salary, a social security contribution, paid leave, parental leave, unemployment protection at the end and a collective representation. The second is the doctoral grant: a stipend that is frequently tax-free, without a social security contribution in some systems, without leave entitlements and without a route to unemployment protection.

The third is the scholarship for a project, which is a grant attached to a funded project, with a duration fixed by the project and a dependence on a supervisor who holds it. The fourth is the fee-paying candidacy, in which the candidate pays and receives a service, and which is the form with the fewest rights and the largest financial risk.

## 3. The Entitlements That Matter

The entitlements that determine a candidate's experience are five, and the difference between the forms appears in each.

The first is income adequacy: whether the amount permits a living in the city where the institution is located, which for a grant is frequently below a minimum wage. The second is social security: a pension contribution, a health insurance, a sickness benefit, which a grant may not include.

The third is leave: maternity, paternity, parental and sick leave, which a candidate on a grant may have in principle and in practice through an extension that must be requested. The fourth is protection against dismissal or termination, which an employee has and a grant holder does not. The fifth is representation, which an employee has through a union and a student through a body, and which a third-category candidate may have through neither.

## 4. The Effect on Completion

The legal form has an effect on completion that the evidence supports, and the mechanism is not the amount of money alone.

A candidate who is an employee has a defined working time, a right to leave and a supervisor who is a manager with obligations, and the structure protects the research time. A candidate on a grant has a duration, a stipend and no working time, and the absence of a limit produces both an intensification and an extension that nobody records.

The consequence is that the completion rate and the duration differ between the forms within the same system, and the difference is frequently attributed to the selection of candidates rather than to the contract. The instrument is a comparison of the two populations within an institution, with the duration and the completion as fields, and the comparison is the evidence that a reform needs.

## 5. The Pension That Nobody Counts

The element of the status that has the longest consequence is the pension, and it is the one that a candidate considers least.

A doctoral candidate who spends four years on a grant without a social security contribution accumulates no pension entitlement for that period, and the loss is invisible until the end of a career. In a system with a contribution-based pension, the four years are a gap that the candidate must fill later, at her own cost.

The instrument is a contribution paid by the institution or the funder regardless of the legal form, with the period credited to the candidate's record. The measure is technical, it is inexpensive relative to the stipend, and it is the single change that makes the grant form equivalent to employment in the long run.

| Form | Income | Principal gap |
|---|---|---|
| Employment | Salary | None of substance |
| Doctoral grant | Stipend | Pension and unemployment |
| Project scholarship | Grant, fixed term | Dependency and no leave |
| Fee-paying | None, a cost | No rights and a financial risk |

**Table 1** Four forms and their entitlements

## 6. The Dependency on a Supervisor

The form that produces the most dependency is the scholarship attached to a project, and the dependency is structural rather than personal.

A candidate whose funding is a line in a supervisor's grant depends on that supervisor for her income, her project and her continuation, and the dependency is not removed by a regulation that states her independence. A change of project, a disagreement or a supervisor's departure places the candidacy at risk.

The instrument is a funding that follows the candidate: a position attached to the institution with a defined project that can be revised, and a guarantee that a change of supervisor does not end the funding. A system that funds positions rather than projects has removed a dependency that no supervision policy can address.

## 7. The Representation

A candidate who is an employee is represented by a union and a candidate who is a student by a student body, and the third-category candidate is frequently represented by neither.

The consequence is that the interests which are specific to a doctoral candidate, such as the duration of the contract, the recognition of teaching, the access to a laboratory and the right to a supervision, are represented by bodies whose main constituency is different. A union

that represents all staff treats a doctoral candidate as a junior member; a student body treats her as an advanced student.

The instrument is a doctoral association with a statutory seat in the institution's governance, composed of candidates and recognised in the regulations. The seat is the mechanism, and a body without it produces a newsletter rather than a negotiation.

| Income | Pension | Leave | Voice |
|---|---|---|---|
| the stipend | the record | the entitlement | the seat |

**Figure 1** What a status carries

## 8. The Teaching That Is Not Counted

A doctoral candidate teaches, and the teaching is frequently a condition of her funding and rarely a part of her contract.

A candidate who teaches two courses a year acquires a competence that the academic labour market requires, and she does so in hours that are not in her working time and not in her pay. In the employment form the teaching is frequently an obligation with a limit; in the grant form it is a request that a candidate cannot refuse.

The instrument is a limit on teaching hours, a payment for the hours above the limit and a recognition in the doctoral training. The three are administrative and they convert an exploitable practice into a professional development, and the conversion is the one that the candidates' associations demand most consistently.

## 9. The International Candidate

A candidate from outside the European Union faces the status question with an additional element: her residence depends on it.

A candidate on a grant may hold a student residence permit, with its conditions on work and its duration; a candidate on an employment contract holds a work permit, with different conditions. A change of status during a candidacy may require leaving the country and re-entering, and the interruption can cost a semester.

The instrument is a route that allows a change of status within the country, with a defined procedure and a maximum processing time. The measure is within the competence of a migration authority and it is the difference between a system that attracts international candidates and one that loses them at the first administrative change.

## 10. The Convergence of the Forms

The systems that have addressed the status question have converged the bundle of rights without abolishing the forms, and the convergence is a design rather than a single act.

The measures that produce convergence are four: a minimum stipend indexed to a reference, a social security contribution for every form, a defined set of leave entitlements, and a representation for every candidate. The four can be adopted under any legal label, and their adoption is what a candidate experiences.

The instrument is a charter of doctoral rights, adopted by the institution or by the system, that states the four and applies them regardless of the contract. A charter is not a law and it is the only instrument that a university can adopt on its own, and a university that adopts one has made its doctoral conditions comparable to those of its neighbours.

## 11. The Cost to the Institution

The convergence has a cost, and the cost is the element that a governing body examines first.

A social security contribution for every grant holder, a minimum stipend, a leave entitlement and a payment for teaching above a limit add a percentage to the cost of a doctoral position, and the percentage is visible in a budget while the benefit is not. The consequence is that the reform is adopted in a period of expansion and postponed in a period of constraint.

The instrument is a calculation of the cost of non-completion, which exceeds the cost of the convergence in every system where it has been computed. An institution that funds a candidacy for four years and loses it has spent the money and produced nothing, and the probability of the loss is higher in the form with the fewest rights.

## 12. The Comparison Across Systems

A comparison across systems is instructive because the same activity produces different conditions and similar outcomes.

The systems with an employment status report a longer duration and a higher completion, and the two are connected: a contract with a defined time produces a plan. The systems with a grant report a shorter nominal duration and a higher rate of abandonment, and the abandonment is frequently recorded as a withdrawal rather than as a failure.

The comparison does not establish that employment is better in every respect, since a grant can be more flexible and a contract can be more rigid. It establishes that the bundle of rights, rather than the label, is what a system should compare, and that a system which debates the label while leaving the bundle unchanged has debated a word.

## 13. The Point of the Doctorate

The status question is ultimately a question about what a doctorate is: a period of training, a period of work, or both.

A system that treats it as training places the candidate in a student status and justifies a grant by the education received. A system that treats it as work places her in an employment status and justifies a salary by the contribution made. A system that treats it as both, which is the accurate description, must construct a status that combines the two, and the combination is what the third-category statutes have attempted.

The instrument is a statement in the doctoral regulation of what the institution considers a candidacy to be, with the rights that follow. A regulation that states the position has resolved the ambiguity for its own candidates; one that leaves it implicit has left the resolution to a finance office.

## 14. The Doctoral Candidate Who Teaches

A doctoral candidate who teaches is a member of the institution's teaching capacity, and the way in which that capacity is counted determines the quality of both her teaching and her research.

An institution that fills its undergraduate tutorials with doctoral candidates has solved a staffing problem with a population that is not trained for teaching and is not assessed on it. The candidates acquire an experience, the undergraduates receive an instruction of variable quality, and neither outcome is measured.

The instrument is a teaching qualification: a short course, an observation and a feedback, with a certificate that the candidate can present in an academic labour market. The cost is a training and a coordination, and the return is a cohort that can teach when it is asked to and that has a record of having done it well.

## 15. Conclusions

The legal status of a doctoral candidate determines her income, her pension, her leave, her protection and her representation, and the same activity is classified in three ways across the area. The label matters less than the bundle of rights attached to it.

Three conclusions follow. A social security contribution for every form of doctoral funding, credited to the candidate's record, is the measure that makes a grant equivalent to a contract in the only dimension that lasts a career. A funding attached to a position rather than to a supervisor's project is what removes the dependency that no supervision policy reaches, since a candidate whose income depends on one grant holder cannot exercise an independence that a regulation grants her. And a charter of doctoral rights, adopted by the institution and applied regardless of the contract, is the instrument available to a university that cannot change a national law, and it is the one that a candidate experiences as her conditions.

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**Biography:**

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