Improving bench work

Recent legislation affecting employment in Sweden has implications for research, as **Wendy Barnaby** explains

SHOULD research be regulated by the laws that govern industry, or is research a special kind of activity needing a different set of laws? The question arises in Sweden as a result of legislation over the past couple of years to strengthen the employee's position in relation to the employer, and it has a good number of scientists worried. For although a few very small categories of employees are exempted, the laws apply to all sorts of working places, and these include universities, research institutes as well as factories, bureaucracies and businesses. Given the different needs of these organisations, the question arises whether it is possible to design one set of rules which will secure the employees' place within them and at the same time improve the quality of their output. It is becoming obvious that the answer is no.

The Law on Security of Employment, which came into effect on 1 July 1974, is the one with the most dramatic effects on research. Its basic tenets are that employment is to last until further notice, which cannot be given without reasonable cause. An employee who is dismissed can contest the dismissal in a court of law and is generally entitled to keep his job while the case is being decided. The law thus abolishes the traditional principle that the employer can fire employees as he sees fit. It also contains various rules about the order in which employees are to be laid off in times when there is no work for them to do (a 'last in first out' basis) and specifies that an employee laid off for this reason has first option on new jobs with his old employer for a year after his dismissal.

The Social Democrats' intention in passing this law was to protect lower-paid workers whose jobs were at the mercy of market trends. It is a long way from the conveyor belt at Volvo to university laboratories, yet the law applies to people working at both. In practice, it has meant that university lecturers have gained security in their jobs instead of having to re-apply for them annually or every third year. Only one category is still competitive, that of research assistant (*forskarassistent*), a position filled by a newly-graded PhD who has to re-apply for it after three years. The reasoning behind this exemption, according to a representative of the academics' union at one of Sweden's larger universities, is that possibilities should be kept open for PhD's who want to go on researching and teaching.

On paper some flexibility has also been maintained with the prestigious position of docent, the last of the stepping stones to professorial rank. A docent's contract lasts for three years, after which time it may or may not be renewed. Because most docents are in their forties and fifties and have probably spent all their working lives at the university, it looked too callous to throw them out on to the street if they had become stale in their research. Under the law, therefore, the university is obliged to create for any docent whose contract is not renewed a new position at equivalent salary but not involving research. The funds for this are to come out of the university's research revenues. It is an extremely expensive way out, so expensive that it is hardly ever resorted to. In practice, docents have tenure.

Thus, after the statutory six months probation period, all members of a university department except research assistants have tenure, with docents' security practically assured. The results are not hard to imagine. No incompetents can be fired, so no new blood (except research assistants) can be hired. There is minimal circulation of staff and, many complain, a loss of creative atmosphere. The Rektor of Uppsala University, Professor Torgny Segerstedt, says there is an enormous risk that research will become very static.

Its effects will be felt in other ways, too. "I don't dare hire a new secretary", says one professor, "because I know I'll never be able to get rid of her if she turns out to be no good." A microbiologist complains: "I have a good research project I'd like to start, and I've even got a grant for it. But I can't hire a laboratory assistant. We could be stuck with him for ever". In theory, the law allows short-term contracts for specialists hired for a particular task, but in practice this may be impossible to enforce because it is difficult to identify a scientific project as a special job being done in an institute concerned with the same area of research. An assistant employed on, say, a two-year project who wants to stay at its completion would probably succeed in proving that he has taken part both in the specialised project and in the general work of the institute, and would then be considered to have been employed by the institute as

All affected: lab assistant to glass-blower

such.

Against defenders of the law who say that research council grants will keep some turnover in projects and personnel, it is argued that such grants will become just as tied up as ordinary projects because they are formally given to the universities which then pass them on to the successful applicants. When any project is over, therefore, the researchers could claim that it had been the university, not the Council, that had been employing them, and demand to stay. At this point the university would be obliged to see if it could find the displaced researcher a job he was competent to do, even if he was not enthusiastic about it.

Thus, a research biologist could be offered a job tutoring biology to first-year students, if such a vacancy were available. If no department had any suitable vacancy, the university would be entitled to fire him on the grounds of there being no work for him to do. In practice the university, acting totally within the law, has retained displaced researchers by firing the most-recently employed members of staff in jobs suited to the displaced researchers' qualifications. In small institutes, however, the regular staff normally dependent on research grants have to leave if their grants are not renewed.

It is difficult to see how, under the law, any research project could be abandoned while the researchers wanted to carry on with it. This raises questions about the whole direction of research: how to drop enquiries which are no longer interesting or profitable, and how to swing research into new channels. Problems would arise not so much at the end as at the beginning of new projects. Unless job security for skilled technicians can be provided, they won't be there in the first place.

Working life law

The other law making itself felt at research institutes is the Act on the Joint Regulation of Working Life (*Medbestämmandelag*, MBL), which came into force at the beginning of this year. Its purpose is to increase union participation in decision-making. It does this partly through revising the rules about decision-making, so that the management has to inform and negotiate with the union if any major changes are contemplated, and partly through widening the scope of issues about which the union is entitled to have a say. The most important provision in this respect is that unions and management who have a collective agreement on wages and conditions of work—which nearly all have—should negotiate agreements on joint regulation, which will set out the rights of the workers to organise and assign work, hire and fire employees, and in general carry on the work of the organisation. The management is also required to provide the unions with information about financial and production matters and personnel policy.

Because most research establishments are financed by the government, the effects of MBL on research are somewhat modified by the Public Employment Act (*Lag om Offentlig Anställning*), which is designed to give public employees the benefits of MBL without trespassing on that part of their work which, because of democratic norms, the public at large has the right to preside over. As far as research institutes go, this means that the employees would not, for example, be able to change the general focus of research as laid down by parliament in the institute's statutes. It also means that, although the management must inform and negotiate with the union, it is not obliged to accept union opinions in questions considered to be in the public domain. In the absence of agreements on joint regulation, MBL in research institutes is at the moment largely a matter of an increase of information and negotiation. But the new system does take up a lot of time.

In some institutes, the atmosphere has been poisoned by union-management disagreements over how MBL should work. "Academic unions are young and inexperienced in comparison with industrial unions", says one physics professor who has had a hard time of it. "They minimise the role of informal contacts and consultations which are so important in industrial negotiations". Although running-in problems are giving some of the unions a bumpy ride, all agree that their power has increased. "Research is expensive", comments one employee, "and if everybody has to take part in all decisions and planning it will cost more money, time and paper. With the help of MBL, employees might insist on comfort in laboratories instead of equipment. On the other hand, MBL based on public opinion might enforce the financing of research which might otherwise not be carried through".

Different disciplines envisage different problems. "Take an experimental team", says another physics professor. "It is made up of, say, a professor, an assistant professor, a PhD, a couple of graduate students and some technicians. It is a small group and its members usually get together and decide on working practices that suit them all, which helps to mobilise creativity and enthusiasm. But the members of these groups are represented by different unions, who are not involved in the immediate situation but who will now decide on what is to happen there. Direct democracy is being substituted by indirect, and it won't help the atmosphere in the laboratories".

Both laws are quite new, and their full impact on research may not be clear for a few years yet. What does seem obvious is that, especially in the case of the Security of Employment Act, it does research little good to be swept up with industry and put into the same legal basket. Some see Swedish research being irreparably damaged. The government is aware of the difficulties and is to conduct a review. In the meantime, Sweden will remain a focus of attention for external as well as internal interests. □