

UK researchers claim rights over short-term contracts

At least two scientists believe universities and research councils are treating post-docs shabbily, writes **Joe Schwartz**

Two British scientists are turning to the courts and industrial tribunals to find redress over dismissal at the end of short-term research contracts. Dr Desmond Turner has brought a tribunal hearing against the University of Sussex; and Dr Amiram Ur is bringing another, continuing this week, against the MRC's Clinical Research Centre in Harrow.

Dr Turner, 39, was asked to leave the University of Sussex in June at the end of an MRC-funded project to isolate gastro-intestinal hormones involved in the regulation of insulin secretion. Dr Ur, 44, was also asked to leave, in his case after limited-term contracts totalling eight years' work with the MRC at Harrow.

Both have been productive scientists. Turner has published 15 papers relating to the hormonal regulation of insulin secretion over a period of 14 years on short-term contracts. Ur, a bioengineer, has numerous patents, most notably an impedance measuring device for monitoring blood coagulation and bacterial cell growth which is patented in 18 countries and is marketed in the UK under the names Biobridge and Bactbridge.

Turner and Ur have found themselves at the centre of a legal and political thicket. First, the legal status of short-term contract workers is not at all clear. Despite the fact that post-doctoral fellowships, for example, extend only for an agreed fixed term, there appear to be rights under the Employment Protection Act, 1975, to redundancy pay and claims over unfair dismissal at the end of the contract. But increasingly employers—universities and research councils—have been introducing a 'waiver clause' into the contracts which nominally eliminate those rights.

Turner says: "There is no justification for the use of special forms of contract that deprive employees of their normal rights under the law. . . . We need to bring to public notice the shabby way in which institutions are treating temporary appointments".

On the one hand it would seem sensible that the granting institutions should be free to allocate money according to their own perception of scientific merit without fear of redress. On the other, it would also seem fair that the increasing number of experienced post-doctoral and other short-term contract researchers (perhaps 10,000 in the UK) should find some

security of employment. Mr P. C. Stephenson, Secretary of Science at the University of Sussex and responsible for Turner's employment, recognises the problem but feels that the Government and the Association of University Teachers (AUT) are responsible for creating a coherent national policy. "We are aware of the problem but we need to find the right place to start the argument," says Stephenson.

The legal position of contract workers became more complicated on 26 July 1977, when an Industrial Appeals Tribunal ruled in *L. D. Dixon v. BBC* that Dixon's contract was not fixed term during its tenure, thereby invalidating the waiver clause, but that it became fixed term at its point of expiration, thereby entitling Dixon to redundancy pay. In October of this year, an appeal court overruled the Appeals Tribunal and decreed that the waiver clause as customarily employed was valid.

Following this decision the AUT withdrew from Turner's case. However, Turner, with the aid of Brian Salter, chairman of the research sub-committee of the AUT's Sussex University branch, took his case to the tribunal hearing on 27 November, 1978. "We felt we still could make a case and we wanted the tribunal to commit itself to say that the appeal court ruling on *Dixon v. BBC* was relevant to research workers," says Turner. The tribunal has not yet made its decision.

Salter, who is encouraging researchers to press redundancy claims, agrees that a coherent national policy is called for, but says that the AUT is not sufficiently aware of the conditions of research workers. Salter feels that bridging loans between contracts, re-organisation of the nation's research into core areas located within universities and a well defined career structure alongside the normal university lecturer scales is needed. "The Research Councils will also have to accept that people have to be hired even when they get older", says Salter.

Salter and Turner both think that a closed union shop may be the only way for short term contract workers to get any control over their jobs at all. "Under conditions where there are so many out of work scientists, the jobs will go to the cheapest bidder to the detriment of us all", says Turner.

The case of Dr Amiram Ur, being

heard again last week in London by an industrial tribunal after two months adjournment, also raises fundamental questions. In July 1974, the MRC introduced 'Establishment Code 335' which radically revised the career structure for non-clinical staff. Citing the greatly reduced university job opportunities as a reason, the MRC instituted a procedure under which, after four years, "awards of unlimited tenure will be made on average to 75% (taking one year with another) of the number of staff awarded limited-term appointments."

Approximately 600 people were affected by the order, which would result in 450 tenured posts but also redundancy for 150 scientists. Changes in the Establishment Code are negotiated agreements and as the negotiating body, the AUT is implicated in this ruling. But as one experienced observer noted, "This AUT negotiated tenure procedure is really a dismissal procedure and doesn't meet the minimum legal requirements of a dismissal system." Ur was one of the MRC's employees that came under the new ruling.

On 29 March, 1974, Ur was transferred from clinical to non-clinical status which brought him under the new requirements imposed later in the year. In November 1976 Ur's mandatory application for tenure was denied and under the new terms of service was given a year to find another job. Ur protested the decision citing deficiencies in MRC procedure beginning with his transfer to non-clinical status. This failing, Ur was dismissed in November 1977. The first tribunal hearing on the case was scheduled for April 1978. After an MRC request for postponement, in June 1978 the MRC offered Ur a settlement, which included back pay, reinstatement on a three-year contract, legal costs up to £4,000, return of pension rights and an elaborate and costly procedure to "investigate the grievances for and against Dr Ur".

The grievance procedure provided for a three-person committee, one member selected by Ur, one by the MRC and a chair person by mutual agreement. In case of difficulty with the latter choice, nominations were to be received from the President of the Royal Society. The committee was to have a paid secretary and to have had the ability to call and pay witnesses. However, its findings were to be confidential to the MRC and council actions based on the report were to be final and binding. Ur refused the settlement.

Meanwhile, the hearings of Ur's tribunal are expected to carry over until March. □