

# PhD candidates, postdocs and the corona pandemic

May 19, 2020

In this note you will find information on:

[Right to extension of employment for PhD candidates and postdoctoral fellows](#)

[- Own illness](#)

[- Quarantine / isolation imposed by the authorities](#)

[- Caring for children](#)

[Possibility of extension due to delay](#)

[Status of work on joint solutions for extension](#)

[Proposals from Forskerforbundet to secure extension for PhD candidates and postdocs](#)

PhD candidates and postdoctoral fellows are fixed-term employees on special terms with the aim of completing a doctoral dissertation or qualification work within an agreed period.

The terms of employment for these positions are therefore formulated in [separate regulations](#) covering employees in the university and college sector and other research-carrying companies in the state. There are similar national rules laid down in a [special agreement](#) for employees within Abelia. A similar special agreement with Spekter covering research activities at the health enterprises has been terminated, but it is still valid for those employed during the term of the agreement.

The coronary pandemic has led to stress and barriers to normal progression in these positions' qualification work. Here, we will outline the legal status of granting extension of employment as a PhD candidate or postdoctoral fellow and propose measures to ensure extension in addition to what follows from the legislation.

## 1. Right to extension of employment for PhD candidates and postdoctoral fellows

Common to these hiring regulations is that those employed as PhD candidates (research fellows) and postdoctoral fellows must be guaranteed an extension due to illness and other legitimate absence of a certain duration. This is stated in a separate section: *2-3 Leave and extension of the period of appointment:*

- (1)** With the exception of research assistants, leave to which employees are entitled pursuant to statutes or collective agreements shall not be taken into account in connection with the calculation of the period of appointment. The same shall apply to leading representatives in national organizations for these posts.
- (2)** Extension shall be granted for reduced working hours owing to care of children and close family pursuant to section 10-2, fourth paragraph, of the Working Environment Act.
- (3)** Leave may be granted to take up short-term temporary teaching and research posts, overseas fellowships and the like when this may be done without delaying the progress of the post-doctoral research fellowship project, doctoral degree course, artistic development work or specialist training by more than half a year. In such cases, the period of appointment may be extended correspondingly.
- (4)** Decisions concerning extension of the period of appointment shall be taken by the appointing body.

**(5)** In order to give grounds for extension, absence must amount to at least two continuous weeks.

**(6)** In the case of research fellows, the appointing body may in specific cases grant extension of the period of appointment owing to circumstances that have precluded the progression of the research training. Such circumstances may be special care burdens or unforeseen obstacles of a work nature for which the research fellow cannot be held responsible. When such circumstances result in delays, extension of the period of appointment may be granted, provided that the research fellow will be able to complete the research training before the expiry of the extension period.

**(7)** In the case of sick leave of less than two weeks' duration for post-doctoral research fellows and research fellows with compulsory duties, such leave should be distributed proportionately between the research work and the compulsory duties.

**(8)** In the case of research fellows with compulsory duties, two or more short legitimate absences of less than two weeks may give grounds for the exclusive reduction of the compulsory duties part when deemed necessary in order that the research fellow shall be able to complete the research training within the period of appointment.

The first part of Section 2-3 clarifies that leave pursuant to laws and agreements provides for extension for both PhD candidates and postdoctoral fellows. By statutory leave here is meant everything from sick leave, maternity leave, care leave to conscription and co-judicial service.

However, in order to be entitled to an extension, the absence must be continuous for 14 days or more (fifth part of section). This means that shorter periods of illness or days of care do not give the right to an extension, which can hit some (e.g. those with chronic illness and parents with young children) quite hard. Therefore, several institutions have internal rules that ensure that even more short-term sickness and care absence trigger an extension if the total absence is 14 days or more.

In the corona situation, especially the following grounds for leave are applicable and give the right to extension:

### ***Own illness***

Both self-notification and sick leave are statutory in the National Insurance Act chapter 8. The number of self-notification days is basically 3, but IA companies have 8 and the regulations allow for self-notification days to apply for the entire employer period of 16 days. The first 3 self-notification days do not require sick leave, but if an employee is gone beyond the 3 days, the employer may require a medical certificate / sick leave. As part of the corona measures, the authorities have urged employers to accept for extension of self-notification days to 16 and they have removed the provision that the employer may require sick leave when the employee is away for more than 3 days. PhD candidates and postdoctoral fellows with self-reported or registered sick leave of 14 days or more will therefore be entitled to a corresponding extension. At this point, the practice of the institutions could vary, although there seems to be a common understanding that also shorter sick leave may grant extension in the current situation.

### ***Quarantine / isolation imposed by the authorities***

Quarantine and isolation are regulated by the Government in an Extraordinary Cabinet Meeting on March 15, 2020. Quarantine applies to those who have been in close contact with someone who is confirmed infected or comes from an area where there is a fear of higher infection risk, while isolation applies to those who are believed to be infected or confirmed infected.

If you are cut off from performing your work due to quarantine, you may be entitled to sick leave, cf. section 3-1 of the temporary regulations on exemptions from the National Insurance Act and the Working Environment Act in connection with covid-19 pandemic.

If you are isolated as a result of having, or (by professional evaluation by a doctor) you are believed to have an infectious disease, cf. section 1-3 of the Communicable Disease Control Act, you may be entitled to sickness benefits in accordance with general rules in section 8-4 of the National Insurance Act.

In both quarantine and isolation, self-notification must always be considered before sick leave. This should be notified to and agreed with the employer. The usual quarantine / isolate length is 14 days (downgraded to 10 days on May 5, 2020), which will trigger the right to extension.

### ***Caring for children***

Care days are statutory leave in accordance with Section 12-9 of the Working Environment Act. Parents / guardians with care for children under the age of 12 are basically entitled to care leave:

- Up to 20 days for guardians with 1-2 children, divided into two by shared care
- Up to 30 days for guardians with 3 or more children, divided into two by shared care

As part of the corona measures, the authorities have doubled the number of care days on a temporary basis and opened up the possibility that care days can be used by parents who have to stay home with children as a result of closed kindergartens and schools.

PhD candidates and postdoctoral fellows who have been at home with children under the age of 12 due to closed schools and kindergartens can thus avail such days. Here, the institutions appear to be prepared to extend day by day, regardless of the 14-day rule.

In any case, we must interpret the regulations so that if the period is two weeks or more (as it has been) and one is at home with young children in shared care – i.e. 50% or every other day – then this gives the right to a corresponding extension. In addition, partners can distribute care days between themselves from the current maximum limit of 40 (60) days.

In summary, our experience is that this basis for leave is largely handled well and that extension is granted in accordance with section 2-3 (1) of the Regulations for sickness and the burden of care. However, another major problem for many PhD candidates and postdoctoral fellows is delay caused by corona measures making it impossible or more difficult to carry out the qualification work.

## **2. Possibility of extension due to delay**

The appointing body may, within reasonable limits, extend a fixed-term position as a PhD candidate or postdoctoral fellow if it is necessary to complete the dissertation or qualification work. The corona situation has made this very relevant.

The national regulations (§2-3 (6)), explicitly state that «circumstances that have precluded the progression of the research training» can provide a basis for extension. «Such circumstances may be special care burdens or unforeseen obstacles of a work nature for which the research fellow cannot be held responsible».

There is no doubt that the corona situation has caused some special care burdens, but also that many have been undeservedly hindered in their progression as a result of restrictions on the use of research infrastructure, travel, data collection, collaboration etc. Some are only marginally delayed due to poor home office solutions, while others may have had the entire data collection destroyed as the field season or the stay abroad could not be completed. Many people therefore risk losing a lot and being severely hindered in their planned and contractual work. It should be obvious that these need facilitation and extension.

However, this section of the regulation only specifies PhD candidates, but Forskerforbundet believes the same rule should apply in the case of postdoctoral fellows and their qualification work. The provision to grant extension must be seen in the context of the very purpose of the regulation, which is to also ensure postdoctoral fellows the time necessary for their qualification work.

Since an extension on this basis is not a statutory right, but up to the appointing body, it follows that he or she must normally apply for an extension towards the end of the period of employment, and document the extent of the delay and the possibility of completing the dissertation or qualification work before the expiry of the extension. An extension of the fixed term positions on this basis does not change the labour law status and does not provide employment protection / right to tenure.

## **3. Status of work on joint solutions for extension**

Forskerforbundet and Universities Norway (UHR) have asked the authorities for a guarantee scheme for all who are delayed. The response from the Ministry of Education and Research refers to the current regulations and the institutions are asked to deal with the situation within the current framework in the first place. But the ministry also asks UHR to come back with an overview of the scope of the challenges and a further dialogue with several people involved. The Research Council is also involved in the dialogue and is considering increased allocations for projects without having to announce them.

UHR has established that there are no labour law barriers or regulatory barriers to extension caused by coronary measures and is in the process of mapping the costs associated with extension for PhD candidates and postdoctoral fellows. However, the status is currently that this must be handled at each institution. A number of the larger universities have made guidelines for extension on the basis of corona measures for their PhD candidates, but not at present for the postdoctoral fellows. One disadvantage of this is that each faculty becomes responsible for evaluating applications and granting extension – with the dangers of differential treatment, especially related to differences in economy.

## **4. Proposals from Forskerforbundet to secure extension for PhD candidates and postdoctoral fellows**

The corona situation is unique and has led to a great deal of uncertainty. Forskerforbundet receives many inquiries from PhD candidates and postdoctoral fellows who are delayed in their work as a result of the corona pandemic. It is therefore important to establish a common national scheme for this group. It involves a survey of the extent of the delays for the individual and a quick clarification on the extension for those who will need it.

### **We propose that:**

- A scheme is established whereby the government covers the costs associated with the necessary extension for all concerned PhD candidates and postdoctoral fellows.
- The scheme can be administered by Universities Norway (UHR) and be un-bureaucratic and trust-based, ensuring day-to-day extension for all delays caused by coronary measures.
- The scheme should apply from 13 March 2020 and until the corona measures have been discontinued.
- The institutions should be required to carry out a specific survey with a view to special follow-up of fellows and postdoctoral students who, on a permanent or long-term basis, are prevented from conducting agreed research work due to corona measures.
- The Ministry of Education and Research amends the employment regulations so that the responsibility for extension in the event of unforeseen obstacles under §2-3 (6) is clarified and applies to postdoctoral fellows also.

Forskerforbundet encourages all parties to go a little extra to ensure the best possible implementation for PhD candidates and postdoctoral fellows. This also means using the opportunity for leave to carry out teaching assignments or adjusting the time and content of any mandatory work, if the opportunity to carry out the research work must be postponed.