



LUND UNIVERSITY

Goda och tydliga karriärvägar vid Lunds universitet

Rapport

Rönnmar, Mia

2018

Document Version:

Förlagets slutgiltiga version

[Link to publication](#)

Citation for published version (APA):

Rönnmar, M. (2018). *Goda och tydliga karriärvägar vid Lunds universitet: Rapport*. Lund University.

Total number of authors:

1

General rights

Unless other specific re-use rights are stated the following general rights apply:

Copyright and moral rights for the publications made accessible in the public portal are retained by the authors and/or other copyright owners and it is a condition of accessing publications that users recognise and abide by the legal requirements associated with these rights.

- Users may download and print one copy of any publication from the public portal for the purpose of private study or research.
- You may not further distribute the material or use it for any profit-making activity or commercial gain
- You may freely distribute the URL identifying the publication in the public portal

Read more about Creative commons licenses: <https://creativecommons.org/licenses/>

Take down policy

If you believe that this document breaches copyright please contact us providing details, and we will remove access to the work immediately and investigate your claim.

LUND UNIVERSITY

PO Box 117
221 00 Lund
+46 46-222 00 00

Good and Clear Career Paths at Lund University

Report

MIA RÖNNMAR, DEAN AND PROFESSOR IN PRIVATE LAW AT THE FACULTY OF LAW WITH
SUPPORT FROM CARINA WICKBERG AT THE OFFICE OF THE VICE-CHANCELLOR



Contents

1. Introduction
2. Career paths in academia – strategic starting points and challenges
3. Relevant labour law regulation
4. Career paths, employment patterns and talent management at Lund University
5. Recommendations regarding the continued work to ensure good and clear career paths at Lund University
6. References
7. Appendices

This is an English translation of *Goda och tydliga karriärvägar vid Lunds universitet. Rapport* by Mia Rönnmar, Dean and Professor in Private Law at the Faculty of Law with support from Carina Wickberg at the Office of the Vice-Chancellor (2018).

1. Introduction

During the last ten years, issues regarding positional structure, career paths, recruitment, career development positions and fixed-term appointments at Swedish higher education institutions have been subject to investigation and discussion. In recent years, the debate has particularly focused on the increase in the number of researchers at Swedish higher education institutions, and the need to establish good and clear career paths for junior researchers and teaching staff.¹ Lund University's strategic plan for the period 2017–2026 states that clear career paths shall be ensured and the University shall work strategically with recruitment.

Against this background, the Vice-Chancellor of Lund University, Torbjörn von Schantz, entrusted Dean and civil law professor at the Faculty of Law Mia Rönmar with the task of conducting an inquiry on the career paths at Lund University, focusing on career paths for researchers and teaching staff.² The directives to the inquiry stated that the inquiry is particularly to include:

- a strategic analysis of the meaning and importance of good and clear career paths within academia and at Lund University. The strategic analysis is also to illustrate links to other key operational issues, including mobility, the relevant extent of education and research, research funding, opportunities to attain research and teaching qualifications as well as programmes for research excellence.
- a presentation and analysis of current regulation (legislation, collective agreements, case law and local regulation) at Lund University concerning career paths, recruitment, appointment, termination of employment, forms of employment and promotion.
- a presentation and analysis of existing career paths at Lund University and its various faculties and units, particularly employment patterns and the existence of different types of employment, as well as of efforts to create good and clear career paths.
- proposals for the continued work to establish good and clear career paths at Lund University.

The result of the inquiry is presented in the following report. Carina Wickberg, policy officer at the Office of the Vice-Chancellor, has provided support in the inquiry work.

A gender equality and equal opportunities perspective is integrated into the discussion. In principle, the inquiry does not address issues concerning the duty to work, the length and allocation of working hours, and the work environment. The emphasis of the inquiry is placed on career paths within academia and at Lund

¹ See e.g. SOU 2007:98, SOU 2016:29, Sveriges Unga Akademi, *Karriärsystem för svenska lärosäten* (Sveriges Unga Akademi, Stockholm 2013) and Vetenskapsrådet/S. Gerdes Barriere, *Forskningens framtid! Karriärstruktur och karriärvägar i högskolan*, Vetenskapsrådets rapporter (Vetenskapsrådet, Stockholm 2015).

² However, many issues discussed in the report are general and concern all employees at Lund University. The report can therefore hopefully provide a basis for further investigation and work regarding good and clear career paths for technical and administrative staff.

University, but the issue of career paths outside academia is also addressed to some extent.³

The inquiry was conducted in close dialogue with the University management. The directives to the inquiry were presented and discussed at meetings with the Vice-Chancellor's Management Council and the management group of the University administration (UFLG). The director of human resources Ann Silbersky Isaksson and trade union representatives were consulted regularly. Meetings were held with representatives of all faculties (including faculty management, departmental management, research teams, academic appointment boards, staff and human resources administrators and student organisations), MAX IV, Lund University Students' Unions (including the doctoral students' union at Lund University) and the Young Academy of Sweden. Meetings were also held with staff at Human Resources (Katarina Broman, Lena Lindell, Birgitta Reisdal, Åsa Thormählen and Kristine Widlund) and Research Services (Magnus Edblad, Brita Larsson and Sophie Hydén Picasso). Stefan Bystedt at Human Resources and Tomas Johansson at the Planning Office assisted in the production and analysis of statistical material, and Marta Santander at Human Resources provided administrative support during the initial phase of the inquiry. In addition, an ongoing dialogue was held with Professor Ann Numhauser-Henning and Associate Professor Jenny Julén Votinius at the Faculty of Law.

The report is structured as follows. Chapter 2 contains a strategic analysis of good and clear career paths within academia. Chapter 3 presents and analyses relevant labour law regulation in general and at Lund University in particular. Chapter 4 highlights existing career paths and employment patterns at Lund University as well as efforts to establish good and clear career paths. Finally, Chapter 5 provides recommendations regarding the continued work to ensure good and clear career paths at Lund University.

³ See e.g. also LERU, *Delivering talent: Career of researchers inside and outside academia*, LERU Position Paper, June 2018 and OECD, *Transferable Skills Training for Researchers: Supporting Career Development and Research* (OECD, 2012).

2. Career paths in academia – strategic starting points and challenges

This chapter aims to conduct a strategic analysis of the meaning and importance of good and clear career paths within academia and at Lund University. Links to key organisational issues are also highlighted.

Good and clear career paths are closely linked to issues regarding talent management, recruitment and different forms of employment. Talent management is not only about recruitment and employment, but strategic organisational development, individual professional development, changes in work duties and in the organisation. Talent management at the University is largely determined by the needs of education and research.

Good and clear career paths are as much a matter of the needs, development and quality of the organisation as it is of the career development, employment situation and need of security for the individual. Promoting good and clear career paths involves, among other things, clarifying and ‘opening up’ the various steps and positions in the career system by issuing public calls for applications entailing competition and meritocratic principles. The excessive element of internal recruitment at Swedish higher education institutions – including at Lund University – and limited mobility (see Chapter 4) is well known. The work is therefore not about creating safe career paths for all, or even many of those, who obtain a doctorate at Lund University. Another and equally important aspect of the work to establish good and clear career paths is the investment in professional development, and the opportunity to be assessed for promotion at the different stages of one’s academic career. This provides opportunity for career development within the scope of an employment that was once obtained in open competition.

Given the different traditions and conditions at Lund University’s faculties, it is also not about creating *one* good and clear career path, but *several different* career paths as well as career paths *within and outside academia*.⁴ For many years, there has been a wide consensus that a particular focus should be placed on the career paths of junior researchers and teaching staff.⁵

Lund University’s strategic plan for the period 2017–2026 is based on fundamental academic values such as academic freedom, autonomy and meritocracy.⁶ The plan emphasises that education and research shall strive to achieve the highest quality and be intertwined. Students and staff are to be offered attractive environments. Clear career paths must be ensured and the University is to work strategically with recruitment. Furthermore, the organisation is to be characterised by a good work environment, gender equality and the ability to ensure equal opportunities for both students and staff. Education, research and external engagement shall be characterised by internationalisation, and there shall be clear opportunities for international mobility for students and staff. Education and research shall be

⁴ See LERU, *Delivering talent: Career of researchers inside and outside academia*, LERU Position Paper, June 2018.

⁵ See e.g. SOU 2016:29 and Sveriges Unga Akademi, *Karriärsystem för svenska lärosäten* (Sveriges Unga Akademi, Stockholm 2013).

⁶ See also G. Bexell, *Akademiska värden visar vägen* (Atlantis, 2011).

intertwined in learning environments dedicated to both teaching and research, where qualifications in education and research are equally valued.⁷

The work of the European Commission, within the European Research Area, has identified six priority areas, including *an open labour market for researchers* and *gender equality and gender mainstreaming in research*.⁸ Among other things, it is about promoting border-crossing mobility, developing support for career and professional development, and creating attractive research careers. The *European Charter for Researchers* and the *Code of Conduct for the Recruitment of Researchers* is also based on meritocratic principles and similar points of reference.⁹ Furthermore, it is about actively promoting gender equality and eliminating obstacles to the recruitment and career development of female researchers.¹⁰

Good and clear career paths promote gender equality, equal opportunities and diversity, as well as internationalisation and mobility – and career development positions play a special role in this context. Good and clear career paths can make Lund University an attractive, competitive and good employer, able to recruit and retain the most competent employees. This, in turn, promotes the highest quality in education and research. Good and clear career paths – and a strategic and frequent use of career development positions and other teaching posts that involve both education and research – may further contribute to the intertwining of education and research. There is also a need to relate proactively to demographic trends of an ageing population and imminent retirements. Career development positions make it possible to renew the team of staff members continuously, and to strive for an age-balanced group of teaching staff and researchers.

However, there are a number of challenges associated with the realisation of good and clear career paths at Lund University and the use of career development positions, which was also clearly expressed in discussions with representatives of the faculties and other university units. The limited allocation of funding for education (due to continuous erosion and insufficient per capita funding) and limited direct government funding make it difficult to finance and offer career development positions and other teaching staff posts¹¹. Similarly, the imbalance between governmentally and externally funded research – and overdependence on external research funding, which may be temporary and insecure – has led to an

⁷ For a further discussion on e.g. the intertwining of education and research at higher education institutions in the USA, see A. Bienenstock *et al.*, *Utbildning, forskning och samverkan. Vad kan svenska universitet lära av Stanford och Berkeley?* (SNS förlag, Stockholm 2014).

⁸ See European Commission, *European Research Area Progress Report 2016, Report from the Commission to the Council and the European Parliament, The European Research Area: Time for implementation and monitoring progress*, COM(2017) 35.

⁹ See European Commission, *The Code of Conduct for the Recruitment of Researchers*, Directorate-General for Research (Office for Official Publications of the European Communities, Luxembourg 2005) and European Commission, *The European Charter for Researchers*, Directorate-General for Research (Office for Official Publications of the European Communities, Luxembourg 2005).

¹⁰ See e.g. LERU, *Women, research and universities: excellence without gender bias*, LERU Position Paper, July 2012, and LERU, *Implicit bias in academia: A challenge to the meritocratic principle and to women's careers – And what to do about it*, LERU Advice Paper, January 2018.

¹¹ See also SULF/K. Åmossa, *Systemfel i kunskapsfabriken – om urholkning av ersättningsbeloppen till högre utbildning* (SULF, Stockholm 2018).

increase in the number of research positions at Lund University.¹² There are also challenges related to the relative extent of education and research. At an education-intensive faculty, there is a major need for senior lecturers, which can make investments in more research-intensive career development posts more difficult,¹³ whereas at a research-intensive faculty it can be difficult to offer all researchers – including doctoral students – the opportunity to participate in teaching to gain qualifications.

Finally, within the organisation there may be a conflict between long-term organisational needs concerning strategic recruitment, and short-term organisational needs linked to more or less urgent teaching needs or temporary external research funding.

¹² The issue regarding the size and increase of agency capital, and possible links to issues concerning career paths and the desire to secure continued employment for researchers working in environments with a large amount of external funding, was not particularly addressed in discussions with the faculties. Cf. SOU 2016:29, Chapter 5, 'Karriärstrukturen vid svenska universitet och högskolor – en historik', written by Professor Mats Benner at Lund University and KTH Royal Institute of Technology.

¹³ There may also be a reluctance to commit prematurely to future senior lectureship posts. Meanwhile, the position of associate senior lecturer provides an opportunity to broaden the recruitment base and attract more applicants. Simultaneously, this career development post enables the holder of the post to develop their research and teaching expertise, thereby contributing to both future research-based education and dynamic research activities.

3. Relevant labour law regulation

3.1. Introduction

This chapter provides a presentation and analysis of relevant labour law regulation. It highlights issues regarding gender equality and equal opportunities, recruitment and appointment, fixed-term employment, teaching and research positions, as well as employment protection. It involves complex regulation comprising EU law, the Swedish Constitution, public law, higher education law, and labour law, as well as legislation, collective agreements, case law and local regulation (e.g. Appointment Rules, Vice-Chancellor's decisions and rules at university and faculty levels).

Employment within public authorities – including state higher education institutions such as Lund University – is based on a foundation of private law and employment contracts.¹⁴ Key rules on forms of employment, employment protection, gender equality and equal opportunities are stipulated in EU law, the Swedish Employment Protection Act (*anställningsskyddslagen*, LAS)¹⁵ and the Swedish Discrimination Act (*diskrimineringslagen*)¹⁶ The Instrument of Government (*Regeringsformen*),¹⁷ part of the Swedish Constitution, and other rules of public law are also of considerable importance when it comes to recruitment and appointment. The Higher Education Act (*högskolelagen*)¹⁸ and the Higher Education Ordinance (*högskoleförordningen*, HEO)¹⁹ comprise further rules on academic appointments. Since the introduction of what is known as the ‘autonomy reform’, the fundamental rules on teaching positions can be found in the Higher Education Act and the Higher Education Ordinance; meanwhile, higher education institutions have been given more freedom with regard to the detailed structure of teaching positions and academic career systems (Section 3.5).²⁰

There is a fundamental tension between the meritocratic system on the one hand, which is based on constitutional regulation, merit and expertise and vacancies advertised for open competition, and employment protection according to the Employment Protection Act on the other, which includes provisions on automatic conversion of fixed-term employment into indefinite employment after a certain period of time, the duty to provide alternative work and the right of priority for re-employment.

The Swedish labour law and industrial relations system is largely based on social partner autonomy, consensus and self-regulation through collective agreements. Salaries and terms of employment are as a rule determined by collective agreements, and there is a large element of trade union influence and information, negotiation and co-determination. Labour law regulation is often so-called semi-compelling in nature, and allows for deviating regulation in the form of collective agreements, to both the advantage and disadvantage of employees. Collective agreements are concluded at national sectoral and local level.

¹⁴ See SOU 2016:29, pp. 75 ff. and A. Andersson *et al.*, *Arbetsrätten i staten* (2nd ed., Studentlitteratur, Lund 2004), pp. 113 ff.

¹⁵ SFS 1982:80.

¹⁶ SFS 2008:567.

¹⁷ SFS 1974:152.

¹⁸ SFS 1992:1434.

¹⁹ SFS 1993:100.

²⁰ See prop. 2009/10:149.

Lund University offers a variety of employments, which together form a type of academic career system.²¹ They include doctoral student position (*doktorandanställning*),²² fixed-term employment (substitute and general fixed-term employment) as a lecturer and senior lecturer, employment as a lecturer (*universitetsadjunkt*) (indefinite and adjunct), postdoctoral fellow (*postdoktor*), researcher (*forskare*) (fixed-term and indefinite), associate senior lecturer (*biträdande universitetslektor*), senior lecturer (*universitetslektor*) (indefinite, adjunct and joint) and professor (indefinite, adjunct, joint, visiting and post-retirement) (*tillsvidareanställning*, *adjungerad professor*, *förenad anställning*, *gästprofessor*, *seniorprofessor*).²³

3.2. Gender equality and equal opportunities

Non-discrimination law is a central and well-developed component of EU labour law, which over the years has come to include more areas than working life.²⁴ From the outset, the EU non-discrimination law included protection against discrimination on the grounds of nationality and gender, and was largely based on the development of the prohibition of gender discrimination. Through the Treaty of Amsterdam, Article 13, the EU's competence in the field of non-discrimination considerably expanded.²⁵ Several of the directives on gender equality were revised and consolidated into the Equal Opportunities Directive for the purpose of simplifying and modernising EU law in this area.²⁶ The aim of the Directive is to ensure the implementation of the principle of equal opportunities and equal treatment of men and women in working life.²⁷ In 2000, two new non-discrimination directives were adopted, based on Article 13 (now 19) of the new Treaty: the Directive against Ethnic Discrimination,²⁸ and the Employment Equality Directive, which covers the grounds of religion or other belief, disability, age and sexual orientation.²⁹ Today, the non-discrimination directives are largely adapted to each other and consistently structured.

²¹ Cf. Lund University's Appointment Rules (reg. no STYR 2017/1906), Section 2.2).

²² For a discussion on the new regulation that abolishes study grants for doctoral students, and limits scholarship financing of doctoral students, see SOU 2016:29, pp. 93 ff.

²³ See Section 3.5 for a discussion on academic appointments within the fine, applied and performing arts. – Associate professorship (*docentur*) is not a form of employment but an academic title that is further regulated by the provisions of the respective faculties at Lund University. – This report highlights the career paths leading to professorship, the University's foremost academic post. Professors are important academic leaders, responsible for promoting career paths and career development for their junior colleagues, among other things. Obviously, the continued professional development of individual professors is also important.

²⁴ See e.g. E. Ellis and P. Watson, *EU Anti-Discrimination Law*, 2nd ed. (Oxford University Press, Oxford 2012).

²⁵ The EU Charter of Fundamental Rights stipulates that everyone is equal before the law (Article 20) and that men and women are to be treated equally (Article 23). Article 21 contains an 'open' list of non-discrimination grounds.

²⁶ Directive 2006/54/EG.

²⁷ The Directive covers appointment, including promotion, vocational training, terms of employment including salary, and corporate or profession-based systems for social security.

²⁸ Directive 2000/43/EG.

²⁹ Directive 2000/78/EG.

The Swedish Gender Equality Act was adopted in 1979, and has been revised over the years, influenced by EU law, among other things. The protection against discrimination in working life was drastically expanded in 1999 when Sweden, before adopting the corresponding EU Directives, introduced three new non-discrimination laws, covering ethnicity, religion or other belief, disability, and sexual orientation. Due to the development at EU level towards including new and more grounds of discrimination as well as a wider scope of application, a comprehensive non-discrimination act was adopted in 2008.³⁰

The Discrimination Act replaced the previous non-discrimination legislation, and not only covers multiple grounds of discrimination but also a number of societal areas beyond working life, such as education, active labour market policies, goods and services, healthcare and social welfare. The purpose of the Act is to combat discrimination and in other ways promote equal rights and opportunities regardless of sex, transgender identity or expression, ethnicity, religion or other belief, disability, sexual orientation or age (Chapter 1:1). An employer may not discriminate against a person who is an employee, is enquiring about or applying for work, is applying for or carrying out a traineeship, or is available to perform work or is performing work as temporary or borrowed labour (Chapter 2:1). The Discrimination Act contains rules that prohibit direct and indirect discrimination, inadequate accessibility (in case of disability),³¹ sexual harassment, harassment and instructions to discriminate (Chapter 1:4), and rules on positive action to promote equality between women and men (Chapter 2:2, point 2),³² active measures (Chapter 3) and a shared burden of proof (Chapter 6:3).³³

The rules on active measures were revised in 2016 (Chapter 3).³⁴ Work with active measures in working life now includes all grounds of discrimination, and refers to preventive and promotional efforts to combat discrimination and otherwise

³⁰ See SOU 2006:22 and prop. 2007/08:95.

³¹ See Labour Court judgment AD 2017:51, concerning discrimination on the ground of disability, in the case of a recruitment to a senior lecturer position where the applicant was deaf. The Court found that the accessibility measures that the University would be required to take in order to employ the applicant in question were not reasonable, and that the university did not discriminate against said applicant by terminating the recruitment procedure.

³² Cf. Instrument of Government Chapter 2:13. – Positive action has been widely discussed, but has a significant potential to promote gender equality. The scope for positive action has been clearly limited by the case law of the European Court of Justice, and has subsequently proved difficult to utilise in the higher education sector, due to legal uncertainty and/or caution. However, the judgment by the European Court of Justice clearly leaves room for the continued application of the Swedish practice/rule to appoint the candidate of the underrepresented gender in case of equal or close to equal qualifications. See also S. Fransson and E. Stüber, *Diskrimineringslagen. En kommentar*, 2nd ed. (Norstedts Juridik, Stockholm 2015), pp. 206 ff., A. Numhauser-Henning, ‘Om likabehandling, positiv särbehandling och betydelsen av kön’ in A. Numhauser-Henning (ed.), *Perspektiv på likabehandling och diskriminering* (Juristförlaget i Lund, Lund 2000), pp. 149–183 and A. Numhauser-Henning (guest ed.), *Women in Academia and Equality Law. Aiming High – Falling Short? Denmark, France, Germany, Hungary, Italy, The Netherlands, Sweden, United Kingdom*, R. Blanpain (ed.), *Bulletin of Comparative Labour Relations* 57 (Kluwer Law International, Haag 2006). – The rule regarding positive action which was previously included in HEO 4:16 has now been abolished, see prop. 2009/10:149, p. 68 and the European Court of Justice’s judgment in the Swedish case C-407/98 *Abrahamsson et. al.*

³³ See also S. Fransson and E. Stüber, *Diskrimineringslagen. En kommentar*, 2nd ed. (Norstedts Juridik, Stockholm 2015).

³⁴ See prop. 2015/16:135.

promote equal rights and opportunities. The Discrimination Act provides only a general framework for the work with active measures; the employer, in consultation with the employees, is responsible for developing any concrete measures.³⁵

In the public service agreement concerning higher education institutions for the financial year of 2016, Lund University was tasked with drawing up a plan to develop its gender mainstreaming efforts in order to contribute to the fulfilment of the gender equality policy.³⁶ The plan covers the period 2017–2019 and includes development needs, objectives and activities, and describes how gender equality is to be integrated into the University's regular activities. Lund University has decided that the gender mainstreaming work during this period is to concern the recruitment process for employees, as well as broadened recruitment, widening participation and diversity. An interim goal is that the recruitment of employees to Lund University is to be gender equal and free from discrimination based on gender.

A lack of gender equality and an uneven gender distribution exists within the Swedish higher education sector and at Lund University. In 2017, the proportion of female professors at Lund University was 27%. Against this background, the target for the proportion of women among newly recruited professors has been set to at least 40% in 2016–2020, in accordance with a decision by the University Board, and at least 46% in 2017–2019, in accordance with the Government's decision in the public service agreement.³⁷ In this context, the Vice-Chancellor in 2016 adopted a new procedure to increase gender equality in the recruitment of professors.³⁸ The procedure complements other efforts to promote gender equality, and aims, as far as possible, to ensure that, in the recruitment of professors, there are qualified applicants of both genders before the matter is assessed by external experts.³⁹

³⁵ Active measures means that the employer is to 1) investigate whether there are any risks of discrimination or reprisals, or other obstacles to the equal rights and opportunities of individuals within the organisation, 2) analyse the causes of any detected risks and obstacles, 3) take the preventive and promotion measures that may reasonably be required, and 4) follow up on and evaluate the work, in accordance with points 1–3 above. (Chapter 3:2). The employer's work on active measures shall include working conditions, rules and practices with regard to salaries and other terms of employment, recruitment and promotion, education and other professional development, and opportunities to combine employment and parenthood (Chapter 3:5).

³⁶ See Plan concerning gender mainstreaming at Lund University 2017–2019 (reg. no STYR 2016/466), and Lund University's policy for gender equality, equal opportunities and diversity (reg. no PE 2011/177).

³⁷ See also Numhauser-Henning (guest ed.), *Women in Academia and Equality Law. Aiming High – Falling Short? Denmark, France, Germany, Hungary, Italy, The Netherlands, Sweden, United Kingdom*, R. Blanpain (ed), *Bulletin of Comparative Labour Relations* 57 (Kluwer Law International, Haag 2006).

³⁸ See Vice-Chancellor's decision on new procedures to increase gender equality in the recruitment of professors (reg. no STYR 2016/1133).

³⁹ The faculty boards, or the deans by delegation, are to review the received applications to ensure that there are eligible applicants of both genders, before forwarding the applications to external experts for assessment. If there are no qualified applicants of both genders, the faculty board shall notify the Vice-Chancellor in writing, and provide supporting documents that highlight various gender equality aspects. The Vice-Chancellor will then decide, after a consultation with the relevant faculty board, whether the recruitment is to be suspended or continue in accordance with the standard procedure.

Extensive gender equality and equal opportunities work is currently underway at Lund University and its various faculties, not least with the support of the management team for gender equality and equal opportunities (*Ledningsgruppen för jämställdhet och likabehandling*), and LERU. The efforts include visiting professorship programmes, financial incentives for the recruitment of professors, career development appointees of the underrepresented gender, mentoring and career development programmes, as well as extensive training and seminar programmes for staff and students.

3.3. Recruitment and appointment

The basis of Swedish labour law is the freedom of contract and the freedom to hire. However, the Instrument of Government, Chapter 12 Section 5, states that in decisions regarding government employment, attention shall be paid only to objective factors, such as merit and competence. Section 4 of the Public Employment Act (*lagen om offentlig anställning*)⁴⁰ further specifies that attention shall be paid only to objective factors, such as merit and competence, and that competence shall be a primary consideration, unless there are special reasons to the contrary. Section 4 of the Employment Ordinance (*anställningsförfordningen*)⁴¹ further stipulates that in case of appointment, the public authority shall, in addition to merit and competence, also consider any objective factors that are consistent with general labour market, gender equality, social and employment policy objectives.

The meritocratic system builds on the principle that positions at public authorities – including at higher education institutions – are advertised for open competition. Accordingly, the Employment Ordinance, Section 6, stipulates that a public authority shall announce their intention to appoint someone to ensure that anyone interested in the position can notify their interest to the public authority within a certain period of time. Exceptions to the announcement requirement will only be granted if there are special reasons. Such special reasons may refer to the duty to provide alternative work and the right of priority to re-employment under the Employment Protection Act, and situations when a named researcher has applied for and obtained external research funding for their own research period.⁴² The Administrative Procedure Act (*förvaltningslagen*)⁴³ also sets an important framework for the University's recruitment processes and decisions; a careful observance of the rules regarding conflict of interest in Sections 16–18, for example, is key to an objective and qualitative recruitment.

Lund University's Appointment Rules emphasise that vacancies are to be advertised internationally and with broadly defined subject specialisations to facilitate mobility and international recruitment (Section 1). When a recruitment

⁴⁰ SFS 1994:260.

⁴¹ SFS 1994:373.

⁴² See also the Higher Education Appeals Board, decision 14 Nov 2014 and 17 Oct 2014 and SULF/A. Lundgren, G. Claesson Pipping and K. Åmossa, *Ett spel för galleriet? Om anställningsprocesserna i akademien* (SULF, Stockholm 2018) that includes a critical review of the recruitment processes at Swedish higher education institutions (in which Lund University's Faculty of Engineering is one of the more closely examined faculties), and highlights issues regarding insufficient advertising of vacancies, short appointment notice periods, and a high degree of internal recruitment, among other things.

⁴³ SFS 2017:900.

need has been established, a decision is to be taken on the person specification (*kravprofil*), i.e. the focus of the position, eligibility requirements and assessment criteria, and to advertise the vacancy (Section 3). The subject area of teaching staff positions is to be broadly defined, and only in special circumstances shall a subject area specialisation be indicated (Section 3.1).

The Appointment Rules also contain detailed provisions regarding the recruitment process, such as preparatory recruitment work, the work of the Academic Appointments Board and external expert assessment. These provisions are complemented and specified by regulations at faculty level. Chapter 12 of the Higher Education Ordinance contains rules on recruitment decisions that may be appealed to the Higher Education Appeals Board (*Överklagandenämnden för högskolan*), such as appointment decisions (with the exception of decisions to appoint doctoral students or lecturers through promotion (Chapter 4:12 HEO) and decisions to reject an application for promotion (Chapter 4:13 HEO).⁴⁴

3.4. Fixed-term employment⁴⁵

There is a close relationship between fixed-term employment and employment protection. The regulation of fixed-term employment aims, among other things, to counteract the circumvention of employment protection in the context of indefinite employment. The regulation of fixed-term employment can be found in the EU Fixed-term Work Directive⁴⁶ and in the Employment Protection Act. The Directive has two objectives: to improve the quality of fixed-term work by ensuring that the principle of non-discrimination is applied, and to establish a framework for preventing abuse arising from the application of successive employment contracts or terms of employment (Clause 1). The introduction to the Framework Agreement on Fixed-term Work states that indefinite employment is, and shall continue to be, the main form of employment, but that fixed-term employment in certain circumstances meets the needs of employers and employees. When it comes to measures to prevent abuse of successive employment contracts, the EU member states must (in the absence of equivalent measures) introduce provisions concerning objective grounds for renewed fixed-term employment, on a maximum limit for multiple successive employment contracts, or on how many times a fixed-term contract can be renewed (Clause 5).

According to Swedish law, indefinite employment shall be the rule, and fixed-term employment must be specifically agreed upon. The person who claims that a fixed-term employment has been entered into has the burden of proof. Fixed-term employment may only be entered into under the conditions laid down in Sections 5 and 6 of the Employment Protection Act. Furthermore, the rules on fixed-term employment are semi-compelling – meaning that fixed-term employment can be regulated in collective agreements, such as the central collective agreement on

⁴⁴ See also Lund University's Appointment Rules, Section 3.6. Recently, the issue of the complicated relationship between civil rights regarding employment and public law regarding appeals of public employment decisions has been highlighted in judgments by the Labour Court (*Arbetsdomstolen*) and the Higher Education Appeals Board, see Labour Court judgments AD 2016:74, AD 2018:24 and Higher Education Appeals Board, decision 26 Jan 2018.

⁴⁵ See e.g. M. Rönmar, 'Det svenska arbetsrätts- och arbetsmarknadssystemet i EU – samspel och konflikt under 20 år', *Europarättslig tidskrift*, No 2, 2015, pp. 267–291.

⁴⁶ Directive 1999/70/EG.

postdoctoral fellows – and the provisions on fixed-term employment in special legislation or ordinance – such as the Higher Education Ordinance – take precedence over the rules of the Employment Protection Act (Sections 2 and 3 LAS).⁴⁷ Consequently, the scope for fixed-term employment is particularly large within the higher education sector compared with the labour market in general, something that can be seen in practice when looking at statistics on the proportion of fixed-term appointments within the sector.

The general trend has been towards an increased scope for fixed-term employment. A reform regarding fixed-term employment in 2007 replaced a long list of fixed-term employment contracts with general fixed-term employment (*allmän visstidsanställning*, so-called ALVA), substitute positions (*vikariat*),⁴⁸ seasonal employment (*säsongsarbete*), fixed-term employment for employees over 67 (*tidsbegränsad anställning efter 67 år*), and probationary employment (*provanställning*) (Sections 5 and 6 LAS). The employer is free to enter into a general fixed-term employment contract. Once the employee has been employed through a general fixed-term employment contract or as a substitute for a total of more than two years during the last five years, the employment contract will automatically be converted into an indefinite employment contract, pursuant to Section 5, paragraph 2 LAS.⁴⁹ The time is calculated separately for each form of employment.

In 2007, after the reform, TCO filed a complaint to the European Commission regarding Sweden's insufficient implementation of the fixed-term work directive. After a long process, the Commission issued two reasoned opinions (2013 and 2014) in which they found that the Swedish implementation of Clause 5 of the Fixed-term Work Directive was inadequate. In 2016, after several attempts to revise the regulation on fixed-term employment, a new rule was introduced in the Employment Protection Act. Pursuant to Section 5a, paragraph 2 LAS, a general fixed-term appointment is converted into a permanent position when an employee has been employed on the basis of successive fixed-term employment contracts concerning temporary, substitute or seasonal work, for a total of more than two years.⁵⁰

3.5. Teaching and research positions

3.5.1. Introduction

Teaching positions are regulated in Chapter 3 of the Higher Education Act and Chapter 4 of the Higher Education Ordinance.⁵¹ The Higher Education Act stipulates that higher education institutions shall employ professors and senior lecturers to undertake teaching and research. The Higher Education Ordinance regulates the employment of professors, senior lecturers and associate senior lecturers. After the so-called 'autonomy reform', every higher education institution now controls, in their respective appointment rules, any additional teaching staff

⁴⁷ See also prop. 1973:129, pp. 144 ff. and prop. 1981/82:71, pp. 38 ff.

⁴⁸ Substitute positions must be linked to a person on leave or a vacancy.

⁴⁹ See Labour Court judgment AD 2004:58 regarding such automatic conversion of a substitute senior lecturer at Lund University.

⁵⁰ See prop. 2015/16:62. – The Employment Protection Act also contains rules on information, notice of termination and consultation linked to fixed-term employment.

⁵¹ Doctoral student positions are regulated in Chapter 5 HEO.

categories, as well as the specific eligibility requirements and assessment criteria that apply to each post (cf. Higher Education Act Chapter 3:6 and Higher Education Ordinance Chapter 4:3–4:4a). They may now also enter into collective agreements regarding teaching staff positions, such as the central collective agreement on postdoctoral fellows.

Lund University's Appointment Rules emphasise that good teaching staff are a condition for Lund University to achieve success in teaching, research and engagement with wider society. Lund University is to be an attractive workplace where personal and professional development is promoted. A starting point is that the positions related to education and research are to be indefinite, and that fixed-term teaching positions, such as postdoctoral fellows and associate senior lecturers, are to be used for career development within research and education, and as preparation for a continued academic career (Section 1). The position of associate senior lecturer also includes the right to assessment for promotion to indefinite employment as a senior lecturer (see Section 3.5.2 below).

The Appointment Rules contain the University's rules on recruitment and employments. In view of the faculties' different traditions and conditions, the faculties have the opportunity to further define the eligibility requirements and assessment criteria through their own regulations – which they have largely done, at different levels of detail. However, the faculties may not lower the eligibility requirements.

The Appointment Rules also clarify that Lund University requires that applicants for appointment to lecturer, senior lecturer or professor, as part of their teaching expertise, have completed at least five weeks training in higher education teaching and learning, in accordance with SUHF's national objectives.⁵²

The position of *senior lecturer* is a key teaching position based on research-based higher education, the intertwining of education and research, and collaboration with wider society. The position (including the eligibility requirements and assessment criteria) is regulated in Chapter 4:4 HEO and in Section 3.2.1 of the Appointment Rules. The position of *lecturer* is regulated in the same section of the Appointment Rules. Rules regarding promotion of an indefinitely employed lecturer to a position of senior lecturer are included in Section 4 of the Appointment Rules. Employment as a senior lecturer and lecturer can be limited in time, e.g. general fixed-term employment or substitute employment, in accordance with Section 5 of the Employment Protection Act. The fixed-term appointment can subsequently be converted into indefinite employment as a senior lecturer or lecturer without a public vacancy announcement and expert assessment.

3.5.2. Special rules on research and career development positions

Research positions may be fixed-term in accordance with the Employment Protection Act. Usually, they constitute a general fixed-term appointment, in accordance with Section 5, paragraph 1 LAS (as they are rarely linked to an employee on leave or a vacancy, which is required for substitute employment). A fixed-term research position can automatically be converted into indefinite employment after a certain period of time and according to the provisions of the Employment Protection Act. A department may also choose to employ a researcher

⁵² The Appointment Rules also include provisions on how to handle cases when such teacher training is missing (Section 1).

with a multiannual external research grant, applied for in their own name and in competition, indefinitely from the start of the employment.

According to the Higher Education Ordinance, the examiner must be a higher education teaching staff member.⁵³ Conversely, it follows from the rules of the Higher Education Ordinance and Lund University's Appointment Rules that researchers are not teaching staff, but technical-administrative staff. Researchers may not act as examiners and usually participate only to a small extent in teaching (see also Section 3.6 for a discussion about dismissal of indefinitely employed researchers and Chapter 4 for a discussion about the presence of researcher positions at Lund University and the practical management of these at different faculties and organisations).

Postdoctoral fellow positions are regulated in a central collective agreement.⁵⁴ The agreement applies to appointed postdoctoral fellows, who are mainly to conduct research. Teaching may also be included in their work duties, but at a maximum scope of 20 per cent.⁵⁵ A postdoctoral fellow may be employed until further notice but for no more than two years. Their employment may be extended if there are special reasons (such as leave due to illness, parental leave and clinical service).⁵⁶

From 2001 to 2011, *associate senior lecturer positions* were regulated in the Higher Education Ordinance, but were replaced in connection with the 'autonomy reform' by a more general career development position (Chapter 4:12a HEO) that allowed for local regulation at the higher education institutions. At Lund University, a local collective agreement was reached regarding the position of associate senior lecturer with the right to assessment for a promotion to senior lecturer.⁵⁷

The Government Inquiry on research careers was given the task to investigate possible changes to the career development position under the Higher Education Ordinance, in order to create an attractive research career, and how to counteract the use of successive fixed-term appointments for a long period of time within the higher education sector. The Government Inquiry proposed a reinstatement of the position of associate senior lecturer in the Higher Education Ordinance as part of developing a more attractive and cohesive career system.⁵⁸

⁵³ See UKÄ/Mikael Herjevik, *Rättssäker examination. En vägledning från Universitetskanslerämbetet*, (3rd ed., UKÄ, Stockholm 2017), pp. 30 f.

⁵⁴ See 'Avtal om tidsbegränsad anställning som postdoktor', concluded between the Swedish Agency for Government Employers and the OFR trade union areas within the government negotiation areas, Saco-S, and SEKO.

⁵⁵ A condition for the application of the postdoctoral agreement is that the employee has not previously been employed as a postdoctoral fellow under the current collective agreement for more than one year within the same or related subject area at the same higher education institution/public authority.

⁵⁶ In this report, there is not room for an in-depth discussion on the contested issue regarding scholarships for postdoctoral fellows travelling to and from Swedish higher education institutions, as well as national postdoctoral scholarships (in e.g. economics). This issue also relates to the discussion, and new provision in the HEO, regarding PhD scholarships, see also SOU 2016:29 and SOU 2018:3, as well as Mats Ericsson and Ivar de la Cruz's opinion piece in SvD 'Skandal att staten utnyttjar forskare', 13 June 2018.

⁵⁷ See Local collective agreement on career development posts – associate senior lecturers, reg. no PE 2013/365, between Lund University, Saco-S, OFR/S and SEKO.

⁵⁸ See SOU 2016:29, pp. 197 ff.

Today, the position of associate senior lecturer is regulated in Chapter 4:4a and 12a–12c HEO, and in Lund University's Appointment Rules, Sections 3.2.1 and 4. An associate senior lecturer may be employed until further notice, but at a minimum of four and a maximum of six years, determined by the higher education institution prior to the vacancy announcement. The purpose of the position is to give lecturers the opportunity to develop their independence as a researcher and to gain both research and teaching expertise in order to meet the eligibility requirements for employment as senior lecturer. The appointment can be renewed, for no more than two years in total, if more time is needed to fulfil the purpose of the appointment, on account of the associate senior lecturer's absence due to sick leave, parental leave or other specific circumstances (Chapter 4:12a HEO).⁵⁹

To be eligible for employment as an associate senior lecturer, the person must have a PhD or have obtained the equivalent research expertise. Priority shall be given to a person who obtained a PhD or reached the corresponding level of expertise no more than five years before the time of application for employment as associate senior lecturer. (In the previous local collective agreement, the period was seven years).⁶⁰ Persons who obtained a PhD or the equivalent qualifications prior to that time may be considered if there are special reasons, such as sick leave, parental leave or other similar circumstances (Chapter 4: 4a).⁶¹ Each higher education institution shall determine which assessment criteria are to apply in the appointment of an associate senior lecturer and, in connection with such appointment, lay down the assessment criteria that apply for promotion to senior lecturer. Lund University's Appointment Rules stipulate that the assessment criteria are to include a good ability to develop and implement research, or high-quality artistic research, as well as teaching expertise, and that the assessment in general is to be made on the basis of the approved person specification for the position in question.

An associate senior lecturer shall, on application, be promoted to indefinite employment as a senior lecturer if they meet the eligibility requirements and are deemed suitable for such a post, in accordance with the assessment criteria to be applied in the case of promotion (Chapter 4:12c HEO). Accordingly, the associate senior lectureship constitutes a tenure track position, and the right to an assessment for promotion is not dependent on the future funding of the post, nor on the organisation's educational or research needs at the time of promotion. The strategic assessment of the organisation's needs for an associate senior lectureship – and following a promotion, senior lectureship – is performed at the time of deciding to advertise a post as associate senior lecturer. In case of a subsequent redundancy situation, e.g. due to a lack of funding, it shall be solved by means of the

⁵⁹ Section 12a, third paragraph, stipulates that the rule is semi-compelling, and that deviating regulations may be adopted in collective agreements.

⁶⁰ The Faculties of Science and Medicine, as well as the Young Academy of Sweden have criticised this five-year limit, arguing that it is too short to assess the applicants' independence as researchers. However, the majority of the Faculties at Lund University think that the five-year limit is appropriate and not only enables such an assessment but also counteracts successive fixed-term academic appointments, and enables a rejuvenation of the teaching staff group. There is no legal room for deviating regulation in the Appointment Rules or in collective agreements.

⁶¹ In its response to the Government Inquiry Report, Lund University proposed – for the purpose of increasing the number of associate senior lecturers at the Faculty of Medicine, but without success – that special reasons should also include clinical service, and that the position of associate senior lecturer be possible to combine with employment in healthcare, in accordance with Chapter 4::2 HEO.

employment protection rules with regard to objective grounds, duty to provide alternative work, seniority rules, , and the right of priority for re-employment (see more in Section 3.6).⁶²

The Government Inquiry on research careers also emphasised that employment as an associate senior lecturer is to be preceded by a vacancy announcement issued nationally, and unless there are special reasons, also internationally. External reviewers are to participate in the recruitment process. Mobility should be considered a qualification, and the purpose of the position is to attract the most qualified candidates as well as to promote mobility and gender equality.⁶³ The Government Inquiry also proposed the introduction of a national target – an increase by 50 per cent during the period 2017–2022 – to increase the number of associate senior lecturers.

3.5.3. Special rules on professorships as well as adjunct teaching staff positions, joint appointments and teaching staff within the fine, applied and performing arts

Professor is the foremost teaching staff position. Professors shall, as a rule, be appointed for an indefinite period, with the exception of professors within the fine, applied and performing arts, adjunct professors and visiting professors (Chapter 4:9–12 HEO). Professorships are regulated in the Higher Education Act, the Higher Education Ordinance and Lund University's Appointment Rules. The rules on eligibility requirements and assessment criteria can be found in Chapter 4:3 HEO and the Appointment Rules, Section 3.2.1.

A person can be appointed to professor through competition following a public vacancy announcement, through promotion, and through direct appointment (*kallelse*).

The 'autonomy reform' involved deregulation of the right of indefinitely employed senior lecturers to be assessed for promotion to professor. Lund University chose to retain the opportunity – but to abolish the right – to be promoted to professor. Decisions regarding assessment for promotion to professor at Lund University shall be based on a strategic consideration, including an assessment of whether the employee has made documented contributions to the development of the organisation, and is deemed suitable for promotion. The employee shall demonstrate progress with regard to their teaching and research/artistic expertise, viewed from an overall and long-term perspective, and shall be assessed against the eligibility requirements and assessment criteria for the position of professor (Appointment Rules, Section 4). The faculties have drawn up regulations or developed procedures regarding the specification of eligibility requirements and assessment criteria, as well as for the process of promotion and strategic assessment (see also Chapter 4).

A higher education institution may directly appoint a specific person to professor if the person is of special importance for a particular activity at the institution. The reasons why the person is of special importance must be documented. Only a person who is eligible for appointment may be recruited, and the decision on direct

⁶² In this context, compare the Faculty of Medicine's strategy for teaching staff and researchers, and the two different categories of associate senior lecturer positions and senior lecturer positions, respectively, linked to the financing of the posts, etc. which was discussed therein.

⁶³ See SOU 2016:29, p. 202.

appointment is to be made by the Vice-Chancellor. Lund University has adopted regulations regarding the processing before a decision on direct appointment to the position of professor is taken by the Vice-Chancellor.⁶⁴

A *visiting professor* must fulfil the eligibility requirements for appointment to professor and have a specific expertise of value for the activity in question. After retirement, a professor may be appointed to a fixed-term post as a *post-retirement professor*, in accordance with Section 5, paragraph 4 LAS.⁶⁵ An *adjunct professor* shall be employed until further notice but not beyond a certain date (and no more than twelve years in total) (Chapter 4:11 HEO). According to Lund University's Appointment Rules (Section 2.2.1), an adjunct professor must have their main professional activities outside the higher education sector. The person must meet the eligibility requirements for appointment to professor, but it is possible to deviate from this requirement if the person has unique expertise of special importance to the activity in question, or in order to strengthen the organisation's connection with wider society. *Adjunct senior lecturers* and *lecturers* may also be employed on the basis of a central collective agreement.⁶⁶ Professorships or senior lectureships can be combined with employment at a designated healthcare facility for medical training and research (Chapter 3:8 HEO). Pursuant to the Appointment Rules (Section 2.2.1), such *joint appointments* shall bring clinical skills to teaching and research. A *teaching staff member in the disciplines of fine, applied or performing arts* may be employed for an indefinite period, however for no longer than five years (such an appointment may be extended, but the total period of employment may not exceed ten years (HEO 4:10)). The special ground for fixed-term employment is of great significance to the activities within parts of the Faculty of Fine and Performing Arts, e.g. the education at the Malmö Academy of Music.

⁶⁴ Reg. no STYR 2015/137.

⁶⁵ Pursuant to Section 32a LAS, an employee has the right to remain employed until the end of the month when he or she turns 67. If an employer wishes their employee to leave at such time, the employer must, in accordance with Section 33, give the employee at least one month's notice. In the event of such termination of employment, an objective ground is not required. A broad parliamentary agreement on the increase of the general and mandatory retirement age was reached in 2017 (which included a gradual increase of the mandatory retirement age from 67 to 69). As part of the pursuit of active ageing, Lund University also adheres to the central collective agreement on part-time pension for government employees. – According to the European Court of Justice, rules on mandatory retirement are essentially discriminatory on the ground of age, and may violate the prohibition of age discrimination. However, the European Court of Justice, in the *Hörmfeldt* case, C-141/11 *Torsten Hörmfeldt vs. Posten Meddelande AB*, found that the Swedish rules on mandatory retirement could be justified and were compatible with EU law, see more in A. Numhauser-Henning and M. Rönmar, 'Compulsory Retirement and Age Discrimination – The Swedish Hörmfeldt Case Put in Perspective' in P. Lindskoug *et al.* (eds), *Essays in Honour of Michael Bogdan* (Juristförlaget i Lund, Lund 2013). – Professors may continue to work at the University after they retire, as *professor emerita* and *emeritus*, see more in Föreskrifter om pensionerade professorers verksamhet (reg. no LS 2009/542). – *The Norma Elder Law Research Environment* (www.jur.lu.se/elderlaw) at Lund University's Faculty of Law is conducting extensive and multidisciplinary research on elder law and the legal protection of the elderly.

⁶⁶ See the central collective agreement on fixed-term adjunct lectureships.

3.6. Employment protection

3.6.1. Introduction

The Employment Protection Act applies to both the private and public sector, and contains key rules on employment protection in case of dismissal due to redundancy and personal reasons. This general employment protection is complemented by the provisions in e.g. the Public Employment Act and in collective agreements in the government sector on seniority rules and transition, which are applicable in redundancy situations.

The basic tension between the constitutional and meritocratic system to advertise vacant teaching staff positions publicly for competition and employment protection rules regarding automatic conversion into indefinite employment, duty to provide the employee with alternative work, seniority rules and right of priority for re-employment have already been addressed. Another tension with regard to employment protection is linked to the fact that, in terms of labour law, Lund University is, in principle, to be viewed as *one* employer, while in practice it is multifaceted and characterised by decentralisation and a high degree of self-determination. Furthermore, there is a built-in tension – as in more or less all segmented labour markets – between indefinitely employed teaching staff with good and secure conditions, and a growing group of teaching staff and researchers with fixed-term and/or precarious employment contracts. In this context, creating good and clear career paths for more teaching staff and researchers could increase the risk of redundancy and termination involving more groups of employees in the long term.⁶⁷

3.6.2. Dismissal due to personal reasons or redundancy

Pursuant to Section 7 LAS, dismissal requires an objective ground. Employees are entitled to a statutory notice period, in accordance with Section 11 LAS.⁶⁸ The length of the notice period at Lund University is determined and may be extended in case of redundancy as a result of the Transition Agreement.⁶⁹ In case of

⁶⁷ In this report there is not room for a detailed account of the rules on conflict resolution, information, notice of termination, deliberation and negotiation in case of termination of employees in public service and in higher education. Nor is there room for developing the reasoning regarding the sanctions that might be applicable in the event of breach of the Employment Protection Act, see more in A. Andersson *et al.*, *Arbetsrätten i staten*, 2nd ed. (Studentlitteratur, Lund 2004) and K. Källström and J. Malmberg, *Anställningsförhållandet. Inledning till den individuella arbetsrätten*, 4th ed. (Iustus, Uppsala 2016). – For an in-depth analysis of Swedish employment protection, see M. Rönnmar, *Arbetsledningsrätt och arbetsskyldighet. En komparativ studie av kvalitativ flexibilitet i svensk, engelsk och tysk kontext* (Juristförlaget i Lund, Lund 2004) and A. Numhauser-Henning and M. Rönnmar, 'Det flexibla svenska anställningsskyddet', *Juridisk Tidskrift*, 2010–11, pp. 382–411.

⁶⁸ Summary dismissal, on the other hand, means that the employer terminates the employment effective immediately (Sections 4 and 18 LAS). Summary dismissal may only take place if the employee has grossly neglected their undertakings towards their employer.

⁶⁹ See the Transition Agreement (*Avtal om omställning*) concluded between the Swedish Agency for Government Employers and the OFR trade union areas within the government negotiation areas, Saco-S, and SEKO, that replaced the previous Security Agreement (*Trygghetsavtal*). The purpose of the Transition Agreement is to support the primacy of work and the individual's opportunity for a longer professional life, as well as the change and restructuring of government organisations required at each time.

dismissal due to redundancy, the employee is given longer notice through the Transition Agreement than through the Employment Protection Act or other central collective agreements. The total period of notice of termination can amount to a maximum of 12 months.

An employee may be dismissed due to either redundancy (*arbetsbrist*) or personal reasons (*personliga skäl*). Redundancy covers all grounds for dismissal not related to the employee personally, including financial, organisational or other operational reasons. Redundancy is essentially an objective ground for dismissal. The provisions of the Employment Protection Act are based on the premise that dismissal is considered the result of either redundancy or personal reasons.⁷⁰

The starting point for the statutory employment protection is that the employer is to avoid layoffs as far as possible, giving notice of termination only as the last resort. Before the employer goes so far as to give an employee notice, the employer is obliged first to take action to rectify the problem using less invasive measures.⁷¹ Redundancy always constitutes an objective ground, whereas dismissal for personal reasons requires a more thorough review of the employer's decision, considerations and actions. The Swedish Labour Court (*Arbetsdomstolen*) weighs the employer's interest in terminating the employment and the employee's interest in retaining the employment. The Court will consider whether the employer has sufficiently tried to avoid dismissal by taking other less invasive measures, such as provision of alternative work, rehabilitation, adaptation, or education. The employer's obligations in this context have been summarised in the employer's duty of loyalty in case of dismissal. In the consideration, major emphasis is placed on (in addition to the size of the workplace, the position of the employee and the length of employment) whether the employer, through warnings or other measures, has made the employee aware of the risk of dismissal, thereby giving her or him an opportunity to improve. A key element of consideration is the conclusions regarding the employee's continued suitability for work that can be drawn from the events in question.

3.6.3. Duty to provide alternative work, seniority rules, right of priority for re-employment and transition

Objective grounds for dismissal do not exist where it is reasonable to require the employer to provide alternative work for the employee (Section 7, paragraph 2 LAS). The employer is required to conduct a thorough relocation investigation. The employer's obligation to provide alternative work is extensive, and essentially covers the entire organisation – not only the division, department or faculty, but all of Lund University. However, the employer is not obliged to create a new position. Relocation is only relevant if the employee has sufficient qualifications to perform the new work duties. The employer shall primarily try to provide alternative work to the employee within the scope of their existing employment contract and, only

⁷⁰ The Labour Court has also developed principles for so-called 'mock redundancy' (*fingerad arbetsbrist*) and 'fragmented motivation' (*splittrad motivbild*) in situations where the boundary between redundancy and personal reasons is more unclear, see e.g. the recent Labour Court judgment AD 2017:58.

⁷¹ See prop. 1981/82:71, p. 65. See also Labour Court judgment AD 1993:101.

as a second option, offer the employee another, preferably equivalent, position within the organisation.⁷²

The seniority rules, according to the Employment Protection Act, regulate which employees are to be dismissed due to redundancy. The order of termination is determined by the last-in-first-out principle (Section 22 LAS). Employees who have been employed for a long time have priority over those who have been employed for a shorter period of time, and, in case of equally long employment, seniority in terms of age is given priority. The order is determined within the scope of a redundancy unit, which in turn relates to the production unit and the collective agreement area. If the employee needs to be relocated to be able to continue to work at the employer, a condition for the right of priority is that the employee has sufficient qualifications to perform the work. The basis for the assessment is that the employee holds the general qualifications normally required by someone seeking employment for the post in question. Accordingly, a comparison is to be made, taking into account the qualifications that the employer would normally require for a new appointment to the post concerned. The employee is not required to fully master the new duties from the outset, but they must be able to acquire the relevant skills within a reasonable period of time. A brief learning period is to be expected, but the employee is not entitled to complete retraining.⁷³

The seniority rules are semi-compelling, which means that the detailed content of the redundancy unit, as well as other general issues, may be decided and specified in collective agreements. This has been done for government employees, through the collective agreement, the TurA-S seniority rules agreement, which applies to Lund University.⁷⁴ In contrast to the provisions of Section 22 LAS, Section 3 of the collective agreement states that the order of termination shall apply to employees with generally equivalent work duties at the public authority in the city where the redundancy exists.⁷⁵ A consequence of this rule is that indefinitely employed researchers who are given notice due to redundancy when their external research funding has been spent (sometimes far in advance as the notice period may be twelve months) are often considered a so-called 'one-person redundancy unit', since there is no other person with comparable work duties. The case is often different when it comes to senior lecturers being dismissed due to redundancy, as

⁷² See e.g. Labour Court judgment AD 2016:15, which concerned Blekinge Institute of Technology giving notice to two senior lecturers in sociology due to redundancy, and the question of whether the employer was obliged to relocate them to two vacancies as senior lecturer in the field of nursing/healthcare science, and whether the employees had sufficient qualifications for the vacancies. The Labour Court found that the persons in question did not have a doctorate in nursing/healthcare science, nor academic qualifications comparable to such a degree, which, according to the Labour Court, meant that they did not fulfil the – neither unjustified nor excessive – basic qualification criteria for the position of senior lecturer in the subject that could not be solved by e.g. general academic and teaching expertise, long academic experience or period of learning. The persons in question were therefore found not to be sufficiently qualified for the posts.

⁷³ See prop. 1981/82:71, pp. 56 f.

⁷⁴ In a concrete situation of redundancy, the seniority rules in the Employment Protection Act can also be modified or disregarded by means of a collective agreement concluded between the employer and the trade union (a so-called *avtalssturlista*), even at local level (Section 2, paragraph 3 LAS).

⁷⁵ The Labour Court has established case law in relation to the collective agreement Tur-AS, see e.g. Labour Court judgments AD 1997:33 and AD 2010:94. See also e.g. A. Andersson *et al.*, *Arbetsrätten i staten*, 2nd ed. (Studentlitteratur, Lund 2004), pp. 292 ff.

senior lecturers are active in both teaching and research in a wider subject area and several employees could be considered to have comparable work duties.

According to Section 25 LAS, employees who have been dismissed due to redundancy have the right to priority for re-employment in the organisation where they previously worked. The same applies to employees who have been employed for a fixed term, in accordance with Section 5 LAS, such as a substitute senior lecturer or lecturer, or researcher employed on a fixed-term basis, whose contracts were not extended due to redundancy. A condition for the right of priority, however, is that the employee has been employed by the employer for a total of more than twelve months in the last three years, and has sufficient qualifications for the new position. The right of priority applies from the time of termination or notice of termination and until nine months after the actual termination took effect. The right of priority applies within the production unit and collective agreement area where the employee worked at the time when the previous employment was terminated.⁷⁶ The Instrument of Government, the Public Employment Act and the Employment Ordinance give the right of priority a somewhat different meaning for employees in the government sector, including at Lund University, compared with in the private sector.⁷⁷

In the Swedish labour law and industrial relations system, the security and transition agreements are a significant complement to statutory employment protection, unemployment insurance and active labour market policy. The Transition Agreement in the government sector, which replaced the previous Security Agreement a few years ago, applies to dismissal due to redundancy and the expiration of fixed-term employments. The qualification periods and the right to support vary depending on the form of employment and qualification period. The Transition Agreement involved limitations to the protection of fixed-term employees (which SULF, during the negotiations, disagreed to), which is of great importance to doctoral students, as well as to researchers and teaching staff employed on a fixed-term basis. In case of dismissal due to redundancy, the Transition Agreement may entitle employees to individual support from the Swedish Job Security Foundation, for the purpose of gaining new employment or starting their own business, and to various forms of financial compensation.

⁷⁶ According to TurA-S Section 7 – which replaces Section 25, paragraph 3 LAS, and applies in situations when the employer has several production units or different collective agreement areas – the order in relation to the right of priority for re-employment is to involve employees at the public authority.

⁷⁷ See e.g. A. Andersson *et al.*, *Arbetsrätten i staten*, 2nd ed. (Studentlitteratur, Lund 2004), pp. 312 ff. and 292 ff.

4. Career paths, employment patterns and talent management at Lund University

This chapter aims to present and analyse current employment patterns and career paths at Lund University, and the work to create good and clear career paths. However, due to the limited scope of the report, it is only possible to highlight a small number of specific issues and examples. Furthermore, the recommendations regarding the continued work on good and clear career paths presented in Chapter 5 are largely based on the experience and wishes of the faculties, expressed during meetings with various representatives of the organisation, as well as on other input received.⁷⁸

The report from the Government Inquiry on research careers includes a discussion on a number of overall trends regarding employment patterns and appointments at Swedish higher education institutions. In 2001–2014, there was a drastic increase in the number of professors (77 per cent) and senior lecturers (52 per cent) respectively. During the same period, there was also a major increase in the category of other research and teaching staff with a doctorate (76 per cent). The number of postdoctoral fellows increased tenfold from 2006 to 2014, while there was only a small increase in the number of career development positions of research fellows (*forskarassistent*) and associate senior lecturers in the period 2001–2014.

The proportion of women has increased in all categories, except among postdoctoral fellows where there has been a slight decrease. Furthermore, it is underlined that there is a large element of internal recruitment, and a small element of mobility. Most teaching staff and researchers with a doctoral degree obtained it at the same higher education institution.⁷⁹ A report from the Swedish Research Council in 2016 shows that, when considering all subjects, just over 60 per cent of the professors at large higher education institutions had been recruited internally. More than 60 per cent of the career development appointees had obtained a PhD from the same higher education institutions as where they were employed. The highest degree of international recruitment, and the lowest degree of internal recruitment, was found among postdoctoral fellows at large universities.⁸⁰

The two images below show employment patterns at Lund University and the occurrence of different types of employment during the period 2008–2017, as well as the gender distribution in different categories of teaching and research positions. National trends are apparent also at Lund University. Between 2008 and 2017, the number of employees in the category ‘Other research and teaching staff’ significantly increased. The number of career development posts was relatively small in 2017 (197 full-time equivalent postdoctoral fellows and 120 full-time equivalent associate senior lecturers) and has been relatively stable throughout the

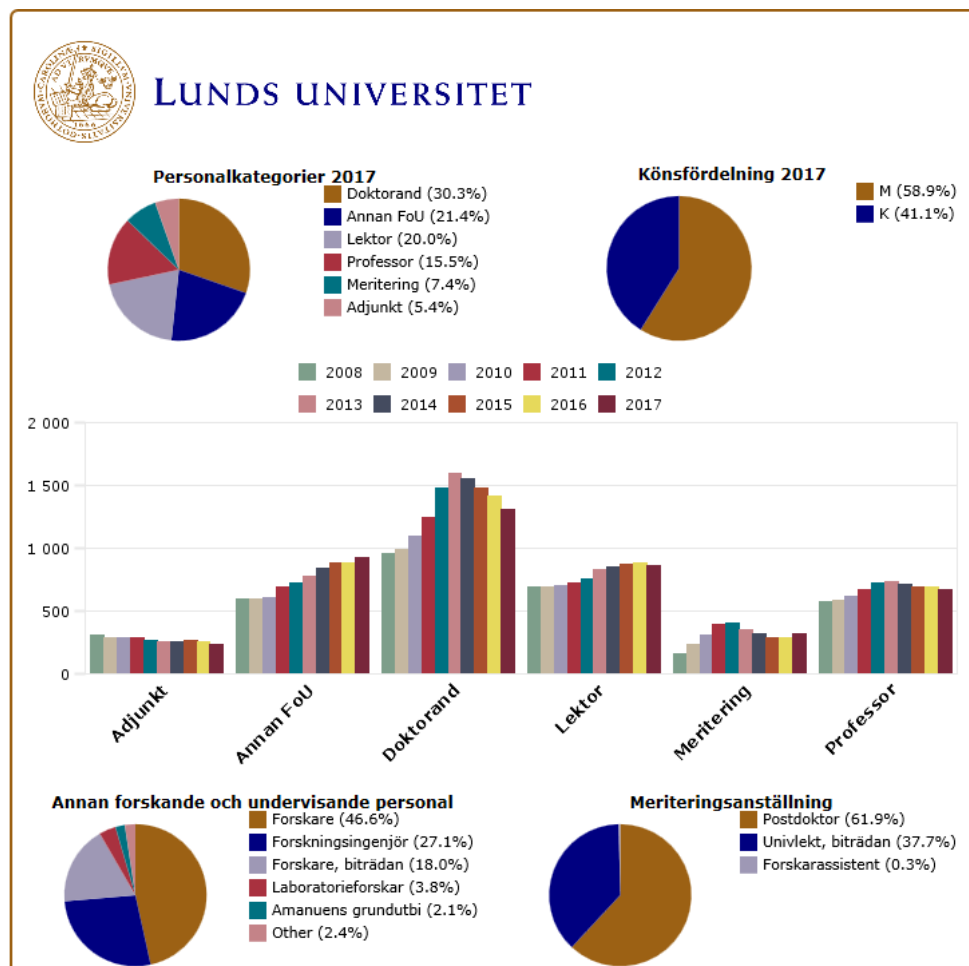
⁷⁸ See e.g. also SOU 2016:29 which has good examples from other higher education institutions in Sweden and abroad, and LERU, *Tenure and Tenure Track at LERU Universities: Models for Attractive Research Careers* in Europe, LERU Advice Paper, No 17, September 2014 and LERU, *Delivering talent: Career of researchers inside and outside academia*, LERU Position Paper, June 2018.

⁷⁹ See SOU 2016:29, pp. 170 ff.

⁸⁰ See Vetenskapsrådet/S. Gerdes Barriere, P. Baard and J. Nordstrand, *Rekrytering av forskare och lärare med doktorsexamen vid svenska lärosäten. En strukturell analys av lärosätenas rekrytering – internt, nationellt och internationellt* (Vetenskapsrådet, Stockholm 2016).

period. More than 60 per cent of the career development positions are postdoctoral fellow positions.

There is an uneven gender distribution in the professor and senior lecturer category, where women are in minority. What is striking is that men are also overrepresented in the career development, doctoral student and other research and teaching staff categories.⁸¹



Staff categories 2017

Doctoral students
Other research and teaching staff
Senior lecturers
Professors
Career development staff
Lecturers

Gender distribution 2017

M
F

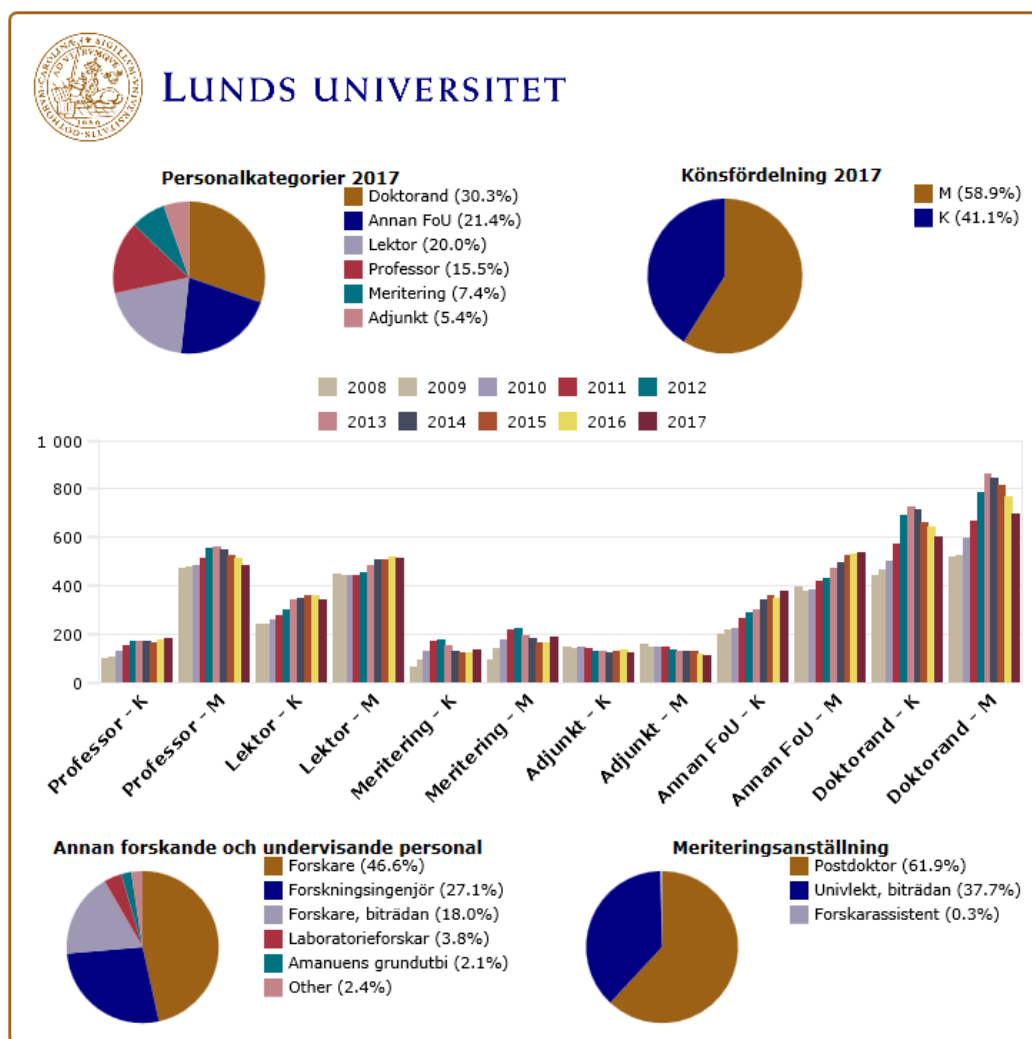
⁸¹ The information regarding the statistical material was retrieved from KUBEN.

Other research and teaching staff

Researchers
Research engineers
Associate researchers
Laboratory researchers
Teaching assistants
Other

Career development positions

Postdoctoral fellows
Associate senior lecturers
Research fellows



All faculties recognise recruitment and talent management as prioritised organisational issues, and a lot of effort is devoted to the recruitment process. In this context, issues relating to public calls for applications and the design of person specifications are particularly important, not least in order to increase the recruitment base and promote external recruitment, gender equality, diversity and internationalisation. As a rule, vacancies shall be advertised for open, and preferably international, competition. Meanwhile, as shown by the discussion in

Chapter 3, there is a certain scope for exemption in the form of special reasons, in accordance with Section 6 of the Employment Ordinance. I would argue that this exception should be used when justified. Announcements of vacant posts that are based on external research funding, applied for and to be carried out by a specific named researcher, may be considered ‘playing to the galleries’ and may result in the loss of confidence in the recruitment process, at least if a ‘incorrect’ outcome of the process (i.e. someone other than the named researcher is found to be best qualified) leads to an interruption of the recruitment process.⁸² Another point is that one should strive to design research applications so that funds for e.g. postdoctoral fellow positions, that can be advertised for open and international competition, are included in the research project. In this context, it is also important to distinguish between the requirement for vacancy announcement – which may be waived under for special reasons – and the requirement for expert assessment and processing by the Academic Appointments Board, which should never be waived.

Lund University’s Appointment Rules emphasise the importance of advertising vacancies internationally and with broadly defined subject specialisations, which are only to be specified under special circumstances. Vacancy announcements designed for a specific person violate the fundamental meritocratic principles and may not occur. Such practice leads to internal recruitment, limited gender equality and mobility and, in the long term, risks seriously undermining trust in the meritocratic system and recruitment processes at Lund University. As a result, future qualified applicants may be discouraged from applying for vacancies in the belief that there is already an internal candidate lined up, even when this is not the case. In this context, however, you must also be aware that vacancy announcements, for career development posts etc., with overly broad subject areas, may result in unmanageable recruitment processes with such a large number of applicants that it may be difficult to implement a selection based not only on quantitative but also qualitative criteria. In such a recruitment process, it is also a challenge to find experts with sufficiently broad subject expertise and time to carry out the extensive work. In some cases, there may be legitimate organisational needs to announce more specialised positions, for example, when it comes to joint appointments in the medical field. In such cases, it is particularly important to take other proactive measures to secure the widest recruitment base possible, which also take gender equality into account and promote an even gender distribution.

Several faculties are currently making interesting investments in early career researchers, including vacancy announcements for career development positions financed by direct government funding. In 2007 and for a number of years, Lund University, under the management of Vice-Chancellor Göran Bexell and Deputy Vice-Chancellor Ann Numhauser-Henning, made an ambitious and forward-looking investment in a large number of career development positions (postdoctoral fellows, research fellows and associate senior lecturers).⁸³ The investment also included career development programmes such as Academic Traineeship and LUPOD. A topical issue at Lund University today is how better to link the recruitment of promising early career researchers and good and clear career paths to successful participation in research excellence programmes (such as

⁸² SULF’s report on the recruitment processes in higher education stresses that vacancy announcements do *not* need to be issued in such cases, see SULF/A. Lundgren, G. Claesson Pipping and K. Åmossa, *Ett spel för galleriet? Om anställningsprocesserna i akademien* (SULF, Stockholm 2018).

⁸³ In 2007, Ann Numhauser-Henning as a Head of a Government Inquiry also presented a report on academic career paths, see SOU 2007:98, *Karriär för kvalitet*.

ERC Starting/Consolidator/Advanced Grants, and Wallenberg Academy Fellows) (see more in Chapter 5, point 3).

Today, a postdoctoral fellow position at another, preferably international, higher education institution is a key part of the career path at an increasing number of university faculties. In this context, the issue of postdoctoral scholarships becomes relevant (see Section 3.5.2 above). In addition to the issue of the lack of social insurance protection in these situations, there may be (e.g. tax) difficulties when combining postdoctoral scholarships with employment at Lund University. There are also challenges – which must be addressed – with integrating postdoctoral fellows in the broader working environment of the department and offering them teaching opportunities, teaching qualifications and other forms of career development. Here, it is important that Lund University takes a broad approach and strives to offer the same career support to all postdoctoral fellows at the University as well as to all of its career development appointees. Extensive and interesting work is already underway with regard to professional development and career support at Lund University and its various faculties, and in the present report there is only space for a few examples. At university-wide level, within Human Resources for example, interesting work is underway to develop a wider career support package for doctoral students, teaching staff and researchers at different stages of their careers. Research Services is also focusing on clarifying the career path of seeking external research funding and the research support that can be offered. The Faculty of Engineering (LTH) has developed a highly useful professional development plan for career development appointees (linked to their recruitment and career paths strategy for teaching staff), which the Faculty of Law has also begun to apply, in an adapted form. The Faculty of Medicine's Careers Centre offers a multidimensional career support, and many faculties offer courses for potential associate professors, often in collaboration between different faculties (e.g. at the Faculty of Social Sciences and School of Economics and Management).

The report of the Government Inquiry on research careers emphasises that increased use of associate senior lecturer positions can contribute to increased external and international recruitment, which has been confirmed in discussions with the faculties. At this level of a person's career, Lund University is an attractive employer, also from an international perspective. The difficulties are much greater when it comes to recruiting professors from abroad. In this context, it is also important to have an active dialogue with research councils and research funders to promote further investments in career development positions (see also Chapter 5, point 3). Here, it is worth mentioning the Faculty of Law's pilot project in collaboration with the Ragnar Söderberg Foundation that involved recruitment to associate senior lectureships. It combined an external funder's interest in funding excellent research with the faculty's interest in promoting good and clear career paths, and in finding promising early career researchers and teaching staff, through a public and international recruitment process, to meet the strategic talent management needs of the faculty.

When it comes to employment protection, this inquiry revealed clear requests for further support from Human Resources in difficult cases of redundancy and dismissal. It is also important to avoid automatic conversion into indefinite contracts (so-called '*in-lasning*'), especially for senior lecturers, as such practice is contrary to the meritocratic principles of vacancy announcements for open competition. In this situation, it is important to have active direction and allocation of work, professional human resources, a proactive approach and developed career support for recent PhD graduates and postdoctoral fellows.

Research positions offer limited opportunities to acquire teaching qualifications, are relatively insecure (even when they involve indefinite contracts) as they are often directly linked to the access to external research funds, and do not entitle the person to be assessed for promotion to senior lecturer or professor. Researchers can, of course, apply for teaching positions that are advertised for open competition. However, against this background, certain faculties have developed a practice (without clear legal support in the regulatory framework) which means that an indefinite employment as a researcher is converted or re-regulated into an indefinite position as a senior lecturer or that the person in question is offered such a post. It is often preceded by a strategic assessment at department and/or faculty level, and sometimes also an expert review. This practice has some similarities with the automatic conversion into senior lectureship (*'in-lasning'*) in that some people are 'handpicked' or considered for appointment to senior lecturer without having applied for such employment in open competition.

At the faculties, there are lively discussions about the strategic choice between appointing professors through direct recruitment, public calls for applications and promotion. The procedure for promotion to professor also differs between the faculties. Furthermore, the strategic considerations are made in different ways and at different levels. Certain faculties state that basically all senior lecturers who so wish are assessed for promotion, whereas the Faculties of Humanities and Theology, for example, have, for financial reasons among other things, felt forced to put a stop to promotions. To the faculties, it is about finding the optimal balance between advertising professorships and promoting mobility, internationalisation and gender equality, and the importance of offering good career paths for indefinitely employed senior lecturers.

5. Recommendations regarding the continued work to ensure good and clear career paths at Lund University

5.1. Introduction

Lund University is a full-scale, research-intensive, multifaceted and decentralised university. The inquiry has shown that the traditions and conditions greatly differ between the University's different faculties and organisations, which in turn complicate the introduction of a unified and coherent career system. However, promoting good and clear career paths in all areas of the organisation is of paramount importance for Lund University – as demonstrated not least in the strategic analysis in Chapter 2. It is very important that the work in this area is governed by common principles and rules on e.g. meritocracy and academic values, the highest quality in, and intertwining of, education and research, gender equality and equal opportunities as well as internationalisation. The following section therefore presents ten recommendations regarding the continued work to promote good and clear career paths at Lund University. Each recommendation is accompanied by a short text that illustrates the meaning of the recommendation and suggests concrete efforts.

5.2. Recommendations

1. Develop the strategic, long-term and proactive work to ensure good and clear career paths, recruitment and talent management at all levels of the organisation.

Draw up talent management plans at university, faculty and department levels to support this work, and have continuous discussions and recurring reviews, in connection with, for example, annual budget and organisational discussions, as a way to develop the work. Actively collaborate with other higher education institutions within the framework of LERU and U21 for inspiration, support and comparison in these efforts. Closely link operative and everyday decisions in this area to strategic and long-term objectives. Offer leadership training to managers and leaders at different levels of the organisation, to prepare them for developing this strategic work, prioritising and making difficult employer and managerial decisions regarding recruitment, appointment and applications for external research funding.

2. Develop the work on recruitment, and ensure that all recruitment processes carefully observe the principles of meritocracy, objectivity and transparency.

Develop the work on recruitment and all aspects of the recruitment processes. Develop university-wide support as well as collaboration and exchange of experience of recruitment between faculties, in areas such as gender mainstreaming, the establishment of clear and sufficiently broad person specifications, international vacancy announcements and proactive work to secure

a broad recruitment base, training of members of the Academic Appointments Boards and instructions for external experts.

3. Use career development positions – particularly associate senior lecturer positions, but also postdoctoral fellow positions – to a large degree and as a clear step in ensuring a coherent academic career system.

Analyse challenges and obstacles within each faculty to increase the use of career development positions, and find ways to overcome these obstacles. Set aside special resources for investments in career development positions and early career researchers and teaching staff, and give faculties and departments incentives and instructions on how to use career development positions. Involve career development appointees in education, research and external engagement and utilise them and their ideas in organisational development, management and administration. Conduct an active dialogue with research councils, research funders and other stakeholders to promote investments in this area. Further investigate how the use of career development positions (as well as direct appointment of professors at a more senior level) can increase Lund University's successful participation in research excellence programmes. In this context, the Research Services Office also plays a key role.

4. Introduce more specific regulation on associate senior lecturer positions in the Appointment Rules.

Ensure that the regulation fulfils the purpose of the associate senior lecturer position, that teaching staff are given the opportunity to develop independence as a researcher and to gain both research and teaching expertise in order to meet the requirements for employment as senior lecturer. Give each faculty the power to make a strategically based decision – with reference to good and clear career paths, recruitment and talent management – on a general/faculty-wide standard concerning the length of employment for associate senior lecturers. The length of employment must be stated in the vacancy announcement for the post. Develop clear support for professional and career development for associate senior lecturers (see more under point 6). Ensure that appointments to associate senior lecturer are preceded by vacancy announcements issued both nationally and internationally. Mobility and international experiences of different kinds should be considered qualifications for employment, and a purpose of the associate senior lectureship is to attract the best qualified candidates as well as to promote mobility and gender equality. (The same should apply to postdoctoral fellow positions.)

5. Significantly decrease, and strive to ultimately avoid, the use of research positions, especially indefinite research positions and part-time research positions involving a low rate of employment.

Analyse challenges and obstacles within each faculty to decrease the use of research positions, and find ways to overcome these obstacles. Examine the group of researchers and other research and teaching staff more closely to develop appropriate measures. Work on strategy, procedures and measures to avoid, as far as possible, new research appointments, and to find solutions and promote good and clear career paths, both within and outside academia, for already employed

researchers. Work to promote broader subject and teaching expertise to facilitate the use of career development appointments and other teaching positions. Provide support to heads of department/equivalent and division heads so that they can take a more active role, and make difficult employer and management decisions (see also point 1).

6. Develop the support for the enhancement of academic qualifications, professional development and career development.

Develop the support for the enhancement of academic qualifications, professional development and career development – within and outside academia – for individual teaching and research staff at different stages of their careers, starting already on the PhD programme. Combine faculty-wide interdisciplinary initiatives at university level with faculty- and department-specific initiatives, and make sure that the opportunities are offered in both Swedish and English to include the University's international employees. Combine the widely offered support that includes digital features with specialised, more developed, university-wide programmes that include elements of networking and mentorship (similar to the previous Academic Traineeship and LUPOD programmes). Develop the introduction of new employees, especially international employees (see more under point 8). Use active collaboration within LERU and U21 for inspiration, support and comparison in this work.⁸⁴

7. Develop the active preventive and systematic work on issues concerning gender equality and equal opportunities.

Develop the university-wide support, collaboration and exchange of experiences between the faculties with regard to gender equality and equal opportunities issues. Continue actively to use the collaboration within LERU and U21 for inspiration, support and comparison in this work. Use existing research, including various studies on gender equality and equal opportunities at Lund University as a starting point, and include teaching and research staff at Lund University, with specialist expertise in the field, in the work. Systematic and preventive work includes, for example, active measures, recruitment to various types of employment (but also nominations, appointment of representatives to different bodies, appointment of grading committees, etc.), direction and allocation of work and employment conditions. Alongside the continued focus on the uneven gender distribution among professors, it is equally important to pursue active gender equality work in the recruitment of other teaching staff, especially with regard to postdoctoral fellow positions and associate senior lecturer positions.

8. Develop Lund University as an international higher education institution, and ensure an international perspective in all activities and that the University is attractive and inclusive to all international staff.

Ensure that vacancies are announced publicly, widely and internationally (and that sufficient information is given about the benefits of working at Lund University, and of residing and living in Sweden (e.g. the particularly good opportunities for

⁸⁴ See e.g. LERU, *Delivering talent: Career of researchers inside and outside academia*, LERU Position Paper, June 2018.

combining working life and family life)). Develop the introduction of international staff as well as the continued support, within the scope of employment, for the enhancement of academic qualifications, professional development and career development. The Swedish language is the official language at Lund University, and many courses and study programmes are taught in Swedish. Swedish language studies (as well as time and support for such studies) play a particularly important role in integrating international employees into education, the work environment, collegial cooperation and leadership of the department and faculty. At the same time, it is important that all crucial information is available in English, and that education, research and external engagement can be developed through communication in English at Lund University to enable the University to maintain and strengthen its position in today's global research and education landscape. It is also important that requirements for Swedish language skills are not imposed too early in the academic career, which would limit international mobility and the range of applicants for e.g. career development positions.

9. Investigate how to further encourage collaboration with wider society and increase the quality of education and research through active work on recruitment, different types of employment (e.g. adjunct and joint appointments) and talent management.

One suggestion is to appoint a working group of representatives from different faculties and organisations (including, but not limited to, the Faculty of Fine and Performing Arts, the Faculty of Engineering, the Faculty of Medicine and MAX IV, who all specifically raised this issue during the inquiry), with the task of highlighting various aspects of this form of collaboration with wider society, and proposing future measures. In this context, it is also interesting to further investigate existing forms of funding in this area, such as the Flexit initiative by the Swedish Foundation for Humanities and Social Sciences. You should also highlight how the organisation and employees of MAX IV, for example, can be more closely linked to the faculties and their education, research and external engagement through adjunct or joint teaching positions, supervision of doctoral students and joint PhD and postdoctoral fellow positions. A clear academic link to, and collaboration with, Lund University is a way to create good and clear career paths at MAX IV, and to increase the opportunity to attract and retain competent staff.

10. Review the Appointment Rules.

Conduct a thorough review and amend the Appointment Rules in view of the present inquiry and its recommendations, among other things. Involve the University Management, academic leaders at different levels, teaching and HR staff, students and trade unions in the review work. Also examine the design of the Appointment Rules with regard to their use and different target groups. Make sure that the design is clearly organised and consistent in relation to binding legislation and other regulation. Find inspiration for the review in the appointment rules and similar documents from other higher education institutions.

6. References

- A. Andersson *et al.*, *Arbetsrätten i staten*, 2nd ed. (Studentlitteratur, Lund 2004).
- G. Bexell, *Akademiska värden visar vägen* (Atlantis, 2011).
- A. Bienenstock *et al.*, *Utbildning, forskning och samverkan. Vad kan svenska universitet lära av Stanford och Berkeley?* (SNS förlag, Stockholm 2014).
- European Commission, *The Code of Conduct for the Recruitment of Researchers*, Directorate-General for Research (Office for Official Publications of the European Communities, Luxembourg 2005).
- European Commission, *The European Charter for Researchers*, Directorate-General for Research (Office for Official Publications of the European Communities, Luxembourg 2005).
- European Commission, *European Research Area Progress Report 2016, Report from the Commission to the Council and the European Parliament, The European Research Area: Time for implementation and monitoring progress*, COM(2017) 35.
- S. Fransson and E. Stüber, *Diskrimineringslagen. En kommentar*, 2nd ed. (Norstedts Juridik, Stockholm 2015).
- K. Källström and J. Malmberg, *Anställningsförhållandet. Inledning till den individuella arbetsrätten*, 4th ed. (Iustus, Uppsala 2016).
- LERU, *Women, research and universities: excellence without gender bias*, LERU Position Paper, July 2012.
- LERU, *Tenure and Tenure Track at LERU Universities: Models for Attractive Research Careers in Europe*, LERU Advice Paper, No 17, September 2014.
- LERU, *Implicit bias in academia: A challenge to the meritocratic principle and to women's careers – And what to do about it*, LERU Advice Paper, January 2018.
- LERU, *Delivering talent: Career of researchers inside and outside academia*, LERU Position Paper, June 2018.
- A. Numhauser-Henning, 'Om likabehandling, positiv särbehandling och betydelsen av kön' in A. Numhauser-Henning (ed.), *Perspektiv på likabehandling och diskriminering* (Juristförlaget i Lund, Lund 2000), pp. 149–183.
- A. Numhauser-Henning (guest ed.), *Women in Academia and Equality Law. Aiming High – Falling Short? Denmark, France, Germany, Hungary, Italy, The Netherlands, Sweden, United Kingdom*, R. Blanpain (ed.), *Bulletin of Comparative Labour Relations* 57 (Kluwer Law International, Haag 2006).
- A. Numhauser-Henning and M. Rönnmar, 'Det flexibla svenska anställningsskyddet', *Juridisk Tidskrift*, 2010–11, pp. 382–411.
- A. Numhauser-Henning and M. Rönnmar, 'Compulsory Retirement and Age Discrimination – The Swedish Hörnfeldt Case Put in Perspective' in P. Lindskoug *et al.* (ed.), *Essays in Honour of Michael Bogdan* (Juristförlaget i Lund, Lund 2013).
- OECD, *Transferable Skills Training for Researchers: Supporting Career Development and Research* (OECD, 2012).

- Prop. 1973:129, Government Bill, *Kungl. Maj:ts proposition med förslag till lag om anställningsskydd m.m.*
- Prop. 1981/82:71, Government Bill, *Om ny anställningsskyddslag m.m.*
- Prop. 2007/08:95, Government Bill, *Ett starkare skydd mot diskriminering.*
- Prop. 2009/10:149, Government Bill, *En akademi i tiden – ökad frihet för universitet och högskolor.*
- Prop. 2015/16:62, Government Bill, *Skärpta åtgärder mot missbruk av tidsbegränsade anställningar.*
- Prop. 2016/17:50, Government Bill, *Kunskap i samverkan – för samhällets utmaningar och stärkt konkurrenskraft.*
- Prop. 2015/16:135, Government Bill, *Ett övergripande ramverk för aktiva åtgärder i syfte att främja lika rättigheter och möjligheter.*
- M. Rönnmär, *Arbetsledningsrätt och arbetsskyldighet. En komparativ studie av kvalitativ flexibilitet i svensk, engelsk och tysk kontext* (Juristförlaget i Lund, Lund 2004).
- M. Rönnmär, 'Det svenska arbetsrätts- och arbetsmarknadssystemet i EU – samspel och konflikt under 20 år', *Europarättslig tidskrift*, No 2, 2015, pp. 267–291.
- SOU 2006:22, Government Inquiry Report,, *En sammanhållen diskrimineringslagstiftning.*
- SOU 2007:98, Government Inquiry Report, , *Karriär för kvalitet.*
- SOU 2016:29, Government Inquiry Report, , *Trygghet och attraktivitet – en forskarkarriär för framtiden.* (incl Appendix 4, *Unga forskares karriärvägar. Meriteringsanställningar, jämställdhet, forskarmobilitet och forskningsfinansiering*, Svar Direkt 2015:22, Tillväxtanalys).
- SOU 2018:3, Government Inquiry Report,, *En strategisk agenda för internationalisering.*
- SULF (Swedish Association of University Teachers and Researchers)/A. Lundgren, G. Claesson Pipping och K. Åmossa, *Ett spel för galleriet? Om anställningsprocesserna i akademien* (SULF, Stockholm 2018).
- SULF (Swedish Association of University Teachers and Researchers)/K. Åmossa, *Systemfel i kunskapsfabriken – om urholkning av ersättningsbeloppen till högre utbildning* (SULF, Stockholm 2018).
- Sveriges Unga Akademi (Young Academy of Sweden), *Karriärsystem för svenska lärosäten* (Sveriges Unga Akademi, Stockholm 2013).
- UKÄ (Swedish Higher Education Authority)/Mikael Herjevik, *Rättssäker examination. En vägledning från Universitetskanslerämbetet*, (3rd ed. UKÄ, Stockholm 2017).
- Vetenskapsrådet (Swedish Research Council)/ S. Gerdes Barriere, *Forskningens framtid! Karriärstruktur och karriärvägar i högskolan*, Vetenskapsrådets rapporter (Vetenskapsrådet, Stockholm 2015).
- Vetenskapsrådet (Swedish Research Council)/S. Gerdes Barriere, P. Baard and J. Nordstrand, *Rekrytering av forskare och lärare med doktorsexamen vid svenska lärosäten. En strukturell analys av lärosätenas rekrytering – internt, nationellt och internationellt* (Vetenskapsrådet, Stockholm 2016).

7. Appendices



LUNDS
UNIVERSITET

BESLUT

2017-11-16

Dnr STYR 2017/1545

1

Rektor

Utredning rörande karriärvägar vid Lunds universitet

Bakgrund

Lunds universitets strategiska plan för perioden 2017–2026 framhåller att utbildning och forskning ska vara sammanflätade och att studenter och medarbetare ska erbjudas attraktiva miljöer. Tydliga karriärvägar ska säkerställas och universitet ska arbeta strategiskt med rekrytering. Verksamheten ska vidare utmärkas av god arbetsmiljö, jämställdhet och förmåga att säkra likabehandling för både studenter och medarbetare. Det ska finnas tydliga möjligheter för internationell rörlighet för studenter och medarbetare, och utbildning och forskning ska sammanflätas i lärandemiljöer där det både undervisas och forskas och där meritering inom utbildning och forskning likställs.

Lunds universitets anställningsordning framhåller att goda lärare är en förutsättning för Lunds universitet att nå framgång i såväl utbildning och forskning som samverkan med samhället i stort. Lunds universitet ska vara en attraktiv arbetsplats där personlig och professionell utveckling främjas. För att underlätta mobilitet och rekrytering av internationell kompetens bör anställningar utlysas internationellt och med en bred ämnesinriktning. En utgångspunkt är också att anställningar som avser utbildning och forskning ska vara läraranställningar tillsvidare, och att de tidsbegränsade läraranställningarna, såsom postdoktor och biträdande universitetslektor, är avsedda för meritering inom forskning och utbildning och förberedelse för en fortsatt akademisk karriär.

Under det senaste årtiondet har frågor rörande befattningsstruktur, karriärvägar, rekrytering samt meriteringsanställningar och tidsbegränsade anställningar vid svenska universitet och högskolor varit föremål för utredning.¹ Debatten har under senare år särskilt rört ökningen av antalet forskare vid svenska universitet och högskolor, och behovet av att skapa goda och tydliga karriärvägar för unga forskare och lärare.²

Personalorganisationerna har informerats om utredningen 2017-11-08 i enlighet med MBL § 19.

¹ Se exempelvis *Karriär för kvalitet*, SOU 2007:98 och *Trygghet och attraktivitet – en forskarkarriär för framtiden*, SOU 2016:29.

² Se exempelvis *Trygghet och attraktivitet – en forskarkarriär för framtiden*, SOU 2016:29, Sveriges Unga Akademi, *Karriärssystem för svenska lärosäten*, Vetenskapsrådet, *Forskningens framtid! Karriärstruktur och karriärvägar i högskolan* (2015), och LERU, *Tenure and Tenure Track at LERU Universities: Models for Attractive Research Careers in Europe*, Advice Paper, No 17, September 2014.

Beslut

Universitetet beslutar att ge Mia Rönmar, dekan vid den Juridiska fakulteten och professor i civilrätt, uppdraget att leda en utredning rörande karriärvägar vid Lunds universitet. Fokus ska ligga på karriärvägar för forskare och lärare.

Utredningen ska särskilt innehålla:

- En strategisk analys av innebörden och betydelsen av goda och tydliga karriärvägar inom akademien och vid Lunds universitet och dess olika fakulteter. Den strategiska analysen ska även belysa kopplingar till andra centrala verksamhetsfrågor, såsom mobilitet, omfattning av utbildning respektive forskning, forskningsfinansiering, myndighetskapital, vetenskaplig och pedagogisk meritering samt program för forskningsexcellens (såsom ERC Starting/Consolidator/Advanced Grants, Wallenberg Academy Fellows).
- En presentation och analys av den gällande rättsliga regleringen (lagstiftning, kollektivavtalsreglering, rättstillämpning samt lokalt regelverk) och dess tillämpning vid Lunds universitet och dess olika fakulteter rörande karriärvägar, rekrytering, anställningens ingående och upphörande, anställningsformer samt befordran.
- En presentation och analys av befintliga karriärvägar vid Lunds universitet och dess olika fakulteter, i synnerhet anställningsmönster och förekomst av olika anställningar (exempelvis forskare, postdoktor, biträdande lektor, lektor och professor), liksom pågående arbete med att skapa goda och tydliga karriärvägar.
- Förslag på fortsatt arbete med att skapa goda och tydliga karriärvägar vid Lunds universitet.


Ett jämställdhets- och mångfaldsperspektiv ska integreras i analysen.

Arbetet med utredningen ska genomföras i nära samarbete med universitetsledningen, ledningen för fakulteterna och USV (liksom representanter för institutionerna), personaldirektören samt personal vid sektionen Personal, nätverk på personal- och rekryteringsområdet, personalorganisationerna samt Lunds universitets studentkårer (LUS).

Administrativt stöd ges av verksamhetscontroller Marta Santander, sektionen Personal.

Resultatet av utredningen ska överlämnas till rektor senast den 15 augusti 2018 via rektor@rektor.lu.se.

Beslut i detta ärende har fattats av undertecknad rektor i närvaro av förvaltningschef Susanne Kristensson i efter hörande av representant för Lunds universitets studentkårer och efter föredragning av utredare Carina Wickberg.


Torbjörn von Schantz


Carina Wickberg
(Universitetsledningens kansli)

Kopia:

Samtliga fakulteter

Samtliga sektioner

USV

LUKOM

LUB

MAX IV

Internrevisionen

Personalorganisationerna

LUS

Marta Santander, sektionen Personal



LUNDS
UNIVERSITET

Vice-Chancellor

DECISION

1

16 November 2017

Reg. no STYR 2017/1545

Inquiry regarding career paths at Lund University

Background

Lund University's strategic plan for the period 2017–2026 emphasises that education and research are to be intertwined and that students and staff are to be offered attractive environments. Clear career paths are to be secured and the University is to work strategically on recruitment. Furthermore, the organisation is to be distinguished by its good work environment, gender equality and the ability to ensure equal opportunities for both students and staff. There are to be clear opportunities for international mobility for students and staff, and education and research shall be intertwined in learning environments dedicated both to teaching and research, where qualifications in education and research are equally valued.

Lund University's Appointment Rules emphasise that good teaching staff is a precondition for Lund University achieving success in education and research, and interaction with society as a whole. Lund University is to be an attractive workplace in which personal and professional development is promoted. In order to facilitate mobility and recruitment of international expertise, appointments should be advertised internationally and with a broad subject orientation. One point is that positions regarding education and research are to be academic appointments for an indefinite period, and that fixed-term teaching positions, such as postdoc and associate senior lecturer, are intended for career development within research and education, and preparation for a continuing academic career.

Over the past decade, issues concerning appointment structure, career paths, recruitment, career development positions and fixed-term positions at Swedish higher education institutions have been subject to inquiry.¹ The debate in recent years has focused particularly on increasing the number of researchers at Swedish higher education institutions, and the need to create good and clear career paths for junior researchers and teaching staff.²

¹ See, for example, *Karriär för kvalitet* (Career for Quality), SOU 2007:98 and *Trygghet och attraktivitet – en forskarkarriär för framtiden*, (Security and Attractiveness – a Research Career for the Future) SOU 2016:29.

² See, for example, *Trygghet och attraktivitet – en forskarkarriär för framtiden* (Security and Attractiveness – a Research Career for the Future), SOU 2016:29, Sveriges Unga Akademi, *Karriärssystem för svenska lärosäten* (Career System for Swedish Higher Education Institutions), Swedish Research Council, *Forskningens framtid! Karriärstruktur och karriärvägar i högskolan* (The Future of Research! Career Structure and Career Paths at Swedish Higher Education Institutions) (2015), and LERU, *Tenure and Tenure Track at LERU Universities: Models for Attractive Research Careers in Europe*, Advice Paper, No 17, September 2014.

The staff organisations were informed about the inquiry on 8 November 2017 in accordance with the Co-Determination in the Workplace Act (MBL), Section 19.

Decision

The University has decided to give Mia Rönnmar, dean of the Faculty of Law and professor of Civil Law, the assignment to lead an inquiry regarding career paths at Lund University, with a focus on career paths for researchers and teaching staff.

The inquiry is to contain in particular:

- A strategic analysis of the meaning and significance of good and clear career paths within academia and Lund University and its faculties. The strategic analysis is also to highlight connections with other central issues for the organisation, such as mobility, the scope of education and research respectively, research funding, agency capital, career development in research and education, and programmes for research excellence (such as ERC Starting/Consolidator/Advanced Grants, Wallenberg Academy Fellows).
- A presentation and analysis of the relevant legal regulations (legislation, collective agreement regulation, application of the law and local regulations) and their application at Lund University and its faculties regarding career paths, recruitment, initiation and termination of employment, forms of employment and promotion.
- A presentation and analysis of existing career paths at Lund University and its faculties, in particular appointment patterns and the presence of various positions (such as researcher, postdoc, associate senior lecturer, senior lecturer and professor), as well as ongoing work to create good and clear career paths.
- Proposals for continued work to create good and clear career paths at Lund University.

A gender equality and diversity perspective is to be integrated in the analysis.

Work on the inquiry is to be carried out in close cooperation with university management, management at the faculties and specialised centres (USV) as well as representatives for the departments, the head of Human Resources and HR staff, the network for the staff and recruitment area, staff organisations and Lund University Students' Unions (LUS).

Administrative support is provided by controller Marta Santander, Human Resources.

The results of the analysis are to be submitted to the vice-chancellor at the latest on 15 August 2018 via rektor@rektor.lu.se.

The decision on this matter was taken by the undersigned vice-chancellor in the presence of the university director Susanne Kristensson after a briefing by a representative of Lund University Students' Unions and after a presentation by policy officer Carina Wickberg.

Torbjörn von Schantz

Carina Wickberg
(Office of the Vice-Chancellor)

Copies to:

All faculties

All divisions

Specialised Centres (USV)

Cultural and Public Centres at LU (LUKOM)

Lund University Libraries (LUB)

MAX IV

Internal Audit Office

Staff organisations

Lund University Students' Unions (LUS)

Marta Santander, Division of Human Resources