



The Union for University Teachers and Researchers in Finland (YLL)

Letter from the Chair 2/2017

30 May 2017

Dear YLL member,

In this letter, I will be discussing the latest developments in the university sector and our work to protect our members' interests as well membership benefits. If the university update seems irrelevant to you, I would ask you to at least turn your attention to the sections on working time policies and our membership benefits, particularly the SOS International service.

University update: joint teaching delivery

The Finnish university sector continues to face growing pressure for change. This is reflected in the increasingly widespread use of the term "higher education", widely used in the context of collaboration between Finnish universities and universities of applied sciences.

The institutions first began to collaborate on foreign language tuition in August 2016. At Lappeenranta University of Technology, language and communications teaching is now delivered at Saimaa University of Applied Sciences. In Tampere, Vaasa and Helsinki, work has been carried out or is currently underway to clarify how foreign language tuition is delivered and the implications for degree requirements.

The Ministry of Education and Culture is proposing changes to the Universities Act, citing the Tampere3 collaboration. The changes are designed to promote opportunities for more collaboration between universities and universities of applied sciences. Under the proposals, universities would in future be required to deliver *the majority* of degree and subject tuition in-house. In practice, this means that 49% of all university tuition could be provided by another university or university of applied sciences.

In the view of YLL and OAJ, such a move represents a clear threat to future education provision. The main threat is that university and university of applied sciences degree requirements will be harmonised in the interests of cost cutting. The proposed legislation makes no reference to securing existing staff posts. Furthermore, we consider it vitally important that close links continue to exist between university teaching and the wider research community.

Latest YLL statements and blog entry

In the past year, YLL has issued three statements on Finnish legislation and policy regarding universities. They are available on the YLL website under Edunvalvonta > YLL:n lausunnot (in Finnish only).



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- Lausunto OKM:lle ylioppilastutkinnon hyödyntämisestä korkeakoulujen valintamenettelyissä (20 January 2017)
- Lausunto eduskunnan sivistysvaliokunnalle yliopistolakiuudistuksen vaikutusten arvioinnista (20 March 2017, committee hearing 21 March 2017)
- Lausunto OKM:lle koskien opetusyhteistyön mahdollisuuksien laajentamista ja Tampere3:a (5 May 2017)

OAJ has also submitted a number of statements on higher education matters, which strongly reflect YLL's views. In its spring meeting on 11 May, OAJ's council also gave its opinion on the differences between universities and universities of applied sciences. An article on this topic by YLL council group chair Erja Kosonen can be viewed on the YLL blog at <http://www.yll.fi> (Finnish only).

Universities update: tuition fees back on the agenda

Several economists have come out in support of reasonable tuition fees for Finnish and EEA students. A number of seminars have also been held on this issue and it is clear that it will continue to have a high profile for some time to come. Further reading on this topic can be found at <https://www.etla.fi/wp-content/uploads/ETLA-Muistio-Brief-58.pdf>.

YLL has always supported free university education. Past experience demonstrates that the conditions placed on tuition fees, such as the requirements for them to remain at a "reasonable" level, are easy to amend once the decision to impose fees has been taken.

Intellectual property rights – teaching and research

At the moment, few IPR agreements on teaching and research materials are in place in Finnish universities. Any agreements that do exist tend to relate to research data and contract research and are project-specific. Very few concern digital materials created by teaching staff. In some universities, new staff have been asked to sign an appendix to their employment contract, which requires them to partially assign their intellectual property rights to the university without payment.

It is likely that more formal arrangements will be made with regard to intellectual property rights on teaching materials, particularly as the volume of digital resources continues to grow. Employers may in future put forward contractual amendments to transfer the contractual, transfer and amendment rights relating to teaching materials to the university. An agreement means that both parties have entered into an arrangement freely, without coercion.

OAJ's position is clear: the assignment of contractual, amendment and transfer rights to the employer without payment is unfair. In the event that an agreement is reached to share intellectual property rights with an employer, this will need to be



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complemented by an explicit agreement on commercial exploitation of the materials. OAJ recommends separate agreements by subject or category, but it is likely that employers will seek a more broad-based contract. Important! When you discuss assigning your intellectual property rights to the employer, it is advisable to limit such discussions to joint rights to ensure that you also retain the right to make use of your own materials.

When you enter into an agreement, you must always know what is being agreed to. An extreme example of an unclear agreement would be a contract to assign all intellectual property rights without payment for an unspecified length of time. Under Section 29 of the Copyright Act, Chapter 10 (2) of the Employment Contracts Act and Section 36 of the Contracts Act, contractual conditions deemed unfair may be adjusted or disregarded.

Personally, I also wonder when teaching materials can truly be deemed complete. Are teaching materials complete when they have been used for the first time, when they have been used to deliver several teaching sessions or when they have been revised based on the basis of student feedback or personal reflection?

It is not uncommon in the teaching profession that teachers create teaching materials and resources as part of their job. It is a good idea to give this some consideration when drawing up your work plan. Will there be dedicated time allocated to teaching material preparation or will this be included in general time for teaching preparation (traditionally this has been time allocated to teachers for preparing materials for their own private use)?

At universities, it is common for teachers to voluntarily share teaching materials amongst themselves. This is not a problem – quite the contrary, it is positive. In this newsletter, I have addressed this issue from a legal viewpoint in the interests of ensuring legal certainty for our members.

Working time related questions (monitoring own working time)

It is becoming apparent that, in some institutions, workloads are being assigned and defined in such a way that maximises the measurable output delivered by staff. The next round of collective agreement negotiations are set to commence in autumn 2017. The current collective agreement will remain valid until 31 January 2018. The working time arrangements for teachers are calculated on the basis of contact teaching time and the preparation and other contact time. The issue of whether contact teaching is a useful concept has been the subject of debate for some time and proposals have been put forward for a re-definition. This is driven by digitalisation and the increasingly diverse ways in which teaching is being delivered.

It is likely that the amount of time required for preparation and instruction will soon feature in the debate. With regard to this issue, it is highly useful if staff can present



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information or evidence on how their working time is divided. One way of securing such evidence is to monitor your own working hours. It is worth considering, as the evidence you will gather may well prove useful. Monitoring carried out by employees themselves is admissible as fact in legal contexts. You are not required to disclose your intention to monitor your own working time to anyone. A number of useful apps are available for this purpose.

It is possible that OAJ or YLL will conduct member surveys on this topic during the next academic year. The data generated through these surveys will be very useful during working time negotiations. We will of course do all that we can to make sure that any surveys we do carry out are as user-friendly as possible.

#kannustusryhmä

YLL and OAJ have joined the #kannustusryhmä project, initiated by President Sauli Niinistö. The initiative has been set up to establish a support group, the *kannustusryhmä* featured in the hashtag, to prevent and eradicate bullying. There are no specific rules or guidelines and all #kannustusryhmä participants are free to implement the idea in the most appropriate manner. YLL would like to encourage all members to take some time to think of ways to tackle bullying and to share best practice for supporting both colleagues and students. It would be great if you could have a brief brainstorming session with colleagues and send any ideas and experiences to seppo.sainio@helsinki.fi. We will then share your contributions on Twitter under #kannustusryhmä.

Holiday insurance/SOS International

The holiday insurance policy included in your OAJ membership features the SOS International Alarm Center service. The telephone number for contacting the service can be found on the reverse of your membership card. If you need security assistance during your holiday, contact the number and you will receive service in Finnish, Swedish or English. In the event that you need to seek hospital treatment anywhere in the world, you will be given details of the nearest hospital offering high-quality medical services, including specialist services. We are aware of incidents where hospitals have referred patients for repeated follow-up visits with a view to securing financial gain and afterwards attempted to make charges amounting to thousands of euros for symptoms or conditions that would usually be resolved with a single diagnosis and prescription. The SOS International service provides information on hospitals, where travellers have enjoyed a positive experience and patient safety is observed at all times. The service also has direct contractual arrangements with a number of hospitals around the world.

You can also contact the SOS International service if you experience any other difficulty during your holiday, including flight cancellations and natural disasters. You



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may find it useful to know that SOS International has delivered urgent psychological assistance in response to terrorist atrocities.

Member+

All shared Akava membership benefits are now offered under the Member+ service. You can view your OAJ benefits when you register as a user at <http://www.memberplus.fi>. Please note that you will normally be required to log in to the OAJ members' only site to activate OAJ's own membership benefits.

Ordering your OAJ paper diary

Don't forget that you will need to tick "Kalenteri: kyllä" under Omat tiedot > Jäsentiedot if you would like to continue to receive the OAJ paper diary every year. You may have "Kalenteri: ei" as your default setting even if you have not made this change yourself. You can still cancel your order later by unticking the box.

I would like to take this opportunity to wish everyone a wonderful summer!

Seppo Sainio

Chair

Tel: +358 40 86 55 479