EMPLOYMENT AND AUTONOMY IN HIGHER EDUCATION

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ABSTRACT: *At the turning of the 20th century there were 67 universities and colleges in Hungary. Act No. XXXVI. of 1912 established two other universities seated in Pozsony and Debrecen. The number of undergraduates increased significantly in that time (from 1895 to 1912 with 81.5 percents); however the number of undergraduates were below the number in Western-Europe. As Andor Ladányi stated, in the semesters 1913/14 there were 16.5 undergraduates in every 100,000 residents in Austria, 14 undergraduates in Germany, and only 9.6 undergraduates in Hungary. On the other hand, the growth of number of teachers was not harmonized with the growth of number of undergraduates at all.*

KEYWORDS: *undergraduates, employment, higher education, Hungarian system of higher education.*

JEL CLASSIFICATION: *K 00, K 31*

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It can be stated that the Hungarian system of higher education was only low-organized aggregation of universities, and the system were absolutely fragmented. At the end of the 1940s and the beginning of the 1950s lots of new universities and colleges were established. Firstly the old and great "universities of sciences" had been disintegrated, because according to the Hungarian policy's standpoint these new "specialized universities" could have sufficed the need of the Hungarian industrial sector more effectively. On the other hand, these new small universities could have been controlled more simply in political view.

In the 1980s decisions of the Socialist Party and the government declared the intention of reducing the number of universities, emphasizing that the main possibility

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for that purpose could be the integration and cooperation, and emphasizing the importance of teamwork and collaboration of universities and institutions of research either.

Only in 1993 the first separate act on higher education in Hungary was adopted, on the basis of Act No. I of 1985 on education and its amendment (act No. XXIII of 1990).

The preparation of the new act on higher education was started in 2002. According to the first proposal, university employees should have been under the effect of Labor Code instead of the Act on the Legal Status of Government Employees. Universities would have had the right to employ teachers and researchers at their discretion, including the conditions of their employment.

Reviewing the regulations in other countries, there are lots of conclusions which the Hungarian legislative bodies should consider as follows:

- In Austria the legal status of university employees have been changed, the legal regulations concerning them are rather a kind of labor law relation than a kind of civil service relation. However, the state assumes absolute guarantee to all rights of them including their income.

- The proposal of a uniform act on civil servants in Germany is similar to the Hungarian proposal, but the German proposal contains prescriptions to the legislative bodies of the provinces (regions), in particular on the main character of the legal status of civil servants, including its termination.

- In the Czech Republic universities have great autonomy concerning the appointment of university professors, which can be made in the universities own right, because the university has the right to fulfill the habilitation procedure. According to my standpoint this solution could guarantee the autonomy of universities holistically.

- In Slovakia there are particular provisions concerning hiring and regular duties.

- In Sweden employees in higher education are in civil service legal relations with the government. Independently from this fact, universities are sovereign institutions, and have great autonomy in respect of its education, sources of finance and other general questions of the organization.

- In the USA there are different systems of ranking and quality assurance. In every state the government has the right to declare the conditions of it, including transparency, terminal fees, procedure of preliminary exam, organizational capability and rating of the undergraduates. There are strict monitoring procedures in every 3 or 5 years, however it is impossible to compare the universities to each other.

Labor relations cannot be considered as a kind of civil law relation, because neither party is free to define the conditions of the contracts: employer has to apply the rules of labor code, employee has to ensure his costs of living by the work. In Act No. XXXIII on the Legal Status of Government Employees there are stricter regulations concerning appointment either in procedural or in material view than in Labor Code.

I examine separately the expediency of university employees as a profession under Act No. XXXIII on the Legal Status of Government Employees. There are many countries where acts on civil servants concern employees in higher education, and in my opinion the Parliament should consider it, due to the Hungarian rules on qualification and ranking included into Act No. XXIII on the Legal Status of Civil Servants. The Bologna Declaration contains the purpose of increasing the international competitiveness of European

universities; this declaration could give the Parliament another argument to consider my suggestion, at least applying certain provisions of this act on civil servants to university employees.

I analyze the proposal suggested as a uniform act on civil servants and government employees. In my mind this proposal was unreasonable, because the typical characteristics of the two main areas are radically different, so after adopting this act lots of executive decrees should have been adopted concerning every sector of public administration. For this reason I think this concept of a uniform act could not be operable in practical view.

In the paper I examine the issue of autonomy in two different aspects as follows:

- the historical development of autonomy, either in international or in internal view.
- the relationship between autonomy and legal status of government employees in Hungary in recent times.

University autonomy means a kind of independence from external intervention, which shall be necessary for the universities to determine their internal functions independently.

Early in the 20th century the autonomy of Hungarian universities was restricted in respect of either personal, or academic and economic ways. The monarch had the right to nominate university professors, the minister had the right to confirm private professors, associate professors, assistant lecturers, and trainees. The minister had the competence to confirm the rector and the dean elected by the university, and to nominate the staff handling administration and finance of the university, and to determine the semester regulations. Universities had no separate rules in economic issues; they had autonomy only in respect of internal functions.

The late 1940s and early 1950s were characterized by several totalitarian measures, mainly in the institutional structural changes and in the enhancement of the education's ideological background. The scientific classification system was taken from the university's authority and because of this, the scientific education was forced into the background. The dominance of the political power resulted in the significant reduction of the role of the university boards. The technical and scientific requirements were played down in the appointment of the university teachers.

A new characteristic of the higher education act is that a teacher's status is ended by law after the twelfth year if the teacher does not get a PhD. The ministerial comment emphasizes that these requirements serve the quality of education and creates the basis for accomplishment evaluation. In my opinion the legal regulation only seemingly ends the fixed-term employment of professors' assistant as they have eight years to enter a doctorate school.

The regulations of the new higher education act can cause tension among teachers:

- How can those university teachers who started their scientific career before the new act came into force be classified in the new system?
- Will those research assistants, who fulfill the requirements, be classified as university teachers?
- In the light of that the new regulation offers five years for fulfilling the requirements. How can this be interpreted for those who started their term before the above mentioned legal characteristics? Does this mean a fixed or a non-fixed-term

employment and does the employment ends by law if he/she fails to complete the terms of the contract?

We have to create an internationally competitive conditional system of university teacher status for the future. Priority should be given to the rejuvenation of university staff, to secure highly classified teacher supply taking into account social and economic conditions. This should be carried out in a way that the intellectual values can be reserved and also keep those teachers who help the strategic purposes of the institution at the same time.

To put the university autonomy in other light, the independence of contracts comes into prominence, and we have to face again the problem whether we can consider the higher education institutions an employer in the original meaning of the word or these institutions have only limited employer's rights and in this sense they only enforce government will.

The role of collective negotiation in higher education is problematic considering the fact that individual deals are limited by the strict regulations of the public servants' legal relations. Therefore collective negotiation also can work on a small scale. The lower level regulations seem to neglect the public service act and leave larger competence to collective negotiations.

We can state that the number of teachers should constantly grow with the increasing number of students. However these numbers have always depended on the present budget especially in government- financed institutions. In the examined period the number of teachers never followed the growing number of students.