

ITALIAN JOURNAL OF FOOD SCIENCE

*Rivista italiana
di scienza degli alimenti*



Volume XXI
Number 2
2009

THE MONIQA NETWORK: AN OVERVIEW ON LEGAL CONSTRAINTS AND FACTORS LIMITING RESEARCHER MOBILITY AND INTEGRATION WITHIN THE NETWORK

LA RETE DI ECCELLENZA EUROPEA MONIQA: LIMITI LEGALI ED ALTRI FATTORI LIMITANTI LA MOBILITÀ DEI RICERCATORI E L'INTEGRAZIONE ALL'INTERNO DELLA RETE

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ABSTRACT

The following is an overview of the state of researcher mobility in food science and technology within and outside of Europe. The laws and rules which currently regulate researcher recruitment, publishing of job vacancies, restrictions of access, preferential channels, health and safety in the workplace, Intellectual Property Rights issues and mobility in the 31 MoniQA Consortium partner are reported. MoniQA – “Towards the harmonisation of analytical methods for

RIASSUNTO

Questo lavoro è una panoramica sullo stato attuale della mobilità dei ricercatori che lavorano nell'ambito delle Scienze e Tecnologie alimentari in Europa e nei paesi extra-europei. In particolare, vengono presentate le leggi e le normative europee che regolano attualmente il reclutamento dei ricercatori, la pubblicazione dei posti di lavoro, le restrizioni d'accesso e i canali preferenziali per certe posizioni scientifiche, la salute e la sicurezza nel posto di lavoro, i Diritti di Proprietà Intellettuale, nonché la mo-

- Key words: MoniQA Network of Excellence, researcher recruitment, Intellectual Property Rights, mobility, network integration -

monitoring food quality and safety in the food supply chain” – is a European Network of Excellence that was started in 2007. Regarding researcher mobility, the possible length of the mobility period, the extent to which bureaucracy hampers mobility, the economic issues regarding staff on leave (salaries, support for housing and living expenses, grants and/or scholarships) and any procedure to be followed so that a researcher can be hosted by a research institution/centre are reported. Some factors that limit researcher mobility: language (especially applying through websites, vacancy advertisements and understanding of documents in general), limited funding and the lack of contacts in the hosting institution.

bilità dei ricercatori nell’ambito delle 31 Istituzioni che fanno parte della rete di eccellenza europea MoniQA – “Towards the harmonisation of analytical methods for monitoring food quality and safety in the food supply chain” – finanziata dalla Commissione Europea a partire dal febbraio 2007. Per quanto riguarda la mobilità dei ricercatori, questa indagine ha analizzato soprattutto i limiti applicabili alla durata del periodo di mobilità del ricercatore, quanto la burocrazia costituisce un ostacolo alla mobilità, gli aspetti economici (stipendio, vitto e alloggio, erogazione/disponibilità di borse di studio), nonché le procedure da seguire nel caso in cui un ricercatore voglia essere ospitato da un istituto di ricerca/università. I fattori principali che limitano o che potrebbero limitare la mobilità dei ricercatori sono costituiti dalla lingua, dal limitato finanziamento, dalla mancanza di contatti tra il ricercatore e l’istituto ospitante.

INTRODUCTION

The aim of the EC-funded Project MoniQA, “Towards the harmonisation of analytical methods for monitoring food quality and safety in the food supply chain” (www.moniqa.org) is to establish long-lasting cooperation among leading food research institutions, food and biotechnology industries, as well as small and medium-sized businesses to ensure food quality and safety for consumers. Two years after the kick-off meeting, progress has been made and new steps have been taken to coordinate the analytical methods for monitoring food quality and safety in the food supply chain. Meetings have been organised on a regular basis so that the 33 partners from the EU and non-EU countries could discuss any improvements and future chal-

lenges. Moreover, workshops have been held to provide the scientific and administrative staff with training on several topics in order to share knowledge and to network with organisations that are not part of the MoniQA.

Databases have been established to overcome the current fragmentation in food science and technology and to implement the planned harmonisation. The “research database” currently allows MoniQA partners to search for analytical methods for specific analyses including information on the degree of validation, legal requirements, legal limits and availability. The “consortium database”, on the other hand, provides information about expertise, special equipment and participant expertise within MoniQA. The latter, in particular, provides an overview of available skills and

expertise within the consortium. By providing key information, it can facilitate close cooperation and coordination of activities of entire research groups and/or departments in an ambitious attempt to create a “virtual laboratory”. Another database currently organises the outcome of the survey on “legal constraints and factors that limit researcher mobility”. The survey was carried out by the Italian National Institute for Research on Food and Nutrition (INRAN) in collaboration with 31 of the 33 MoniQA partners from 20 countries (Austria, Belgium, Bulgaria, China, Egypt, Finland, Germany, Greece, Holland, Hungary, Indonesia, Israel, Italy, New Zealand, Norway, Poland, Spain, Turkey, the United Kingdom and Vietnam).

INRAN SURVEY OF “LEGAL CONSTRAINTS AND FACTORS LIMITING RESEARCHER MOBILITY”

This paper gives a significant overview of the state of research integration in food science and technology within and outside of Europe as far as researcher mobility is concerned. Given the number and typology of participants, it can be considered to be representative of the world of research in food science and technology, at least in Europe. The laws and rules which currently regulate researcher recruitment, restrictions of access, preferential channels, health and safety in the workplace, issues of Intellectual Property Rights (IPR) and mobility of 31 MoniQA partners are reported.

Within the countries participating in the MoniQA Network, research in food science and technology is carried out in universities and in university-related-centres of excellence, in public institutions under the auspices of specific Ministries, in private research institutions and in scientific and technological parks. These categories are responsible for varying percentages of research in the dif-

ferent countries. In most of the network, researcher recruitment is rarely planned in advance. Only 3 out of 31 partners plan recruitment so that it takes place at the same time each year. For 17 partners, recruitment depends on the specific needs at the moment, on the projects or when there is a vacancy. Nine partners reported that personnel recruitment is planned only when it concerns higher scientific positions.

In general, job vacancies are posted and publicised so that any researcher interested in a specific vacancy can submit an application. However, it was found that only 22 of the 31 partners publish vacancies on the web. Six partners only publish vacancies in official national journals and newspapers, which limits access to foreign researchers unless they know the specific official journal and/or newspaper. In most cases, the job vacancy is not publicised in English but in the language of the specific country. Only 10 partners advertise vacancies in English, 4 of which are English mother-tongue partners. Therefore, language is a limiting factor that limits researcher mobility.

RESEARCHER RECRUITMENT

Researcher recruitment is currently regulated by both internal laws, which are specific to each institution, and by national laws which provide the legal framework which regulates the recruitment procedures, contracts, probationary periods and career development for scientific personnel in each country.

Recruitment of both permanent and temporary staff is generally conducted in the same manner which includes job advertising, receipt of applications, assessment and decision-making (14 countries out of 20). Assessment is usually based on personnel interviews, and only occasionally on written tests. In six countries, different laws apply for the recruitment

of permanent and temporary staff. Permanent positions are usually regulated by national laws which require a national selection process with a written assessment, whereas recruitment of temporary staff is almost always regulated by rules which are internal to each university and/or research institution.

The investigation also showed the existence of restricted access and preferential channels for scientific staff in the recruitment process. In 12 of the 20 consortium countries, no restricted access was noted for either permanent or temporary staff due to language, citizenship, curriculum or qualifications awarded in another country. In 7 countries (Belgium, Bulgaria, China, Finland, Italy and the United Kingdom) language is or could be an obstacle. A command of the language of the country which hosts the researcher is required, especially for some positions. In 5 countries, citizenship and qualifications awarded in another country limit the recruitment of researchers for specific positions. The equivalency of qualifications hampers or could hamper recruitment in countries such as Greece (1), Italy (2), Poland and Turkey. In these countries the academic qualifications awarded in another country must be equivalent to the national academic qualifications.

Recruitment also takes place by means of preferential channels which mainly apply to scientists with outstanding, internationally recognised scientific qualifications. Countries such as China, Finland, Germany, Greece, Israel, Italy, Poland, Turkey, United Kingdom and Vietnam welcome people with outstanding scientific qualifications and have created preferential channels for them. Some examples of this are the "Finland Distinguished Professor" (3) funding programme which aims at strengthening scientific knowledge and know-how in Finland, and the "Fast Track" (4) scheme in the UK and other similar initiatives in the above-mentioned countries.

The extent to which "gender" might be a limiting factor to researcher mobility was also investigated. The survey results indicate that gender is not a discriminating factor in recruitment. No form of discrimination between genders was noted among the participants in this network of excellence. Recruitment is mainly based on ability. It is interesting to note that the equal gender-based share of positions, despite being mentioned, is seldom planned. An exception is BOKU University (Austria), where its statutes specify set objectives for achieving gender equality for recruiting more female applicants.

Safety and health in the workplace of researchers working for all the MoniQA partners are safeguarded by national laws. These laws are usually based on the European Regulations on Safety and Health Requirements for the Workplace and are contained in Ministerial and/or Presidential Decrees, Labour Codes, Employment Acts, and Health and Safety Acts. They include the safety aspects related to hazardous working conditions, use of chemicals, risk of accidents and long-term exposure, and state researcher rights.

INTELLECTUAL PROPERTY RIGHTS

Most MoniQA partners (28 out of 31) have an Intellectual Property Rights policy that regulates the ownership and protection of data and the intellectual property rights of researchers. In most cases, a distinction is made between inventions which are made within a contract where the invention activity is the object of the contract itself, and the case of a researcher in the university or public administration with research purposes. In the first case, the rights coming from the invention belong to the employer, whereas in the second case the researcher has the exclusive rights over the patented invention which he/she has invented. The

latter rule does not apply if the invention is made within the framework of a specific research project which is financed by public or private funds. When a researcher works within a financed project, an agreement is usually drawn up among the partners regarding the exploitation of the research results including the names on the possible publication. In this type of agreement, it is usually stated that before any exploitation of results, including publication, there must be a multi-lateral or other type of agreement. When this issue applies to researchers some MoniQA partners agree on IPRs prior to a visit by an external researcher. Three partners do not have any explicit policy regarding IPRs.

RESEARCHER MOBILITY

Researcher mobility towards other research organisations is regulated by the specific rules/laws of each single organisation. Sixteen of 31 MoniQA partners currently set time limits: in 9 partners, a researcher cannot leave his institution for more than 12 months. A long-term leave, longer than one year, is possible for researchers in 7 partners, provided that they come back to the employer institution. For example, if a researcher does not return to the research institution he/she will be asked to pay all the expenses plus the legal interest rate. In 15 partners, mobility is a case-by-case decision. It is usually subject to a satisfactory business arrangement being made and consequently an official time limit regarding the length of absence is not set. The length of the leave depends on the tasks, position, responsibilities and obligations that the person has in his/her organisation. It is usually easier for junior members to go for longer periods of time.

The extent to which bureaucracy hampers mobility and, specifically, the time needed for a researcher to get permission

to leave his/her own institution were investigated. In 9 partners, authorisations are granted in a matter of days or a few weeks, whereas in 7 it takes up to two months. For most of the Consortium partners, permission to leave the Institution mainly depends on the length of time, the funding programme and the nature of the project, the host institution and the field in which the researcher works. Bureaucracy, apparently, is never a constraint to researcher mobility.

Regarding economic issues, in 28 out of 31 partners, the staff on leave keep their own salaries while being on leave; in only very few cases the researchers do not keep their salaries. For most of the Consortium partners, the question of keeping a salary could be a limitation depending on the length of time and financial contribution of the hosting institution. In general, the longer is the leave period, the higher is the cut in the current salary.

When researchers go outside their institution for training or to work on a project that is of interest to their employer, 19 of the 31 Consortium partners give additional economic support from the institution to be used for housing and living expenses. In 12 MoniQA partners, researchers do not receive any additional support while on leave.

Researchers on leave often rely on the economic support of the European Commission or national bodies such as the "Austrian International fund" of BOKU, the Austrian Federal Ministry for Science and Research, the Austrian FFG-österreichische Forschungsförderungsgesellschaft, the Foreign Ministry of Austria and the Institute of Advanced Studies of the University of Bologna (5) or the Italian National Research Council (CNR).

The survey also investigated the procedures that a researcher has to follow in order to do research in a research institution different from his/hers. Beforehand, a researcher must have an idea of the objectives of his/her research

that must fit within the research project which is undertaken at the hosting institution. For 11 partners, if a researcher is interested in being hosted by a specific research institution and/or university, the researcher does not usually need to know anyone in the research institution. He/she can check on the website of the research institution/university to see if there is any possibility of doing research there and just send the "Application form". In contrast, in 9 MoniQA partners a researcher needs a personal acquaintance or a mentoring researcher who is willing to look after the guest.

CONCLUSIONS

To conclude, the results of this survey present a comprehensive and interesting picture of the management and regulation of research personnel in institutions that deal with food science and technology within and outside of Europe, with special attention having been given to the legal constraints and factors that limit researcher mobility.

A few factors have been identified that seem to limit the free mobility and integration of researchers. Language is an important issue, because efficient communication and access to information is often hampered if websites, documents, vacancy advertisements, and codes of conducts, are published in the national language. In some cases, specific citizenship is required for certain positions and, in the public sector of several countries there is also a problem with the recog-

nition and equivalency of qualifications awarded in another country. Mobility is sometimes hampered by limited funding. Even if a researcher keeps his/her own salary while on leave, it might not be enough to cover the expenses in another country. Lack of contacts can also be a limiting factor, because in several cases a "local" contact is needed who can take care of the newcomer. This is stressed by the fact that a satisfactory business/research case of mutual interest facilitates mobility.

This survey did not consider the fulfilment of immigration requirements which is a prerequisite for researcher mobility.

More information about the database on legal constraints and factors that limit researcher mobility can be found on the MoniQA website (<http://www.moniqa.org/>).

ACKNOWLEDGEMENTS

This work was carried out on behalf of the MoniQA consortium and funded under the EU FP6 Programme, Topic 5.4.5.1 - Quality and safety control strategies for food (Contract N. FOOD-CT-2006-036337).

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