

# Regulating for Globalization

Trade, Labor and EU Law Perspectives

## Working with autonomy: freedom versus subordination in academia

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The central theme of the 18th International Conference in Commemoration of Professor Marco Biagi, held online 16-19 March 2021 by the University of Modena, was “Protecting Autonomous Work”. I had the honour to chair one of the workshops, entitled “Innovation, Autonomy and (Pseudo) Managerial Legitimations: The Equivocal Paths of Operational Autonomy in EU Academia”. In essence, it dealt with the question what working in academia means and how autonomy and subordination can go together. Speakers were **Izabela Florczak** (University of Lodz), **Marta Otto** (University of Lodz), **David Mangan** (Maynooth University) and **Natalie Videbæk Munkholm** (Aarhus University). What here follows is my own impression and understanding of the discussion.

Research on the interaction between labour law and academia is rather limited. **Isabela Florczak** explained that the labour law community should engage more in the subject and calls for new research initiatives. The field has a growing interest during times of change. There is, for example, the changing institutional landscape of universities, the rise of the knowledge society, and the globalisation of research. More recently, there is the impact of the pandemic, during which academics have felt the different aspects of ‘time and place independent’ work : very often, enthusiastic and creative scholars – and their brains – have received many impulses for new and additional work, with thus few incentives to actually disconnect from it. A lot of this creates opportunities. But it also covers threats and challenges.

**Marta Otto** talked about these. One is the increasing pressure from the knowledge based economy. While science must be free, experimental and dealing with uncertainties, there is an increasing logic for defined outcome and societal return of academic work. While this may be a legitimate requirement, it causes a shift towards research competition, performance management systems, rankings, output-criteria, and a value for money approach. How this relates to academic freedom, remains an important question. It becomes more complicated where academic work is seen as work, performed under an employment contract, in subordination, where freedom should be the driving concept of the ‘job’.

**David Mangan** has brought up the importance of expectations and that, in academia, work comes with implied expectations of professionalism. He also pointed to a problem. Many academics have well organised and protective working conditions, but there seems a creeping vulnerability. It should indeed be further subject of reflection how we define academic assignments, obligations or performance targets in terms of precariousness. Also in contractual terms this may be prevalent,

with the use of flexible work arrangements or short-term and conditional contracts for many starting scholars.

In sharing her reflections **Natalie Videbæk Munkholm** stressed the issue of objectivity of research, or is it neutrality. The way how research is verified and subsidised of course implies that certain standards have to be met. But research also implies a large degree of freedom in its design, methodology and content. Natalie mentioned a range of issues, all to be taken seriously: competition between researchers and universities, increasing top-down directions on research, formalities and control mechanisms of teaching materials, teaching conduct but also content, control of research topics and dissemination, all in a context that often combines individual passion and ambition.

It is clear that there are many challenges and certainly labour law can play a role to address them.

Autonomous work was set as the main subject and concept of the 18<sup>th</sup> Marco Biagi Conference. It is more precisely about protecting autonomous work. It has become clear by now that labour law needs to address work that comes with larger degrees of autonomy or with greater freedom. New labour market evolutions, such as smart work or the gig economy, have demonstrated this case already. Many items and concerns of autonomous work come back within the context of academic work, like: the meaning of work, finding new ways of managing the work, performance based evaluation and rating, the impact of teams and teamwork, avoiding discrimination (e.g. gender based), disconnecting from work and work-life balance. It would thus seem that labour law has an important role to play, knowing that there is (or should be) no contradiction between autonomy and labour protection. This also allows the existence of formulas that promote academic freedom as a natural component of labour law. It is perhaps not unthinkable that this thought can be reconciled with the modern evolutions or needs in the academic world.

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