

# PUTTING COLLECTIVE BARGAINING RESULTS INTO PRACTICE - ON THE HAMBURG OUTCOME PAPER OF THE WORKING GROUP "CODE OF CONDUCT STUDENT EMPLOYMENT"

In Hamburg, the **first results have been achieved in the implementation of the contractual agreement on the working conditions of student employees** (student and scientific assistants and tutors), which was agreed between the trade unions and the Tarifgemeinschaft deutscher Länder (TdL) in the key issues paper of 9 December 2023. A working group of student employees/trade unions and university representatives under the auspices of the Hamburg Science Authority (BWFGB) drew up the "Code of Conduct for Student Employment", the contents of which are to be applied at Hamburg's higher education institutions from the 2024 summer semester.

**Hamburg has shown that it is worth taking action now to shape the local interpretation of the collective agreement and to negotiate further rules.** In this way we can prevent unilateral interpretations and attempts to circumvent the contractual agreement.

The Hamburg rules are just one example and not the last word. They can provide a

possible orientation - but better rules are possible and desirable.

Below is a **selection of the rules** that have been agreed:

- Starting from the minimum contract duration of one year, as now stipulated in the contractual agreement, **downward deviations must be well justified in writing** by the employer in the application **for each position**.
- The **minimum contract term of 12 months naturally also applies to tutors**, who – unlike in other federal states – form a separate group of student employees in Hamburg in accordance with § 33 HambHG in addition to student and scientific assistants. If tutors deviate from the 12 months for good reasons (e.g. because a tutorial is only offered in one semester), the contracts must be concluded for at least 6 months in order to allow for preparation and follow-up periods as well as holiday entitlements.

Berlin has found a much better solution with regard to tutors and the application of the local minimum contract duration of 24 months according to BerlHG § 121 Abs. 3. There, **the 24-month minimum contract term applies to all student employees on the same basis**. If there is no follow-up tutorial in the following semester, the employees are given other auxiliary tasks.

- If a **probationary period** is agreed, it may not exceed two months and is only permitted for an initial contract. A probationary period makes termination easier for both the employee and the higher education institution (employer), as the notice period is two weeks instead of four.
- Newly recruited student employees, in particular, **must be informed of their rights and obligations**, e.g. through events organised **by the higher education institution** at the beginning of the semester or once a year.
- Higher education institutions are obliged to **provide student employees with working equipment**.
- **Recording of working hours is mandatory!** Standardised systems should be provided for this purpose, so that it can be transparently monitored whether working hours are within the contractually agreed framework. In addition to working hours, holidays and sick days should also be recorded in a transparent and comprehensible manner.
- The higher education institutions report annually on the organisation and development of the duration of contracts and subsequent employment. After two years, a **joint evaluation** will be carried out with trade union representatives.

Ver.di and GEW welcome this as the first agreement of its kind to set an example. The joint code of conduct for the implementation of the contractual agreement is **another important step away from unilateral employer guidelines and towards a joint process with student workers and trade unions**.

Other important issues that have not yet been included in the contractual agreement, such as a system for recording working hours, holidays and sick days, and the mandatory provision of work equipment for student workers, are addressed.

It has not yet been possible to start drafting the agreement with the TdL, as the TdL has only offered dates for this in May 2024, i.e. well after the contractual agreement comes into force on 1 April 2024.