



## LEGAL PROTECTIONS OF TEACHERS FOR SUSTAINABLE WORKFORCE

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### ABSTRACT

*The purpose of this study was to examine the legal protections of teachers for sustainable workforce. The study focused on the teachers' rights and responsibilities in schools. The teachers' basic rights such as right to life and liberty, right to work and to own property among others were discussed. The responsibilities of teachers such as responsibilities towards profession, responsibilities towards children, responsibilities towards parents and higher authority were also discussed. The legal framework governing teacher rights and responsibilities were also discussed. The several challenges impede the full realization of teacher rights and responsibilities were also highlighted. Suggestions for ensuring effective role of teachers were made.*

### Introduction

The Role of teacher in school is progressively being broadened from that expert who imparts knowledge to one that includes a mentor or guide, one who extends students deep understandings. In the establishment of human rights culture, the role of teachers is undoubtedly illustrious. Teachers occupy a crucial position in the educational process and substantially influence the shaping of the future. This section of the research focuses on the teachers' rights and responsibilities in schools. There is much need to begin with human rights for a better understanding.

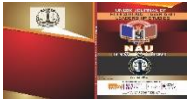
### Human Rights:

Teachers as humans have basic rights. The rights include:

1. The right to life & liberty
2. The right to work & to own property
3. The right to education
4. The right to vote, to have justice and to petition.
5. Right to hold public office.
6. Freedom of thought and speech as well as freedom of the press.

### Teacher Rights:

Scholars such as Okaforcha and Okeke (2019); Ezeaku (2012); Okeke (2023); Okoye (2018) Chike Okosa, Ibe and Ojimba (2023); Okeke and Okaforcha (2018) have since noted that the process of teaching and learning take place in an environment in which the rights to teachers and students are constantly being balanced against the rights and responsibilities of school officials to maintain a



safe, caring and orderly environment. Teachers also have rights. According to Ojimba (2024); Okoye (2017); Okoye (2016); Nwakoby and Nwakoby (2023), they are:

1. Academic Freedom
2. Freedom of Expression.
3. Teacher Rights in Assertive Discipline.
4. Freedom of Association
5. Freedom of Religion.
6. Professional Freedom.
7. Privacy Rights

### **Teachers Responsibilities:**

The responsibilities of teachers and rights of students directly affect each other. Therefore, teachers know their responsibilities. The responsibilities are –

1. Responsibilities towards profession
2. Responsibilities towards Children/ Students.
3. Responsibilities towards parents.
4. Responsibilities towards higher authority.
5. Responsibilities towards colleagues

### **Legal Framework Governing Teacher Rights and Responsibilities**

The legal framework governing teacher rights and responsibilities plays a crucial role in shaping the educational landscape in Nigeria, particularly in Anambra State. This framework encompasses a range of national laws, state-specific regulations, and international agreements designed to protect and promote the rights of educators. Understanding these legal structures is essential not only for safeguarding teachers' interests but also for enhancing the quality of education delivered to students. This section explores the various components of this legal framework, highlights the implications for teachers' roles, and addresses existing challenges and potential areas for reform.

### **Legal Framework Governing Teacher Rights**

#### **Constitutional Provisions**

The Nigerian Constitution provides a fundamental basis for the rights of all citizens. Relevant sections include: Right to Education: Article 18 establishes the importance of education as a fundamental right. While this provision primarily emphasizes students, it indirectly supports teachers' rights by establishing a legal framework for quality education (Constitution of the Federal Republic of Nigeria, 1999). Equality Before the Law: Articles 42 and 18(1) guarantee protections against discrimination, which facilitates an equitable workplace for teachers (Constitution of the Federal Republic of Nigeria, 1999).

#### **National Legislation**

Constitution of the Federal Republic of Nigeria (1999)

The Nigerian Constitution is the supreme law of the land and serves as the foundational document that articulates the rights and responsibilities of all citizens, including teachers. Key provisions



relevant to teacher rights include: Right to Education: Article 18 emphasizes the importance of education as a right for all citizens, which indirectly safeguards the rights of teachers by ensuring a structured educational system (Constitution of the Federal Republic of Nigeria, 1999).

Equality and Protection Against Discrimination: Articles 42 and 18 (1) underscore the principle of equality before the law, prohibiting discrimination based on ethnicity, religion, or gender. This fosters an environment where teachers can operate free from bias and inequity (Constitution of the Federal Republic of Nigeria, 1999).

National Policy on Education (2014) The National Policy on Education outlines the objectives and framework for the education sector in Nigeria and addresses the rights and responsibilities of teachers directly. Key areas of significance include: Professional Development: The policy mandates that teachers receive regular training and professional development, reinforcing the importance of continuous learning to enhance educational quality (Federal Republic of Nigeria, 2014). Provisions for job security are included, which protect teachers from arbitrary dismissal and ensure stable employment conditions (Federal Republic of Nigeria, 2014).

Teachers' Registration Council of Nigeria (TRCN) Act (2004) The TRCN Act is pivotal in establishing standards for the teaching profession in Nigeria. It highlights several important aspects like Professional Standards and Ethics: The Act outlines responsibilities related to maintaining professional conduct among educators, which is critical for fostering educational integrity (TRCN, 2004). Right to Register and Practice: It ensures that qualified teachers have the right to register and engage in teaching, thereby safeguarding their professional interests and rights (TRCN, 2004). Teachers Registration Council of Nigeria (TRCN) Act (2004): This act mandates that teachers must be registered and uphold specific professional standards. It protects the right of qualified teachers to practice and establishes consequences for unregistered individuals (TRCN, 2004).

National Policy on Education (FRN, 2014): This policy outlines the framework for education in Nigeria and explicitly addresses the rights of teachers, including job security and access to professional development opportunities (Federal Republic of Nigeria, 2014).

### **Professional Rights**

- Right to Fair Compensation: Teachers have the right to receive fair and competitive salaries that reflect their qualifications, experience, and contributions to the educational system.
- Job Security: Provisions ensure that teachers cannot be dismissed without just cause. This right protects teachers from arbitrary dismissal and guarantees due process in employment-related matters.
- Right to Professional Development: Teachers have the right to participate in continuous professional development and training programs designed to enhance their skills and teaching practices (Federal Republic of Nigeria, 2014).



- Right to Academic Freedom: Teachers are entitled to academic freedom, which allows them to teach and discuss subjects based on their expertise without fear of censorship or retribution, as articulated in the TRCN Act (2004).

### **International Standards and Agreements**

United Nations Educational, Scientific and Cultural Organization (UNESCO)

UNESCO mandates that member states adhere to various international agreements that aim to protect the rights of educators and ensure quality education. Relevant documents include:

The United Nations Educational, Scientific and Cultural Organization (UNESCO) is a specialized agency of the United Nations established in 1945. Its primary mission is to contribute to the building of peace, the eradication of poverty, sustainable development, and intercultural dialogue through education, the sciences, culture, communication, and information (UNESCO, n.d.). A significant part of UNESCO's work focuses on education, particularly in promoting quality education for all, which inherently includes the protection of the rights and responsibilities of educators.

### **International Agreements Promoting Educators' Rights**

UNESCO has provided various international frameworks, declarations, and recommendations that guide member states in formulating their education policies, particularly regarding teachers' rights. Here are some key agreements:

**The Recommendation Concerning the Status of Teachers (1966)** This pivotal document sets forth principles regarding teachers' rights and responsibilities. It emphasizes on the Professional Autonomy: Teachers should have the right to academic freedom, enabling them to teach according to their professional judgments and expertise (UNESCO, 1966), Working Conditions: The recommendation calls for favorable working conditions, including fair remuneration, adequate professional development opportunities, and respect for teachers' rights to organize and engage in collective bargaining (UNESCO, 1966) and Continuing Education: It encourages ongoing professional development, highlighting the importance of lifelong learning and adaptation to changing educational needs.

**The International Covenant on Economic, Social and Cultural Rights (1966):** While not solely focused on education, this covenant recognizes the right to education as a fundamental human right. It obligates state parties to ensure that education is directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms (United Nations, 1966). This framework supports the rights of educators by ensuring that they are empowered to provide quality education.

**The Convention Against Discrimination in Education (1960):** This convention highlights the importance of non-discriminatory practices within educational systems. It mandates that states ensure the right to education for all individuals without discrimination, thereby creating a



supportive environment for teachers to work under equitable conditions (UNESCO, 1960). This promotes an inclusive teaching environment where all educators can contribute regardless of background.

**Education 2030 Framework for Action:** Adopted during the World Education Forum in Incheon, South Korea, this framework aligns with the Sustainable Development Goals (SDGs), specifically Goal 4, which aims to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all (UNESCO, 2015). The actions outlined in this framework emphasize the need to support teachers through: - Input in Policy Development: Creating spaces for teachers to contribute to education policy discussions to reflect their insights and challenges. Professional Development by Providing ongoing training and resources that empower teachers to adapt to educational innovations and pedagogical advancements.

### **The Global Education Agenda 2030**

This agenda reinforces commitments made during the 2015 United Nations Sustainable Development Summit. It emphasizes the role of teachers in achieving quality education and stresses the importance of respecting teachers' rights (UNESCO, 2015). The inclusion of teachers in national education plans is crucial for achieving educational outcomes.

### **Implementation Challenges**

Despite these international agreements and guidelines established by UNESCO, several challenges persist in effectively empowering educators by creating a, Awareness and Understanding: Many educators remain unaware of their rights under these international frameworks, which can diminish their ability to advocate for themselves and their peers (Iloka 2023); Nwakoby and Ilodigwe 2022); Ibe 2022); Ibe, Nwakoby & Ihediuche 2024). National Legislation Gaps: In some countries, national laws may not fully align with international standards, leading to inconsistencies in the protection of educators' rights (Okaforcha and Okeke 2020); Ibe and Udeoji 2019; Ucheagwu-Okoye 2019), Resource Constraints: Limited financial and administrative resources hinder the implementation of policies that promote favorable working conditions and professional development for teachers (Ojimba 2021; Okaforcha and Okeke 2018; Ezeaku and Obikeze 2018).

UNESCO plays a vital role in advancing the rights of educators globally through various international agreements and frameworks. Ensuring that teachers have the support, recognition, and resources they need is essential for improving educational quality and fostering an effective learning environment. Countries must commit to incorporating these international standards into their national laws and educational policies to create a conducive atmosphere for teachers and, consequently, students.

**The Convention Against Discrimination in Education (1960):** This convention emphasizes the right to education for all individuals and informs policies that affect teachers, ensuring they can effectively deliver education without undue barriers (UNESCO, 1960). **Recommendation Concerning the Status of Teachers (1966):** This recommendation establishes guidelines for the



rights and responsibilities of teachers globally, urging states to guarantee favorable working conditions and adequate remuneration (UNESCO, 1966).

International Labour Organization (ILO): The ILO provides frameworks that address labor rights applicable to educators, including: Safe Working Conditions- Teachers are entitled to a safe working environment conducive to their effectiveness and well-being (ILO, 2011) and Collective Bargaining Rights: The ILO underscores the rights of teachers to organize and engage in collective bargaining to advocate for better working conditions and pay (ILO, 2011).

### **Challenges in the Legal Framework**

Despite the existing legal frameworks, several challenges impede the full realization of teacher rights and responsibilities. The major ones include:

**Limited Awareness and Understanding:** Many teachers lack awareness of their rights under both national and state laws, resulting in underutilization of available legal protections (Okoye and Ucheagwu-Okoye 2021).

**Weak Enforcement Mechanisms:** The lack of robust enforcement mechanisms has led to persistent violations of teachers' rights, where grievances often remain unaddressed (Ibe 2019; Okoye 2017; Ezeaku 2013).

**Inadequate Resources like-Insufficient Funding:** Limited funding for the education sector significantly impacts the implementation of policies aimed at protecting teachers' rights. A lack of resources often translates into inadequate professional development and support for teachers (Nwogu and Nwakoby 2021; Ughamadu, Okaforcha and Okeke 2015).

**Training and Development Deficiencies:** Inadequate access to training programs has left many teachers without the necessary skills to meet contemporary educational demands (Ezeaku 2012; Okoye 2021; Ani, Iloka and Nwakoby, 2021).

**Socio-Cultural Barriers - Cultural Attitudes:** Societal beliefs and cultural attitudes can affect teachers' rights, leading to discrimination based on gender or ethnicity, which undermines their authority and effectiveness in the classroom (Okaforcha and Okeke 2019; Ezeaku 2014; Ucheagwu-Okoye and Nwadukwe 2021).

**Political Influences - Political Interference:** Political factors can disrupt the education sector, compromising teachers' rights, particularly in matters concerning employment conditions and job security (Nwakoby and Nwakoby (2022).

### **Suggestions for ensuring effective role of teachers**

1. **Teacher Training:** In order that teachers effectively inculcate human rights in students, we need to focus on Teacher Education (T.E.)

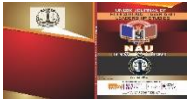




2. Experience Sharing: - Organizations of teachers can also conduct interactive experiences sharing sessions.
3. Teachers need to be motivated to have additional qualification in human rights through incentives.
4. The school shall take serious efforts in empowering teachers with information, planning, management and instructions because the destiny of the society is being shaped in the classroom.

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