



INTERNATIONAL LABOUR ORGANIZATION
UNITED NATIONS EDUCATIONAL, SCIENTIFIC
AND CULTURAL ORGANIZATION



CEART/INT/2014/1

Joint ILO–UNESCO Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART)

**Interim report of the Joint ILO–UNESCO Committee of Experts
on the Application of the Recommendations concerning
Teaching Personnel**

Geneva, September 2014

UNESCO – PARIS

ILO – GENEVA

Allegation received from the Tokyo-to Gakko Union of Japan

Background

1. The ILO received an allegation on 2 June 2012 from the Tokyo-to Gakko Union concerning non-respect of principles in the 1966 ILO–UNESCO Recommendation on the Status of Teachers. The initial allegation was discussed at the Eleventh Session of the Joint Committee in October 2012, and found to meet the criteria of receivability. As per the Joint Committee’s procedures, the allegation was sent to the Government of Japan, which provided observations on the allegation on 19 July 2013. Further comments were received from the union on 16 September 2013, to which the Government responded on 10 December 2013.

Substance of the allegation

2. The allegation centres on the treatment of Ms Miyako Masuda, a junior high school social studies teacher in Tokyo. Ms Masuda was hired as a teacher by the Tokyo Metropolitan Government in 1973. In 1997 she was transferred to the Daijuroku Junior High School in Tokyo’s Adachi Ward.
3. The union alleges that because of her critical stance in teaching history, especially with regard to Japan’s role in the Second World War, Ms Masuda was subjected to a series of unfair disciplinary measures, public shaming, and ultimately dismissal in 2006. The allegation contends that her treatment was not in conformity with several principles of the 1966 Recommendation, notably: academic freedom (paragraphs 61, 67 and 79); participation of teachers in the development of courses and textbooks (paragraph 62); and clearness and fairness in disciplinary proceedings against teachers (paragraphs 45–52 and 67–68).
4. In its response to the allegation, the Government of Japan restated its commitment to the spirit of the 1966 Recommendation. In the particular case of Ms Masuda, the Government contends that disciplinary actions were initiated upon complaints by parents that she was teaching in a biased manner. Due process and fairness were respected throughout these proceedings, in accordance with national laws on public servants. Various courts, including the Supreme Court, have upheld the actions against the teacher.
5. The Government further states that teaching materials are adopted through a rigorous review process as set out by law.

Findings

6. The Joint Committee notes that the case in question is complex and sensitive, and entails a series of events spanning over 15 years. It also notes with appreciation the timeliness of information provided by the Government in response to the allegation.
7. The Joint Committee considers that it does not have the mandate to assess the quality of the instructional material adopted by the Tokyo Board of Education or teaching methods used by Ms Masuda. The case further raises a number of factual questions which the Joint Committee will address directly to the parties concerned. Nonetheless, the case concerns a number of important issues about the scope of academic freedom in secondary education,

fairness and due process in disciplinary procedures against teachers, and the appropriate role of teachers and their organizations in the development of teaching materials. For this reason, the Joint Committee will discuss the case at its next session in April 2015, to allow for full consideration of facts and arguments.

8. To fully assess the issues in the allegation, the Joint Committee would invite both parties to provide additional clarification on a number of questions arising from the case, and to provide this information before the Joint Committee's meeting in April 2015.

Recommendation

9. The Joint Committee will seek clarification directly from the parties concerned on a number of factual questions and review the allegation in full at its next session in April 2015.

Allegation received through Education International from the Cambodian Independent Teachers' Association (CITA)

Background

10. The ILO received an allegation from the Cambodian Independent Teachers' Association (CITA) on 5 October 2012, transmitted through Education International, regarding non-respect of principles in the 1966 ILO–UNESCO Recommendation on the Status of Teachers. The initial allegation was discussed at the Eleventh Session of the Joint Committee in October 2012, and found to meet the criteria of receivability. As per the Joint Committee's procedures, the allegation was sent to the Government of Cambodia on 16 November 2012 for its observations. As no response was received, a reminder was sent to the Government on 18 April 2013. A further reminder was sent on 12 August 2013, indicating that the Joint Committee, as per its usual practice, would have to proceed to examine the case in its interim report. No response by the Government has been received to date.

Substance of the allegation

11. The submission by CITA in essence alleges that there was a lack of a consultative framework for teachers and teachers' organizations to participate in the development of education policies. While the Education Law of 2007 provided for the participation of education stakeholders in the development of policies, in practice no independent teachers' organizations were recognized by the Ministry of Education, Youth and Sport for the purpose of formal discussions regarding education policy. According to the union, teachers' representatives were not included in such bodies as the Education Sector Working Group, the Joint Technical Working Group, and the Education Congress. This lack of participation of teachers in policy setting failed to implement the principles set out in paragraph 9 of the Recommendation.
12. The allegation further states that there was a severe lack of opportunities for in-service training for teachers. While in-service training existed, it was often provided by non-governmental organizations or development partners. The union calls for more regular provision of in-service training by the Government, along with standards developed

together with teachers' associations to govern access to, and the quality of, such training, in line with paragraphs 32–37 of the Recommendation.

13. CITA also alleges that professional standards and policies on the recruitment of teachers were developed in the absence of consultation with teachers' organizations, and that such standards were poorly disseminated. This situation was not in conformity with the principles set out in paragraphs 38–39 of the Recommendation.
14. The allegation also states that there was no policy governing the promotion of teachers, and notes that promotions were often linked to affiliation with the ruling political party, a practice that was not in line with the principles set out in paragraphs 40–44 of the Recommendation.
15. According to the union, there were no guidelines or regulations governing disciplinary measures against teachers, other than provisions concerning the civil service in general. In some cases, teachers were only informed of sanctions against them, and not of complaints or evidence against them, and not offered an opportunity to defend themselves. The union states that such practices were not in line with the principles set out in paragraphs 45–52 of the Recommendation. Moreover, a code of ethics was drawn up by the Ministry of Education, Youth and Sport, but not in consultation with teachers, as called for in paragraphs 70–73 of the Recommendation.
16. The union alleges that there was no consultation on selection of teaching aids, and that teachers were hesitant to use or develop teaching materials that were not sanctioned by the Ministry. Such practices were not in line with paragraphs 61–62 of the Recommendation.
17. According to the allegation, contact hours were below regional averages, and teachers were not consulted on determining hours of work, as is encouraged in paragraphs 89–93 of the Recommendation.
18. Similarly, teachers' salaries were below the World Bank estimate of the income needed to support a typical Cambodian family. The union calls for an increase in salaries to attract and maintain people with the desired qualifications, as set out in paragraphs 114–124 of the Recommendation.
19. The allegation further states that teachers were denied the right to form unions or to bargain collectively under the Common Statute of Civil Servants, and that provisions for teachers' participation in the development of educational policies stipulated in the Education Law were not implemented. The allegation cites several instances where local authorities had interfered with CITA events. These problems impaired the implementation of the principles set out in paragraphs 82–84 of the Recommendation.

Findings

20. The Joint Committee notes with regret that the Government has not responded to this allegation.
21. The Joint Committee recognizes the economic challenges faced by Cambodia and notes its steady progress in achieving education goals over the past decade. Nonetheless, the situation described in the allegation appears to present several problems with respect to implementing the principles of the Recommendation. Overall, there appears to be a complete absence of a consultative framework with teachers and their organizations in the development of education policy, the selection of teaching materials, and the setting of salaries and hours of work. Disciplinary procedures appear to lack the appropriate safeguards to provide the necessary autonomy for teachers to be effective.

-
22. In this respect, the Joint Committee recalls the important principle that “[t]eachers’ organizations should be recognized as a force which can contribute greatly to educational advance and which therefore should be associated with the determination of educational policy” (paragraph 9 of the Recommendation).
 23. The Joint Committee also notes the allegations that teachers’ salaries remain below levels commensurate with the principles set out in paragraph 115 of the Recommendation. In this respect, the Joint Committee recalls the general principle, set out in paragraph 8 of the Recommendation, that “[w]orking conditions for teachers should be such as will best promote effective learning and enable teachers to concentrate on their professional tasks”.
 24. The Joint Committee also notes with concern allegations of interference in the activities of teachers’ organizations. While matters of freedom of association are not within the mandate of the Committee, the Joint Committee notes that interference with the activities of teachers’ organizations is not in line with the principles set out in paragraph 9 of the Recommendation. The Joint Committee further notes that similar concerns were the subject of a discussion and conclusions by the Committee on the Application of Standards at the 102nd Session of the International Labour Conference in 2013.
 25. Given the seriousness of the situation described, the Joint Committee will examine this case in depth at its next session in April 2015.

Recommendation

26. The Joint Committee strongly encourages the Government of Cambodia to respond to the allegations in the shortest possible time to permit the Joint Committee to make fair and well-informed recommendations on this case. Should no response be received, the Joint Committee will have to make recommendations without benefiting from the inputs of the Government. The Joint Committee will review the allegation at its next session in April 2015.

Cases previously examined by the Joint Committee

27. Three further cases previously examined by the Joint Committee were the subject of recommendations at the Eleventh Session of the Committee in 2012.

Allegation received from the Dansk Magisterforening (DM) of Denmark

28. The Joint Committee considered an allegation made by the Dansk Magisterforening (DM) at its Tenth Session in 2009. At its Eleventh Session, it noted that the DM still considered that current practices at Danish universities undermined principles of academic freedom. The Joint Committee recommended that the Government of Denmark discuss the issues raised in this case with the relevant parties.

Allegation received from the All Japan Teachers' and Staff Union (ZENKYO)

29. At its Eleventh Session, the Joint Committee noted that there had been progress in the case and requested both parties to keep it informed of further developments to allow for the situation to be monitored.

Allegation received from the National Teachers' Federation (FENPROF) of Portugal

30. At its Eleventh Session, the Joint Committee considered an allegation submitted by National Teachers' Federation (FENPROF) concerning the Portuguese Government's alleged disregard for collective bargaining, the absence of negotiation in relation to the reduction of teachers' salaries, the suspension of teachers' career progression and the absence of negotiation with regard to legislative measures aimed at introducing changes in the curriculum. In its recommendation, the Joint Committee urged both parties to seek a resolution to these matters in line with the principles of the Recommendation.

Recommendation

31. With regard to all three of these previously examined cases, no further communication has been received by the Joint Committee. The Joint Committee invites the parties concerned by these allegations to provide information on developments in these matters for consideration by the Joint Committee at its next session.