

# Twenty years later: International efforts to protect the rights of higher education teaching personnel remain insufficient



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## EXECUTIVE SUMMARY



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This study, based on interviews with educators in various professional paths and supplemented with relevant research literature, seeks to examine the contribution of the 1997 UNESCO *Recommendation concerning the Status of Higher Education Teaching Personnel* (abbreviated here as R97) to the protection of professionals working in institutions of higher education. It proceeds in four parts: first, it details the impact of R97 through actions taken by its monitoring body (CEART) over the past 20 years; second, it reports on educators' awareness and knowledge of R97; third, it discusses some of the most pressing challenges confronting higher education institutions today; and fourth, it presents recommendations for UNESCO, as well as ILO to strengthen the performance of CEART and greater awareness of R97.

## The monitoring of R97 through CEART

R97 today is the only international instrument that defines academic freedom, characterizes the governance of universities and other higher education institutions, and presents a basic outline for conditions and terms of service of faculty members.

R97 relies on a 12-member committee appointed from various parts of the world: the Committee of Experts on the Application of the Recommendations concerning Teaching Personnel (CEART). This body is charged with two tasks: (1) monitoring the implementation of R97 as well as that of the 1966 ILO/UNESCO *Recommendation concerning the Status of Teachers* across countries, and (2) reviewing and settling complaints arising from national actions that go against the principles set up in R97. There are, however, several organizational and logistical features that diminish the potential impact of CEART's work.

CEART meets every three years, with limited work conducted by its members between sessions; further, it meets on those occasions for a brief period of time—about five days. The support given by UNESCO and ILO is limited as the staff of these agencies fulfill several other tasks simultaneously. Customarily, CEART sends a questionnaire to governments every three years to collect progress on R97 but “many do not complete the questionnaire and often the information they provide is not adequate” (World Education Report, 1998, p. 24). More serious, in

its 50 years of existence<sup>1</sup> CEART has received only 24 complaints (called “allegations”) and only two have dealt with higher education, both about issues of academic freedom, governance rights, and working conditions.

Organizations comprising educators (e.g., Education International), business entrepreneurs in education (e.g., the International Organization of Employers), and researchers (e.g., OECD) attend CEART meetings by invitation only. Those invited make a presentation to CEART, after which they hold a brief question-and-answer period and are then asked to leave. So, despite the interest of UNESCO and ILO in fostering a “social dialogue,” those invited to speak in front of CEART do not participate in dialogue with other invitees, only with CEART. Following its triennial meetings, CEART publishes a report containing its recommendations. Such pronouncements are regarded as “mild” by several observers. The information contained in those reports is considered very useful, but the main problem is that these reports do not circulate widely, despite the fact that some 700 copies are produced in all six UN languages.

## Awareness of R97

Interviews with academics, teacher union leaders, and staff in various international organizations dealing with education reveal that awareness of the existence of R97 is extremely low. A few teacher union leaders (mostly in Europe and Canada) report knowing about it; in conversations with education union leaders in emerging labor unions in the US, they are surprised about the existence of this document and admit not having read it. Academics’ knowledge of R97’s existence is likewise limited. A 2012 UNESCO survey sent to 623 institutions of higher education mentioned above found that only 52% of the respondents were aware of its existence. Among university members of the University and College Union, 9.9% are said to be aware of its existence; data for the rest of European university teaching unions indicated a slightly higher average percentage, at 15%.

On the other hand, those unions that do know about R97’s existence have used it on various occasions, as has been the case in Canada, Argentina, and the UK.

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<sup>1</sup> CEART has been in operation since ILO and UNESCO adopted the Recommendation concerning the Status of Teachers (applicable to primary and secondary school teachers) in 1966. When R97 was adopted, CEART received the additional charge to monitor higher education teaching personnel.

## Mapping the Challenges Facing Higher Education Today

Five areas emerge as significant challenges to higher education today: the constant crisis represented by “austerity” policies, threats to academic freedom, the growth of a casualized faculty, the expansion of privatization, and the extent and potential of unionization.

### *Austerity.*

Austerity has led to measures to reduce expenditures on university personnel, particularly among academics and researchers. A trend has emerged to replace the current civil-service or permanent employment status of academics with short-term contractual relationships between the university and individual faculty members. This has produced a decrease in collegiality. Academics exert leadership today mostly through decisions on programs and curriculum, with very little input on policy issues affecting the university as a whole, such as decisions to increase tuition, to change organizational structures or create new ones, to decide on financial matters affecting the university, to set the strategic direction of the institution, to erect new buildings, to provide long-distance learning, to appoint tenure-track higher education personnel for their own units (often being told there are no funds to do so), and even to create new academic programs. Under the slogans of “competitiveness” and “innovation” many such decisions are now in the hands of senior administrators.

### *Academic Freedom.*

As well spelled out in R97, the four pillars regarding the rights of higher education teaching personnel are: (1) the right to teach; (2) the right to engage in research and disseminate their work; (3) the right to engage in service to the profession and the institution, including the right to criticize the institution and the system in which one works (intramural speech); and (4) the right to exercise one’s civil liberties without institutional reprisal or censorship.

The most common type of full governmental compliance with R97 concerns the provision of institutional autonomy. In contrast, academic freedom is fully protected in less than half of the 27 European countries in the study, and fully protected tenure exists in slightly more than half of them. These constitute a relatively modest degree of government compliance for countries reputed to have the most democratic systems of academic governance.

Data covering the past year document actions of violence against academics, students, and higher education institutions in 36 countries, the most intense being those in Nigeria and Pakistan. Academic freedom is precarious in

China and attacks against academics in Turkey at present are severe. Attacks against academic freedom have also been reported in Russia, Iran, Poland, and Hungary. Threats to institutional autonomy have emerged in Central and Eastern Europe.

### **The Growth of Casualized Faculty.**

The continuous increase of temporary and part-time employment is now a dominant feature in most higher education institutions. The most extreme situation can be observed in the US. While only 3.3% of faculty appointments were off the tenure track in 1969, by 2014 close to 70% are off the tenure track.

Even in industrialized countries with well-established workers' rights, the proportion of contingent faculty is also on the rise. In Canada today, for example, one-third of university faculty members are off the tenure track. The growing modality of distance education, particularly in industrialized countries, also favors the use of contingent faculty in response to the increasing demand for degrees and specific courses. The growth of casualized faculty is also evident in Europe, as a recent survey of academics belonging to 10 European teachers unions found that 48% of the respondents did not have permanent contracts.

The problems associated with part-time or temporary employment are multiple: employment benefits are seriously curtailed—no sick leave, no medical insurance, no pension plans, very limited free professional development, and scant opportunity for promotion. Very often, work outside of teaching hours is not recognized: contingent faculty are usually unpaid for course (subject) development, and extra work, such as student guidance and counseling, is not paid. An even more serious aspect of their work is that they do not participate in collegial governance of the institution. If tenured professors feel vulnerable in terms of academic freedom, the problems facing casualized faculty are even greater, as they can be fired for expressing controversial ideas and thus tend to engage in self-censorship.

Higher education also presents a serious situation regarding the representation of women in faculty positions. While more than 60% of contingent faculty in Europe are women, on average, women continue to be a minority in the top-ranking positions, i.e., as professors. Surprisingly, this situation merits a substantial effort at improvement in Europe. Despite policy measures or initiatives in that region centered on preventing or limiting gender difference, women represent more than 30% of the professors in only six of the 26 countries members of the European Tertiary Education Register.

### **The Expansion of Privatization.**

The main privatization repercussions for faculty is that: (1) privatization gives rise to an inordinate proportion of part-time faculty, usually poorly paid, and (2) it creates an environment where the engaged faculty are reluctant to

express alternative viewpoints and critique of their working conditions for fear that their contracts will not be renewed. For those in tenured or tenure-track positions, there are negative repercussions as well: since non-tenured faculty cannot assume responsibilities in most academic and administrative committees, the declining numbers of tenured professors face higher advisory loads than in the past. Renewal of their contract being dependent on “satisfactory” performance, contingent professors commonly engage in self-censorship, avoiding controversial or taboo subjects in their teaching or research. Their role as public intellectuals thus is also affected by the vulnerable conditions under which they work.

### ***The Extent and Potential of Unionization.***

A major challenge facing teachers’ unions is to increase the proportion of “decent positions” (i.e., jobs with adequate salaries and conditions) in higher education because without such openings unionization is extremely difficult. So unions are caught in a vicious circle: some faculty are too poor to become unionized and the unions cannot be successful until their potential members have sufficient resources to join. Yet, there are also instances where contingent faculty are acting collectively to defend their own interests. While there is undeniable strength in numbers, unions today incorporate a very small proportion of the higher education teaching force.

Several factors operate to explain the low union representation of higher education personnel. One is government impediments to prevent or discourage faculty members from joining unions. A second factor is the still widespread belief in certain countries that higher education teaching personnel, as individuals, are professionals with total discretion to negotiate salary conditions on their own according to their particular faculty profiles. A third factor is the increasing privatization of the university sector, where owners have great discretion to dissuade faculty hires from organizing into unions through the implicit retaliatory threat of not re-hiring activist teaching personnel. A fourth factor is the increasing connection between universities and corporations, which encourages participation of business leaders on boards of trustees and renders unionization an object of resistance.

To improve the social perception of unions, some voices—both within and outside the unions—hold that unions should advocate, not only for better salaries and working conditions, but also for teaching as a profession. While professionalism is an issue that must accompany all collective action by higher education personnel, it is also clear that working conditions in current university environments demand more attention.

## Measures to be considered

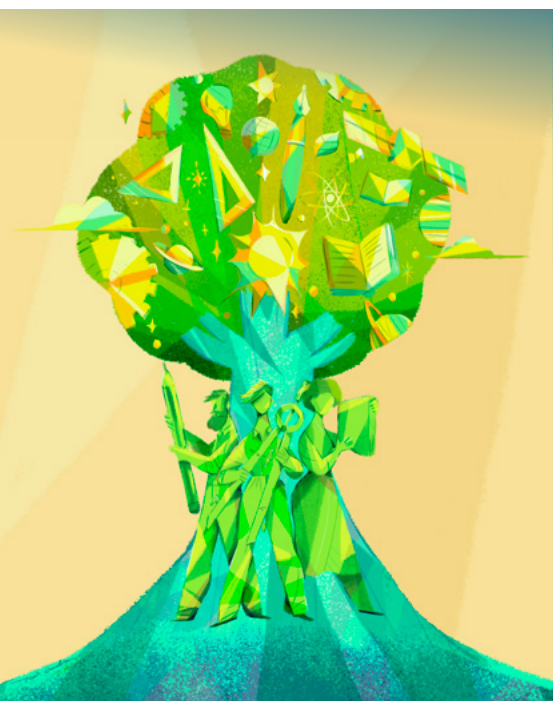
Given the current threats and practices against the conditions of higher education teaching personnel, it is clear that R97 continues to be of high relevance. It would be highly advisable to make R97 much better known. This would motivate unions to contact CEART more often, either to seek assistance in monitoring the *Recommendation's* implementation or to present allegations for careful review. This strategy would necessitate also clarification of the procedures to be followed when presenting claims. To many of the respondents in this study, it was not clear whether complaints should go through EI or directly to CEART, or if instead communications should go to UNESCO or ILO.

Since CEART meets only once every three years and counts on limited secretarial support, it would be advisable to seek ways in which CEART could take a more active role. It has been recommended by some observers that CEART consider increasing its work rate and meeting more frequently. UNESCO and ILO's support of CEART in terms of additional human resources, therefore, needs to be revisited and given greater priority. In addition, UNESCO and ILO should foster a global dialogue on academic freedom, privatization, and the conditions facing casualized faculty. This dialogue should have the participation of Education International (EI), which—by representing more than 32.5 million teachers in the world—bring to the table the perspective of those who engage in teaching and research in higher education institutions.

## Concluding thoughts

R97 draws its power from the “name and shame” strategy used by CEART. But for it to serve for advocacy and legitimation purposes, R97 must become more widely distributed and invoked. As this study has shown, R97 is not sufficiently known, much less applied by its own constituency, the labor unions. A near invisibility after 20 years does not do justice to such a valuable document. Responsibility for its dissemination must be shared by ILO and UNESCO, including the UNESCO national commissions and the UNESCO chairs existing in many universities. There exists a great potential for other institutions and groups such as the International Task Force on Teachers, EI, and EI national affiliates to more actively promote it,

In discussing the relevance of R97 today, we are obliged to acknowledge that neoliberal economic models have created significant challenges for higher education across many dimensions. Today, great importance is given to the notion of quality, thus the frequent references to “quality control” and “accountability.” But the notion of quality merits comprehensive debate. The strong link between the quality of higher education and the quality of its teachers is too often glossed over. Quality of teachers—and thus of learning—at the higher education level must be tied to the recruitment and retention of the most competent professionals in higher education institutions and making universities a well-equipped and satisfying place to work. In both cases, considerations regarding financing and the status of higher education teaching personnel are of great importance. With the large majority of faculty working under the status of contingent faculty, precious values such as academic freedom become extremely vulnerable. No doubt, greater academic freedom will likely result in critiques of governmental policy. But these are costs that democracies must be willing to accept if they are indeed to deserve that name.



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