



ILE MULTIDISCIPLINARY JOURNAL

VOLUME 4 AND ISSUE 1 OF 2025

INSTITUTE OF LEGAL EDUCATION



ILE MULTIDISCIPLINARY
JOURNAL

WHILE THERE'S RESEARCH THERE'S HOPE

ILE MULTIDISCIPLINARY JOURNAL

APIS – 3920 – 0007 | ISSN – 2583-7230

(OPEN ACCESS JOURNAL)

Journal's Home Page – <https://mj.iledu.in/>

Journal's Editorial Page – <https://mj.iledu.in/editorial-board/>

Volume 4 and Issue 1 (Access Full Issue on – <https://mj.iledu.in/category/volume-4-and-issue-1-of-2025/>)

Publisher

Prasanna S,

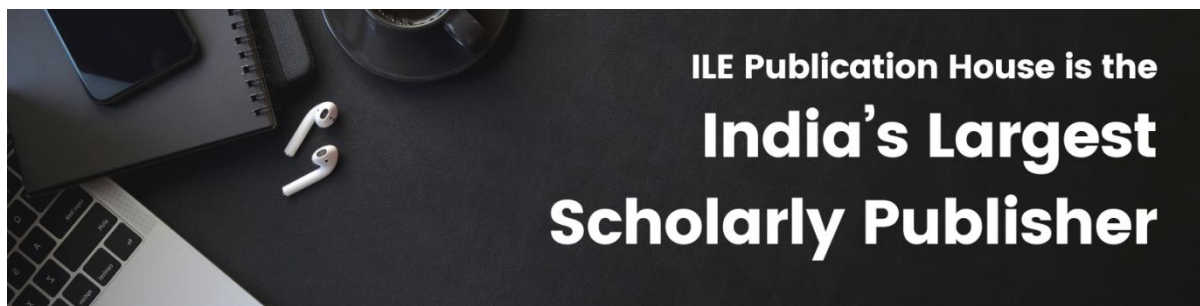
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AN ANALYSIS OF OCCUPATIONAL SAFETY FOR TEACHING STAFFS

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BEST CITATION – ROHITH S B, AN ANALYSIS OF OCCUPATIONAL SAFETY FOR TEACHING STAFFS, ILE MULTIDISCIPLINARY JOURNAL, 4 (1) OF 2025, PG. 428-432, APIS – 3920-0007 | ISSN – 2583-7230

ABSTRACT

Occupational health and safety focuses on the well-being, health, and protection of individuals in the workplace. It is the moral and legal responsibility of the employers to look after their employees and to ensure that every possible measure is taken to protect the health and safety in the workplace. The education sector plays a vital role in shaping the future of societies by imparting knowledge and skills to the next generation. However, it is essential to recognize that working in education is not without its occupational health risks. From teachers standing in front of classrooms to administrative staffs managing various tasks behind the scenes, individuals in this sector face a unique set of challenges that can impact their health and wellbeing. The occupational hazards face by teachers and steps to provide protection to them will be discussed in this paper.

KEYWORDS: Occupational safety, Teachers, Hazard, Health

INTRODUCTION

Teachers are regarded as having a noble and meaningful career as they play such a crucial role in determining the future of society. However, the teaching profession is also known for its high levels of occupational stress. Teachers in India are perceived to be working in an exceptionally demanding profession. It is frequently observed that despite numerous significant and rapid transformations in the education system throughout the years, the assistance given to teachers to help them manage these changes has consistently been insufficient. The government of India has introduced numerous educational policies throughout the years in order to ensure that all children regardless of their gender, caste or economic status are provided with an access to education. It is also aimed at emphasizing the significance of child-centered approach to learning. But, the lack of proper planning and inadequate support for the implementation of these policies has led to teachers being overworked, stressed and subjected to poor wellbeing. Consequently, majority of teachers today have discovered that they experience

stress of some kind at some point in their careers¹⁶⁴.

WHETHER TEACHER IS A WORKMAN?

The question was raised as to whether teacher can be considered a 'workman' under Industrial Disputes Act, 1947. The word 'workman' means any person employed in any industry. It is a very exhaustive term which includes any person, apprentice employed in any industry to do any manual, skilled, unskilled, technical, operational, clerical or supervisory work for hire or reward, etc¹⁶⁵.

The Supreme Court in the case of *A. Sundarambal vs Govt. of Goa, Daman and Diu*¹⁶⁶ held that teachers would not be considered workman. The court held that imparting education is a noble vocation. A teacher moulds the character of students and so it does not qualify as manual, supervisory, clerical or technical work. But in my view, this must not be a reason to exclude teachers from the definition

¹⁶⁴Cooper C, & Travers C Teachers under Pressure: Stress in the Teaching Profession (1st ed.1995) available at <https://doi.org/10.4324/9780203059975> (last visited on 17th February 2025)

¹⁶⁵ Industrial Disputes Act, 1947 S-2(s), No.14, Acts of Parliament, 1947 (India)

¹⁶⁶ A. Sundarambal vs Govt. of Goa, Daman and Diu 1988 (4) SCC 4



of workmen because teaching can be considered as work of technical nature.

WHETHER TEACHING IS OF TECHNICAL NATURE?

In the case of *Bombay Dyeing and Manufacturing Company Ltd vs R A Biddo*¹⁶⁷, the Bombay High Court explained the elements of technical work which includes:

- Expertise
- Special knowledge
- Training or experience

Teachers must have special knowledge and expertise in the subjects which they are supposed to teach. They also have to undergo training to gain expertise in the subject chosen by them. It can be said that there is a possibility to categorise teaching as work of technical nature to bring teachers under the ambit of 'workmen'. But the judiciary have remained silent on this aspect even in the landmark judgement of *Bangalore Water Supply and Sewage Board vs Rajappa*¹⁶⁸.

CONTRACT TEACHERS

Teachers can be categorised into Regular and Contract teachers. Contract teachers encompass a wide and diverse range of roles. Many different types of teachers fall under the label of "Contract Teachers" including 'temporary', 'guest faculty', 'ad hoc', 'volunteers', 'Para teachers', etc. However their salaries and working conditions are far less than the regular teachers. Typically they are hired for one year or less at a salary half or less than that of regular teachers. The contract teachers' appointments have become the norm in many states in India. However, since their salaries do not form part of payroll, there is no official statistics regarding the same. This trend has been supported by the Central Government policies and documents of late 1990s such as National Committee of State Education Commissions, National Commission on Teachers, etc.

The contract teachers have demanded regularization of their services and upgradation of their pay many times. They have also sought benefits of regularization such as some job security and recognition of their work, etc. They have even approached the Supreme Court to get regularization. In *Piara Singh vs State of Haryana*¹⁶⁹, the Supreme Court gave guidelines for regularization of contract employees:

- i. A person should not be kept in temporary or ad hoc service for long. If it so, the court presumes that there is need and warrant for a regular post and accordingly directs regularization.
- ii. While giving directions, the court must act with due care and caution.
- iii. The normal rule is the regular appointment through prescribed agency but if some emergency arises the ad hoc or temporary appointments can be made.
- iv. In such a situation, efforts must be made to replace them by regularly selected employees. But such a temporary or ad hoc employee may also compete with others for such regular appointment.
- v. An ad hoc or temporary employee can only be replaced by a regularly selected employee as it is expedient to avoid arbitrary action on the part of appointing agency.
- vi. The state must act as a model employer. That state should not exploit its employees nor should it seek to take advantage of the helplessness and misery of the unemployed persons. Equal pay must be given for equal work, which is indeed one of the directive principles of state policy under the Constitution¹⁷⁰.
- vii. When a person enters a temporary appointment or gets engagement as a contractual or casual worker and the engagement is not based on the proper selection as recognised by the relevant rules and procedure, he is aware of the consequences of appointment being temporary, contract or casual in nature, such a

¹⁶⁷ *Bombay Dyeing and Manufacturing Company Ltd vs R A Biddo* 1989 (2) BOMCR 367

¹⁶⁸ *Bangalore Water Supply and Sewage Board vs Rajappa* 1978 AIR 548

¹⁶⁹ *Piara Singh vs State of Haryana* 1992 AIR 2130

¹⁷⁰ INDIA CONSTITUTION, art 39, cl. d



person cannot invoke the theory of legitimate expectation for being confirmed in the post. Therefore theory of legitimate expectation cannot be successfully advanced by temporary, casual or contractual employees. The theory cannot be invoked to seek positive relief of being made permanent in the post.

However, this decision of the Apex Court was overruled in the case of *State of Karnataka vs Uma Devi*¹⁷¹ where the court held that the practice of contract employment and the regularization is a backdoor entry to the public employment and affects the employment opportunities to the public. The rights of contract employees are subordinated to the rights of public applying for the regularized post. The doctrine of legitimate expectation does not apply to the contract employees as there is never a stipulation in their contract as to their regularization. The court in Uma devi case ordered the end to judge-ordered regularization. It was claimed to be promoting nepotism and inefficiency. After 2000s, the court rarely discussed the role of the state as a 'model employer' or what was 'fair' to teachers, and instead commented that teachers should have known what to expect when they signed the contract.

ROUTINE OF TEACHER

For most teachers, a typical day begins around 5.30 AM to 6 AM. This early wake-up is necessary to ensure they finish their housework like preparing food for their family, getting their children ready, etc. They also have to arrive at work and have time to prepare for the daily lectures. From approximately 9AM to 5PM, they have to be present at the institution. After arriving home from work, most teachers will have to prepare for class notes, class test, grading papers, research for article publishing, etc. For 5 days a week, it adds upto 50 hours worked per week for teachers. Under the Right to Education Act, 2009 the minimum number of teaching hours per week for teachers in India is 45 hours.

RIGHTS OF TEACHERS

I) Right to gratuity

The payment of gratuity Act, 1972 grants entitlement to gratuity toward an employee who has been in continuous service for 5 years. In *Birla Institute of Technology vs State of Jharkhand & Ors*¹⁷², the Supreme Court held that teachers are legally allowed to gratuity under the Payment of Gratuity Act, 1972.

II) Right to salary

The entire purpose of providing service to an employee is to provide a fair and adequate pay-out. Equal pay for equal work is guaranteed by Article-39(d) of the Constitution. The teacher is entitled to salary as prescribed under the conditions of service. If they are on a contractual basis, then as prescribed under the contract.

III) Right to a Provident Fund

The Employee Provident Fund Scheme, 1952 states that PFs are relevant to educational institutions in India. In *DAV College vs Regional Provident Fund Commissioner (RPFC)*¹⁷³, the Supreme Court upheld that the teachers are also entitled to provident fund.

IV) Right To Disconnect

Before pandemic, teachers were only performing school duties inside school campus. In some cases, some works like paper correction, preparing notes were done at home. But after pandemic, teachers had to manage the transition from physical to online mode.

Parent-teacher meetings were held at regular intervals. But now, concerned parents just bombard teachers with emails, Whatsapp messages and calls. Teachers who were working for 6-8 hours a day were roughly spending 12 hours teaching online, preparing resources, grading assignments, etc¹⁷⁴.

¹⁷²Birla Institute of Technology vs State of Jharkhand & Ors 2019 (4) SCC 513

¹⁷³DAV College vs Regional Provident Fund Commissioner (RPFC) (1988) IIIJ 218 SC

¹⁷⁴<https://paycheck.in/salary/news/teachers-the-forgotten-victims-of-the-covid-19-pandemic> (last visited on 19 February 2025)

¹⁷¹State of Karnataka vs Uma Devi 2006 (4) SCC 1



V) Right to work free from sexual harassment

After the landmark judgement of *Vishaka vs State of Rajasthan*¹⁷⁵, it has become a legal right to protection of women at work place from sexual harassment. Teachers also are entitled with this right within the educational institution.

Even the educational institution sends work to the teachers through mails or electronic form after leaving the school campus. There is no express provision for right to disconnect. But it is observed as a Human right in India.

OCCUPATIONAL HAZARD FOR TEACHERS

The well-being of a teacher has a direct influence on their teaching effectiveness and students' success. Research indicates that a teacher's physical health can be notably affected by work-related challenges, such as workload and shifts in attitude, as well as indirectly through their job satisfaction¹⁷⁶. It is crucial for educators to prioritize their own well-being to effectively support the well-being of their students. Hence, teacher well-being is a significant issue for both schools and society. It is viewed as linked to educational management, student achievement, and teaching quality¹⁷⁷. Teachers who experience low well-being at work may be less productive and are more likely to quit their jobs, thus affecting the performance not only of the students but of the educational institution as well.

A teacher faces many occupational hazards at their workplace. They can be categorised into¹⁷⁸:

i. Stress

For teaching staffs, stress is one of the leading occupational hazards. Long hours and increased stress level affect the physical health

of teachers. Another cause for stress is the lack of discipline among the newer generation of children. They are faced with unruly classrooms and disrespectful students on a daily basis. When they have lack of support in disciplining them either at home or in at school, it puts teachers in a position conducive to stress.

ii. Ergonomic factors

During class hours, teachers' body will be under strain from various tasks such as standing for long hours, bending over desks to help students, reaching above their heads to write on boards, or carrying classroom supplies, etc. These activities can lead to increased risk of ergonomic concerns including pain in the back and hips, strains and sprains, and repetitive stress injuries. If the actions putting teachers under stress often, they could develop musculoskeletal disorders.

iii. Physical factors

Throughout the day, many teachers are susceptible to conditions that could lead to an injury-inducing slip, trip or fall. From the time they arrive at work and walk across the parking lot, they encounter potentially uneven surfaces with loose debris that could cause an accident¹⁷⁹. Other potentially hazardous conditions a teacher may encounter include loose cords in the teaching area, uneven carpets, and stairs. In some institution which more than 1 floor, and there is no facility of elevator or if it is not in working condition, some teachers may have difficulty in going to class. Some suffer from respiratory issues like wheezing may suffer from the physical stress they endure when they have to go for multiple times.

In some cases, teachers may have to present before a huge audience. They speak at their highest voice to make sure everyone understands the context. In doing so, their vocal chords are subjected to strain. They lose their normal voice for a couple of days and in some cases it extends even longer.

They are sometimes exposed to sexual harassment at workplace by fellow worker

¹⁷⁵Vishaka vs State of Rajasthan 1997 (6) SCC 241

¹⁷⁶ De Simone, S., Cicotto, G., & Lampis, J. (2016). Occupational stress, job satisfaction and physical health in teachers. *Revue Européenne De Psychologie Appliquée*, 66(2), 65–77. Available at <https://doi.org/10.1016/j.erap.2016.03.002> (last visited on February 18, 2025)

¹⁷⁷ Sutton, R. E., & Wheatley, K. F. (2003). Teachers' Emotions and Teaching: A Review of the Literature and Directions for Future Research. *Educational Psychology Review*, 15(4), 327–358. Available at <https://doi.org/10.1023/A:1026131715856> (last visited on February 18, 2025).

¹⁷⁸<https://concentra.com/resource-center/articles/the-abcs-of-occupational-health-for-teachers>, (last visited on February 18, 2025).

¹⁷⁹Supra note 15 at 4.



which is a serious issue. It directly affects the well-being of the teacher.

iv. Exposure

Teachers are almost espoused to contagious diseases as they interact closely with multiple students and other teachers. Most common infections include cold, fever, recently COVID-19 and skin diseases like rash, ringworm, etc.

v. Eye strain

In recent years after the covid-19 pandemic, the use of technology has increased especially in education. The concept of online class was introduced to impart education virtually through medium like Google meet apps. Teachers had to spend more time on computers or smart devices for lesson planning, emailing, projects, etc. They had to prepare PowerPoint presentation to make student understand the concept better. The extended use of screens can cause eye-related issues like blurry vision, astigmatism, and can even trigger migraines, which are also becoming a more prevalent issue for teacher to cope with.

RECOMMENDATIONS

- A separate legislation must be enacted for ensuring the occupational safety and health of teachers. There are various legislations that provide for basic amenities that a educational institute must provide. But there is no legislation to provide protection for teachers' safety.
- A separate authority to be appointed for supervision and co-ordinating the welfare measures and inspecting the institution periodically to ensure safety mechanism and provisions are clearly followed.
- Educational institutions can bring initiatives to reduce work stress for teachers like peer groups, mindfulness training, and flexible work schedules.

CONCLUSION

Teaching is a noble profession. A student passes from one grade to another whereas the teacher stays and teaches the next student. The years of service increases for the teacher, but they will be teaching the same cadre. Most of the discipline is taught to children by teachers other than parents. There are no express

provisions or legislations to provide occupational safety and health to teachers. It would be good to see that certain welfare and safety provisions are made for the souls who contribute lot to the students. The future of the society is the children. To make them contribute to the society lies in the teaching they receive at school. To get valuable education, it is important to see that teachers are provided with better welfare protections.