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# WHO IS GOING TO FOOT THE BILL?

Loss of labor rights and deepening of the care crisis for women teachers in eight Latin American countries during the pandemic

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## Executive summary

Ana Carcedo, Larraitz Lexartza, Mirta Kennedy,  
María José Chaves and Alejandra Paniagua

During the COVID-19 pandemic, governments in the Latin American region have made decisions that suddenly and profoundly affected everyday life and human relationships. Practically all aspects of life in society were altered, sometimes in extremely negative ways. Two years after the declaration of the health emergency, recovery in many areas is still a distant goal; in others, governments generally show no intention of reversing the setbacks and deteriorations that have occurred.

Teaching and care work fall into this latter condition, even though these are activities that were most affected by the pandemic. It cannot be ignored that both are highly feminized areas, a fact that facilitates their devaluation despite being essential to the reproduction of life and society.

In 2021, Education International Latin America published a study carried out by CEFEMINA entitled *Sostener el futuro: educar y cuidar sin recursos ni apoyo* (*Sustaining the future: Educating and providing care without resources or support*). This was an exploratory study with the objective: “To determine the impact of the pandemic and the measures adopted by governments in this context on unionized women teachers in El Salvador, Honduras, Costa Rica, Colombia, Peru, Paraguay, Argentina and Brazil” (EILA, 2021).

Based on the findings and conclusions of this study, EILA commissioned CEFEMINA to carry out a new investigation deepening the focus on certain aspects with the following general objective: To determine the measures taken in the face of the COVID-19 pandemic that have increased the precariousness of the working conditions of women teachers and have impacted on the crisis of care in Honduras, El Salvador, Costa Rica, Colombia, Peru, Brazil, Paraguay and Argentina.

This study is qualitative in nature with the support of quantitative information where possible. Two research areas were defined:

**1. The impacts of the measures taken in each of the eight countries on working conditions in the education sector, in particular, on women teachers.**

**2. The impacts of the measures taken in each of the eight countries on the care crisis, in particular, on women teachers.**

In the first area, two aspects are explored in depth: the impacts of non-face-to-face education on the labor conditions and rights of the education sector, with an emphasis on women teachers, and the impacts on trade union action.

In the second area, three aspects are addressed: the usage of time of women and men in the country and in the families of women teachers, the measures taken that directly affect the provision of care in these families, and other measures that may indirectly affect these same areas.

The sources used include documents analyzing the topics of investigation: previously conducted research, official government publications, databases, especially those following up on the measures adopted during the pandemic (ECLAC's COVID-19 Observatory in Latin America and the Caribbean, and UNDP's COVID-19 Global Gender Response Tracker), publications, studies

and press releases published by trade unions and EILA, and, occasionally, press publications. In addition, surveys were made of women teachers in the second semester of 2021 in six countries (Honduras, El Salvador, Costa Rica, Colombia, Paraguay and Argentina), and twelve group interviews with union leaders were carried out in the eight countries for a previous study in 2020 and 2021.

The findings of the studies carried out in the eight countries make it possible to affirm:

**1. During the pandemic, with few exceptions, the countries included in this study enacted legislation and public policies aimed at reducing the size of the state, cutting back on social investment and making reversals to guarantees of the human rights of workers, including deregulation and the increased precariousness of work.**

The neoliberal agenda has been present in many countries in the region since before the pandemic. In most of these, the health emergency occurred in the context of fiscal austerity, an attack on labor rights, social polarization and the defunding of social investment, particularly of education.

During the COVID-19 emergency, in some countries, regulations were passed making further progress in this direction. In Costa Rica, the Law to provide legal certainty on strikes and their procedures limits the right to strike and the achievements of collective agreements. In Brazil, administrative reform is being sought that directly attacks public employees. In Paraguay a few days after the state of emergency was declared due to the pandemic, the government convened different authorities to promote an initiative that had previously been announced as the structural reform of the Paraguayan State; this consists of a set of measures that included the establishment of a limit on public debt and current spending, the redesign of the public procurement system, the creation of a superintendency of retirement and pensions, and the reform of the Law on the Civil Service and the Civil Service Career. In Honduras, the teachers' pension institution was intervened in to divert its capital to private investment. In Peru, union mobilization blocked the attempt to pass a set of laws that would facilitate intervention into Derrama Magisterial, a private social security institution belonging to teachers, along with regulations to outsource educational institutions to private enterprise.

Among the measures adopted by governments in some countries, extensive benefits were granted to companies, sometimes without the need to demonstrate negative impacts on their work. In Costa Rica, the Reduction of Working Hours Law was passed along with a regulation that allows dismissal, suspension of



employment contracts and the reduction of working hours and wages without compensation to workers. In Colombia, the flexibility of working hours was included as part of the measures adopted in reaction to COVID-19.

Another measure occurring in this period was the decrease or temporary suspension of business contributions to social security systems. In Honduras, contributions were suspended for three months. In Colombia, the controversial approval of Decree 1174 allowed the creation of a Social Protection Baseline for part-time workers who receive a monthly income below the monthly minimum wage; in the opinion of trade union organizations, this opened the door for hiring workers on a hourly basis. In Costa Rica, the minimum contribution base for health insurance and pensions was lowered to 25% during the first six months of the pandemic. Another trend in all countries was the granting of business loans on more favorable terms than previous ones, while in Honduras reduction of interest was made on loans to banks.

In some countries, measures were taken that affected the job and salary stability of workers, as well as their future security. The most harmful of these was the aforementioned authorization of dismissal without responsibility, compensation, nor guarantee of reinstatement, along with the suspension of contracts. These measures caused an unprecedented increase in unemployment and the loss of millions of people to the workforce, with disproportionate effects on working women. During the first months of the pandemic, in Costa Rica and Brazil the reduction of salaries and working hours in part or in full was authorized through individual agreements between employers and workers in exchange for limited emergency economic compensation. In Peru, the complete suspension of employment and salaries for companies requesting this was passed. In Honduras, companies were able to cease work for their employees by giving them vacation days and holidays, while suspending salaries. No regulations for the protection of employment, nor against layoffs or the reduction of working hours were passed, paid leave was not available, and nor was unemployment insurance.

In addition, previous agreements on salary increases and bonuses were disrespected. In Costa Rica, the government suspended the slated increase to the base salary for one year and the payment of annuities for two years; additionally, teachers in 2020 were not paid the Lower Development Index incentive previously negotiated in a collective agreement. In Paraguay, the planned 2020 salary increase to move towards equalization of the teaching salary with the minimum wage was suspended. In Honduras, benefits such as the bonus for academic qualifications and five-year bonus salaries were not paid, and the payment of salaries, benefits and redundancy packages for teachers were also delayed. In Peru, at the end of 2021 the payment of the social debt to teachers had not yet been made effective.

In Peru and Honduras, the savings of workers were used as one of the sources of financing for social assistance programs during the emergency. In Costa Rica, Honduras and Peru, these savings were allowed to be used by people who had their contracts suspended, causing the decapitalization of these funds and losses to projected pensions. In Colombia, workers were allowed to withdraw their severance payments due to a decrease in their income. In this way, a significant part of the resources that enabled the survival of the population in these countries were financed by the savings of workers.

The government of Argentina distanced itself from this trend, instead protecting employment through various measures. It prohibited dismissals and subsidized the salaries of companies affected by closure or falls in production, such that employment could be maintained, providing a cushion against job loss. In addition, it granted companies favorable loans and subsequently reduced the debt of companies that increased the payroll.

It is likely that in the future the governments of most countries will try to maintain and deepen the aforementioned trends in order to take advantage of a scenario not exempt from the risk of outbreaks of massive COVID-19 contagion, so contributing to the normalization of the exceptional conditions dictated by the states. Nonetheless, the responses of social organizations, and in

particular, trade unions to such austerity measures existed even before the pandemic and were sustained in this period. In some countries (Argentina, Honduras) there were changes in the Government aimed at focusing on the well-being of the population and greater national sovereignty in the face of neoliberal trends. In Colombia, the social outburst against policies promoted by Iván Duque's government blocked the proposed tax and health system reforms in a scenario filled with violence and repression. These are forces that can tip the balance towards recovery from the social and political crisis, as well as the restoration of rights violated during the pandemic.

## **2. During the pandemic, most countries passed or modified telework laws, but their governments did not frame non-face-to-face education within these norms.**

Between 2020 and 2021, laws regulating telework were passed in Argentina, El Salvador and Paraguay. In the case of Paraguay, before the adoption of the new regulations, different resolutions were passed regarding this modality of work within the framework of the emergency. In Costa Rica, Colombia and some jurisdictions in Argentina, regulations in this field already existed, designed primarily for private companies. In Brazil, the Consolidation of Labor Laws (CLT for the initials in Portuguese) already included some provisions in this area. However, during the pandemic, provisional resolutions were approved that modified the provisions of the CLT regarding telework, also including other forms of remote work. In Peru, a telework law from 2013 existed that had never been applied. During the pandemic, an emergency executive decree was passed that, among other exceptional measures, authorized the Ministry of Education to allow public and private educational institutions under its jurisdiction to provide remote educational services during the health emergency; following this, a second decree was passed establishing provisions for remote work for the private sector that were applicable by default to public entities

as appropriate. In Honduras, without a regulatory framework on telework, the working conditions of employees who switched to this modality depended on the particular agreements made with their employing companies. In Colombia, in 2021, the Remote Work Law was added to the regulations on remote work. This law regulates the employment relationship in occasional, exceptional and special circumstances.

Non-face-to-face education is not specifically addressed in any of these regulations. In El Salvador, the government decreed telework for private and public employment, but never mentioned teaching staff, and in any case, the law approved in 2020 was not put into force during the pandemic. In Argentina, trade unions came to an agreement with the Ministry of Education on regulations based on the ILO's Home Work Convention No. 177, although in practice many wider rights were not included in that instrument, such as the right to disconnection, and the gradual provision of technological resources and training in the use of ICT as being the responsibility of the Ministry of Education. In Peru, a new telework draft law was developed, with terms very similar to the remote work decree in the process of being passed, applicable to public entities and private institutions and companies subject to any labor regime. In practice, except for the case of Argentina, the characteristics of the new modalities of teaching were defined by the educational authorities unilaterally, in an impromptu and disorderly fashion.

Regardless of the legal format used by countries to establish non-face-to-face education, this was characterized in practice by transferring part or all of the additional costs of this work modality to teachers. The public health emergency was used as a pretext to offload part or all of the responsibility of employers to cover such costs.

In addition, other rights that according to the ILO should be included in telework laws were affected, such as the right to disconnect, the length of the working day, training being provided by the employer, health and occupational safety, the time periods of contracts, and the voluntary nature of changing the work modality. The emergency forced women teachers to migrate to remote work in

order to keep their jobs, regardless of their material and family conditions and their technological skills.

The return to classrooms did not eliminate the possibility of returning to non-face-to-face teaching due to new health emergencies. It is likely that in the short and medium term, the use of ICT will increase, especially in universities. This scenario establishes as an urgent task the review of national regulations in this field, in all their extremes.

**3. Non-face-to-face education was used to deepen public-private partnerships in education, without establishing controls nor evaluation and monitoring mechanisms, strengthening the trends towards the privatization and commercialization of education, affecting both in the present and the future the right to education and the labor rights of teachers.**

Private sector interference in education is not new in the region. Beyond having the right to establish private schools, sometimes subsidized by public funding, this sector has been increasing its influence on decisions and the execution of educational policies. This has been achieved through different strategies. In what has become a traditional practice, private sector groups organized into foundations or non-profit entities mobilize such that the design of educational models meets their interests, at the same time as seeking to place business products in public education systems. Financial and cooperation agencies, in particular the World Bank (WB), the Central American Bank for Economic Integration (CABEI) and the United States Agency for International Development (USAID) have been promoting these trends in the region through projects, support to private agencies, and loans to states aimed at educational reform.

The pandemic scenario is conducive to developing these proposals and presenting them as the solution to the problems that the state has failed to sol-

ve. In the context of social isolation, technological tools become indispensable, as they also have been for non-face-to-face education. Companies take advantage of the vacuum in this field within states to place their products. In all countries, public education has gone through processes for the acquisition of internet connectivity and the use of applications and platforms belonging to private companies (Zoom, Teams, Google Classroom, WhatsApp). In some cases, companies have made agreements with the authorities for limited donations of internet connectivity or the use of their platforms. This occurred in Paraguay, where Microsoft donated the Office 365 program, while the internet service providers Claro, Copaco, Personal, Tigo and Vox offered data packages for free access to Ministry of Education and Science (MEC) platforms. In El Salvador, Google came to an agreement with the government to open 1.4 million accounts for the use of Google Classroom, providing training for more than 30,000 teachers. In Colombia, private and business groups profit in different areas of public education. In Peru, coordination was carried out with multilateral organizations, companies and communities for the purchase and rental of antennas and cable equipment, as well as the installation of free Wi-Fi in public spaces. In Honduras, the National Telecommunications Commission was authorized to extend contracts with private mobile phone operators and IPC personal communications service to grant new licenses and to accelerate the expansion of broadband.

This is not a minor problem, since even when coming from donations, educational processes (methodologies, curricula, information management, among others) must adapt to such tools, which have not been built from within the educational community and thus do not take into consideration the criteria of those involved in it. In addition, dependent relationships are thus established with these products and with large technological companies. Other options exist, such as the use of free software, but no country has resorted to these at the levels of secondary education. At the university level, the platforms previously existing in some institutions were unable to support the unexpected massive demand for service, and these also resorted to using the platforms of private companies.

Progress in the privatization of education has serious implications not only with regards to the universal right to education, but also in terms of the widening of the gaps between private and public educational institutions. In addition, working conditions in private schools are often formally limited to the minimum wage and working hours established by labor legislation, while these are commonly disrespected in practice, along with other rights, in particular trade union rights. Women teachers in the private sector have found it difficult to take sick leave, even when they contracted COVID-19 (Argentina). In Honduras, during the pandemic some teacher contracts in the public sector were not renewed. Teachers in the low-budget Programa Hondureño de Educación Comunitaria (Honduran Community Education Program, PROHECO) schools do not have the same labor rights as those in the public sector. In Peru, there have been layoffs due to the closure of a considerable number of low-budget private educational institutions that could not be sustained due to the crisis; in the public education sector, teaching staff were incorporated only temporarily during the pandemic.

The extent of the progress made by privatization efforts in the field of education during the pandemic and the implications of this for the future are not yet known. This leads to an inescapable point of resistance required for the defense of the right to education and of the rights of teachers.

#### **4. The material, social, technical, methodological, human and public management conditions for non-face-to-face education and for the staggered return to classes did not exist, and, during the pandemic, some resources deteriorated.**

The transition to non-face-to-face education exposed the pre-existing social gaps within countries that exist between higher- and lower-income families, urban versus rural areas, marginalized communities and Indigenous communities, and private and public education. It also exposed the fragile working conditions of a

significant portion of teachers, whose salaries are generally low. In El Salvador, 40.6% of the women teachers surveyed indicated that family income before the pandemic was insufficient to maintaining the household; in Honduras this was at 35%; in Argentina it was at 30.1%; while in Costa Rica it was at 21.1%.

The measures adopted by most states deepened the exclusions and pre-existing gaps, negatively affecting the chances of children and adolescents continuing their studies. At the beginning of the pandemic, many of the families lacked space in their homes as well as adequate and sufficient equipment for non-face-to-face education, a situation that extended to a significant portion of the teaching workforce.

Internet access in households shows huge gaps according to family income, as well as between regions. In Costa Rica, 91% of households in the 5th income quantile had internet access, while, in the first quantile, only 58% did. In El Salvador, in 2018 the number of higher-income families with internet access was more than ten times those with lower incomes; in this country more than 90% of rural households lacked internet connectivity. In 2018 in Paraguay, 65% of the richest households (the 5th quantile) had internet connectivity, while in the poorest households (1st quantile) only 3% did so. In Argentina, around 30% of children in urban areas lack internet connectivity. In Honduras, the percentage of homes with fixed internet access is 20.4% for poor households, 40.3% for vulnerable middle-class households and 58.6% for consolidated middle-class households. In Peru, only 7% of children and adolescents aged five to twenty years of age from households belonging to the first quantile of lowest income had access to the internet, compared to 85% of those belonging to the highest income 5th quantile. In the rural areas farthest from the big cities with a greater presence of Indigenous peoples (Peru, Honduras), and in the jungle and high Andean areas of Peru, they not only lack internet connectivity, but often also electricity. In Colombia, only 43.4% of households had internet access (whether fixed or mobile). Many families resorted to acquiring prepaid data connectivity and download time via cell phones, with high costs that were not always within their budget, particularly when they did not have fixed salaries and had to live on the income generated on a day-to-day basis.



Teachers also suffered shortages of resources for non-face-to-face work. In Costa Rica, 25% of the teaching staff did not have access to the internet or lacked the necessary resources to practice distance education. In El Salvador in 2021, 69.7% of female educators indicated that they had insufficient tablets or computers, and 53.6% indicated that their internet connectivity was fair or poor. In Honduras and Peru, in many cases people who lacked or only had access to fixed internet of poor quality connected up to the internet via mobile devices with prepaid data; most had to buy new or used devices that they frequently shared with other family members. In Argentina, 46.1% of the women teachers surveyed in 2021 had sufficient computers or tablets in the home, while only half (50.6%) had access to good or very good internet connectivity.

The educational community at all levels was forced to resort fully or partially to the use of ICT, for which they lacked sufficient knowledge or experience. In Colombia, only 19% of the educators had previous training or experience in the use of digital tools. In Argentina in 2020, only 4% of the women teachers indicated that they did not need training. In El Salvador in 2020, 73.6% of the women educators surveyed indicated that they lacked training in the use of technology. Women teachers surveyed in 2021 indicated that the training provided by state entities were insufficient or inadequate. Before the pandemic in Colombia, eight out of ten teachers had no previous training or experience in the use of digital tools, and only three out of ten participated in training provided by the Ministry of Education; the rest had to undertake this on a personal basis. In Honduras and Peru, the majority lacked adequate mastery of ICT and had to carry out an accelerated learning process in digital tool use in a self-taught fashion, or using courses provided mainly by teachers' associations and trade union organizations, which filled the deficit of experience in this field and the gap left by the educational authorities with respect to teacher training. In the case of Costa Rica, teachers attended courses provided by the Ministry of Public Education and resorted to self-directed training.

The lack of skills in this field was even more acute among students' families, on whom the responsibility for the close academic monitoring of children and

adolescents fell. Teachers supported both their students and the students' families in their learning processes. The transition to non-face-to-face education lacked prior proposals for curricular, methodological, evaluative, management and teaching support. It was a sudden and unexpected change, improvised in all countries. The ministries of education made different resources and media available to the educational community, including study guides and other printed materials, videos to support the contents to be studied, TV and radio classes, their own platforms on which materials could be found, and face-to-face classes that were never eliminated and that were resumed in stages as of 2021. In some cases, the educational content transmitted was not consistent with national curricula nor the educational objectives of the country (Honduras, Peru).

Teaching staff had to resort to different resources and strategies in order to guarantee educational continuity; these were not only of a pedagogical nature, but were also communicative, such that they could stay in touch with their students, send them the materials, receive their work, and clarify their doubts and those of their families. In 2020 in Costa Rica, connectivity difficulties in rural areas obliged teaching staff to print study guides to give to their students when they arrived to pick up groceries at educational institutions. The same situation occurred in Honduras and Peru. In Argentina, 8% of the women teachers maintained regular contact with certain students through another family. In the rural communities of Honduras, blended classes were given to small groups outdoors. In rural Indigenous communities in Ucayali, Peru, loudspeakers were used to broadcast pre-recorded classes to groups gathered outdoors. The diversity of family situations of their students obliged teachers to use different strategies within the same group.

The return to face-to-face classes was also improvised. Educational institutions could not be set apart from time on being closed to take up public health measures. In this period, the infrastructure and equipment of the educational institutions deteriorated, so increasing the pre-existing deficit of classrooms.

The student body was unable to adequately access the required level of education, with significant imbalances occurring within this group. Teachers, already overloaded with work, had even more tasks required of them with staggered returns to the classroom and with the alternation of groups, adding all this to their previous tasks related to face-to-face classes. At the time of writing, marking the commencement of the 2022 school year, there is still no certainty of returning permanently to face-to-face education.

To return to face-to-face classes, the ministries of education in most countries issued guidelines that were not always possible to put into practice given the heterogeneity of situations arising in each national territory. In Costa Rica, the authorities made arbitrary, unconsulted decisions as to when and under what conditions the school cycle should move from face-to-face classes to virtuality or bimodality. In El Salvador, families were left to decide whether or not to send their children to school. In Colombia, teachers' organizations denounced the state's inability to guarantee public health items (portable sinks and gel, alcohol, soap, water, etc.) and other essential resources for teaching in person. Representing an exception, the new authorities in Honduras are commencing with a diagnostic process (on infrastructure, equipment and learning) for a more planned return to classes, assuming state responsibility for this with the participation of the entire educational community.

A complete return to face-to-face classes alleviates some of the tensions that the pandemic introduced or exacerbated, however, the trends towards the privatization and commercialization of education in most countries has led towards the defunding of public education, so placing the risk on the immediate and near horizon that deteriorations in infrastructure, equipment, technological development and support for students of lesser resources (scholarships, transport, nutrition) that occurred during the pandemic will be totally or partially installed, thus generating a new normality that is more exclusionary towards students and more precarious for teachers.

**5. Either as a direct result of the measures adopted during the pandemic or as an indirect consequence of these, the labor rights of women teachers have been violated, making teaching work precarious both in non-face-to-face education and in staggered returns to classrooms.**

Different surveys show that since the beginning of the pandemic, teachers' working conditions have deteriorated, representing a violation of labor rights that were previously enjoyed. The rights most frequently mentioned by the women educators as thus infringed upon were the right to an eight-hour day with an established schedule (at least 86% of women teachers in each country indicated this) and the right to disconnect (more than 68% of women teachers in all countries, with 89.4% in Argentina indicating this problem). Thirdly, the women educators mentioned the violation of the right to choose the non-face-to-face modality (higher than 64% in all countries, except in Brazil, where it was 43.4%). Non-face-to-face education was imposed on almost all women teachers, but not all of them identified this as a violation of their rights, probably because it occurred in an emergency situation.

The problems of working hours are particularly serious and at the same time highly invisible outside the teaching community. The tasks involved in non-face-to-face education multiplied and became more complex, generating an overload of work that lengthened the day beyond the hours that were previously established, so causing the alteration of schedules. Class preparation demanded more time and resources to be adapted to the new modality, requiring written and audiovisual materials that it was necessary to create or search for. Group forums in which to clarify doubts were replaced by individual attention that had to be adapted to the schedules in which each student could attain connectivity. Teachers also had to extend this availability to the academic consultations of their students' families. Teachers often delivered study guides to their students' homes and collected assignments and evaluation tasks in the same way. Initially, time was also required to train in the use of ICT.

The counterpart to the increase in working hours was a decrease in time for rest and recreation, in particular for women teachers who also had to assume an overload of domestic and care work. Between 59.6% (Paraguay) and 70.7% (Costa Rica) of women teachers indicated that they had less time to rest than before the pandemic and between 60.3% (Honduras) and 75.4% (Costa Rica) also had less time to carry out recreational activities. Similarly, in Colombia, the number of hours allocated by women to unpaid work activities were much greater than those dedicated by men to the same activities (7 hours and 22 minutes for women versus 3 hours and 1 minute per day for men). In Peru in May 2020, women increased the time they spent on housework by an average of 4.1 hours per day, while men increased time spent on the same tasks by 3.6 hours per day. This was further based on a very unequal prior situation in which women spent more than twice as much time than men on such activities.

These working conditions made teaching work more precarious, since the legal minimums in each country were not met, in particular with regard to working days and schedules, the recognition of overtime and sick leave. Such conditions were accepted by teachers due to their commitment to the attempt to guarantee educational continuity for their students. To the extent that this has forced teachers to combine face-to-face and non-face-to-face teaching, the staggered return to face-to-face classrooms exacerbated this work deterioration. It did not eliminate the aforementioned problems and, on the contrary, added more work overload.

Another right that was violated was receiving training in the use of ICT from the employer. In general, the teaching profession was not a sector prioritized by governments with respect to digital literacy and the use of ICT. Certain gaps and challenges in this area exist in the field of education, since due to their age, most teachers do not belong to the digital generation. These deficiencies had to be compensated for with great personal effort, involving self-teaching with the support of peers and of younger family members, as well as training through unions rather than thanks to the efforts of governments.

At the time of writing, it appears that in the immediate term, it is possible that face-to-face education will be resumed and the most harmful aspects in terms of labor rights will disappear. However, it can be expected that, in some countries or in some educational institutions (especially private ones), the use of ICT for educational purposes will be encouraged without taking into account the fact that it is necessary to deal with the labor implications that this opportunity for technological advancement entails.

In the future, there is a risk that the precarious standards for teaching work implemented during the pandemic will be normalized in future crises that demand non-face-to-face education. It is not likely that most states will take into account the cost of this experience on the rights of teachers.

## **6. In order to ensure educational continuity, teachers used their own resources, of their own goodwill, to make up for the shortcomings and failures of the states, not only in the field of public education.**

Teachers have made personal contributions in various fields that are the responsibility of the states, but which these latter have failed to provide for adequately. In Colombia, Honduras, Costa Rica and Peru, educators had to use their own electronic devices, internet connections and data plans to give continuity to the educational process, since their governments did not promote measures to facilitate or subsidize these areas. In countries in which governments provided these resources to some extent, many women educators also had to acquire equipment and/or connectivity of their own resources; 85.3% in El Salvador and 84.5% in Argentina frequently had to do so. At the time of writing, two years into the pandemic, internet connectivity remains far from universal.

In addition, teachers have provided material support to students. This was frequently provided by 42.1% of women teachers in El Salvador, 69.2% in Hon-

duras and 46.1% in Argentina. Women union leaders interviewed in Peru also stated this to be the case.

Educators participated in the delivery of food and protective materials against COVID-19 (Costa Rica, Argentina, Peru and Honduras). In all countries, they have also acted as an important resource for the states to disseminate information about the pandemic and health measures.

These efforts formed part of the teaching commitment to maintaining educational continuity, with the understanding that, in this crisis, this objective was challenged by the obstacle of the social exclusion of a large part of the students and their families.

To the extent that these efforts are not recognized by the authorities, the risk exists that in the future the states will naturalize them, making this dimension of teaching work invisible and devalued, and that once again teachers will be depended upon to make up for state failures and shortcomings.

**7. Despite teachers maintaining educational continuity and also occasionally assuming the tasks of attending to the needs of families in matters relating to health and nutrition, education has not been considered an essential activity nor have teaching staff had priority for vaccination programs against COVID-19.**

On decreeing non-face-to-face education, states generally assumed that the teaching sector would work from home, without considering that the conditions for this were not at any time guaranteed for the entire educational community. Different causes have pressured teachers to leave their homes for work reasons. Face-to-face education did not disappear, and as already mentioned, visits to students' homes were frequent to deliver both educational materials and to distribute food and public health products.

Education has not been formally considered an essential activity in any country, despite being one of the few activities that was maintained throughout the pandemic, and its representing a vital and urgent role in social reproduction. This was also despite the fact that teaching staff frequently carried out actions to prevent contagion and to support the families of their students affected by the virus, thus risking their own health more than other groups that remained at home did, with teachers falling ill with COVID-19 significantly more frequently than the overall population in each country.

In Argentina, the government included teachers in early stages of vaccination programs after their working activity was declared essential. In the remaining countries, union and teacher association pressure achieved results of the same kind, albeit in some cases belatedly, as occurred in Honduras. The priority vaccination of teachers was one of the demands that unions raised and placed as a condition for the return to face-to-face classes.

Given that in the future it can be expected that new health emergencies will occur that may entail confinement for the population and the cessation of essential activities, it is possible that education will not be included in this category if the multifaceted work of the teaching staff and the authentic value of their contribution to social reproduction and to the care of life are not recognized.

8. With few exceptions, the measures adopted by governments during the pandemic in the field of education were decided upon unilaterally, without dialog with professional associations or unions, despite the intense activity undertaken by these to open channels of communication.

Teaching unions in all the countries included in this study, in particular those affiliated to EILA, sought dialog with the authorities from the beginning of the pandemic in order to present a more coordinated and effective front with which to face up to the great challenges to maintaining educational continuity. Teachers are the ones who best know the situations of their students, their families and their communi-



ties, who have first-hand information with which to identify the gaps generated by the multiple exclusions and obstacles to implementing non-face-to-face education. They are also the ones who best know their own strengths and limitations. This is information that is essential to designing successful strategies.

In all countries, there has been intense union activity focused on analyzing, evaluating and sometimes providing critical support for the measures taken by governments in order to implement remote education. Shortcomings have been pointed out and proposals based on knowledge, experience and the evaluation of results have been developed.

Of the eight countries included in this study, only in Argentina was there a willingness from the beginning on behalf of the national government to engage in this necessary dialog. The teaching joint committees that Macri suspended during his administration were reactivated, and during 2020 and 2021, these reached agreements in different fields that were respected by the authorities.

In other countries, governments did not show the same willingness, although pressure from trade unions opened channels of dialog in some countries. In Colombia, the violence systematically carried out against teacher and social organizations did not stop the numerous collective actions that led to a national strike. Thanks to the pressure of teachers' organizations, the government was forced to set up a negotiation table with unions to deal with the demands of the education sector. In El Salvador, authorities disallowed all possibilities for negotiation and unions had to resort to actions of resistance when it was necessary to reject unilateral decisions that were harmful to the educational community. In particular, they refused to distribute food in schools at the beginning of the pandemic due to a lack of public health measures.

During the two years prior to the pandemic, in Costa Rica social polarization and tension between trade union organizations and the executive and legislative branches of government increased. As a result of this process, two laws were passed

closing the negotiation margin and the convening power of trade union organizations, so weakening dialog and coordination mechanisms that would have served for responding to the pandemic. In Peru, thanks to union effort and perseverance, dialog was maintained, leading to the successful approval of the education budget at the equivalent of 6% of the GDP, with progress made towards the passing of laws that meet historical demands of the teaching profession, to arrive at a more favorable scenario. In Honduras, the process of government transition at the end of 2021 saw the opening of channels of participation and dialog between teachers with the new authorities.

The forums for dialog between unions and the state largely depended on the reigning authorities. In this sense, great opportunities opened up in Honduras with the arrival of Xiomara Castro as president, in Colombia with the electoral victory of Petro, while in Argentina, at the time of writing it is to be expected that the disposition of the central government will be maintained, although not that of the administrations of opposition parties. In the remaining countries, union pressure can be depended upon such that, with or without dialog, their assessments and proposals continue to be placed on the educational agenda.

### **9. Despite the efforts and commitment of educators in all countries, smear campaigns have been launched to discredit the profession, serving as a cover for the attack on teachers' rights.**

The sectors interested in destroying public education and working conditions for teachers have taken advantage of the change to the non-face-to-face modality to redouble their attacks against teaching staff. In Costa Rica, Honduras and Peru, and in the first months of the emergency, in Panama, it was questioned whether teachers should continue to receive their salaries when they were at home. In the latter country, the Ministry of Education denied this kind of unfounded criticism. This is a discourse that impinges upon sensitive areas for a population that has massively

lost work positions and income, in which, although all working people are alienated from the right to stability of income, workers are placed in confrontation with each other while obscuring awareness of the excessive increase in the teaching workload in this period. In El Salvador, the Minister of Education questioned the capacity of teachers, stating that members of this profession do not know how to speak, and generalizing situations of sexual abuse and drunkenness. This also circumvents the responsibility of the Salvadoran State to provide up-to-date training to the teaching staff. In Argentina, the minister of education of the City of Buenos Aires declared on TV that teachers did not choose education as their first study option (so questioning their motivations), also stating that they increasingly come from low-income sectors, which limits their capacity to contribute positively to classrooms. Meanwhile in Brazil, in the context of efforts to pass administrative reform, discourse seeking to undermine teachers' rights by describing these as privileges also emerged.

These allegations have served as a backdrop to justify attacks on the labor rights of teachers. In El Salvador, the executive assumed the selection of applicants for teaching positions, violating the law that assigns this competence to an autonomous entity. The minister of this country supported this measure by arguing that the existing processes had technical deficiencies, but the teaching unions showed that the new instruments employed include questions that allow the identification of candidates related to President Bukele. These are not isolated attacks. They have been foreshadowed by prior negative campaigns against teachers. Indeed, these acts occur in a context of the attempt to discredit those working in the public sector, a strategy that accompanies the previously mentioned efforts to achieve the reduction of the state and the deterioration of the labor standards in these countries.

During the pandemic, the actors driving these trends have gained force in most countries, becoming more visible and having greater media presence. This represents one of the great present and future challenges.

## **10. Teachers' unions and associations, in particular those affiliated to EILA, have maintained intense activity during the pandemic, to some extent slowing the regressive attempts of the states, and not just in matters of education.**

The confinement confronted unions in general, and teachers in particular, with the great challenge of maintaining their level of mobilization without the resources on which they previously relied, such as daily contact in educational institutions, meetings at a variety of levels, training, debate and decision-making activities, and visits to localities. The synergy facilitated by face-to-face contact has been absent. In addition, at least at first, there was also no recourse to mobilization on the streets, one of the quintessential methods teachers have to make themselves heard and felt.

In all countries, adapting to non-face-to-face trade union action was achieved, although this limited the possibilities of action. Over time, in all countries public and street actions returned, sometimes involving large mobilizations to make visible teachers' proposals and demands, with high costs to the health and life of the teaching staff. This occurred in such a way that, although government regulations restricted the repertoires of struggle, teaching organizations managed to keep their affiliated members active.

Some areas of trade union action have been common to several or all countries. They have demanded the authorities establish the early vaccination of teachers and minimum conditions for the return to classes. In the latter case, EILA prepared a document with minimum guidelines that were used by the unions in the countries.<sup>1</sup> The defense of the educational budget and, in particular, the item of salaries (El Salvador, Honduras, Peru, Colombia), as well as interventions to agree upon or normalize salary payments and to guarantee job security, contracts and unpaid legal benefits have also been frequent (El Salvador, Honduras, Argentina, Peru, Colombia).

<sup>1</sup> <https://www.ei-ie-al.org/recurso/condiciones-para-regresar-los-centros-educativos-en-el-marco-de-la-pandemia-covid-19>

In the context of the pandemic, trade union organizations have also promoted or supported initiatives that transcend the field of labor rights, such as the broader defense of rights and state responsibility for the welfare of the population. In Argentina, they spoke out against repression and demanded that the legislative branch change fiscal policy. In Colombia, teachers opposed the educational counter-reform and the pension, labor and fiscal reforms promoted by elite groups. They also denounced the lack of willingness of the Duque government to implement the peace agreements. In Costa Rica, they joined the voices rejecting the request of a loan from the International Monetary Fund, arguing that the economic resources that the country needs can be obtained through forceful measures against tax evasion. In Honduras, they played a very significant role as part of the social movement, defending a fraud-free electoral process in 2021 and transition to the rule of law. In Peru, they actively mobilized to denounce corruption and the anti-popular maneuvers of the political class in defense of the 2021 election process.

Another field of trade union action has been related to support for members. Unions have provided emotional care and financial subsidies and provisions (Costa Rica, Honduras, Peru), and have also established referral mechanisms for the care of women teachers experiencing situations of violence (Costa Rica, Honduras). They distributed medicine and remote medical care (Peru), also providing logistical support and support for administrative procedures (Peru, Honduras).

Although during the pandemic the most powerful sectors tried to take advantage of the occasion to attack and destroy unions, particularly education ones, teachers' organizations have continued to be mobilized, showing great vitality despite the difficulties and limitations that have existed. New attacks against workers' organizations are to be expected in the future, but the test of the pandemic has been overcome by education unions and professional associations. They are a resource for the defense of rights beyond the field of education in all countries.

**11. In all countries, the measures adopted during the pandemic deepened the crisis of care and its unfair organization, and in many countries, the states regressed in measures and programs meant to promote co-responsibility.**

In general, the norms adopted during the pandemic have not considered the rights and needs of women, or have only done so in a secondary or partial fashion. This is particularly clear in the field of care, since many of the measures that were decreed, including those related to isolation, were made based on the premise that families would assume the need for extra care generated by the situation.

The permanent presence of all family members in the same house increased the demand for cleaning, food preparation, care for children and adolescents who were at home and not in schools, and care for people who due to age, illness or disability, needed particular support. Also a significant factor was care provided to other adult people, in particular men, who traditionally do not take responsibility for their own alimentation, cleaning and organizational needs. Added to this was the need for the provision of academic support to children studying in a hitherto unknown modality, which required more dedication and preparation.

State care services in the region are very limited in coverage, and in general, are oriented by the logic of focusing on families of lesser resources. There were few countries in which these services were not closed during the pandemic. In Costa Rica, child care was maintained. In Colombia, the national government suspended the continuity of care services and only full-time care homes remained open during the pandemic. In addition, during the phase of increased risk of contagion, mandatory preventive isolation measures were decreed for people over seventy years of age.

Paid domestic work, on the other hand, was suspended except in exceptional situations, thus depriving families of this support resource. Employment in this activity dropped sharply at the beginning of the pandemic. In Argentina,

approximately two out of five families who counted on this support before the pandemic were left without it. In Colombia, for the first half of 2020, about 175,327 domestic jobs were lost due to the confinement measures.

Given the traditional practices in the region, the burden of care work in the family falls mainly on women. This is one of the reasons why at the beginning of the pandemic in all countries, there was a massive departure of women from the workforce who had to stay at home to take care of their families during the lockdown.

Time use surveys prior to the pandemic showed that before the arrival of COVID-19, the sexual division of labor was highly prevalent in the region (Argentina, Peru, Costa Rica, Honduras, Colombia). The unfair social organization of care meant that women already assumed a large part of the care demand of households on their own.

Studies carried out in some of the region's countries showed that the set of measures adopted by the states loaded the burden of care on families, and within these, disproportionately on women. This was proven in Argentina, Colombia and Costa Rica.

Working women had to deal with increased pressures of both paid work and unpaid domestic work. In Argentina, the legislation on telework allows the organization of the schedules of workers to be able to attend to family needs and to interrupt the day for this purpose, encouraging all actors including trade unions to promote the balance of this right between women and men to promote co-responsibility between genders. However, distance education was not governed by this standard.

The overall balance of the period is that the social organization of care became more unfair than before in all its aspects and implications. More than ever before, it became the burden of families, and within families, of women, so decreasing the responsibility of states, companies and other actors. In this way, the

naturalization of care provision as a female responsibility was reinforced, as was the sexual division of labor, with the massive exit of women from the labor market to confine them in the domestic space, linking them to care provision tasks.

At the time of writing, more than two years after the start of the pandemic with the prospect of the return to work and face-to-face classes, it can be expected that the pressure on care within homes will decrease strongly, but the position of women in the labor market is not recovering. The present and future risk is that this new equation in the relationship between genders will be permanently installed, with serious implications with respect to the economic autonomy and security of women in this generation and those that follow.

## **12. Women teachers have experienced the care crisis and its deepening during the pandemic in a particularly critical fashion.**

EILA, along with the trade unions and professional organizations that form part of it, have performed surveys that identify the impact of the measures adopted during the pandemic on the working and living conditions on teaching staff and specifically on women teachers. Impacts have been more serious on these latter, since the deteriorated and risky conditions of teaching work are intertwined with the disproportionate burdens of care work.

A large proportion of women teachers indicated that the domestic work they undertake increased during the pandemic. This was stated by about half of the survey respondents with respect to tasks that did not involve the care of dependent people, about 40% with respect to providing care for others, and more than half when referring to providing academic support to children and adolescents in the home. This last activity generated the most overwork in Argentina, Honduras and El Salvador. In addition, around one in four women teachers said the time they devoted to caring for non-dependent adults, usually young and adult men, increased.



Although in general men also assumed more care work responsibilities in homes, they did so less than women according to the women teachers surveyed in all countries. From the experience of women teachers, it can be said that there has been a setback in male co-responsibility for care provision, with the consequent deepening of power imbalances within households.

Teaching is a highly feminized activity and teachers have demonstrated during the pandemic their ability to face both the challenges of the precariousness of teaching work and of the unprecedented overloading of care work. This experience and the enormous and essential contributions that teachers have made to society is not generally known and recognized by states and societies.

Currently and in the future, to the extent that the efforts and contributions of teachers remain invisible, there is a risk that these will be naturalized, and therefore, incorporated into everyday life as a resource that does not require support. The risk of setbacks in the working conditions of women teachers shall be present whenever recourse is made totally or partially to the modality of telework or non-face-to-face teaching, when it becomes taken for granted that these women can teach and provide care at the same time, without the states having to invest in services and policies for the provision of care.

### **13. EILA and some national trade union organizations have confronted the deepening crisis of care by taking strategic actions.**

For education unions, it is a natural task to expose the care crisis that was exacerbated during the pandemic, given that the vast majority of teachers in all countries are made up of women. Some of the studies that these organizations and EILA have carried out allow us to recognize and understand the dimensions of this problem, by bringing to light not only the overloading of care work on female teachers, but also the aggravation of the unequal distribution of this

between women and men within households. EILA's *Red de Trabajadoras de la Educación* (Network of Women Education Workers) already has a history of placing the gender focus on the union agenda. Thanks to this work, unions and trade union organizations have carried out internal actions to reveal and try to reverse the gender gaps between women and men teachers. COLPROSUMAH in Honduras approved its Gender Equity Policy in 2021. Violence against women teachers is a shared concern, and some unions have incorporated proposals and actions to inform, prevent and eradicate this. COLPROSUMAH has incorporated the eradication of violence against women as a fundamental basis of gender policy; it offered a diploma course to train teachers on the prevention of violence against women and provides support to members when they request it, referring them to specialized institutions.

During the pandemic, some actions were carried out and some progress was promoted in trade union organizations. The Network of Women Education Workers of Latin America promotes numerous virtual forums in which the conditions of women teachers are addressed, including the overload of care work.<sup>2</sup>In Argentina, the law that regulates telework is not limited to demanding conditions for the reconciliation of paid work and care work in terms of schedules; it also calls for the promotion of the co-responsibility of women and men in providing such care. These are initiatives that open up new ways of recognizing and addressing gender gaps in the sector, and incorporating the specific demands of women, such as policies for the provision of care.

In 2021, EILA launched a regional campaign for the ratification of ILO's Violence and Harassment Convention No. 190 for the workplace and Recommendation No. 206 relating to this convention.<sup>3</sup> This represents another action undertaken in this period; although it does not focus directly on the organization of care, it favors its visibility and marks concern in relation to this problem in increasing sensitivity regarding gender inequalities.

<sup>2</sup> <https://www.ei-ie-al.org/red/actualidad>

<sup>3</sup> <https://www.ei-ie.org/es/item/25554:nueva-campana-sindicatos-de-america-latina-se-unen-contral-acoso-y-la-violencia-en-el-trabajo>

The pandemic showed the blindness of states in the face of gender inequalities; most did not consider the impact that the measures adopted could have on women. Likewise, the central role of paid and unpaid care and domestic work in sustaining life was also highlighted. Women assumed the heavy burden of providing care without support, and in the case of women teachers, these tasks were extended to students and their families when state responses were insufficient.

It is too early to know what the impacts of the pandemic on gender equality will be in the medium and long term, although in this period, it was found that in times of crisis, women and their needs are seen to be disposable in the face of the economy. For teachers' organizations, it is a challenge to integrate a comprehensive vision of work from its conceptual basis into practice, which includes care work and especially the unpaid work performed by women in their homes.

The evidence gathered in this research poses numerous challenges to teacher unions and professional associations, as well as opportunities for their action. Below are the recommendations related to the two areas covered by this study.

### **A. In defense of the right to education and the adequate conditions of teaching work:**

- 1.** Continuation of EILA's research efforts to document the setbacks during the pandemic in terms of the right to education—in particular, the progress in the processes of its privatization and commercialization, as well as effects on the labor rights of the teaching union, including attack and smear campaigns—in order to bear witness in support of union actions. The dissemination of this document and its main results widely at national, regional and global levels.
- 2.** Submitting consultations and complaints about setbacks to the right to education and to the labor rights of teachers during the pandemic to national organizations (ombudsman offices, constitutional courts, ordinary courts, etc.), international organizations (ILO, UNESCO, UNICEF, UN Women,

among others), and supranational organizations (Inter-American Commission on Human Rights, IACHR).

**3.** The making of appeals to national and supranational legal mechanisms to recover forums for dialog and negotiation between the teaching sector and the authorities in countries in which these have been lost.

**4.** Maintaining close monitoring and a warning system to call for industrial action with respect to some risks that have a particular possibility of being introduced or strengthened after the pandemic. These are aspects such as the precariousness of teaching work, with respect to matter such as the length of working days, work schedules, the provision of means to work, the payment of salaries and wage increases, the deepening of public-private partnerships and other forms of the privatization of education, the exclusion of unions and teaching unions from decision making on education, and campaigns to discredit teachers, among others.

**5.** The use of EILA to promote the exchange of national experiences regarding telework laws and legal frameworks under which non-face-to-face teaching has been governed. Systematization of this exercise in order to publish and disseminate it.

**6.** Drawing on the exchange of regional experiences to identify the necessary aspects to be included in any regulations governing non-face-to-face education, in order to demand the necessary reforms to guarantee all the labor rights of the teaching guild and compliance with these in each country.

**7.** Promotion and strengthening within trade union organizations of training initiatives on the use of ICTs for trade union action, with priority for those who, for various reasons (lack of equipment, lack of experience or time limitations, among others) have less knowledge of these technologies,

## **B. Counteraction of the crisis of care and its unfair organization, and the general discrimination against women and the impacts of this on women teachers:**

- 1.** Development of research within trade union organizations that includes diagnoses on domestic work in teachers' families, as well as analysis of the social representations of union members in relation to the co-responsibility of women and men in matters of care provision.
- 2.** Identification of the state of affairs with respect to trade union initiatives that have an impact on the fairer social organization of care—in particular by systematizing the experiences of teaching organizations in this field—in a way that includes the exploration of novel proposals to promote the co-responsibility of different agents (the state, companies, the community, families) and between men and women.
- 3.** The development and strengthening of internal campaigns in unions with respect to the co-responsibility of men and women for the provision of family care.
- 4.** Strengthening of women's leadership in teacher trade union organizations with measures such as:
  - a.** Promotion of the adoption of gender equality policies by trade union organizations in all countries. The experience of COLPROSUMAH in Honduras, which already has a Gender Equity Policy, and the support of EILA can assist in this task.
  - b.** Strengthening of the *Red de Mujeres Trabajadoras de la Educación* (Network of Women Education Workers) with resources that allow solid regional coordination and, where required, greater expansion at national levels.

- c. Strengthening, where necessary, the resources of the *Red de Mujeres Trabajadoras de la Educación* (Network of Women Education Workers) for training women leaders and exchanging experiences in this field at national and regional levels.
5. Maintaining the forums of the *Red de Mujeres Trabajadoras de la Educación* and other actions (workshops, congresses) that focus on the problems of the care crisis among teachers, promoting the exchange of experiences in this field and the identification of possible strategies to advance proposals and actions within the unions and in national policy.
6. Promotion by EILA and the *Red de Trabajadoras de la Educación* of theoretical debate on the integration of concepts and union proposals on paid and unpaid care work, as a support towards assuming all forms of work as part of the union competency in the defense of labor rights.
7. Maintaining the demand for universal state care services on the teaching union agenda as a priority, as well as those initiatives that represent progress towards universality, and that do not have conditions that restrict women teachers from accessing such services.
8. Having all trade union organizations participate in the EILA regional campaign for the ratification of ILO's Violence and Harassment at Work Convention No. 190.
9. The promotion of mechanisms to monitor the implementation of ILO's Violence and Harassment at Work Convention No. 190 and Recommendation No. 206 in each country in which that Convention is ratified.
10. The development of campaigns in unions to prevent violence against women experienced in all areas, especially in domestic, work, and political spheres.

- 11.** Establishing or strengthening initiatives within unions that provide support and guidance to teachers experiencing situations of violence, including violence and harassment at work, and cyberbullying, including initiatives that provide information, emotional support, legal advice and representation in trials and other judicial procedures.
- 12.** Establishing and strengthening initiatives within unions to attend to the mental health of teachers, drawing on knowledge and experience in the provision of support to women teachers.

# Women teachers in Argentina: Educating and providing care in the pandemic while the country recovers

Ana Carcedo

## 1. Context

When the COVID-19 pandemic hit Argentina, it was suffering a strong economic crisis as a result of the neoliberal measures of the Macri administration (2015-2019). The years leading up to the health emergency were characterized by a contraction in production (the GDP suffered an annual decrease of 2.5% in 2018 and 2.1% in 2019) (DNElyG, 2020 and ECLAC, 2021a), with the unprecedented growth of public debt amounting to 88.8% of the GDP, a figure that in 2015 was at 52.6% (Argentine Ministry of Economy, 2021). In this period, the labor market deteriorated, with open unemployment reaching 9.2% (7.7% in 2016) (INDEC, 2021) and an informality rate of 42.8% in 2018 (Ministry of Production and Labor, 2018). There was high inflation, which in 2019 reached 53.8%, the highest in almost three decades, partly due to severe increases in service tariffs decreed by the government.<sup>4</sup> The incidence of poverty between 2017 and 2019 grew from 25.7% to 35.5%, while extreme poverty went from 4.8% to 8% (ECLAC, 2021b).

The Fernández government assumed office on December 10, 2019, on the eve of the declaration of the pandemic by the WHO, with strong limitations in acting against this, given the conditions in which the new government received the central public administration. The measures adopted to contain the health crisis, including intense prolonged restrictions on the mobility of people, had a negative effect on production, with the impact to be expected on the living conditions of the population. In the first two years of the pandemic, the Fernández administration made it a priority to protect families and individuals

<sup>4</sup> Electricity rates increased between 3400% and 5500%, gas rates increased between 1300% and 1500% (Gimenez, August 27, 2021). Full article available at: <https://chequeado.com/ultimas-noticias/kicillof-sobre-las-tarifas-en-el-gobierno-de-macri-aumentaban-1300-hasta-2000-el-gas-y-3700-la-electricidad/>



from these effects; however, it failed to prevent the economic and social crisis from deepening.

In 2020, at constant prices the GDP decreased by 9.9%, while in 2021, it increased by 9.8%, thus not recovering the pre-pandemic production level. In the first year, the fall in the GDP per capita was greater, at 10.7%, with the subsequent recovery failing to match this at 8.8%. For 2022, the ECLAC projected a GDP growth of 2.7% (ECLAC, 2021c). Subsequently, in April 2022, the IMF estimated that this would be higher, at 4% (Télam, 2022), values which remained too low to achieve recovery. In 2020, 6% of jobs were lost, almost 5% of working people were forced to leave the workforce, and the income generated by work fell by 15%. In that same year, poverty grew to 42%, while extreme poverty reached 10.5% (ECLAC, 2022).

In this context, educational continuity represented great challenges for the Fernández administration and for the educational community. This investigation focuses on the effects that the pandemic and the measures adopted by the government in the first two years of the emergency had on the labor rights of women educators and on the care crisis that is being experienced in Argentina.

### 1.1 Social crisis and public investment in Argentina in the pandemic

On March 20, 2020, the Argentine government decreed preventive and compulsory social isolation (PCSI) for non-essential activities. The measure was initially established until March 31, although it was successively extended until November 29 of that year with some variants by territory.

To face up to the social impact of the health emergency, the contraction of economic and labor activity, and the fall in income, the Fernández administration implemented various strategies that required an increase in state investment. In 2020, the total public expenditure of the central government increased by more than 20%

compared to the previous year (ECLAC, 2022). The specific component of social investment, which in 2019 was equivalent to 12.5% of the GDP, in the first year of the pandemic was at 17.2% of the GDP, representing an increase of 33%. The increase in absolute terms was lower, at 18%, since the GDP decreased in 2020 (ECLAC, 2022). The value of investment per capita in the first year of the pandemic also increased significantly, by 16.7%, going from US\$1,278 to US\$1,492 (ECLAC, 2022).

At 83% of the total, the vast majority of the social investment was directed at social protection, representing the highest percentage in the region. 7% was allocated to education, 7.2% to health, and 2.5% to housing and community services. The other areas received less than 1% each (ECLAC, 2022).

One of the most ambitious measures covered 9.6 million people, including pensioners and beneficiaries of social programs, who received a cash transfer equivalent to US\$45. In addition, people who were self-employed or worked informally received a transfer equivalent to US\$150. The cost of these two initiatives was equivalent to 0.13% and 0.17% of the GDP. Among other measures, the number of pensions, scholarships and food cards were increased, and in December, 2020, vouchers were given to the beneficiaries of different programs (ECLAC's COVID-19 Observatory).

In Argentina, the measures taken in labor matters stand out. In March 2020, the government established the prohibition of suspensions and dismissals without just cause, or for lack or decrease of work or force majeure for an initial period of 60 days (InfoLeg, 2020). This period was later extended until June 30, 2021.<sup>5</sup> Dismissals without just cause had to pay double the usual compensation,<sup>6</sup> and to temporarily suspend a worker, these had to be paid at least 75% of their salary.<sup>7</sup>

On the other hand, a strong investment was made in labor measures, which went from 0.27% of the GDP in 2019 to 1.18% of the GDP in 2020. 70% of the resources

<sup>5</sup> Boletín oficial de la República Argentina. <https://www.boletinoficial.gob.ar/detalleAviso/primera/244929/20210528>

<sup>6</sup> Boletín oficial de la República Argentina. <https://www.boletinoficial.gob.ar/detalleAviso/primera/230406/20200610>

<sup>7</sup> Boletín oficial de la República Argentina. <https://www.boletinoficial.gob.ar/detalleAviso/primera/230257/20200608>

directed at these types of programs were oriented towards incentives that sought to maintain and stimulate employment, such as the subsidy of company salaries and sectors in critical situations through the Programa de *Recuperación y Sostenimiento Productivo* (Productive Recovery and Sustainment Program, REPRO),<sup>8</sup> programs promoting the hiring of unemployed people, and those that reduced labor costs. Other programs adopted or strengthened during the pandemic focused on labor intermediation (2), training (4), entrepreneurship incentives (7), and income protection for the unemployed (2) (ECLAC, 2022).

Despite the decisions taken to counteract the social crisis, in the first year of the pandemic, the average income per person in Argentina fell by 12.7%, mainly due to a decrease of more than 15% in working income. Poverty reached 34.3% of families (ECLAC, 2022).

Although the different strategies adopted by the Fernández administration did not prevent the social crisis, they did manage to partly counteract it. They had a significant impact on the population, and in particular, on women. In 2020, 26.8% of women would not have had their own income, but this figure decreased to 19.1% on taking into account public transfers. Even with these measures, in 2020, women between the ages of 20 and 59 were more exposed to poverty than men of the same age range. The respective incidences were 27.5% and 25.2%, and the femininity of the poverty index increased in 2020; for every 100 men in this situation, there were 109 women (ECLAC, 2022).

Between 2019 and 2020, the value of the GINI coefficient (0.4) remained constant, which means that income inequality did not increase according to this measurement indicator. It did do so slightly according to the Atkinson index (going from 0.333 to 0.334, for an  $e$  of 1.5) (ECLAC, 2022).<sup>9</sup>

<sup>8</sup> Programa de Recuperación y Sostenimiento Productivo (Productive Recovery and Sustainment Program, REPRO). <https://www.argentina.gob.ar/trabajo/repro>

<sup>9</sup> The Gini coefficient statistically measures the difference between the income distribution observed in a country at any given time and a totally equal distribution. The higher the value of the coefficient, the greater the inequality. In this case, all individuals have the same weight in the calculation. The Atkinson index includes a weighting of individuals according to chosen criteria that can vary by giving different values to the parameter  $e$ . In this case too, the higher the index value, the greater the inequality.

## 1.2 Conditions in Argentina for non-face-to-face teaching

Non-face-to-face teaching in Argentina, although not limited to the use of ICT, relied heavily on this. The country has significantly improved some indicators of access to digital technologies since 2010, in particular, the percentage of families with internet access went from less than 35% in that year to 65% in 2016, one of the highest rates in Latin America and the Caribbean (ECLAC, 2018). In 2022, the minimum prepaid broadband data exchange rate was equivalent to less than 2% of the daily minimum wage, also one of the best rates in the region, significantly below the maximum of 5% that was established at that time (ECLAC, 2018).

These data are favorable compared to other countries in the region, however they show a great limitation to facing the challenge of non-face-to-face education. Not only is there a percentage of families that lack access to the internet, but in addition, internal gaps show inequalities that national values do not reflect. In particular, in urban areas, about 30% of children in the first income quantile lacked access to the internet (ECLAC, 2020).

On the other hand, although the cost of a mobile internet connection is relatively low, many families abruptly lost part or all of their income. Those who worked informally needed to earn a daily minimum in order to provide for their families at the end of each day, including, when possible, mobile internet connectivity.

The income levels of families affected not only access to the internet, but also the acquisition of equipment (computers, tablets, smartphones) and furniture, as well as the conditioning of spaces in which to study. Many households in the first quantiles did not even have adequate spaces in which to install a study area. In many households, and not only those with lower incomes, space and equipment were insufficient to combining study, work and other uses of computers, tablets and phones.

On the other hand, education was one of the sectors in which, on the eve of the pandemic, digital penetration was lower<sup>10</sup> (UN-ECLAC 2021). There was a digital tool before the pandemic, Educ.ar, as well as digital inclusion policies, but these operated as complementary resources. During the pandemic, the *Seguimos Educando* (We Continue Educating) program was created for the production and distribution of printed, audiovisual, radio, and digital materials, with a virtual library for preschool, primary and secondary levels throughout the country, supported by Educ.ar and public television. The materials were mainly aimed at teachers, but they are publicly accessible. Work was performed using Google Classroom and Zoom virtual classrooms, among others (EILA, 2021a). Since education in Argentina is decentralized, each of the 24 jurisdictions assumes competences in this field. Some of these, in addition to the resources of Educ.ar, worked with their own materials and employed local radio and TV companies. In August 2020, the Ministry of Education made the Juana Manso Federal Plan available to the educational community, which includes connectivity, equipment, a proposal for teacher education and training, and a free, safe, sovereign federal educational navigation platform for the Argentine educational system. This includes a platform to link students and teachers of primary and secondary levels in free virtual classrooms, with open multimedia content and spaces to do homework (argentina.gob.ar, 2020). The Juana Manso Federal Plan distributed 130,000 computers and tablets in places of greatest child poverty (EILA, 2021a). A key aspect of non-face-to-face education is the communication between teachers and their students and their families. In this aspect, social gaps are also reflected. In public schools, this communication was carried out mainly via text messages. In private schools, this was done via virtual meetings, videoconferences and the schools' own platforms. In the latter, the percentage of students who performed schoolwork was higher than in the former, although the responsiveness of teachers to students was high in both cases (EILA, 2021a).

<sup>10</sup> Along with Mining, Trade, Health and other services.

In November 2020, it was decided to prioritize the vaccination of the personnel of educational institutions, and in February 2021, the Ministry of Education, the Ministry of Health and the Secretariat of Public Innovation initiated the online registration of this personnel to organize the vaccination process throughout the country.<sup>11</sup> As of February 2, 2022, 94.8% of preschool teachers had the complete schedule of vaccinations and 47.5% had booster doses; at the primary level, it was 92.1% and 41.4% respectively, and at the secondary level, 91.4% and 41.8% respectively (Ministry of Education, 2022).

## 2. Teaching work conditions and labor rights during the pandemic

Since the beginning of the compulsory confinement, homes were turned into workplaces on a massive scale. Education also came to take place inside the home, although not completely. To guarantee educational continuity, the teaching staff had to develop various strategies. Although most of these were based on working from home and communications via non-face-to-face means, work was also undertaken from educational institutions, and in the case of non-university levels, homes were visited to deliver educational materials to students, as well as various food and hygiene products for families. This represents a combination of work modalities that was not contemplated in the labor legislation prior to the pandemic.

In Argentina, the vast majority of teachers carried out non-face-to-face activities from home. 51% of the women educators surveyed by CEFEMINA in 2021 indicated that they alternated face-to-face and virtual activities, 29.6% worked from home virtually giving synchronous classes, while 11.9% worked from home teaching under the distance modality (Carcedo, 2021). In some jurisdictions, there

<sup>11</sup> The provinces of Buenos Aires, San Lu s and Tucum n did not use this platform, instead using their own.

were regulations on telework prior to the pandemic, and during the health emergency, Law 27555, the legal regime for telework contracts, was passed.

## 2.1 Law 27555, the legal regime of telework contracts and Regulatory Decree 27/2021

On July 30, 2020, the Argentine Congress passed Law 27555, the legal regime of telework contracts, and subsequently President Fernández issued decree 27/2021 that regulates this law, establishing April 1, 2021 as the date of its entry into force.

The parliamentary debate in Argentina on telework has been long-standing. Since 2002, both in the Senate and in the Chamber of Deputies, different bills have been presented, and there are regulations that touch on this matter in some of the twenty-four jurisdictions. The Ministry of Labor, likewise at that time had a Declaration of Guidelines and Commitments on Telework to promote decent labor conditions and as a guarantee of work quality, with a manual on good health and safety practices for telework. (Biblioteca del Congreso, 2019).

Law 27555 defines that:

*There shall be a telework contract when the performance of acts, the execution of works or the provision of services, in accordance with the terms of Articles 21 and 22 of this law, are carried out totally or partially at the home of the person working, or in places other than the establishment or establishments of the employer, through the use of information and communication technologies. (Argentine National Congress, 2020)*

Among the most relevant aspects for this study are the facts that under this norm, the transfer to the telework modality is established on a voluntary basis

(Article 7) and is reversible at any time that the worker so requests while citing his or her motivations, with this becoming effective within a period of no more than thirty days. For people who start the employment relationship under this modality, the possibility of changing it is set out in a collective agreement (Article 8). The working day must be agreed upon in advance and in written form “in accordance with the legal and conventional limits in force, both with regard to what is agreed upon by the hour and by objectives” (Article 4). The right to disconnection is recognized in this norm, with the prohibition against requiring the performance of tasks or sending communications outside the established working schedule.<sup>12</sup> Similarly, it prevents the establishment of incentives conditioned by the non-exercise of this right (Article 5).

Law 27555 also establishes the right to schedules compatible with the tasks of providing care for cohabitants under the age of thirteen, older adults or people with disabilities, allowing the interruption of the working day to undertake these activities. “Any act, conduct, decision, retaliation or hindrance coming from the employer that injures these rights” is considered discriminatory. Likewise, the establishment of incentives for the waiver of these rights is prohibited. The Law encourages co-responsibility between women and men for care provision tasks by stating that “Employers and workers must ensure an equitable use, in terms of gender, of the measures provided for in this article, promoting the participation of men in care provision tasks” (Article 6).

The items necessary to work in the telework modality must be provided by the employer: hardware, software, work tools, and support. The employer must also assume “the costs of installation, maintenance and repair of the same, or compensation for the use of the worker’s own tools.” The employer must also provide for the replacement or repair of any media that do not operate properly, and any waiting time before the resumption of work must not affect the habitual remuneration.

<sup>12</sup> In the event that, due to the form of work organization, communications arrive outside the working day, the employee is not obliged to respond before the start of his or her next working day.



ration (Article 9). Higher expenses for internet connectivity or the consumption of services must also be assumed by the contracting party (Article 10).

In Article 11, this norm establishes that the employer must provide training in new technologies, whether on a face-to-face or virtual basis, and provide support tools, which may be done jointly with the representative trade union entity and the Ministry of Labor, Employment and Social Security of the Nation. Training should not involve an increased workload.

Law 27555 establishes equal rights in this modality, and in particular, the enjoyment of collective rights, trade unionization and representation (Articles 12 and 13). It addresses other issues such as monitoring systems and the right to privacy (Article 15), health and safety at work (Article 14) and the protection of labor information (Article 16).

A significant element of Law 27555 and its regulations is that it gives collective agreements the power to define some aspects of labor relations, among others, the specific contractual regulations for each activity (Article 2), the means of determining the compensation of expenses (Article 10), the conditions under which a working day can be reduced when due to care provision responsibilities this cannot be completed (Article 6), and the maximum limit for transnational contracts (Article 17).

## **2.2 Teaching in Argentina during the pandemic, between work from home and telework**

Before the law on telework was approved, it was agreed to regulate the working conditions for non-face-to-face education at the National Teaching Joint Meeting of June 4, 2020. The normative framework of reference was the ILO's Home Work Convention No. 177. This Law establishes the obliga-

tion of equal treatment, in particular with regard to the right of home-based workers to form or join the organizations of their choice and to participate in their activities, protection from discrimination in employment and occupation, protection in terms of occupational health and safety, remuneration, protection by legal social security schemes, access to training, the minimum age for admission to employment or work, as well as maternity protection (Article 4) (ILO, 1996).

With regard to remuneration, the Joint National Commission for Education established that teaching staff should maintain full rights to receive the salary that corresponds to them according to regulations and parity agreements. Regarding working hours, it was established that the previous workload must be respected without overloading due to the exceptional nature of the modality; the right to disconnection, rest and family privacy is recognized; it is established that the risks of exercising teaching work in a virtual or non-face-to-face context must be covered and that the full enjoyment and exercise of trade union rights must be allowed.

A significant aspect in the context of ICT-mediated education is the provision of technological resources; the agreement establishes that the existing ones must be made available to teachers and expanded to the extent of the availability and capacity of employers. Likewise, teacher training for virtual work is an important issue, which must be provided by the Ministry of Education of the Nation free of charge, and with the participation of trade union organizations.<sup>13</sup>

This agreement, as can be seen, is based on the reference of the ILO Home Work Convention, but includes aspects of the most protective legislation of rights related to telework.

<sup>13</sup> <https://ute.org.ar/otro-triunfo-de-lxs-trabajadorxs-de-la-educacion-nucleados-en-ctera-paritaria-nacional-por-condiciones-de-trabajo/>

## 2.3 Labor rights in non-face-to-face education

The working conditions for non-face-to-face education during the pandemic were not always in line with what was agreed upon in June 2020, in ILO Agreement No. 177, nor with the law regulating telework. As a result, the labor rights of teachers have been negatively affected.

### 2.3.1 Job and salary stability

Throughout the region, the measures taken by governments in the face of the pandemic represented a loss of jobs and income from work. Added to this, in Argentina high inflation further reduced the purchasing power of families. In October 2020, the accumulated year-on-year inflation was 43.5%, which continued to strongly affect the population, although being lower than the previous year (53.5%) (ECLAC, 2021b).

In the region, education represents one of the sectors that lost the least jobs as countries tried to support educational processes by alternative means to face-to-face ones; however, this relative job security was not always accompanied by salary security. In Argentina, at 34%, a significant sector of the teaching population surveyed by CTERA between May 28 and June 12, 2020, stated that they had problems receiving their salary in full and in a timely fashion. This percentage varied between provinces, in some reaching 96%. It was also higher among those who did not have tenured positions (EILA, 2021b). This situation is particularly worrying when we take into account that for 39% of the people surveyed, this salary was the only household income, while for another 34% it may not have been the only income, but remained the most important one (CTERA, 2020).

In June and July 2021, after a year of pandemic, CEFEMINA conducted a survey of women educators affiliated with CTERA for an EILA study. On this occasion, the majority of the respondents had job stability (91.2%), but only 80.9% received their full salary in a timely fashion (Carcedo, 2021).

The income from teaching work and its purchasing power were not as reduced as those of other occupations. As will be seen in greater detail later, education unions negotiated raises to offset inflation.

Among the women surveyed in 2021, only 14.6% said that their income during the pandemic was lower than that received before the emergency. This represents a certain containment in facing household expenses (88.3% of the women teachers said that these increased), along with falls in other incomes. However, this did not prevent the fact that for 59.7%, family incomes were insufficient to maintaining the household, a situation suffered by 30.1% of these families before the pandemic (Carcedo, 2021).

### **2.3.2 Without the material conditions necessary for non-face-to-face education**

The closure of educational institutions at the beginning of the pandemic forced the authorities to resort to different strategies to give continuity to educational processes. Traditional resources, such as textbooks and printed materials, were combined with traditional media, such as radio and TV, and the use of ICT. These means, which became more relevant during the pandemic, were of limited previous application, which was never generalized, and nor did they previously form the pillar of formal education.

The survey conducted in 2020 by CTERA showed that the resource most used by teachers in their strategies to give continuity to educational processes was cell phones, used by 83% (with usage rates of between 72% and 90% in different provinces). These were not the only equipment used; computers and tablets also played important roles. At that time, in May and June 2020, only 30% of teachers had a computer available to use for work. 24% had a shared computer with high availability, another 17% had limited access, and 29% completely lacked this resource in their homes (CTERA, 2020).

In addition to limitations with respect to equipment, there were difficulties in internet connectivity. At 59%, the majority indicated that they had problems due to not having connectivity or having only poor-quality connectivity. This proportion was higher in semi-rural (73%), rural (75%) and, above all, in populous neighborhoods (77%)<sup>14</sup> (CTERA, 2020).

Teachers resorted to different strategies, not only to maintain educational continuity, but also to maintain contact with their students and their families, some of whom also had limitations with respect to equipment and internet connectivity. Only 17% of teachers indicated that they used a single communication strategy for their entire group of students; the vast majority, at 75%, resorted to at least three strategies. Despite their efforts and use of a multiplicity of strategies, only 20% of teachers at that time maintained regular exchanges with all or almost all of their students, 49% achieved this with at least half, and 31% with less than half (CTERA, 2020).

A third of teachers (32%) regularly used some educational platform (Google Classroom and others) and 13% did so occasionally. 23% regularly and 21% occasionally resorted to synchronous virtual environments (Zoom, Jits, Meet, among others). The respective data for the use of e-mail are 38% and 19%; and 27% and 26% for telephone calls; 19% and 18% for the use of YouTube, blogs and other web pages; and 14% and 13% for social networks. Printed materials were also a resource used by 20% on a regular basis, while 23% used them occasionally. Radio was used by 2% regularly and 3% occasionally. 8% usually established communication with some part of their students through a third family who facilitated contact, while 19% occasionally did the same (CTERA, 2020). Despite deploying different strategies and resorting to different means, 57% of teachers said that the materials and resources generated by education agencies at the national and provincial levels were insufficient to supporting their educational work (EILA, 2021b).

<sup>14</sup> As the survey was conducted online, teachers who did not have equipment or connectivity could not participate, so there is underrepresentation of this group, which in reality was greater than that indicated by the survey.

The survey carried out a year later (June and July 2021) by CEFEMINA for EILA on women teachers continued to show a deficient panorama in equipment and internet access. Fewer than half of the teachers (46.1%) had sufficient computers or tablets at home and 58.2% had sufficient smart cell phones. Only half (50.6%) had good or very good internet connectivity (Carcedo, 2021).

### 2.3.3 Insufficient training for the needs and challenges to be faced

Only 22% of the teachers who responded to the CTERA survey had knowledge or previous experience of the use of virtual educational resources. 56% considered their training to be insufficient and 22% completely lacked this type of training. At 66%, the vast majority required training in the use of technologies applied to education and in the generation of educational materials for remote work; in addition, 30% stated that they had a moderate need for this, while only 4% stated that they did not need it (CTERA, 2020).

The lack of training and experience in this field is a challenge that affected even university teachers, who had more practice in using virtual resources than teachers in schools. In addition to this problem, the platforms of educational institutions were not prepared to suddenly deal with massive demand.

*Figures of the Academic Secretariat say that only 15% of the university teachers were receiving training or had been trained in virtual platforms and virtual tools. Some more than others. In general terms, we dealt with it, and we found ourselves facing the impossibility of making use of the platform, because the platform could not support the demand. (Interview with women leaders of CO-NADU, September 2020)*

### 2.3.4 Extended working days for teachers without defined schedules

For the vast majority of teachers, non-face-to-face teaching represented an increase in work time; this was indicated by 80% of those responding to the sur-

vey in May and June 2020. The figure rose to 87% among teachers imparting classes at the university level. The percentage was also higher among those who did not have a computer available or who had connectivity problems, and among those who had to develop different strategies to maintain contact with their students (CTERA, 2020).

The tasks multiplied, new ones arose, and the previous ones became more complex. The preparation of classes was the activity that teachers indicated to be the most time consuming, since different means were used to search for and prepare didactic materials that required adaptation for students with unequal conditions of accessibility to ICTs (CTERA, 2020). The women educators interviewed by CEFEMINA stated with regards to this:

*This makes the workload much greater, because it was necessary to plan in a rush, to plan using tools that are not mastered [...]. So clearly the time it takes you to develop your program and impart the classes is not the same when you more or less master the tools as when you don't even understand how to join a meeting, no. That also generates a great deal of stress and problems in terms of health, right? (Interview with women leaders of CONADU, September 2020)*

The second most time-consuming factor was communicating with students and their families (CTERA, 2020). This activity is central to the continuity of education, and as already noted, required the development of diverse strategies to address different situations. Dispelling doubts and providing follow-up that could previously be performed on a collective basis in class had to be personalized.

Half a year into the health emergency, the women teachers interviewed estimated the increase in their working hours:

*I can do the calculation for you easily. I would have to work ten hours a week, and especially in the first semester, when I was alone teaching a course with fifty students, it easily required four days a week, between putting together material,*

*uploading texts, teaching the class and sometimes I had to answer students' queries. It took more or less practically three times as long. (Interview with women leaders of CONADU, September 2020)*

*I, in my case, would not say triple, but double. With planning everything again, transposing all the materials, yes, twice as much. (Interview with women leaders of CONADU, September 2020)*

For the vast majority of teachers, educational work in non-face-to-face modalities not only required more time, but due to the conditions in which it was carried out, in addition, it hindered them from establishing schedules and sticking to them. This was achieved only by 13% of those answering the CTERA survey; 46% tried, but could not stick to their schedule, and 41% could not establish a schedule. This difficulty was more frequent at preschool and primary levels (CTERA, 2020).

Just over half (56.1%) of the women teachers surveyed by CEFEMINA had fewer than fifty students in their charge and the rest had to attend to higher numbers. One in nine (10.7%) had between 100 and 149 students, and almost one in four (22.4%) had over 150, which meant not only a very high demand for attention from each student, but also, different groups had to be taught, each with its own educational dynamics and strategy (Carcedo, 2021). In these situations, the challenges were even greater.

The difficulties in maintaining a schedule were not only due to the need to attend to students when these were able to obtain connectivity at home. It was also necessary for teachers to negotiate usage times for equipment, in particular when they had relatives who used the same equipment for work and study.

*And the imposition of classes, right? Our house is very small and I have one child in English classes while the other one is on Zoom with the symbol for literature saying she has to read, while we have to be teleworking and I have to teach class so they have to stay quiet. It's crazy. (Interview with women leaders of CONADU, September 2020)*



After more than a year of non-face-to-face education, the eight-hour work day with a defined schedule is the most frequently violated right indicated by the women teachers surveyed by CEFEMINA, with 91.3% of them claiming this to occur. The right to disconnect, cited by 89.4%, was the second most violated right (Carcedo, 2021).

### **2.3.5 The costs of non-face-to-face education are assumed by women teachers**

The vast majority of the women teachers surveyed in June and July 2021 had assumed expenses related to non-face-to-face teaching, especially to acquire equipment and pay for internet connectivity. 84.5% did so frequently and 14.8% occasionally did, while only 0.7% had never done so. “We, in addition, had to pay for connectivity, and not to mention food or if there is an elderly adult or whatever” (Interview with women leaders of CTERA, June 2020).

To a lesser extent, they also covered the cost of student needs. Almost half, 46.1%, frequently did so, and a somewhat smaller proportion, 42.2%, did so occasionally, while 11.7% never did so. These extra expenses represented a further difficulty to the finances of the women teachers.

### **2.3.6 The effects of non-face-to-face education on the health of female teachers**

The abrupt change in the working modality quickly affected the health of teachers. Less than three months after the start of the pandemic, CTERA's survey identified the fact that, at 70%, a large majority developed visual fatigue problems or had these aggravated; a similar proportion, at 68%, mentioned back pain; 56% indicated joint and muscle pain, and 20% mentioned heaviness of the legs. The appearance or aggravation of joint and muscle pain was more frequent among those who didn't have adequate space and furniture to carry out their work (64%) and less frequent among those who did have these conditions (49%) (CTERA, 2020).

The above data show the direct effects of sedentary desk work using unsuitable furniture and the continual use of screens, not just computers. Cell phones, due to their small size, force the user to strain their eyes more.

Other discomforts that arose or worsened during this period were stress and headaches, mentioned by 56% and 53% respectively. In this case, there was an influence of other factors related to changes in life and work in general (67% felt more work overload than before) while lacking adequate conditions, and suffering multiple health, work, economic and family-related fears and pressure. Added to this, students' families turned to teachers for support for economic, personal and family situations. Those responding to such demands more often manifested a greater stress and work overload (CTERA, 2020).

A year later, the women teachers surveyed by CEFEMINA added more information. 19.6% of these had contracted COVID-19, a markedly higher rate than the national one, reported at the time at less than 10%<sup>15</sup> (Carcedo, 2021). For some of the women educators, non-face-to-face work did not guarantee protection against the spread of the virus, since among the strategies implemented, they visited students' homes to provide them with work materials and sometimes food.

*Colleagues who had to go out to distribute, as she said, the family baskets, because all our colleagues, let's say a very high percentage of us in CTERA, have been exposed to COVID. I don't say to the same degree or in the same way as health workers, but they have been on the front line (Interview with women leaders of CTERA, June 2020).*

In addition to the women educators who contracted COVID-19, 22.2% indicated that they suffered another health problem. At 90%, the majority of all those who had their health affected required medical attention (Carcedo, 2021). University teachers indicated:

<sup>15</sup> Own calculations considering that at the beginning of July 2021, about 4.5 million people with COVID-19 were diagnosed in a population of slightly more than 45 million.

*We here in Mendoza had a couple of situations in which some teachers were infected with COVID-19 and the university's response was to falsify<sup>16</sup> the medical certificate, right? Asking them to ask doctors to diagnose them with another disease in order to give them sick leave. And, otherwise, on being in their homes, they could still work, if they didn't feel unwell. Denying them in the first instance the right to sick leave. There were three situations like this, one after the other. There were also cases of colleagues with very strong symptoms of the disease. Well, there we moved quickly. We made the response of the University rector's office public and the rector put out a resolution announcing the steps to request COVID sick leave. But it was the first response of the employer, to deny sick leave and even, if you are at home, you can continue teaching classes even though you are sick. I think the role of our union is important. (Interview with women leaders of CONADU, September 2020)*

The right to sick leave was not always respected among those surveyed in 2021. 30.8% of respondents indicated this (Carcedo, 2021).

### 2.3.7 Impacts on industrial action

The obligatory social isolation placed unions at the forefront of the challenge of resorting to new strategies to maintain their militancy.

*That is what the pandemic has represented for the trade union struggle, a limit on some issues due to the issue of public spaces. For us, for the trade union movement, the street is the place where we feel most comfortable in making our demands, right? The format of trade union struggle had to be changed, that was a challenge, that was one more difficulty when there is a dispute with the right in Argentina (Interview with women leaders of CTERA, June 2020).*

*So we are discussing what we do to show that we are united, that we have an agenda that we are discussing and that we are thinking about how to resolve*

<sup>16</sup> They falsified the numbers.

*our issues. And it's quite difficult with distancing and with technology, it's our way of communicating and doing things [...] It also has limitations. (Interview with women leaders of CONADU, September 2020)*

Among the CTERA teachers surveyed by CEFEMINA in June and July 2021, 18.3% indicated that telework violates trade union freedoms (Carcedo, 2021).

Although this was a situation experienced in other countries in the region, education unions in Argentina faced a challenge of their own. During the Macri government, dialog with the organizations was revoked. In particular, the Joint National Commission for Education, the previously installed negotiation mechanism between the education sector and the authorities, was not convened.

At the time of writing, the Fernández government is restoring dialog with the education sector and reinstating the Joint National Commission for Education, including university and pre-university levels in such dialog. The first agreement was made in February 2020, a few weeks before the start of the pandemic to approve salary increases. The government proposed the goal that teacher salaries beat inflation (argentina.gob.ar, 2020b). Subsequently, in the Joint National Commission for Education held in June, teaching in non-face-to-face contexts was regulated (mentioned in point 2.2). Throughout the pandemic, dialog continued on, among others, salary revisions, connectivity bonuses, teacher training, the definition of conditions for the return to face-to-face classes, and the vaccination of teachers.<sup>17</sup> The attitude of the new government towards education and teaching staff is reflected in the disposition shown in these negotiations. The Minister of Education, Jaime Perczyk, made reference to the “enormous commitment that the teaching sector is carrying out within the framework of the pandemic to guarantee the pedagogical continuity of our children, adolescents, young people and adults” (argentina.gob.ar, 2020c).

<sup>17</sup> CTERA and CONADU participated in other initiatives of national interest, such as dialog on income taxes and against repression.

This has not been the spirit in force in all jurisdictions, particularly when these are governed by opposing parties. In the City of Buenos Aires, the Minister of Education, Soledad Acuña, maintained continuous attacks against teaching staff. In November 2020, she declared on TV that those who choose to study the teaching career are increasingly from a low socioeconomic stratum with less cultural capital and enriching experiences to contribute to the classroom, and that they are highly invested in ideology and “choose to militate in the union instead of teaching.”<sup>18</sup> The professional associations and unions repudiated these statements and called for the minister's dismissal. The minister's attacks continued. In November 2021, while the minister was visiting an educational institution, a group of teachers denounced the death of 39 teachers due to the hasty return to classrooms; the minister's reaction was to commence indictment procedures against three teachers (Perfil, 2021).

### 3. Exacerbation of the care crisis

#### 3.1 Women's and men's time use before and during the pandemic

Traditionally, care work in Argentina has fallen disproportionately on the women of each family. The 2013 time-use survey (TUS) showed that 88.9% of women in urban areas aged eighteen and over performed unpaid domestic work, compared to 57.9% of men of those ages. In addition, women spent an average of 6.4 hours a week on such tasks, while men spent 3.4 hours a week. For activities that did not involve the direct care of people, the participation rates of women and men were 86.7% and 50.2%, and the average weekly hours spent were 3.9 hours a week and 2.4 hours a week

<sup>18</sup> <https://www.youtube.com/watch?v=f90kxGSYQms>

respectively. When it comes to taking care of people, 31.1% of women did so, dedicating an average of 6 hours a week to such tasks, while only 16.8% of men engaged in such activities, for an average of 3.8 hours a week. The gaps are even greater when it comes to providing school support to children; 19.3% of women engaged in such tasks, for an average of 2.2 hours per week, while 6.9% of men did so for an average of 1.9 hours per week (INDEC, 2014). At the end of 2021, a new TUS was applied whose preliminary results indicated that 89.9% of women performed domestic work that did not involve the direct care of people, compared to 68.3% of men. Participation rates for the provision of care for people were 30.6% and 18.9% respectively<sup>19</sup> (INDEC, 2022).

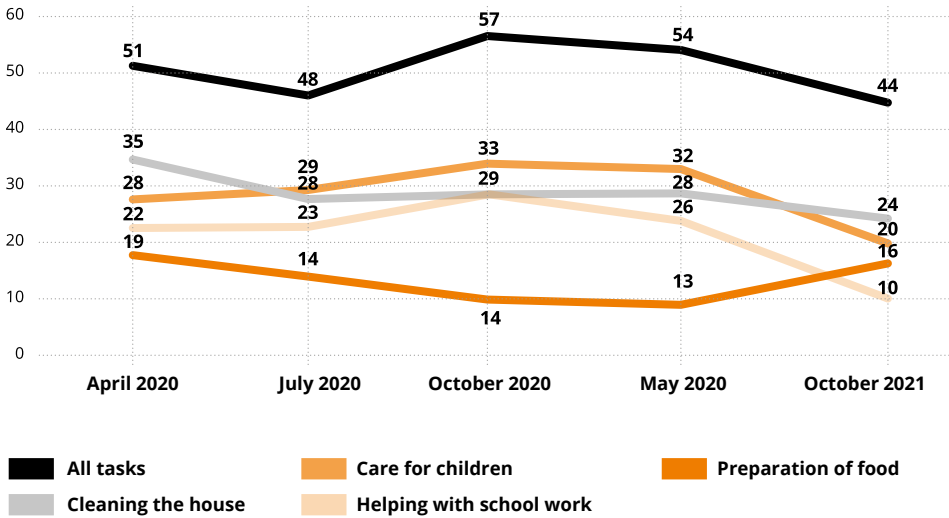
During the pandemic, when all family members were present throughout the day, the demand for care and attention increased; there was more need to clean, cook, tidy up and take care of children who formerly studied at school. In addition, many households that previously had the support of a hired domestic worker or private services to care for dependent people also saw this source of support disappear.

The surveys carried out by UNICEF in households with children and adolescents measured this impact on women.<sup>20</sup> About half of the respondents stated that they had a greater work overload at home than before the pandemic. In October 2020, this came to 57%, higher than at the beginning of the period in April 2020, when it was 51% (UNICEF, 2021).

### **Argentina. April 2020 to November 2021. Women with children and adolescents at home who stated that they had a greater care workload during the pandemic by types of work**

<sup>19</sup> The hours dedicated to each activity are not yet known.

<sup>20</sup> These are perception and attitudes surveys carried out on a nationally representative sample of families with children.



The activities showing the most variation in the overload of domestic work assumed by women are those related to children, which depends, in part, on the return to school. The provision of care for children was indicated at the beginning of the pandemic by 28% of the respondents and reached one in three (33%) in October 2020. At the end of the period, it was indicated by 20%. On the other hand, help with schoolwork was mentioned at the beginning by 22% of respondents, rising to 29% in October 2020, and then decreasing to be mentioned only by 10% in October 2021 (UNICEF, 2021).

The overload of care work is a reality recognized in many homes, not only in those affected by it. When asked about activities that should not be restricted during the pandemic, in October 2020, the most mentioned was domestic work, referred to by 71% of the people surveyed (UNICEF, 2020). Occupation in this job fell sharply in the second quarter of 2020, to 62.9% of the level corresponding to the previous quarter, meaning approximately two out of five households previously enjoying this support remained without it. Although there was a subsequent recovery in the last quarter of that year, when it reached 78.8%, at the beginning of 2021, it once again fell back to 69.5% (ECLAC, 2022).

### 3.2 Measures taken during the pandemic that affected family care

From the beginning of the pandemic, the central government made decisions that sought to counteract the negative impacts of emergency measures on family care. Obligatory social isolation, the closure of education and care institutions, and the suspension of activities considered non-essential increased the pressures on households to respond to needs that were previously covered by private or public services.

Exceptions to obligatory social isolation were established for people assisting others with disabilities and relatives who required support with the care of dependent people, as well as for the transport of children between parents' homes when these did not live together. Parents and guardians of minors of up to twelve years of age were authorized to go to nearby shops with these latter if they did not have an adult person to take charge of them (Presidency of the Republic, 2020 and Ministry of Social Development, 2020).

For working people, it was established that the non-attendance of those with children and adolescents in their charge was considered justified if the presence of the former at home was essential to the necessary care provision. For those performing telework, the right to choose schedules in order to attend to family responsibilities was recognized in the law regulating this work modality (Ministry of Labor, Employment and Security, 2020).

In the City of Buenos Aires, a care plan was established for people over 70 years of age that included help and guidance by dialing the telephone number 147. Volunteers provided telephone support, made purchases in shops and pharmacies, paid for services, walked pets and helped in the use of digital applications such as Zoom and WhatsApp. A call center was also established to attend to shopping orders by phone (Buenos Aires City, 2020).



For paid domestic workers, a salary increase was established (Comisión Nacional de Trabajo en Casas Particulares, National Commission on Work in Private Homes, 2020), establishing that during the period of obligatory social isolation these workers were entitled to paid leave as established by the government when they are over sixty, pregnant, belonged to risk groups, had dependent children of school age, or when there were people in the homes in which they worked in mandatory quarantine. Exceptions were those domestic workers who provided assistance to isolated elderly people or those who worked for people performing essential activities. This measure allowed 52% of these workers to report to the ILO that they had been paid during the pandemic, representing the highest percentage in the region (ILO, 2021). Those who became unemployed could opt for Emergency Family Income (IFE) (three payments during 2020 equivalent to US\$140) even when they were not registered (Ministry of Women, Gender and Diversity, 2020).

The *#QuarantinaConDerechos* (Quarantine with rights) and *Cuidar en igualdad. Necesidad, derecho y trabajo* (Provide Care with Equality. Need, rights and work) campaigns were promoted on social networks to encourage the recognition of care provision as rights and needs, as well as to promote co-responsibility within households. Another purpose of these initiatives was to agree on actions between different social actors to reverse the feminization of care work (ECLAC COVID-19 Observatory, online consultation).

These are valuable initiatives that, as mentioned above, to some extent tried to alleviate the effects of the emergency. However, as discussed in the previous point, they failed to eliminate the increase in the demand for care provision at home, and the overloading of this work on women.

### 3.3 Care work overload on female educators

For women educators, the overload of domestic work was also a reality. About half of CTERA affiliates surveyed by CEFEMINA in June and July 2021 (47.5%) indicated that they devoted more time than before the pandemic to domestic work that did not involve the direct care of people (cleaning, food preparation, washing and ironing clothes, tidying up, etc.). In a somewhat smaller proportion, 40.1% reported spending more time than before caring for dependent people, while 26% reported more time spent caring for non-dependent adults. The care task that most demanded an increase in time was the provision of academic support to children and adolescents, indicated by 61.6%. In addition, 27.1% carried out unpaid activities to support family members who lived outside the home (Carcedo, 2021).

The women educators redoubled their domestic work at home and in other homes, as well as their teaching efforts in their families, not only with their students. It is not surprising that 67% indicated that they devoted less time than before to resting during the day, while 72.9% devoted less time to recreational activities. In the week before answering the survey, 93.1% had performed household chores that did not involve taking care of people, 51.8% took care of dependents, 57% provided academic support to children and adolescents, 25.1% performed care tasks for non-dependent adults, only 10.5% rested during the day, and 24.3% carried out recreational activities (Carcedo, 2021).

During the pandemic, the unequal distribution of care work became more unequal, at least in the families of the teachers surveyed. At 54.5%, more than half the respondents indicated that adult women in their household devoted more time to this type of activity than before, compared to 38.2% when it came to adult men (Carcedo, 2021).

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## **The pandemic as a scenario for the regression of rights. Labor rights and the social distribution of care provision for women teachers in Brazil**

*Larraitz Lexartza*

### **1. Impacts of the measures adopted during the pandemic on the working conditions of the education sector**

#### **1.1 From labor reform to the pandemic: The impact on workers' rights in Brazil**

In the last decade, efforts to deregulate labor relations have been frequent in numerous Latin American countries. In some cases, these strategies were reinforced during the pandemic, taking advantage of the exceptional situation. In this context, the case of Brazil stands out for the magnitude and speed with which this type of reform was adopted during the years immediately prior to the arrival of COVID-19.

After the coup d'état carried out in 2016 against then-President Dilma Rousseff, a period marked by setbacks in human rights began. This deterioration quickly became evident in people's daily lives, and additionally was accompanied by regulatory reforms that curtailed formally recognized rights. In this regard, in the field of labor rights the 2017 adoption of Law No. 13,467 and Law No. 13,429 had a major impact. Within the framework of this labor reform, known as Trabalhista Reform, Law No. 13,467 made the largest amendment to the Consolidation of Labor Laws (CLT),<sup>21</sup> while Law No. 13,429 liberalized outsourcing and extended temporary contracts (DIESESE, 2017; Kreim, 2018; and Souto and Carbonai, 2021).

<sup>21</sup> *Consolidação das Leis do Trabalho.*

The discourse in favor of the approval of the labor reform promised an increase in employment and employment formalization, based mainly on a formula for the reduction of business sector costs arising from entering into relationships with employees (Araújo, 2019). In reality, the reform legalized already existing business practices and gave employers greater flexibility to manage the workforce based on their own needs (Kreim, 2018).

Notable among the modifications incorporated by the reform were those regarding hiring modalities and facilities for dismissal, the working day, wages, and health and safety at work (Kreim, 2018). With regard to hiring modalities, since the reform employers have a range of different options that completely liberalize the possibility of outsourcing labor relationships. The dismissal of workers is also facilitated and cheaper for employers (Kreim, 2018).

With respect to the working day, employers are given more freedom to determine working times. The flexibility of the working day by introducing the 12 x 36 schedule<sup>22</sup> attests to this (Kreim, 2018).

On the other hand, the reform also contributed to the weakening of institutional and mechanisms that guarantee labor rights, such as labor justice (Kreim, 2018). It thus privileges an approach that ignores the existence of an unequal power relationship between employers and workers.

This deregulation of labor relations also has particular impacts on women. Their participation in precarious forms of work, such as outsourcing, was already higher than that of men before the reform. It can therefore be expected that the impact derived from the new forms of hiring workers will be greater for women (Camarano, 2018). The flexibility of the working day also has a differentiated impact on women. These are schedules that consider employment to be the only responsibility of working people. However, as will be seen in the second section of this chapter, the vast majority of women take

<sup>22</sup> The 12 x 36 working day allows continuous work for 12 hours, followed by a break of 36 hours.

responsibility for the unpaid domestic work and care provision required by their families, such that extending working days could increase the precarious status of the already complex situation in which women reconcile work and family responsibilities.

It should be noted that the Trabalhista Reform is not an isolated reform effort. It is part of a more ambitious plan that includes other modifications, with some already made and others pending, that have the objective of dismantling the social role of the state (DIESSE, 2017a). In this regard, Constitutional Amendment No. 95, also known as the public expenditure ceiling, was passed in 2016, freezing public spending for twenty years (DIESSE, 2017a; Kalil, 2020). This was added to the pension reform (DIESSE, 2017a) and some draft laws still awaiting approval, such as the administrative reform (CNTE, 2021).

In this context, at the beginning of the pandemic Brazil had a weakened institutional framework and a regulatory framework that made working conditions precarious. The arrival of COVID-19, far from being an opportunity to review this trend and provide workers with adequate protection against the crisis situation, lent itself as a scenario to deepen the neoliberal reform of the state. Measures were thus adopted seeking the institutionalization of labor relations of a private, individualized and unprotected nature (Vieira de Mello and Queiroz, 2020).

The measures adopted during the first months of the pandemic demonstrate this. This was the case for Provisional Measures (MP) No. 927 and No. 936, which regulated employment contracts during the first months of the arrival of the virus. MP No. 927 specifically refers to telework (see Section 1.3) (Vieira de Mello and Queiroz, 2020). For its part, MP No. 936 (later Law No. 14,020) authorizes the reduction of salaries and working hours through individual agreements between the employer and the worker in exchange for limited emergency economic compensation. This regulation authorized the reduction of salaries by up to 70%, or even their complete suspension during the pandemic period (Souto and Carbonai, 2021). As of June 2020, the Ministry of Justice had

registered wage reduction agreements involving more than 11 million workers (Souto and Carbonai, 2021).

In addition to this, efforts to deepen the reform of the state were also strengthened during the pandemic. An example of this was the attempts to pass one of the pending reforms, the administrative reform, which, on this occasion, directly attacked public employees (PEC 32/2020). These new reformist attempts took advantage of the difficulties of engaging in social mobilization during the pandemic.

In order to obtain popular support, those promoting this reform engaged in dialog focusing on fallacious arguments, also frequently heard in other countries in the region. Specifically, they cast allegations against those working in the public sector as people with privileges they do not deserve. Job stability and wages in this sector became the focus of criticism (Bettega, da Silva and da Cruz, 2021). In this line of argument, the elimination of rights is presented as an act of justice. This is reflected in the words of Deputy Darci Matos in the framework of the discussion of the Proposed Constitutional Amendment: “Stability is over for other employees (in careers that are not considered typical of the state), in health, education and administrative professions. In our understanding, nothing is fairer” (Agência Câmara de Notícias, 2021).

In summary, unsubstantiated arguments were used to position workers as responsible for the deficiencies of the public sector, so seeking to confuse public opinion by suggesting that rights are actually privileges. Although broader rights are often enjoyed in the public sector, in practice these standards also determine the recognition of rights for those working in other sectors. This provides a measurement that broadens the aspirations of those working in the private sector. That is, if public sector rights are pared down, it can be expected that a new cut in the recognition of guarantees for those working in the private sector will soon follow.

On the other hand, the deterioration of rights in the public sector has serious impacts on female employment. This is one of the few areas of the labor market in which the gaps between men and women are reduced. Consequently, deregulation in this area could imply the loss of one of the least hostile spaces for female employment within the labor market.

The proposed administrative reform alters the regulation of labor relations in public institutions for those joining this sector after its approval, while also indirectly affecting those already working in it. Notable among the main points it includes are the extension of trial periods, the end of stability and the end of other acquired rights (CNTE, 2021).

The impact of the passing of this proposal specifically on the education sector could be serious. It would imply, for example, the decrease or even the disappearance of public selection processes. Additionally, labor relationships could be mediated by outsourcing processes. Teachers' academic freedom could also be affected (CNTE, 2021).

In summary, the proposal "is not an administrative reform, it is to transfer public services to the private sector" (Fatima da Silva, General Secretariat of the CNTE, in CNTE, 2021).

## **1.2 Education, another privatization treasure chest**

As already noted, the privatization of public services is also part of the agenda in state reform efforts. In this sense, education is a target for those who see this area not as a right, but as a business opportunity.

It is important to point out that privatization processes are often carried out gradually, through actions favoring this, though they are not so visible. For

this purpose, use is made of strategies such as outsourcing, the granting of subsidies to both institutions and users, and the granting of the provision of services to private enterprise (Salvador, 2017). In this sense, there were three strategies that were already being implemented before the pandemic in Brazil for the privatization and commercialization of basic education. Firstly, the private sector was increasingly involved in institutional work under the pretext of providing management advice. Secondly, some municipalities acquired private education systems. These are mainly business products, such as teaching materials, among others. Thirdly, public resources are used to subsidize private educational institutions (Salvador, 2017).

With regard to the last point, it is important to note that money transfers to private entities are carried out both directly and indirectly. That is, these are both direct subsidies that deliver public funds to private enterprise, and indirect ones involving tax exemptions that limit public tax collection and therefore represent a decrease in state resources (Salvador, 2017).

Article 77 of the Law on Guidelines and Bases of National Education (LDB for its acronym in Portuguese) allows public resources destined for public schools to be redirected to community, religious or philanthropic schools, provided that these are of a non-profit character (Salvador, 2017). Nonetheless, there are various strategies that these entities can use to cover up their lucrative activity linked to education.

On the other hand, the same article allows public school resources to be allocated to study scholarships in the private network in the event that there is a lack of places in the public network (Salvador, 2017).

The numbers show that while total investment in education is decreasing, transfers to the private sector are increasing. The total expenditure of Brazilian states and the Federal District suffered a reduction in real terms of 3% between 2009 and 2013. It should also be pointed out that between 2009 and

2014, inflation was at 38.15% (Salvador, 2017). At the same time, between 2010 and 2014 transfers made to the private sector by the states and the Federal District showed a real growth of 32.41% (Salvador, 2017), clearly showing the significant upward trend of state spending on private education.

With regard to the exemptions made for education, in the category of deductions to Personal Income Tax (IRPF for the initials in Portuguese) alone, 14.6 billion Brazilian reais were exempted from collection between 2009 and 2013 (Salvador, 2017).

The scenario created during the pandemic helped boost these privatizing trends. During the first weeks and months of the pandemic, the lack of institutional action jeopardized the guarantee of the right to education. In this context, teachers were obliged to attempt to resolve all issues required to give some continuity to educational work via their own means, without external support. Faced with these difficulties and lack of resources, private entities, particularly those that present themselves as philanthropic, have gained ground by offering some technological solutions of dubious effectiveness, since they do not take into account local communities nor educators (Avelar, 2020).

These are groups such as Fundação Lemann, Imaginable Futures and Todos pela Educação, which seek to influence the national agenda in this area. These types of groups, present in the country at least since the 1990s, have been intensifying their advocacy work with respect to educational policy, with the pandemic representing a new window of opportunity for them (Avelar, 2020).

The first strategy to taking advantage of the pandemic was related to the use of technology in education. In this sense, the field of educational technology is a highly promising sector for private enterprise. Large transnationals, such as Google and Microsoft, have explored this area both through entrepreneurial and philanthropic activities, thereby impressing their worldview on educational activity (Avelar, 2020). This is a trend that places the educational system in

a dependent relationship with such companies. Similarly, there is little opportunity to influence the products offered to ensure that these respond to educational needs and not the other way around.

These private organizations, which claim to be non-profit or philanthropic in nature, conduct their activities on ambiguous terrain. In practice, they have financing from companies, but are considered as civilian in nature because they are not part of the state structure nor do they participate in the market. However, their actions are far from truly being civilian, since they do not seek to promote dialog nor the participation of the different actors involved, and are intended to benefit the interests of entities that do operate for profit (Avelar, 2020).

During the pandemic, they took advantage of a scenario favorable to guaranteeing acceptance of their proposals regarding the use of technological products in education, among other aspects. This is a strategy that Avelar (2020) called “privatization by disaster”, which takes advantage of tragedies and emergency situations that open exceptional contexts to position their proposals more easily.

### 1.3 Working conditions in the teaching sector

The context of deregulation and increasing precariousness has had a direct impact on those working in the education sector. Thus, the conditions of a significant number of teachers have been marked in recent decades by salary flexibility, atypical forms of hiring, and instability. This is the result of policies that have privileged temporary hiring instead of public hiring processes. Consequently, in 2017, 27% of teachers in the Brazilian public sector had temporary contracts (Moreira da Silva, 2020).

Contingent contracts are another form of precariousness present in the Brazilian public system, mainly in states such as São Paulo. These are used to



hire teachers who perform substitutions and are paid only for the hours of substitution work performed. This is an on-demand job, such that the teacher does not know a priori how many hours he or she will work in a month or what salary will be received (Moreira da Silva, 2020).

As in other areas, the pandemic has increased the precariousness of work in education, with different impacts in each state. For example, Mato Grosso suspended classes between March 23 and April 5, 2020 under the character of early school vacations. Consequently, the contracts of more than 12,000 teachers were not made effective (Moreira da Silva, 2020). In the same state, the Legislative Assembly passed a bill to provide teachers with temporary contracts with a minimum income during the emergency. However, the project was vetoed by the governor, and although the Assembly managed to get it passed once again and to promulgate the law, the state government filed an appeal with the Federal Supreme Court (Moreira da Silva, 2020).

For its part, the municipality of Goiânia dismissed 3,100 municipal education professionals in April 2020. Almost half of these, 1,497, had temporary contracts. Two months later, the pressure of the Sindicato dos trabalhadores em educação de Goiás (SINTEGO) and other sectors led to the passing of a regulation (Law No. 10,488) that established the conditions for the resumption of contracts of temporary municipal workers. However, resumption of the labor relationship implied accepting a significant reduction in salary (Moreira da Silva, 2020).

During the first weeks of the pandemic, layoffs and suspensions of contracts were also reported in other places such as Cachoeiro in the municipality of Itapemirim, and in Armação de São Pedro da Aldeia, Cabo Frio and Rio das Ostras in the state of Rio de Janeiro (Moreira da Silva, 2020). These measures were mostly based on the aforementioned MP No. 936, which allowed the temporary suspension of employment contracts (Moreira da Silva, 2020).

In addition to impacts on temporary teaching staff, those on teachers with contingent contracts were also significant. In their case, the arrival of the pandemic meant a cessation of the work activity that under ordinary circumstances was already of an intermittent character. In addition, because they held contracts with the state, these teachers did not have the right to request emergency aid (Moreira da Silva, 2020).

#### 1.4 Telework and precariousness<sup>23</sup>

The term telework is commonly used generically in reference to different forms of work performed remotely. Nonetheless, conceptual clarifications are important to be able to determine which regulations and rights correspond to those working under any of these work modalities. In this regard, the International Labor Organization (ILO) notes that telework involves the combination of two components, in which work is performed “in an alternative location to the predetermined workplace and [...] the use of information and communication technology (ICT) is required” (Maurizio, 2021, p. 5). Work at home, on the other hand, “is that which is carried out totally or partially in the worker’s own home, regardless of what his or her predetermined place of work is” (Maurizio, 2021, p. 5). Finally, home-based work “includes only those workers who habitually perform their tasks from their home, regardless of what their predetermined place of work is. That is, this concept refers to situations where the worker’s domicile is his or her main place of work” (Maurizio, 2021, p. 6).

On the arrival of the pandemic, Brazil had already made some progress in the field of telework regulation. The first precedent in this regard was formalized in 2011 with the approval of Law 12,551. Although it was not a specific regulation for this area, it included an amendment to Article 6 of the Consolidation of Labor Law (CLT) regulations that equated face-to-face work with remote work (González, 2021).

<sup>23</sup> In 2022, new provisions regarding telework were passed that have not been included in this investigation due to being outside the period of study.

Years later, in 2017, the aforementioned Trabalhista Reform (Labor Reform) included additional elements in this regard. This was the first regulation to make direct reference to the concept of telework by adding letters A, B, C, D and E addressing this matter to Article 75 of the CLT. The provisions of the Trabalhista Reform consider telework to be “the provision of services predominantly outside the employer’s premises, with the use of information and communication technologies that, by their nature, do not constitute external work, and [where] attending the employer’s premises for the performance of specific activities that require the employee’s presence does not change the nature of the telework regime” (Article 75B of the CLT, in González, 2021).

Likewise, the regulations establish that telework can only be performed through an individual employment contract. When this is not the form of work originally defined for the employment relationship, a contractual change can be made by mutual agreement and must be recorded as an annex to the contract (González, 2021). With regard to the means for performing work, Article 75-D states that the written contract must establish responsibility for the acquisition, maintenance and supply of technological equipment and the necessary and adequate infrastructure for the provision of remote work, as well as the reimbursement of expenses incurred by the employee.

On the other hand, the CLT reform excludes those who perform telework from the regulation regarding the working day (Article 62, paragraph III). This means that workers do not have this protection and that, consequently, nor are they entitled to overtime pay (González, 2021).

In any case, the provisions contained in the CLT were relaxed during the pandemic through the emergency measures adopted in that context. One of the first measures adopted, on March 22, 2020, was the aforementioned Provisional Measure (MP for the initials in Portuguese) 927/2020, which was in force until July 9 of that same year. Subsequently, it was reissued in MP 1046/2021, with a validity period from April 28, 2021 to August 25, 2021 (González, 2021).

Both interim measures extended the range of application beyond telework to also include other types of remote work. They also eliminated the need for the contract to document the change from face-to-face to remote working modes, allowing employers to do this at their own discretion, with the only requirement being to communicate this modification 48 hours in advance to the worker. In this case, with regard to material means, it was established that when employees do not have the equipment or infrastructure required to perform the work, the employer must provide this (González, 2021). MP 927 also gave employers the option to impose early vacations and holidays and to delay the payment of obligations such as the Fondo Garantía Por Tiempo Servicio (Guaranteed Funds for Service Time, FGTS). It also provided for the possibility of simplifying other employer obligations, including some related to the health and safety of workers. It is a regulation that seeks to reduce pressure on the employer by transferring risks to workers (Vieira de Mello and Queiroz, 2020).

In this respect, the figures available show that, during the first months of the pandemic at least 8.7 million people worked remotely in Brazil (IBGE, 2020 cited by Moreira da Silva, 2020). This was also the situation of teachers from public teaching networks who switched to virtual and distance work modalities abruptly and without support.

A survey of CNTE women teachers performed in 2021 showed that only 1.7% of the interviewees continued to impart face-to-face classes as their work modality. Almost four out of ten teachers (39.3%) reported having worked remotely during the pandemic. 32.5% indicated that they alternated face-to-face and virtual activities, while 21.1% carried out exclusively virtual activities. An additional 5.5% indicated that they had worked through other modalities (Lexartza, 2021).

The lack of support at the time of carrying out this transition placed the teachers in the position of needing to invest their own money to purchase equipment and connectivity in order to be able to carry out their work. In this sense, nine out of ten of the participants (89.1%) reported having incurred these types of

expenses frequently during the pandemic. 9.7% reported having made these expenses occasionally, while only 1.2% reported not having incurred this type of expenses at any time. In addition, almost six out of ten respondents (59.7%) reported having spent their income to cover their students' needs frequently. An additional 28.2% reported spending their own money to support students on an occasional basis (Lexartza, 2021).

In addition to the abrupt transition and lack of support that teachers suffered, the educational recommendations made by the secretariats of education took the form of authoritarian impositions of platforms and strategies for online education (Moreira da Silva, 2020).

On the other hand, the transition from the ordinary mode of work to work from home during the pandemic represented greater precariousness in labor relations for Brazilian teachers. Those who kept their jobs during the pandemic were forced to adapt quickly to a working modality imposed in an improvised fashion, involving the assumption of increased responsibilities. In this sense, Moreira da Silva (2020) proposed that in the pre-pandemic stage, teaching work occurred in a situation of precariousness similar to that caused by the emergence of technological platforms that are increasingly present in the region, such as Uber, Glovo, etc. This is a voracious precariousness that blurs key elements of labor law—such as contracts, the working day and salaries—since it is based on intermittent and on-demand work. In addition, under this new logic of employment, it is the worker who must provide the work tools. In sum, it can be observed that many of these characteristics were already present in teaching work, mainly for those who had contingent contracts. Additionally, these tendencies can be seen to have deepened during the pandemic.

The opinion of the educators regarding the precarious effects of telework is clear. Among the women teachers who participated in the aforementioned survey, the majority considered that telework involves negative aspects such as the generation of work overload (73.2%), the obligation to multi-task

(64.7%), difficulty separating rest and work spaces (62.8%), and stress generation (62.6%). Other negative aspects were less common, although they were also indicated by a good proportion of the women teachers. This was the case for the lack of time to rest (36.7%) and the generation of family conflict (29.1%) (Lexartza, 2021).

Aspects that could be considered to be positive, however, were chosen to a lesser extent by the teachers. 27.7% indicated that telework allowed them to attend to paid work and family, 19.9% that it allowed them to spend more time with family, and 11.4% that it allowed them to organize their time better (Lexartza, 2021).

Regarding the violation of rights, 86.3% indicated that the right to an eight-hour day was affected. In the same way, 81.3% stated that the right to disconnect was affected. They also mentioned other effects suffered regarding respect for sick and disability leave (43.4%), the possibility of choosing one's work modality (44.1%), and respect for trade union freedoms (34.6%) (Lexartza, 2021).

### **1.5 Labor reform, trade union action and advocacy during the pandemic**

Post-coup policies have also had a significant negative impact on trade union organization. In fact, the aforementioned 2017 labor reform included different measures that implied a significant weakening of unions and trade union action, which directly affected this system of organization and representation. First of all, the new legislation incorporated the principle "of the negotiated over the legislated". This is a logic that, far from strengthening collective bargaining, incorporates the possibility of negotiating below the rights recognized by law and implies a reversal of the hierarchy of regulation. It is based on the premise that labor relations should be allowed to adapt to the characteristics of each sector and workplace. In practice, the measure

promotes the strengthening of the power of employers (Krein, 2018). In addition, the reform also includes the possibility for negotiations to be carried out individually. That is, trade unions are excluded from the definition of the clauses of the employment contract and the automatic extension of conventions on their expiry is eliminated if new ones have not been approved (Krein, 2018).

The financing of trade union organizations was also affected by the labor reform, mainly by ceasing mandatory union contributions (Krein, 2018). Likewise, the proliferation of outsourced contracts and other types of precarious contracts has also affected the union sector, both in its capacity for action and in its financing. Unions generally represent the salaried population, so the increase in other hiring modalities has implied a similar increase in workers not covered by collective agreements (Galvão, 2019).

A previous study carried out by EILA regarding the situation of teachers during the pandemic also noted this situation. In an interview conducted in this context, women CNTE leaders coincided in indicating that the labor reform led to the weakening of unions both through the reduction of their financing and through the deregulation of labor relations (Lexartza, 2021).

Union action also faced new challenges during the pandemic. In addition to initiatives to weaken and attack labor rights promoted under the pretext of the pandemic, there were difficulties in developing advocacy and resistance actions without compromising the health and safety of people.

As already noted, the approval of MP 936/2020 authorized the creation of individual agreements for the reduction of wages without the participation of trade unions. In this context, trade union groups focused their efforts on promoting mobilization to guarantee trade union presence in negotiation processes. Although different analyses carried out show that an increasing number of negotiations went on to include the provisions of the MP, in other

cases conditions were achieved that were more favorable than the provisions of said regulation (DIEESE, 2020, cited by de S. Campos, 2020).

An analysis of trade union action during the pandemic, including that of the education sector, concluded that during this period the trade union agenda focused on three main aspects: exerting pressure on public and private sector employers regarding health recommendations to protect the health of workers; promoting negotiation and constant mobilization to maintain employment contracts; and monitoring, denouncing and seeking support to guarantee healthy working conditions for those who did not lose their jobs (both for those who continued to work in their workplaces and for those performing remote work) (de S. Campos, 2020).

From this period, it is also noteworthy that the largest trade union organizations in the country (CUT, FS, UGT, CTB, CSB and NCST) managed to carry out united mobilizations. This shows a level of unity unprecedented since the beginning of the millennium, not even comparable to the joint mobilization efforts made in opposition to labor reform. Thus, since the beginning of the pandemic, common positions were built that focused primarily on the defense of employment and wages and the demand for the adoption of policies that would enable families to maintain home isolation. Likewise, efforts were made to demand that safe conditions be guaranteed to workers (de S. Campos, 2020).

Primary school education unions in the public sector organized themselves on a national basis, under the coordination of the CNTE, to carry out different campaigns. Notable among these were the efforts made to establish a new fund, the Fund for the Maintenance and Development of Basic Education and the Valorization of Education Professionals (FUNDEB for its initials in Portuguese). The original fund was due to expire on December 31, 2020, and its completion seriously compromised the financing of education throughout the country. Likewise, work was carried out to demand that face-to-face classes did not recommence until safe conditions for this were established, and to avoid cutbacks of rights (de S. Campos, 2020).



Due to the isolation required to protect people from COVID-19, the more traditional resources of the mobilization repertoire, such as demonstrations, were not viable. Consequently, other strategies were chosen to carry out advocacy and pressure actions, with the use of different media, mainly, social networks (de S. Campos, 2020).

In the same way, given the impossibility of holding face-to-face meetings, it was also necessary for union organizations to resort to the use of virtual tools. In this regard, some public employee unions already had some previous experience due to the need to maintain communication at a distance. In any case, the pandemic led to a generalization of this type of strategy, that while posing a challenge, was also innovative and left new capacities installed in its wake. Notable among the practices adopted during the pandemic were communicating via groups created in messaging applications, the use of platforms to hold meetings and online training activities, the creation of specific channels for legal care and health care (mainly of a psychological nature), and the use of platforms for the broadcasting of live activities (de S. Campos, 2020).

## **2. Steps backwards: Care and the distribution of unpaid work during the pandemic**

The sexual division of labor, which assigns unpaid care work to women and productive work to men, is still very much in force in Brazil. Although many women have entered the labor market in recent decades, men have not increased their participation in unpaid domestic work to the same extent. In addition, on a social level it is assumed that dealing with the needs for care provision is a private matter for each family to resolve, and within families, for women to resolve, such that the state and employers need not significantly assume the burden of these essential needs for the sustainability of life. This represents the unfair distribution of care provision resulting in

significant negative impacts on women's lives. Women's labor insertion is thus carried out in conditions of discrimination, since in addition to assuming the burden of paid work, women must resolve the care needs of their homes. This may even limit their opportunities to access the job market. In fact, in 2019, almost half of Brazilian women (45.7%) did not participate in the workforce, while this was the situation for only 26.5% of men (ILO, 2021). Although this overload of care work does not explain by itself the low participation of women in the labor force, it is one of its main causes. In addition, it also limits the possibility of doing other activities such as studying, enjoying free time, and resting.

Prior to the pandemic, the figures available show that unpaid domestic work fell disproportionately on women. In 2019, at 92.1%, almost all women aged fourteen and over performed unpaid domestic work. The proportion of men was significantly lower at 78.6%. The gap was also important when considering those who performed care tasks for other people. This was the situation for 36.8% of women compared to 25.9% of men (IBGE, 2019).

On the other hand, when analyzing which specific activities women and men dedicate time to, male participation only exceeded female participation in performing repair or maintenance tasks on household appliances, cars, or the house. 58.1% of men and 30.6% of women performed these types of tasks. However, in the remaining categories, female participation was significantly higher than male participation. For example, 95.5% of women carried out activities such as cooking, serving food, clearing off the table, and washing dishes. Only 62% of men reported doing this type of activity. In the same way, 91.2% of women washed clothes and cleaned shoes, while only 54.6% of men carried out such activities (IBGE, 2019).

In addition to performing these activities to a greater extent than men, women devoted significantly more hours each week to unpaid domestic and care work. Working women devoted 18.5 hours a week to these activities, a figure

much higher than the 10.4 hours devoted by working men. The gap was even greater between unemployed women and unemployed men. In this case, women devoted twice as many hours as men to unpaid work, at 24 compared to 12.1 hours (IBGE, 2019).

On the other hand, before the pandemic the Brazilian state did not have a care policy, but it did have some policies aimed at reducing the pressure of care on women, mainly in order to favor their insertion into the labor market. These measures take two different forms: the provision of leave to be able to provide care, and the offering of care services for people with some level of dependence, mainly children. In the first case, maternity leave stands out. The country provides 17-week maternity leave for working women, with the payment of a monetary benefit equivalent to 100% of the previous salary for the entire period (ILO, 2022). This is a period exceeding the minimum of fourteen weeks provided for in Convention No. 183 on maternity protection, however, it is less than the eighteen weeks suggested by Recommendation No. 191. In addition, Brazil has a five-day paternity leave for workers in general (ILO, 2022), with public sector workers having an additional fifteen days leave, so coming to a total of twenty days (Ministry of the Economy, 2016).

With regard to education and child care services, the Brazilian case stands out since these services have universal recognition at the constitutional level. Paragraph XXV of Article 7 of the Federal Constitution refers to the right of workers to have free childcare services for children or dependents from birth to the age of five provided in nurseries or preschool centers. As a result, Brazil has among the broadest coverage in the region when it comes to child care services. The 2020 figures show that in that year, 35.6% of children from zero to three years of age attended early education centers (INEP, 2021). Unlike most countries in the region where state child care services are focused on families in conditions of poverty or vulnerability, in Brazil other population groups can also access these. Consequently, these services are also available to women teachers.

In this context, the pandemic, far from contributing to progress towards a fairer distribution of care, instead deepened the sexual division of labor. This was also stated by a study carried out in Brazil (SOF, 2020).

Previous studies carried out in the framework of other epidemics, such as Zika in Brazil and Ebola in Africa, showed that women tend to be disproportionately affected in this type of health emergency. In addition, the impact is also not homogeneous for all women, with aspects such as ethnicity, class and area of residence also implying a greater lack of protection for some groups of women (Borges, 2021). These differentiated impacts result in different effects, such as increases in violence against women and an increase in care work.

In Brazil, numerous efforts have been made since the beginning of the pandemic to identify the impact of the measures adopted in this context on the distribution of care work. Such studies seek both to provide a general overview and to identify the particular conditions of specific groups, such as women performing remote work, or women teachers. Most of these studies have conducted online surveys or questionnaires. However, they have not featured representative samples, so their results are not generalizable.

In this sense, a study carried out by *Sempreviva Organização Feminista* (SOF) by means of an online questionnaire collected responses from 2,641 women. It is important to note that the methodology used in this study included consideration of sample weight to ensure the adequate representation of the different categories of the variables of race and area of residence. Included among the main findings of this work, was the notable fact that during the period of isolation, 50% of the women who answered the survey began to provide care for someone. This percentage was higher both in the rural area (62%) and among black women (52%). At 80%, the majority took care of family members, while 24% did so of friends, and 11% provided care for neighbors (SOF, 2020).

In addition, for those performing remote work, working hours were extended and the reconciliation between paid and unpaid work became more complex and precarious. The burden of unpaid work increased for all women. However, those who previously hired care provision services no longer had this option during this period, such that the increase in work overload compared to the previous situation was greater (SOF, 2020).

The results of this study also give an account of the unequal and unfair distribution of domestic work in households. In this sense, it is notable that 64% of those responding to the survey indicated that during the confinement period, despite the increase in the burden of care, there were no changes in the distribution of this work. In addition, 23% indicated that the participation of other people in care provision instead decreased during the pandemic. Only 13% indicated that the participation of other people increased (SOF, 2020).

Another similar study carried out within the framework of the collaborative initiative Laboratório de Emergência COVID-19 provided results that also pointed in this direction. In this case, in May 2020 the online questionnaire obtained 360 valid responses. It was possible to identify that, prior to the pandemic, at 43%, a significant percentage of the women responding to the questionnaire hired domestic labor to perform tasks such as food preparation, cleaning and laundering; however, during the months of social isolation that percentage was reduced to 4% (Borges, 2021). On top of that, before the pandemic, 27% of the respondents counted on the support of other family members for the care of their children at least once a week. That percentage also decreased significantly, falling to 16% during isolation (Borges, 2021).

This same study reported that the main challenges faced by mothers during isolation were providing support for schoolwork, keeping their children entertained, and managing conflicts between productive and reproductive work (Borges, 2021).

It is notable that in the questionnaire's open-ended questions, women very often expressed feeling overloaded, tired and even exhausted (Borges, 2021).

On the other hand, some research efforts focused specifically on identifying the situation of women teachers. In this regard, it is firstly important to note that the vast majority of those performing teaching work in Brazil are women, who make up 96.4% of those working in early childhood education, and 88.1% of those working in primary education (MEC/INEP 2020, cited by Furquim, Machado and Tuma, 2021).

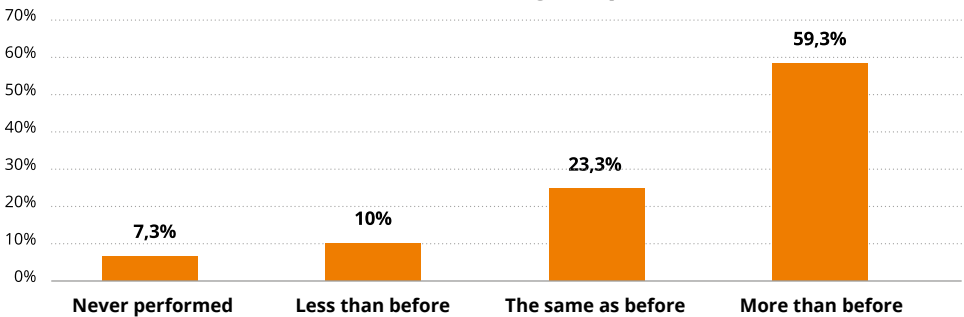
Furquim, Machado and Tuma (2021) proposed that the transition to remote work saw teachers lose their support networks for care provision, such that they found themselves with the need to simultaneously perform paid work and provide care to their children.

The aforementioned survey of teachers affiliated with the CNTE pointed in this same direction. This allows the verification of the increase in the unpaid workload for these workers. In fact, at 58.3%, six out of ten of the women teachers responding to the survey indicated that during the pandemic they did more domestic work. Along the same lines, 58.3% also indicated that they had to devote more time to supporting their children in their studies (Lexartza, 2021).

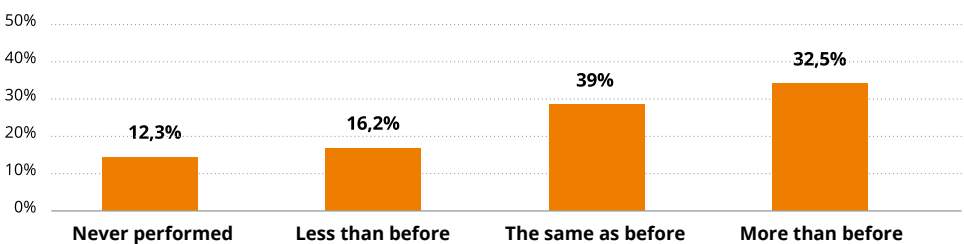
On the other hand, on considering the unpaid activities carried out by the women teachers during the week prior to the survey, it is evident that practically all of these performed household chores. This was the situation for 98.4% of respondents. In addition, more than half (54.3%) spent time providing support to their children in their studies. Further, 48.6% performed care tasks for dependent people, and 41.5% performed care tasks for non-dependent adults. This last aspect shows that the demand for care work faced by women teachers not only came from family members with some level of dependence, such as children, the elderly or people with disabilities; it also was derived from the care needs of adults who could take care of their own needs, who instead overloaded women with work (Lexartza, 2021).

This unequal distribution of work becomes evident when analyzing participation in performing care work of other adults who lived with the women teachers. On the one hand, 59.3% of the women teachers reported that the care workload also increased for other adult women who lived with them. For most adult men, however, the pandemic did not influence the domestic and care workload they performed in the home. In this regard, 39% of the women teachers indicated that, for the men who live with them, the situation remained the same; 16.2% stated that they performed less domestic work than before; and 12.3% did not perform this job before and nor did they do so during the pandemic (Lexartza, 2021). This makes it possible to verify that, during the pandemic the burden of care work on women deepened.

**Figure 1 - Brazil, 2021. Women teachers by time that adult women in their homes dedicate to domestic work during the pandemic**



**Figure 2 - Brazil, 2021. Women teachers by time that adult men in their homes dedicate to domestic work during the pandemic**



*Note: Survey of women educators affiliated with CNTE in May and June 2021, in Lexartza (2021)*

The de facto extension of the working day and the increase in the demand for care had a direct impact on the use of women teachers' time. Thus, in order to cope with their differing responsibilities, most of the teachers indicated that they had to give up rest and leisure time. Specifically, 64.7% of the women teachers who participated in the survey indicated that during the pandemic they were able to devote less time to rest during the day than before the pandemic. Only 14.2% managed to maintain a rest time similar to the previous one, while those who were able to rest more than before was only 6.4%. An additional 14.6% indicated that neither before nor during the pandemic did they have the opportunity to rest during the day. Along the same lines, 72% indicated that they had to reduce the time spent on recreational activities (Lexartza, 2021).

The information available shows that the unfair social organization of care provision has a significant impact on the lives of women teachers, which is accentuated in crisis situations such as the pandemic. This is not a minor aspect, since it limits women's opportunities to work for pay and makes their working conditions more precarious. In this sense, the information collected in this report makes it possible to identify that this should be a key area on the agenda of educational unions. Although it is not a new area for trade union action, strengthening and expanding the efforts made can contribute to a significant improvement in the living and working conditions of women teachers.



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## Colombia: The scars left on women teachers by the pandemic

Alejandra Paniagua

*When we look at the issue structurally, we see that the pandemic had a total, definitive impact on state public education and the rights of Colombian teachers (Interview with Union Leader, 2021)*

On March 17, 2020, the government of President Iván Duque declared a state of economic, social and ecological emergency throughout the territory of Colombia as a result of the presence of COVID-19. The government implemented a package of measures responding to this scenario, however, due to the neo-liberal agenda of transnational capital and the government itself (Espinosa, 2020), the pandemic placed the stability of the Colombian state and its ability to deal with the consequences of the virus at high risk.

Like other countries in the region, since the 90s Colombia has implemented Structural Adjustment Programs (SAPs), which are responsible for a series of structural reforms of the public agenda. Neoliberal ideologues attributed the causes of the inefficient functioning of the economic system to excessive state control and called for the regulation of public spending, deregulation, and the liberalization of markets (Flórez, 2001). The controversial thing about the neoliberal path was that, far from reducing the crisis, the reforms adopted left “unsatisfactory results and deeper conflicts” in this South American country (Martinez, 2016, p. 78). As will be seen, the effects were felt in different areas.

The consequences of the neoliberal counter-reform were felt in the privatization of public institutions, the reduction of public employment, decrease in wages, labor flexibility as a strategy to solve the employment crisis (Martínez, 2016), and the restriction of trade union freedoms (CSA, 2016). In terms of

labor, the protectionist model was undermined by a series of legislative reforms through which the conditions were created for privatization, outsourcing, more precarious work conditions, flexibilization and the informalization of workers, and the commercialization of social rights (Martínez, 2016). Reconfiguration was also made of social policies under the direction of international financial organizations with the approval of local elites with access to state power. (Martínez, 2016; Espinosa, 2020).

The data suggest the failure of the neoliberal formula in the run-up to the pandemic: in 2019, 35.7% of all Colombians were in a situation of monetary poverty<sup>24</sup> and 9.6% were in extreme monetary poverty (DANE, 2019). Households with female heads were even poorer: “38.2% of people belonging to a female-headed household were poor, in contrast to 34.4% of people in male-headed households” (DANE, 2019, p.9). In addition, Colombia's inequality level, measured by the Gini coefficient (0.53), was the highest of the OECD countries and the second highest in the region (Portafolio, 2019). According to DANE, on the national level during 2019, a value of 0.526 was recorded as compared to 0.517 in 2018 (DANE, 2019). In densely populated municipal areas, this was 0.505, as compared to 0.497 in 2018. For their part, in the thirteen cities and metropolitan areas, the Gini coefficient was 0.495 in 2019, while in 2018 it was 0.487. Added to this is inequality in agrarian concentration and consequent rural poverty (Segrelles, 2018). Land disputes and problems in the distribution of resources and services in the Colombian countryside play a central role in the country's long history of armed conflict. Shortly before the start of the pandemic, Colombia occupied first place in the region in terms of agrarian inequality: 1% of large landowners monopolize 81% of the agrarian farmlands (Oxfam, 2016, cited by EOM in 2018). The Peace Agreements (signed between the armed groups and the national government) even included commitments to address territorial inequality, land-related problems and rural poverty (Segrelles, 2018; Kroc Institute, 2020). Three years after the signing of these agreements,

<sup>24</sup> This measures the percentage of the population that has a household per capita income below the poverty line according to geographic domain (DANE, 2019)

comprehensive rural reform and economic and social reforms to address the territories most affected by the armed conflict had advanced at a much slower pace than disarmament and demobilization measures (Kroc Institute, 2020). Conversely, the unbalanced distribution of land ownership and rural flight processes were aggravated by the application of neoliberal policies (Segrelles, 2018). As can be seen, the public health crisis was juxtaposed with a structural crisis. President Duque came to power in 2018 as part of a coalition between

*traditional, conservative and liberal political sectors and, therefore, his agenda tended towards the aggressive and progressive dismantling of the Peace Agreement and the imposition of a series of constitutional reforms that facilitate a state more focused on guaranteeing civil liberties against transnational capital in all its forms, the deepening of free trade agreements (especially with the United States and the Caribbean) and the strengthening of labor reform and justice reform. (Espinosa, 2020, p.101)*

The measures taken during the pandemic are a reflection of the ideological orientation of this government.

### **Dealing with the pandemic:**

#### **The burden of the crisis falls on the working class and on women.**

The Colombian government implemented a package of health, labor, welfare and fiscal measures to address the spread of the virus and alleviate the social and economic consequences of the prolonged quarantine. These measures, as pointed out in a previous investigation (Paniagua, 2021), were tinged with a classist imprint by placing the burden of the crisis on the shoulders of the working class. In addition, as in other countries, the government's action took place "on the basis of trial-and-error processes" (ECLAC, 2020).

For the financing of these actions, the Duque government created the Fondo de Mitigación de Emergencias (Emergency Mitigation Fund, FOME). With regards to this, teaching organizations and experts<sup>25</sup> expressed their concern about the discretionary management of resources and the lack of public transparency regarding their use. As of October 2021, this fund had COL\$40.5 trillion available for measures to attend to the public health emergency; with an expenditure of 92% of these resources on health care (COL\$13.98 trillion), solidarity income (COL\$8.4 trillion), payroll subsidies (COL\$7.03 trillion) and transfers to social programs (COL\$5.1 trillion) (Observatorio fiscal de la Universidad Javeriana, 2021a).

Government measures benefited large companies and banks (ENS, 2020). For example, included among these were the flexibilization of working hours, while a new Social Protection Baseline was created in Decree 117. Trade union organizations considered this to be the prelude to the approval of casual hourly labor to the detriment of employment and social security. A woman leader explains with regard to this decree:

*They hire people for a number of hours that don't come to the minimum wage and that directly affects social security benefits, especially pensions, because they therefore say, "Well, since the work is paid by the hour, now you don't have to be paid minimum wage." So that's going to affect one of the features of the pension system, which is the minimum pension. (Participant in an interview with women leaders of the ASPU, 2020)*

The state provided subsidies in the formal sector for companies that suffered a decrease in income due to COVID-19, offering lines of credit administered by banks, among others (ENS, 2020). Likewise, the withdrawal of severance pay was authorized for working people who faced a decrease in their income due to the pandemic. For some analysts, this measure placed the weight of the crisis

<sup>25</sup> Nueva revisión del FOME y los mismos viejos problemas (ofiscal.org) and \*Microsoft Word - Temas 1, 2, 3,4.docx (fecode.edu.co)



on the workers, since these savings were created for other purposes (Romero, 2020). In the words of the women union leaders:

*So far in this pandemic [...] approximately 170 regulations have been issued, most of them against the Colombian people. \$117 million spent on the pandemic, but not on the Colombian people, and they give Avianca \$370 million to give it mouth-to-mouth resuscitation; and women and the poor on the streets asking for a basic income because they have nothing to eat or to pay for public services with. Only favoring the financial sector, of course. (Participant in an interview with women leaders of FECODE, 2020)*

*A lot of regulations have been issued [...] that are said to be to provide a partial solution to the situation they face with COVID, but really a lot of regulations have been issued that are affecting in a greater proportion the rights of teachers and the community in general; that is, they go against workers in general. (Participant in an interview with women leaders of the ASPU, 2020)*

To address the social and economic effects of the prolonged quarantine, the country used the pre-existing programs *Colombia Mayor* (Senior Colombians), *Jóvenes en Acción* (Youth in Action) and *Familias en Acción* (Families in Action), also creating the new programs *Ingreso Solidario* (Income Solidarity) and *Compensación del IVA* (VAT Compensation). Nonetheless, government aid to grant additional monetary transfers to impoverished and vulnerable households was palliative, focused and short-range in nature (Paniagua, 2021), since “the Colombian government maintained a limited eligibility criterion based on existing records and did not allow people to self-identify and apply for these” (Blofield, 2021, p. 112).

According to official data,<sup>26</sup> these social assistance programs focused on providing subsidies for pre-selected households to access a basic level of food,

<sup>26</sup> Summary of policies according to the initiative *Respuestas Efectivas contra el COVID-19 (Effective Responses to COVID-19, RECOVIR)*, collecting the results of 720 respondents to the three rounds of the survey applied in the months of May, August and November 2020. For more information, see *Notas\_politica\_publica\_SEGURIDAD\_ALIMENTARIA\_14\_04\_21\_v5.pdf* (dnp.gov.co)

since the lack of income during the pandemic made the most vulnerable population and those in rural areas suffer from a greater impact on nutritional health; these populations even reduced portion sizes and the number of meals eaten per day during the most acute phases of obligatory health confinement. However, among other factors, the lack of income, the loss of savings, and an increase in indebtedness affected the economic recovery of the most impoverished households (DPN, 2020). The government did not attend to the population of the pandemic, for whom there was no basic income. Here there were no subsidies for small businesses, here there was no subsidy for workers, here instead we were all left to fend for ourselves. (Participant in an interview with women leaders of FECODE, 2020)

On the other hand, the measures adopted intensified the process of job degradation; unemployment and informality therefore increased, and in the salaried sector, work from home was imposed without compensatory state support. The consequences were reflected in the official indicators: in 2020, the unemployment rate was 15.1% (12.3% for men and 19.2% for women), while the informal sector reached 52.5% of the labor market (Cepalíst, 2020). 42.5% of the country's population was in a condition of monetary poverty; 15.1% was in extreme monetary poverty, and 30.4% was in a situation of vulnerability (DANE, 2021).

For women, the impact of the pandemic was greater than for men. By 2020, the femininity index of poverty was 114 and the percentage of women without their own income (39%) doubled that of men (17.4%) (Cepalíst, 2022). The unemployment rate in the years 2020-2021 reached its highest peak in the month of April 2020 (21.4%) due to the strict public health confinement measures decreed in the month of March of that year by the national government. At the end of 2020, this remained at 17%, with a downward trend during the following year (CCB, 2021).

According to DANE (2022), in the November 2021- January 2022 rolling quarter, the overall participation rate was 75.9% for men and 50.0% for women. The occupational positions with the largest number of women were private employees (3,592,000), the self-employed (3,381,000 women) and domestic employees (505,000 women); “for the national total in that same period, the difference between men and women in the unemployment rate was -6.6% at the rate of 4 in 26.7% and 25.9% in the overall participation rate.” (DANE-GEIH, 2021, p. 4). Unemployment, in turn, meant less access for women to social security.

In Colombia as of May 4, 2022, 5,916,825 people had been confirmed to have been infected with the virus, with the occurrence of 134,781 deaths;<sup>27</sup> with the proviso that social class mediated the impact of the virus

*which attacked the most vulnerable socio-economic areas with greater intensity. For example, someone living in the first stratum was ten times more likely to be hospitalized or die from the virus and six times more likely to end up in ICU compared to a person in the sixth stratum. (Universidad de los Andes, cited by Espinosa, 2020, p.103)*

The data thus confirm that in Colombia the class that lives off its own labor (Antunes, 1999) assumed the economic and social cost of the public health crisis and that, within this, women were a particularly affected population group.

On the other hand, the crisis in Colombia assumed political overtones due to the social discontent accumulated in popular, trade union and student organizations after 40 years of neoliberal progress. The social uprising—which began before the pandemic and intensified during it—coalesced around pension and labor reforms and the reluctance of the national government to comply with the post-conflict agenda in a country marked by inequality, violence and authoritarianism. Anti-union violence will be further discussed at a later point.

<sup>27</sup> For more information see COVID-19 Global | Tablero de Control (aeroterra.com)

## Education turned into a commodity: The processes of educational counter-reform prior to the pandemic.

It is impossible to understand the pandemic and its effects without considering the “previous institutional arrangements oriented by market ideology” (ENS, 2021, p.6) that have mediated government decisions in the field of education, since the public health crisis and its concrete expressions in the daily life of the working class in general, and of teachers in particular, are the synthesis of this historical process. Due to this, this section briefly examines the process of the commercialization of education and the most important reforms made that predate the pandemic. In the words of a research participant:

*In the education sector we have been fighting [...] against the policies of the multilateral banks that, in line with the capitalist system, impose education as being at the service of the economy, that is, education turned into a commodity. The definitive closure of the opportunities for the poor to be trained, educated; this would allow them to change this society, so it is better that they don't get educated and do not get trained. (Participant in an interview with women leaders of FECODE, 2020)*

Since the 90s, due to the impact of the “global market economy policies established by multilateral organizations in relation to the phenomenon of globalization” (Ferro et al., 2010), Colombia has implemented systematic reforms in the field of education (Cifuentes and Carmago, 2016) responsible for intensifying the confrontation between teachers and the Colombian state. This process of commercializing education has been characterized by weakening and defunding public education; in addition, the public education system underwent significant transformations that not only reoriented the purpose of education towards business and market interests, but also changed the relationship between the state and teachers, modifying the working conditions of the latter (Vega, 2011; Pulido, 2014). In the words of a woman leader:

*The educational counter-reform decreased the resources for education, resulting in labor flexibility, which is to say, the school working day was increased. The teacher-student ratio was increased, so what was not done was the appointment of more teachers, but instead loading up more children onto fewer teachers, so as to use less teaching staff in relation to the number of students. Pension reform was made and the strongest break, let's say, that we've had, and that we have been working on up until now, is that they established a new teaching statute. (Interview with women leaders of FECODE, 2020)*

Without being an exhaustive list, the most important laws passed as part of the legal reform was the enactment of the Political Constitution of Colombia in 1991; the reform to the Substantive Labor Code,<sup>28</sup> the Labor Law of 2002 and Decree 617 on the rationalization of public spending (Martínez, 2016), as well as Law 715 of 2001, responsible for the creation of the National Participation System. Along these lines, the government of Cesar Gaviria (1990-1994) adopted the Plan de Apertura Educativa (Educational Openness Plan, PAE), responsible for strengthening neoliberal criteria within the educational policies applied in Colombia (Pulido, 2014). Similarly, plans of subsequent governments followed this same orientation, responding to the “set of strategies agreed upon in the international agendas on education” (Peñuela, 2010, p. 8).

The effects of this reform process had various repercussions. In the field of educational policy, it opened the doors for the transfer of public funds to private and business groups that can profit from all areas of public education:<sup>29</sup> “from the management and administration of the institutions given out under concession, to the design of educational methodologies, through to teacher training and the promotion of professional enrichment processes” (EILA, 2020, p. 18). In this way, private management of the right to education aligns with

<sup>28</sup> Law 50 of 1990.

<sup>29</sup> Since the late 90s, three educational modalities have coexisted in Colombia: public, private and concessionary. In the case of the third modality, these are private groups that tender for the operation of educational campuses subsidized with public funds (EILA, 2021).

the neoliberal ideal of reducing payrolls, the administrative loading of the public sector, and increasing the participation of the private sector in formerly public areas. In addition, in the institutions given out under concession, the state is not responsible for managing the right to education, since the design of educational curricula and teacher recruitment and management is the responsibility of these institutions (EILA, 2020). In the words of a union leader:

*In the educational system sector, we have been fighting, as you have seen, against the policies of multilateral banks that, in line with the capitalist system, impose education at the service of the economy, that is, education turned into a commodity. (Participant in an interview with women leaders of FECODE, 2020)*

Women and men in the public sector also feel the effects of these. Since 1991, the regulation and control of the teaching profession has been reoriented towards “the perspective of process optimization and the need for its practice and performance” (Peñuela, 2010, p. 2). Within the reform process, the promulgation of a new teaching statute in 2002 stands out. This marked a watershed in the relationship between the state and Colombian teachers.<sup>30</sup>In 1979, teachers' organizations negotiated Statute 2277, which by means of a special regime regulated

*the conditions of admission, exercise, stability, promotion and retirement of those engaged in the teaching profession at the different levels and modalities that make up the National Educational System, except the higher level, which at that time was stipulated to be governed by special regulations. (Peñuela, 2010, p. 2)*

In 2002, the Colombian government unilaterally approved Statute 1278 (Pulido, 2014). Its promulgation is particularly problematic for several reasons: a) it eliminated the special regime established by its predecessor; b) the new regulation decreased the recognition of merit and incentives, thereby accentuating everything related to the duties of educators; c) it included forms of control of

<sup>30</sup> In Colombia, other teaching statuses coexist; however, the aforementioned ones make up the bulk of the teaching profession, and therefore this document prioritizes their analysis. This does not mean ignoring other special regulations which are even more precarious in nature.

teaching practice in terms of its political exercise (Peñuela, 2010). It thus went from regulating the conditions in which the teaching profession is exercised to controlling the teaching function based on “a model focused on educational management and performance evaluation” (Peñuela, 2010, p. 7).

As can be seen, the transformations in the orientation and management of educational policy directly affect the workers in this sector. In practical terms, union leaders warn of the labor and political consequences of the new regulations for teachers.

*It has been a very hard stage, devastating to the labor and educational rights of teachers. From 2001 to the present, [...] there have been 18 years in which there have been very strong cutbacks [...] There are other forms of recruitment, but the official ones are two forms of relationship and two teaching careers, two teaching career conditions, so we have two statutes with different conditions, both in terms of service and pensions, as well as in the conditions of access and staying in the career. (Participant in an interview with women leaders of FECODE, 2020)*

In the case of public higher education, the working conditions in which teaching is exercised have been a focus of disputes among the educational community. As one leader explains, the intermittent nature of the employment relationship has characterized—and made more precarious—the employment relationship in higher education institutions:

*One of our main issues [...] was the formalization of university professors, with formalization being understood as university professors requiring a relationship with institutions that is of a permanent nature. The policy that has been implemented since more than ten years ago is to link casual professors with course professors, as they are called here, those two classes of professors who do not have permanent working relationships; they are instead hired for the semester, but not for the calendar semester, but for the academic semester; which ends up being a four-month relationship, or some of five months.*

In addition to this, is the gradual defunding of public higher education institutions. In 2018, the national university strike was maintained for two months until the signing of an agreement in December of that year. This is expanded upon by a union leader:

*In December 2018, an agreement was signed with the national government and the university movement, particularly professors, students and workers. With a lot of social acceptance and social support, they managed to sign an agreement in December, which had an effect more directed towards achieving greater resources for higher education institutions. (Participant in an interview with women leaders of the ASPU, 2020)*

The aforementioned agreement signed between the educational community and the Ministry of Public Education increased the budget allocated to higher education by \$4.5 billion during the 2019-2022 period. However, this was confronted by the arrival of the pandemic in March 2020. Five months after the arrival of the virus, ASPU expressed its concern to the Colombian parliament that the 61 public higher education institutions stopped “receiving their own resources for an amount close to three billion Colombian pesos” (ASPU, 2020).

### **Work at home: What happened to the labor rights of women educators during the pandemic?**

The unexpected arrival of the pandemic caused unimaginable changes in the world of work, and within this, the field of education. The suspension of face-to-face classes and online teaching took center stage due to the implementation of health confinement and isolation measures to stop the spread of the

<sup>29</sup> Desde finales de la década de los noventa, coexisten tres modalidades educativas en Colombia: pública, privada y concesionada. En el caso de la tercera modalidad, se trata de grupos privados que licitan la operación de planteles educativos subsidiados con fondos públicos. (IEAL; 2020).

<sup>30</sup> In Colombia, other teaching statuses coexist; however, the aforementioned ones make up the bulk of the teaching profession, and therefore this document prioritizes their analysis. This does not mean ignoring other special regulations which are even more precarious in nature.



virus. On a worldwide level, between the first and second quarters of 2020, telework increased by 324%, and distance education increased by more than 60% (ECLAC, 2020). The prevalence of work at home continued even at the end of 2020. According to a survey on the challenges of COVID-19 in public employment,<sup>31</sup> in Colombia between the months of July and September 2020, only 18.6% of the people surveyed worked full-time at their workplaces, while the remaining 81.4% did so remotely (DANE, 2021a). At that time, the prevalence of remote work in the education sector was 97.3% (DANE, 2021a).

The suspension of face-to-face attendance had repercussions on the right to education. At the beginning of 2021, UNESCO warned that more than 11 million girls may never return to the classroom and more than 100 million would not obtain basic reading skills due to the closure of schools. To top matters off, more than 24 million children and young people were at risk of dropping out of school (UNESCO, 2021).<sup>32</sup> In addition, obligatory education from home implied new challenges for the education profession, either because teachers were not prepared to take on technology-mediated and/or distance education, or because inequalities of access to technological resources played against them. At the beginning of the pandemic, ECLAC-UNESCO (2020) warned about the inequality in Latin American and Caribbean countries in facing the pandemic due to the persistence of “considerable gaps in effective access to the digital world, which has profound implications on the opportunities and participation of new generations” (2020, p. 5).

Long before the pandemic, in 2008, Colombia had promulgated regulations to regulate telework<sup>33</sup> (Law 1221 and Decree 884). Due to this, before the pandemic, 122,000 people were engaged in telework, concentrated mainly in the service sector and, geographically, in the capital, Bogotá (MINCIT, 2018).

<sup>31</sup> Survey carried out during the months of October and November 2020. 187 public entities and 34,827 public servants and state contractors participated. This project was led by the Departamento Administrativo Nacional de Estadística (National Administrative Department of Statistics, DANE), the Departamento Administrativo de la Función Pública (Administrative Department of Public Service, DAFP), Kerensa Mayo Kay of the World Bank's Bureaucracy Lab and Christian Schuster of University College London.

<sup>32</sup> For more information, see <https://es.unesco.org/news/conectividad-genero-y-docentes-como-coalicion-mundial-educacion-apoya-recuperacion-del>

<sup>33</sup> Law 1221 was passed in 2008 with the purpose of “promoting and regulating telework as an instrument with which to generate employment and self-employment through the use of information and telecommunications technologies” (Article 1).

According to Colombian regulations, telework constitutes a form of labor organization based on information and communication technologies that allow the performance of paid activities or the provision of services to third parties without the need for the worker to go in to the workplace. It includes the following forms: mobile (without a defined workplace, using ICT as a communication tool), supplementary (combining telework and face-to-face work) and autonomous (working from the worker's own home or office).

This legislation includes the obligation to create public policies to promote telework for vulnerable populations (people with disabilities, those in situations of forced displacement, those in geographical isolation, women heads of households, those in confinement, people with threats to their life) and, in regards to co-responsibility for care provision, it includes the recognition of the rights of pregnant women. Likewise, under this employment relationship, all those working in public and private entities must sign an employment contract and they then enjoy the recognition of the same labor rights in terms of insurance and professional risks, rights of association, salary payment, overtime, holidays and vacations, and the right to intimacy, privacy and rest. Employers, for their part, are obliged to facilitate and maintain equipment, connectivity, programs, electricity, and travel ordered personally or by others that are necessary to perform the assigned functions (Law 1221 and Decree 884).

In addition to telework, three more types of remote work are distinguished: the Substantive Labor Code (Law 2114 of 2011) introduced the figure of Home Work to refer to the employment relationship of those who "habitually provide paid services from their own home, alone or with the help of family members on behalf of an employer" (Article 89); however, this was never regulated (Ávila and Sánchez, 2021). The Home Work modality was adopted for the first time as part of the measures adopted during the pandemic, via decree 417 of March 17, 2020. In 2021, President Iván Duque signed the Remote Work Law<sup>34</sup>

<sup>34</sup> Law 2021, which creates the remote work regime, can be consulted at *Ley 2121 de 2021 - Gestor Normativo - Función Pública (funcionpublica.gov.co)*

to regulate the employment relationship in occasional, exceptional and special circumstances. Information on the implications of the latter category in practice is not yet available, but, in formal terms, it establishes that the employment relationship from its inception to its termination must be carried out remotely, recognizing the right to disconnection, job responsibilities and other basic rights. Nonetheless, the public health emergency not only generalized remote work, but, as can be seen, it introduced a new figure, different from the regulated telework of prior to the pandemic: the Home Work modality (Decree 491). This differs from telework in several respects. Firstly, in terms of voluntariness and reversibility of the contract, since, rather than a voluntary agreement between the parties, it was implemented compulsorily on the occasion of the public health emergency and via presidential decree. In addition, the employer was exempted from covering equipment and energy costs (Ávila and Sánchez, 2021). Similarly,

*it was not a planned process that allowed the acquisition of equipment, services and materials necessary to perform work from home, but rather it was done with the resources available, which were progressively adjusted over the months of working. (ILO, 2020, p. 88)*

For example, the survey on the challenges of COVID-19 in public employment<sup>35</sup> (DANE, 2021b) found that only in a minority of cases were the computers (26.7%) or cell phones (5.1%) required for work from home provided or subsidized by public entities (DANE, 2021a, p.7). On the particular situation of women teachers, a union leader explains:

*Telework is not the same as working from home. When it started, everyone was talking about telework and, no, this is not telework, it's working from home, because telework has very clear regulations. [...] One of the features of telework*

<sup>35</sup> A survey carried out jointly by the Departamento Administrativo Nacional de Estadística (National Administrative Department of Statistics, DANE), the Departamento Administrativo de la Función Pública (Administrative Department of Public Administration, DAFF), the World Bank (WB) and University College London. 34,827 public servants and contractors from 187 public entities were surveyed during the months of October and November 2020. For more information, see *Encuesta sobre los desafíos del COVID-19 en el empleo público en Colombia* (dane.gov.co).

*is that the employer [...] has to condition the workplace and [...] occupational risk managers have to be on top of whether the right conditions exist or not. (Participant in interview of ASPU trade union leaders, 2020)*

The characteristics of work from home (being of a unilaterally and untimely enforced nature, with a lack of support towards the conditioning of spaces) decreed during the pandemic affected the right of teachers to receive support in the conditioning of work spaces, payment for connectivity, etc. Nonetheless, they were obliged to enter into this work relationship. Without greater possibilities for maneuver, women teachers assumed the consequences of the abrupt transformation of their working conditions.

Another significant aspect was that in Colombia the school year begins in the month of February and extends to November; therefore, when the pandemic began, the school year was just commencing (Mineducación, n.d.<sup>36</sup>). One of the first measures adopted in the field of education was the readjustment of the academic calendar for preschool, primary and secondary education, to resume academic work from April 20, 2020; nonetheless, the epidemiological behavior of the virus generated a prolonged suspension of face-to-face classes. In April, the Ministry of Education issued guidelines to educational administrators and teachers for the provision of education at home during the COVID-19 health emergency (Mineducación, 2020) as a strategy to give continuity to the school cycle during the quarantine period. This measure had a direct effect on the working conditions of teachers.

First of all, the right to vacations was affected by the pandemic. Although the ministerial provisions respected the established provisions of forty weeks of academic work, seven weeks of teaching vacations and five weeks of institutional training, it forced teachers to take their vacations under strict health confinement measures (Paniagua, 2021). The measure was perceived by teachers as an affront to this basic right: "They were taken away [...] This year they were

<sup>36</sup> *Calendario y Jornada Escolar - Ministerio de Educación Nacional de Colombia (mineducacion.gov.co)*

not there because they were made up or disguised as a confinement without conditions” (Participant in an interview with women leaders of FECODE, 2020).

Secondly, the compulsory nature of remote work and the lack of support (infrastructure, connectivity, training and electric supply) from the state played against education workers, because, regardless of their health conditions, family responsibilities, technological skills and connectivity, they had to employ this modality to keep their jobs during the pandemic. Let’s examine this in more detail.

The Ministry of Education's *Aprende en casa* (Learn at Home) strategy made the continuity of the process dependent both on access to technological resources (mobile devices, computers and connectivity), as well as on the technological skills of the educational community. Exceptions occurred depending on barriers imposed by the conditions of households, territories and the educational community. For example, in 2018, only 43.4% of Colombian households had internet connectivity (fixed or mobile) (DANE, 2019b). Likewise, a survey applied in the framework of research into teaching in times of pandemic (EILA-Red Estrado)<sup>37</sup> revealed that “79% of teachers had no previous training or experience in the use of digital tools” EILA-Red Estrado survey, analyzed by Martínez et al., 2021, p. 146); it also found that “the older in age, the greater the difficulty in managing digital technologies and using ICTs” (EILA-Red Estrado survey, analyzed by Martínez et al., 2021, p. 145). In the case of students, in 2019, only 30.3% of people aged five and over used the internet for education and learning purposes (D, 2021d, p. 11).

The aforementioned survey (EILA-Red Estrado, 2021) also found that, during the pandemic, those in the education profession “used their own electronic devices, internet connectivity and data plans to guarantee the continuity of the right to education of children and young people” (EILA-Red Estrado survey,

<sup>37</sup> Qualitative research, carried out by EILA and Red Estrado to understand the measures imposed by the pandemic on teaching work in public education in eight Latin American countries, including Colombia. The research questionnaire was applied between October 15 to November 25, 2020, using online means to 3,826 teachers working in the Colombian public sector.

analyzed by Martínez et al. 2021, p. 152). To give continuity to educational activities, they resorted to broadband internet (81%) and, secondly, to cell phone data plans (52%). Additionally, cell phones (89%) and desktop computers (54%) were the devices most used by teachers to work from home. These devices were shared with other family members by more than half of the people surveyed (53%) (EILA-Red Estrado survey, analyzed by Martínez et al., 2021). On the process of suspension of face-to-face classes, the trade union leaders interviewed explained:

*Virtuality is not the best thing for education. We had to take it as a measure to save the lives of students, teachers and parents, but, in a country as backward as Colombia, where there is no internet connectivity, well, virtuality has become a terrible situation for teachers, but we have to endure it to survive. (Participant in an interview with women leaders of FECODE, 2020)*

*Actually, there has been a consensus in the sense that there cannot be face-to-face classes while there is a situation of so much risk to health and this has been what we are doing. (Participant in an interview with women leaders of the ASPU, 2020)*

As for the supports for the use of ICTs, the EILA-Red Estrado survey (2021) found that only a third of teachers (34%) participated in training offered by the Ministry of Education and only 8% participated in training offered by educational institutions; the rest acquired the skills for distance and/or technology-mediated education on their own. The burden of training in the use of ICTs thus also fell on education workers (EILA-Red Estrado survey, analyzed by Martínez et al., 2021).

In addition, working hours and workloads increased. In general, 63.1% of Colombian public servants estimated that their workload increased since the beginning of the pandemic (DANE, 2021b). 94% of teaching staff recognized an increase in the time spent preparing materials for non-face-to-face work compared to the hours worked for this same purpose in the face-to-face modality

(EILA-Red Estrado survey, analyzed by Martínez et al., 2021). In detail, teachers used their time to attend to remote work demands such as preparing materials to send to their students (88%), establishing communication with students (86%), followed by meetings with principals and other school officials (81%) (EILA-Red Estrado survey, analyzed by Martínez et al., 2021). On the alteration of work processes during the pandemic, an interviewed union leader explained:

*Let's add the novel factor that occurs with the pandemic. It's that, without having made any legal modifications, the government actually increased the working hours of teachers, because as this country has no connectivity, there is no internet for everyone, the teacher has to teach the class three times: the online class, the WhatsApp class and the class in physical guidebooks. That teacher works ten or twelve hours a day, every day of the week, to be able to make progress with their group; but, if we add to that the government's proposal of alternating modalities, where are we teachers going to go? Working six hours face-to-face in the classroom with a third or a quarter of the students, and from there going out and in the afternoon attending to the rest of the students virtually; that teacher will be working twelve or fourteen hours. So, even with that being absolutely against the law, the government is pushing this as a reality. (Participant in an interview with women leaders of FECODE, 2020)*

*They are doubling, tripling and even quadrupling our working hours, as stated by the vast majority of colleagues who no longer even have moments of rest at home as they did before. (Participant in an interview with women leaders of FECODE, 2020)*

To this must be added that the period 2020 and 2021 was marked by variations in the guidelines of the national government, because, depending on the behavior of the virus and the economy, public health measures were restricted or relaxed. Women teachers had to adjust to the different work modality variants (education from home, alternation, face-to-face-classes) using their own resources and strategies. The consequences of abrupt transformations in

the world of work made themselves felt in the health of this guild. According to EILA-Red Estrado data (2021), only 19% of teachers reported a minor impact on their mental health; despite this, 81% said they had not had any type of psychosocial support from educational institutions or education secretariats. In terms of the most recurrent ailments, the survey found these to be visual fatigue (82.6%), work stress (76%), and headaches (61%), among others (EILA-Red Estrado survey, analyzed by Martínez et al., 2021).

*The morbidity rate increased, but, in addition, the mortality rate increased; [...] at present approximately 400 teachers and relatives of teachers have died as a result of COVID-19. Colombian teaching staff today don't have—it is the only sector of workers in the country that don't have—a health and safety system at work, and much less is contagion with COVID-19 contemplated for the Colombian teaching staff as an occupational disease.*

*Colombian teaching staff have no COVID package. [...] Other workers have this, which consists of a million Colombian pesos for anyone who gets infected and has all these difficulties, a special recognition for their sick leave. (Participant in an interview with women leaders of FECODE, 2020)*

Even in the phase of returning to face-to-face education, women teachers warned of new violations of their labor rights, because, once again, the state gave teachers responsibilities outside their teaching contract:

*In face-to-face classes [...] they have had to perform other functions [...] almost doing the function of guards, because we have to get up even earlier to be there because we have to watch at the entrance that there is no crowding, and afterwards, on leaving. Then, there is also a deterioration in the brief rest time of teachers in the middle of their day, because, then, you have to be aware [...] of the students' situation: when they go out, with their hand washing, to rest. (Participant in an interview with women leaders of FECODE, 2020)*



## The difficult task of providing care without being cared for

The redistribution of care tasks and unpaid domestic work has been a key aspect of women's struggle for equality in our continent. This invisible work has enormous significance both for the sustainability of life (ECLAC, 2020a) and for capital accumulation (Federici, 2010); therefore, its analysis is central to understanding the magnitude of gender inequalities. In this field, the trend observed during the pandemic by international organizations and local research was that this female work increased considerably with the public health measures imposed on the advent of COVID-19 (ECLAC, 2020a). In the words of the ILO (2020), "the confinement of families in their homes led to telework with a greater burden of family responsibilities, which fell mainly on women" (p. 88).

In Colombia, women predominate in the teaching profession: the national total of teachers in 2020 were made up of 33.7% men and 66.3% women. The highest participation of women occurs at the preschool level where they represent 95.6%, followed by the primary level where they make up 77.2%, and then the secondary level where they represent 52.3% (DANE, 2021e, p. 15). In a previous investigation (Paniagua, 2021),<sup>38</sup> it was found that during this period women teachers had to juggle to simultaneously meet the demands of paid work, care provision and unpaid work due to the lack of state support after the forced implementation of work at home and the closure of the educational institutions attended by the teachers' children. As explained by a leader:

*With the extreme exercise of the working day without normal limits, with the care [provision] of the women at home, who had to alternate in their homes between taking care of the sick, attending to families, cooking and working three working shifts a day; but, in addition, their phones, their computers, are at the service of the school. (Participant in an interview with women leaders of FECODE, 2020)*

<sup>38</sup> Paniagua (2021). COLOMBIA: La educación bajo ataque: educar, cuidar y luchar durante la pandemia. In EILA-CEFEM-INA (2021). *Sostener el Futuro: educar y cuidar sin recursos y apoyos*. Education International Latin America.

During this period, they had to simultaneously and in the same place perform paid and unpaid work, in a scenario of great uncertainty. Consequently, they faced a significant work overload, since the state was not questioned about the implications of women's time use, and on the contrary, this work was invisible in the eyes of the state and society in general (Delfino et al., 2018).

In 2018, a time-use survey (ENUT for the initials in Spanish) performed in Colombia yielded significant data on the work overload assumed by women prior to the pandemic: as a whole, Colombian women had an average working day of two hours a day more than men:

*14 hours and 49 minutes and 12 hours and 39 minutes respectively. Of these almost 15 hours a day, women were paid for only 7 hours and 14 minutes, while men were not paid for only 3 hours of their work per day. In this way, women were only paid for 51% of their time, while men were paid for 73% of their time. The gap in daily unpaid work was 4 hours a day; this gap remains—with differences—in all age groups. If this work were remunerated in Colombia, it would be equivalent to 20% of the GDP and would represent the highest and most demanded sector of the Colombian economy.<sup>39</sup> (Garcia, 2015)*

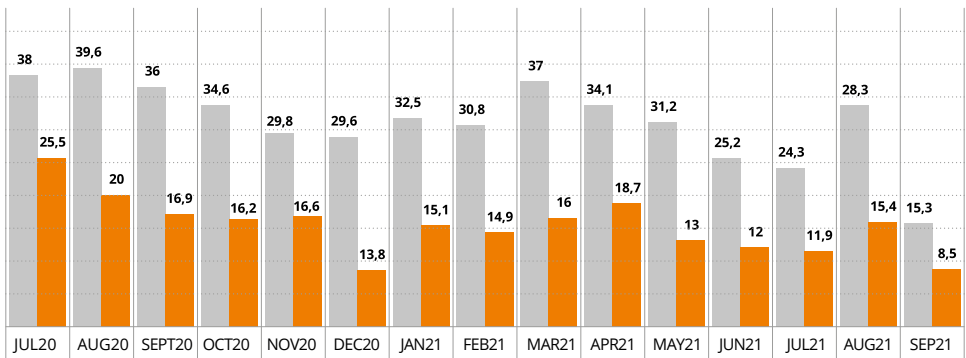
The situation of women in general, and of women teachers in particular, worsened since the declaration of the emergency in March 2020. The public health measures decreed by the national government suspended the continuity of care services and, except for long-stay homes, day care homes remained closed until December 2020, when the gradual reopening process occurred. In addition, during the phase of increased risk of contagion, mandatory preventive isolation measures were decreed for people of over 70 years of age. Child care alternatives also remained closed, reopening under an alternating schedule at the end of 2020.

<sup>39</sup> (Garcia, 2015) Webinar: *¿Qué nos está mostrando el COVID-19 sobre la redistribución del cuidado?* Organized by Core-woman and Pontificia Universidad Javeriana. Retrieved from *¿Qué nos está mostrando el COVID-19 sobre la redistribución del cuidado?* [Bing video]

From that moment and until the end of that year, the state placed the provision of care for dependent people on their families. Within these, the data show that women undertook care provision and educational support tasks, so exacerbating the so-called crisis of care. State support was limited to providing guidance for family coexistence, the stimulation of children within their homes, and the adoption of health standards for the care of older adults during periods of strict confinement.

The situation of work overload was referred to by Colombian women in general. The following graph shows that the perception of Colombian women in relation to the overloading of household chores doubles that of men throughout the period:

**Figure 1: Percentage of people who feel overloaded with household chores: July 2000-September, 2021**



Note: Taken from the *Encuesta Pulso Social (Social Status Survey)*, DANE (2021b).

In this same period, the *Encuesta Pulso Social (Social Pulse Survey, EPS)*<sup>40</sup> consulted the population about what activity had occupied most of their time the week before the survey. More than a third (35.4%) responded that this was household chores, but, of this group, 12.1% of men had spent their time on such occupations, in contrast to 50.1% of women who had done so (DANE,

<sup>40</sup> The *Encuesta Pulso Social* is conducted by the Departamento Administrativo Nacional de Estadística (National Administrative Department of Statistics, DANE) in Colombia. The information was collected between September 8 and October 7, 2021, in a total of 23 cities and metropolitan areas to make up a sample of 11,495 people (complete).

2021b). In accordance with these data, the Encuesta Nacional de Uso del Tiempo (National Time Use Survey, DANE, 2021c) identified that for the period between May and August 2021, “women spent an average of 7 hours and 22 minutes a day on unpaid work activities, while men spent 3 hours and 01 minutes per day on them” (DANE, 2021c, p. 32). In other words, the time spent by women on unpaid work activities was much greater than that spent by men.

In this sense, women were able to benefit indirectly from some of the measures decreed (for example, social assistance, since in Colombia, as occurs in many countries, women feature heavily in the ranks of those living in poverty and extreme poverty). Nonetheless, during the management of the crisis, no specific measures were identified to address vital aspects of gender inequality such as care provision and the use of time, etc. This is despite the fact that Colombia has signed international conventions and has promulgated national regulations to recognize the contribution of reproductive work in the economy. For example, in 2010, the economy of care was included in the budget system, and the national development plan 2018-2020 included the gender equity perspective as an underlying element in the national budget (Observatorio Fiscal de la Universidad Javeriana, 2022b). Despite the above, the management of the public health crisis demonstrated gender blindness.

The impact of the measures on women public sector workers is reflected in the figures. According to official data (DANE, 2021a), 67.1% of female public servants reported an increase in their workloads; in contrast, 58.3% of men did the same. According to this source, this perception was higher among women with a higher level of education and with responsibility for the provision of care for dependents. Respondents with care provision responsibilities indicated more frequently that their workload increased (66.9%), compared to 59.3% of those who did not have such responsibilities (DANE, 2021b, p. 34). In the results disaggregated by sex, women “reported a negative impact on life-family balance more frequently (24.6% vs. 21.5%)” (DANE, 2021b, p. 29).

The regulations and guidelines issued during the pandemic account for a regressive process in terms of the co-responsibility for care due to its return to the private sphere. This setback becomes more relevant when the social organization of care prior to the pandemic is analyzed and the pre-existing gaps are discovered. For example, research indicates the low coverage of services (mainly in rural areas), and the incompatibility with regard to parents' schedules and the number of hours spent by children from zero to six years of age in the different centers (twenty hours on average per week, with exceptions) (Osorio and Tangerife, 2015). In this scenario, it is not surprising that the pandemic reinforced the gaps in co-responsibility of care by feminizing these even more.

### **A new dilemma of working women: the return to face-to-face classes without support**

At the end of 2021, the labor landscape in Colombia was very clear: face-to-face work returned as the preferred form of employment. For the month of September, the EPS (2021) revealed that 88.8% of the people consulted were working in person. The data on being disaggregated by sex showed that 88.3% of men and 89.1% of women worked in this modality. In the educational field, 88.4% of the total number of educational institutions nationwide remained open (UNICEF, 2021b). With this return to face-to-face work modalities, new concerns emerged for women, since public health measures had a subsequent impact on their insertion into the labor market.

Firstly, most of the jobs lost during the pandemic were in highly feminized sectors of the economy;<sup>41</sup> secondly, in terms of economic recovery, women are the last to immediately rejoin the labor market. This is no coincidence, since social relations of class exploitation and gender oppression are a condition and result of capitalism (Esquenazi, 2018, p. 471). In this sense, the women's

<sup>41</sup> Data from previous research.

labor force acts as a kind of gigantic industrial reserve army that enters and exits the labor market according to the needs of capital (Delfino and Ortiz, 2018). In addition, as the CIM (2020) explains, “the assignment of women as the sole or main responsible party for household and care tasks makes more difficult and immediately limits their insertion into paid work and increases inequality in general, since it involves dependent people” (p. 4).

In the case of women teachers, due to the focused nature of the structure of care services, they are not candidates for such services provided by the state. They thus depend on the hiring of unpaid domestic work to rejoin the labor market; however, as one leader explained, during the pandemic, these arrangements were interrupted.

*A very significant percentage of teachers' households previously paid for domestic services, either for cleaning, or for some care provision, or for food preparation. Due to the mandatory confinement measures, these services could not be contracted. And that became a burden for women in particular. So, until adjustments were made, the first four months, March, April, May and June, were very complicated for women. (Participant in an interview with women leaders of FECODE, 2020)*

If the above is taken into consideration, it can be presumed that women returned to prior family arrangements of hiring paid domestic work to return to the post-pandemic face-to-face work modalities. However, social distancing compromised the paid domestic work on which the women teachers depended. At the end of 2019, “there were 687,716 domestic workers, a figure that fell to 512,389 in the first half of 2020, and which shows a loss of 175,327 of this type of jobs during the beginning of the confinement” (ENS, 2020, p. 97). According to Herrera et al. (2020), for the second quarter of 2020, the variation in people employed in the paid care sector was -975<sup>42</sup> (p. 4).

<sup>42</sup> Variation of people employed in the paid care sector (in thousands of people).

A feminist interpretation of these data points towards the sexual division of labor inherent to the process of capitalist accumulation. Unpaid domestic and care work is naturalized as an essentially feminine activity, and because of this, society, the state and the family demand it as representing the moral imperative of women. Women—including those who enter the labor market—must therefore assume paid and unpaid work simultaneously. As has been seen, the pandemic exacerbated demand and juxtaposed both spaces with consequences on the health of women educators (Paniagua, 2021). A leader explains the effects of work overload during the pandemic:

*The very high degree of morbidity due to stress, due to psychological, even mental ailments, and other situations that they have from other kinds of illnesses are aggravated; precisely by those derived from stress. (Participant in an interview with women leaders of FECODE, 2020)*

The reorientation of the state and its policy towards neoliberalism additionally strengthened this sexual division of labor, given that social policies emerged to address problematic aspects of social reproduction, commencing with the struggle of social movements. In the context of neoliberalism, whether through privatization, defunding or targeting, the tendency was to return to families—and, within these, to women, on a disproportionate basis—those aspects of reproduction that the state fails to address through social policy. In this way, the excessive burden of care falls, once again, on working women.

Presumably, as happened during the pandemic, the imprint of class and gender prior to the pandemic are expressed in this maneuvering to resolve care provision and unpaid domestic work by making it responsibility of working women. The data in Figure 1 seem to indicate that women continued to take on the immense burden of care and unpaid domestic work on their own. Meanwhile, the government's management of the pandemic ignored the conflicts between family and working life and thus devalued unpaid domestic work and care provision that caused socioeconomic and gender inequalities to be exacerbated.

## Trade union organization resistance in the face of systematic violence

In Colombian history, collective actions have generated resistance and political counterweights (Luna and Torres, 2020). Due to this counterweight, a “historic, systematic and selective” anti-union culture has prevailed among businesspeople and ruling elites for more than 30 years (ENS, 2019). This culture includes the use of intimidation, persecution and extermination strategies against trade unions and trade unionists, with the registering in the period between 1973 and 2020 of “at least 15,317 violations of life, liberty and physical integrity committed against trade unionists. Among these were 3277 homicides, 428 murder attempts, 253 forced disappearances, 7541 death threats and 1952 forced displacements” (ENS, 2021, p. 65).

During the pandemic, anti-union dialog continued. Violence and repression against trade union leaders and organizations was intensified.<sup>43</sup> Between January 1 and November 3, 2020 alone, 251 social leaders were murdered (Ortiz and Ríos, 2020, cited in ENS, 2021). In 2020, FECODE dedicated 27 press bulletins to denouncing acts of violence and murders of teachers from all over the national territory, precisely because during this period the wave of violence against those resisting the policies of the current government intensified. At the beginning of November 2021, it denounced the murder of eight more teachers.<sup>44</sup> In addition, ASPU denounced the persecution of teachers by university authorities. According to union leaders, the quarantine was used by the National Government to suppress social protest and consolidate the neoliberal agenda.

*It is totally dedicated to controlling the population and applying all the policies that before the pandemic they had not been able to apply as a result of the resistance of the masses, of mobilization. (Participant in an interview with women leaders of FECODE, 2020)*

<sup>43</sup> For more information, see the report on violations of trade union rights in Colombia of the ITUC Rights Index, located at the following link Colombia - CSI - Informe sobre las violaciones de los derechos sindicales (ituc-csi.org)

<sup>44</sup> For more information, see *Fecode pide a Centro Democrático cesar discurso de odio hacia maestros* | RCN Radio.



Trade union organizations, in addition to being the target of violence and authoritarianism, had to face the limitations on organization and mobilization imposed by the quarantine decreed by the national government. And, in the specific case of the field of education, there were “permanent accusations against FECODE by the governing party [...] which generated a risky environment and a factor of the persistence of anti-union violence against union teachers” (ENS, 2021, p. 73). In the words of the teachers’ organization itself, “anti-union violence [is] one of the causes that make Colombia one of the most dangerous countries in the world in which to be a trade unionist, as well as one of the ones with the fewest unions in Latin America” (FECODE, 2020). Due to this, teachers’ organizations requested the safeguarding and protection of the state against murders, displacements, extortion and threats to Colombian teachers, to institute the respective denunciations, and to enforce respect for trade union freedoms (FECODE, 2021a, Circular, 02).

Despite the violence, they participated in national strikes in the 2020-2021 period. During this period, collective actions were organized throughout the national territory, through marches, mobilizations, local caravans, press conferences, pedagogical conferences, radio links, activities on social networks, conversations and other initiatives to boost the participation of educators and the Colombian people in favor of the defense of life, peace, health, public education, the rights of teachers and of Colombian people (FECODE, 2021b, Circular 19). Likewise, these actions were taken against the Tax Reform promoted by the Duque government, which intended to hit the middle class and the most impoverished sectors with a high tax burden (FECODE, 2021c, Circular, 20). A leader recalls:

*It started with the caravan modality and later it was said that the caravans are not enough, it's time to mobilize on the street, and this is how the strike of April 28 was proposed and from there, well, a mobilization that filled more than 900 Colombian municipalities with more than 10,000 mobilizations, that is, there is practically no way to count them, but it is the longest strike in the history of the country. (Participant in an interview with women leaders of FECODE, 2020)*

In the month of June 2020, the government decreed an educational model based on alternation<sup>45</sup> as a prelude to the progressive return to the face-to-face modality (Ministry of Education, 2020), which strained the relationship between Colombian teachers and the national government. The government proposal was rejected by teachers' organizations, because, as a union leader explains:

*What that will do is it will cause two evils: first, it will spread the disease more, the pandemic; and, secondly, it will increase the working hours of teachers to unbearable limits, they will never end. (Participant in an interview with women leaders of FECODE, 2020)*

Teachers' unions claimed that this return to face-to-face classes without adequate conditions would expose the entire educational community to contagion, so endangering around 20 million Colombians (FECODE, 2020, p. 7). In addition, defense was made of the priority vaccination of Colombian teachers and the postponement of the return to face-to-face classes due to the epidemiological behavior of the virus. Thanks to their resistance, educational institutions maintained a partial closure until November 2020 (UNICEF, 2021a). By November 2021, there were "47,230 fully open educational institutions [...] The reopening benefited 7,070,145 children and adolescents (71.1%) who were able to attend face-to-face classes." (UNICEF, 2021a, p. 8).

During the 2021 school year, teachers' organizations insisted on the existence of the lack of public health items (portable sinks and gel, alcohol, soap, water, etc.) and other essential resources for teaching. This situation confronted this guild with new dilemmas, since 40% of the educational institutions in the country were not even given the resources required to acquire such supplies to in this way mitigate contagion with the pandemic in the thousands of schools that then lacked appropriate infrastructure (FECODE, 2021).

<sup>45</sup> For more information, refer to the *Guidelines of the Ministry of Education for the provision of education at home and face-to-face under the alternation schedule and the implementation of public health practices in the educational community; available for consultation at articles-399094\_recurso\_1.pdf (mineducacion.gov.co).*

At the time of writing, the tensions between teachers' organizations and the Colombian government can be seen in broad terms to be related to: a) Access to the right to education. For example, in 2017, FECODE expressed its concern about the loss of resources for public education after the approval of the General Participation System, granting education less than 80 billion Colombian pesos between 2010 and 2016, equivalent to an investment of 2% of the GDP (FECODE; 2017); b) The processes of standardization, instrumentalization and homogenization of public education as expressed by the Pisa and Saber tests, while the contexts and realities of the educational community are unknown; c) The deterioration of the working conditions of education workers and the Colombian people in general due to the implementation of a series of labor, pension and fiscal reforms; and d) Violence and systematic persecution against teachers and social leaders. Additionally, in the case of ASPU, discrimination and violence have been denounced against educators in universities and trade unions.

After the pandemic, trade union organizations will face new challenges. Among some of the challenges identified by teachers' organizations themselves are the struggle for decent work, the transformations of social policies, follow-up to the agreements made with the national government, and the defense of the right to social protest and peace (FECODE, 2022; ASPU, 2020). It is important however that the demands of teachers' organizations extend beyond the confines of the salaried labor market. Since they are a significantly feminized collective, they must express the imprint of gender conditions combined with those of class.

The state has the ability to weaken or strengthen existing regulations in relation to care provision in all societies (Batthyány, 2021), however, in the definition of progressive policies, the counterweight of social movements is essential. Social policies are not usually conceded voluntarily by the states to citizens, but rather are the result of historical struggles and battles by the organized working class. These struggles redefine the direction of policies and expand or—in the worst

scenarios—restrict rights. It is therefore plausible that unions integrate in their struggles the two dimensions of work in capitalism, paid and unpaid work, and strengthen within their agenda the demand for labor policies related to care provision, in particular, the reconciliation of work, family and personal life.

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## **Costa Rican education in the context of the pandemic: Fiscal austerity, deterioration of working conditions and social polarization**

*María José Chaves Groh*

Costa Rica confronted the COVID-19 pandemic underscored by deep inequalities and growing social polarization. The following is a summary of the main political and economic proposals led by Carlos Alvarado's administration in the years before the pandemic and during its term, as well as the impact of these measures on the working conditions of education workers, their health, their strategies to respond to the demand for care provision, and their union organization.

Over the last four decades, the Costa Rican state has faced profound transformations that have weakened its institutions and its capacity to guarantee the full exercise of fundamental rights to the population.

In this context, there has been a serious deterioration of education, in all its dimensions: its pedagogical strategies, the infrastructure of educational institutions, and the working conditions of its workers.

Article 78 of the Political Constitution of Costa Rica establishes that the state must invest at least 8% of the Gross Domestic Product (GDP) in education. However, according to World Bank data, in the period 2018-2020, this investment did not exceed 6.8% (in 2018 and 2019 it was 6.8%, and in 2020 6.7%) (World Bank, online data).

In December 2018, the Law on Strengthening Public Finances was approved, after facing the most extensive strike in the country's recent history (Madrigal, 2018),<sup>46</sup> in which teachers' unions played a leading role in the protests and in formulating proposals. This law represents a profound tax reform supported

<sup>46</sup> The strike extended from September 10 to December 11, 2018.

by three main pillars: the collection of Value Added Tax (VAT) on goods and services, including the basic food basket; the deterioration of working conditions for workers in the public sector; and austerity.

Regarding the impact of this law on working conditions, some relevant aspects stand out. It defines caps on the remuneration of workers in the public sector, establishing new conditions for the payment of the incentive for exclusive dedication and prohibition, reducing this practically by half. In the case of exclusive dedication, this went from 55% to 25% for people with a licentiate degree, and from 20% to 10% for those with a bachelor's degree. The prohibition incentive went from 65% to 30% for people with a licentiate or higher academic degree, and from 30% to 15% for those with a bachelor's degree (Alfaro, 2018).

This new regulation also changed the method of calculation for the payment for annuities. Before its approval, these were automatically budgeted per year worked, while after the reform, they are rewarded according to merit under an evaluation system. Moreover, they ceased to be estimated as a percentage of salary, to instead be recognized as a nominal amount. In addition to the above, establishment was made of new rules for obtaining points according to professional degrees held, repealing incentives, preventing new ones from being established, and obliging the authorities to denounce collective agreements<sup>47</sup> on the arrival of their expiration dates, in order to renegotiate these downwards within the parameters of the Law (Alfaro, 2018).

In the case of education workers, this Law had an additional impact since it radically reduces salary incentives, including the Teaching Professional Development Incentive. Reducing this incentive as established by law represented a salary reduction of between €50,000 and €200,000 per month (between approximately US\$73 and US\$293). Nonetheless, this measure could not be applied because the same law prohibits the reduction of salaries by means of the reduction of incentives.

<sup>47</sup> *Denouncing the collective agreement is the act in which one of the parties expresses to the other the desire to renegotiate the terms of the Collective Agreement (UCR, 2016, p. 5).*



To resolve this contradiction, after intense protest from trade union organizations, in February 2022, the Legislative Assembly approved the Law to prevent the reduction of salaries of Costa Rican educators,<sup>48</sup> establishing a mechanism for the reduction of this incentive without decreasing the salaries that are currently received.

On the other hand, the main austerity tool of the Law on Strengthening Public Finances was the creation of a fiscal rule to limit the growth of spending according to the behavior of the GDP and the ratio of the total debt of the Central Government to the GDP (Ministry of Finance, 2021). This fiscal rule was applied for the first time in the formulation of the budget for the year 2020.

*Thus, on April 10, 2019, the Ministry of Finance sent Minister Mora [Minister of Education] a communique indicating that “the maximum budgetary expenditure” for his ministry in 2020 was €2.6 trillion, that is, an amount exactly equal to that of 2019 (Salazar, quoted in Calderón, 2021, p. 186).*

Despite the fact that the minister of education requested more resources in the national budget to meet the ministry's proposed goals, the Legislative Assembly passed very significant cuts. Consequently, the budget was declared unconstitutional by the Constitutional Chamber due to not complying with the minimum percentage established in the Political Constitution (Calderón, 2021). According to Calderón's estimates, between 2018 and 2020, investment in education (including in the Instituto Nacional de Aprendizaje [the National Institute of Learning], public universities and para-university institutions) decreased by 5.2%; although, on taking into consideration only the budget allocated to the Ministry of Public Education (MEP), this reduction was of 6% (Calderón, 2021). Calderón also pointed out that between 2019 and 2020, the GDP was reduced by 3.9%, “so the cut to the education sector was 25% higher than the reduction in the GDP, while the cut to the MEP was higher by 35%” (Calderón 2021, p. 187).

<sup>48</sup> Law No. 10,137.

The impact of these measures was noted in different areas of public education. In 2022, the MEP's Dirección de Infraestructura y Equipamiento Educativo (Educational Infrastructure and Equipment Directorate, DIEE) was allocated €8 billion, the lowest budget since its creation in 2010 (Cordero, 2022). This budgetary limitation occurred in a particularly complex context, since at the beginning of the 2022 school year in face-to-face modality, 850 educational institutions had incurred public health orders due to infrastructure problems.<sup>49</sup> Among these, thirteen suffered from serious deterioration which prevented their opening. In addition, 418 did not have internet connectivity (Cordero, 2022).

The impact of budget restrictions does not end there. The MEP's Directorate of Equity Programs requires €109.7 quadrillion to cover the food service of 850,000 students who attend school canteens each year. However, only €91.1 quadrillion were allocated to this expense, leaving a deficit of €18.6 quadrillion (Cordero, 2022). A similar situation arose for the transport service required by 150,000 students "whose annual cost is €50.1 billion; however, the deputies approved only €34 billion for this 2022 school year" (Cordero, 2022).

Based on the behavior of the governments of the region with regards to public investment in education, EILA created a typology featuring four categories: countries in which the budget was increased and special subsidies for education were given; countries in which the budget was not reduced and special subsidies for education were implemented; countries in which the budget was not reduced nor were special subsidies granted; and countries in which the budget was reduced and nor were special subsidies for education granted. The latter was the case of Costa Rica (Basualdo et al., 2021).

However, beyond its behavior in public investment in education, since the beginning of the Alvarado Quesada administration in 2018, it became clear

<sup>49</sup> According to data from the School Census carried out by the Ministry of Public Education (MEP for the initials in Spanish) in 2021, the country had 4,459 public educational institutions, of which 1,751 are located in urban areas and 2,708 in rural areas (MEP, 2021).

that the improvement of education in its entirety would not be a priority in the government's administration.

After the defeat that the approval of the Law for the Strengthening of Public Finances meant for the social movement and for public institutions, the then minister of education again strained his relationship with education unions. This was particularly evident when, in February 2019, he announced the beginning of the process to replace the high school graduate tests that the student body had to take on concluding diversified secondary education with Fortalecimiento de Aprendizajes para la Renovación de Oportunidades (Strengthening of Learning for the Renewal of Opportunities Tests, FARO) (Calderón, 2021).

These new tests are aimed at students in the fifth grade (of the primary level) and tenth grade (of the secondary level) and were proposed with the aim that “educational institutions design improvement plans for the final years of each stage such that they can correct deficiencies found in students' learning” (Calderón, 2021, p. 178).

Parallel to this, also in February 2019, the executive branch of government sent the Dual Education and Technical Training Bill to the Legislative Assembly. This initiative was approved in September of the same year. It authorizes companies to hire free student labor under the pretext of bringing students closer to work centers by promoting their creativity and innovation capacity, and thus improving their employability profiles.

As with the Ley de Fortalecimiento de las Finanzas Públicas (Law on Strengthening Public Finances) and the FARO educational tests, education workers opposed the dual education initiative for fear that it would “open spaces for private participation in public education as has happened in other countries in which a similar reform was implemented” (Calderón, 2021, p. 183).<sup>50</sup> It should be noted that the High School Student Movement also opposed this proposal (Calderón, 2021).

<sup>50</sup> *The Dual Education proposal promoted in Costa Rica was inspired by the German model, with the difference that in this country the work done by students is remunerated in a staggered fashion, at rates which increase as their training progresses (Villalta cited in Calderón, 2021).*

In summary, in just two years of administration, the executive power seriously strained its relationship with the unions in the education sector, which worsened the labor conditions of working people, reduced investment, imposed profound transformations in the educational model without negotiation nor dialog, and discredited the trade union organizations that systematically denounced these arbitrary changes.

In this sense, one of the most severe reprisals taken by the executive and legislative powers against the social movement that sought to prevent the approval of the Law on Strengthening Public Finances was to promote and pass in January 2020 the Law to provide legal certainty on strikes and their procedures.<sup>51</sup>

This initiative is known as the Anti-Strike Law precisely because of the restrictions that prevent trade union organizations from exercising their right to strike. It distorts the meaning of this measure by establishing deadlines for the length of strikes according to the sector in which they occur, and the reasons motivating them.

*This Law tacitly prohibits strikes in essential services, a definition that extends beyond those services that put people's health and lives at risk. Likewise, it placed a maximum limit on the days of duration of strikes: in the case of the education sector this is twenty-one days, and in the case of strikes against public policies, these can only be held for two days. (Grau, 2021, p. 154)*

It should be noted that, in addition to the trade unions, this initiative was questioned by a group of United Nations (UN) special rapporteurs on human rights, who stated:

*the draft law establishes a series of direct and indirect restrictions on the rights of trade unions and their members to exercise their rights of association, of freedom of peaceful assembly and of expression through the exercise of their*

<sup>51</sup> Law No. 10,137.

*trade union freedoms, particularly the exercise of the right to strike [...] In exceptional circumstances the rights to freedom of expression and to freedom of peaceful assembly and association may be restricted. However, the restrictions, when referring to exceptions, cannot be so broad as to endanger the right itself, that is, the norm. (Kaye, Voule and Forst, 2019 cited in Grau, 2021, p. 155)*

Faced with this rapid deterioration of working conditions, polarization, and the social and political crisis generated, the context of the pandemic aggravated the situation and served as an excuse to further advance the weakening of public education and the labor rights of people working in this sector.

50 The Dual Education proposal promoted in Costa Rica was inspired by the German model, with the difference that in this country the work done by students is remunerated in a staggered fashion, at rates which increase as their training progresses (Villalta cited in Calderón, 2021).

## **1. The social, political and economic response of the Costa Rican state to the COVID-19 pandemic**

Only two months after the Anti-Strike Law was passed, a national emergency was declared due to the COVID-19 pandemic, and with this, the anti-union and pro-austerity agenda that the Alvarado Quesada administration aggressively implemented also advanced, now in a context of exceptional circumstances and urgency that provided the political conditions for its deepening.

On March 19, 2020, thirteen days after detecting the first case of COVID-19, the Legislative Assembly approved the COVID-19 Tax Relief Law promoted by the executive branch. In this sense, Hernández and Solano draw attention to the contradiction between the urgency with which the executive and legisla-

tive branches sought to approve the Law on Strengthening Public Finances in 2018 in the face of the economic disaster that threatened the country, but, only a year and a half later, in record time, they implemented tax relief measures for companies. This provided the business sector with the option of deferring the payment of taxes for several months, without establishing any criteria that differentiated between small, medium or large companies, or by level of negative effects suffered (Hernández and Solano, 2021).

Two days later, on March 21, 2020, the Legislative Assembly passed another draft law promoted by the executive to reduce working hours in order to avoid the total loss of positions due to the decrease in gross income of employers (Hernández and Solano, 2021). It should be noted that this Law established an exception for pregnant or nursing mothers and included a guideline such that the reduction of working hours was applied proportionally between men and women with respect to equal or equivalent positions (UNDP, online data).

In parallel, the executive branch made the authorization via regulation that establishments affected by closure, in accordance with the health measures issued, could suspend the contracts of the workers (Hernández and Solano, 2021), at the same time that the minimum contributory base for health insurance and pensions in the Costa Rican Social Security Fund (CCSS) was reduced by 25% (Coto, 2020, cited in Hernández and Solano, 2021).

In this context, there were three main measures promoted to support the affected workers. The first authorized the delivery of the Labor Capitalization Fund (FCL for the initials in Spanish) for those who found themselves with suspended labor contracts; that is, in order to survive, working people had to compensate for the non-payment of their salaries by using their savings in the pension system (Hernández and Solano, 2021). The second measure created a temporary subsidy called the Proteger (Protect) bonus, however, this subsidy was granted for a short period by means of a complex bureaucratic framework, for very low amounts that did not correspond to the cost of living

(Hernández and Solano, 2021).

The third measure was to keep open the care services provided by the Red Nacional de Cuido y Desarrollo Infantil (National Child Care and Development Network, REDCUDI)<sup>52</sup> in order to avoid burdening elderly people and other high-risk groups within the family support network with caregiving tasks when working people had to be absent from homes (UNDP, online data).

With regard Central Government workers, on April 4, 2020, the executive branch suspended the general increase in the base salary, urging other State institutions to suspend this (Executive Decree No. 42286-MTSS-H-MIDEPLAN, cited in Grau, 2021), and pushed until achieving the approval of the Reform Law of Public Administration Salaries, in which the payment of annuities was suspended for two years (Grau, 2021).

In the case of people working in public education, there was also a particular impact with the suspension of the payment of the Lower Development Index incentive for the year 2020<sup>53</sup> (Paniagua, 2021). This incentive was the result of collective bargaining carried out by trade union organizations and the MEP, and therefore this non-compliance “not only has individual salary repercussions, but also those of a collective nature” (Paniagua, 2021, p. 183).

In this regard, 17.6% of the teachers consulted in a survey conducted by CE-FEMINA for EILA in 2021 reported that their income decreased in the context of the pandemic, while 79.2% considered that it remained the same, and only 3.2% perceived that there was an increase (Paniagua, 2021).

Another initiative promoted by the executive branch was the Public Employment Framework Law. It should be noted that, unlike other law proposals

<sup>52</sup> This measure included the services provided by the Centers for Education and Nutrition (CEN), the Comprehensive Centers for Nutrition and Child Care (CINAI), as well as those provided by PANI and IMAS (UNDP, online data).

<sup>53</sup> This incentive represents a salary divided into three fractions for teachers who work in high-risk and marginal urban areas (Participant of an interview conducted with women leaders of the ANDE, 2020) (Paniagua, 2021).

that the ruling party supported, such as the Anti-Strike Law, this draft law was designed, presented, defended and prioritized by the executive branch itself. In Grau's words, this was its main bet (2021).

With the approval of this Law in March 2022, a super-governing body delegated by the Ministry of National Planning and Economic Policy (MIDEPLAN) was consolidated,<sup>54</sup> so concentrating more power in the executive by violating the division of powers and the institutional autonomy of the *Caja Costarricense de Seguro Social* (Costa Rican Social Security Fund, CCSS), public universities and municipalities (Hernández and Solano, 2021), and creating a system of wages organized into families, the main characteristic of which is that these salaries do not grow nor do they have pluses or complements (Grau, 2021). In addition, limitation is made of the right to negotiate salary and labor conditions of people employed in the public sector via collective agreements (Grau, 2021). In this sense, this author proposes that this onslaught against the rights and wages of the public sector represents setbacks in labor rights, since the standards for all working people are lowered and the principle of progressivity is renounced (Grau, 2021).

To guarantee the progress and prompt approval of this draft law on the legislative agenda, the government used different strategies, from negotiating with the different parties in exchange for supporting their draft laws, to placing this initiative first on the agenda it sent to the Legislative Assembly as part of the commitments assumed when requesting a loan from the International Monetary Fund (IMF) (Hernández and Solano, 2021).

However, the agenda attacking working people proposed to the IMF did not end with the Public Employment Framework Law; in fact, this was only the beginning. After this Law, the proposal to eliminate the school salary exemption from income tax continues on the list,<sup>55</sup> along with adjusting capital income tax rates, which would affect the savings that working people hold in cooperatives and solidarity associations (Hernández and Solano, 2021).

<sup>54</sup> This governing body was initially established in the Law on Strengthening Public Finances.



## 1.1 The state's answer to the continuity of education in the context of the pandemic

In the educational field, the most relevant measures taken to respond to the context of the pandemic in 2020 were the suspension of classes at the national level, both in public and private educational institutions, the temporary virtualization of classes, and the extension of the school calendar (Paniagua, 2021). During 2020, the main strategies used by the MEP in the face of the impossibility of conducting face-to-face classes and the digital divide existing for teachers and students were Autonomous Work Guides (GTA) and the production through a public-private alliance of a television program called *Aprendo en Casa* (I Learn at Home). The impact that these strategies had on educational processes is unknown (Calderón, 2021).

For the year 2021, the MEP modified the direction of virtuality and promoted the bimodal *Regresar* (Return) strategy, which proposed the combination of face-to-face activities with remote work.<sup>56</sup> These different strategies brought mediation through technology to the educational field and had education workers carry out their work from home, specifically in the telework modality (Paniagua, 2021).

Telework is defined by the European Foundation for the Improvement of Living and Working Conditions and the International Labour Organization (ILO) as “the use of information and communication technology to work outside the company” (Eurofound and ILO, 2017, cited in ILO, 2020, p. 88). In Costa Rica, a Law to regulate telework<sup>57</sup> and its respective regulations have existed since 2019. In line with the definition set out above, this regulation defines telework as

<sup>55</sup> *The school salary is a deferred payment of the salary increase of the previous year, which is withheld from the worker, accumulated and paid in the month of January (Araya, 2020).*

<sup>56</sup> *Due to a new uptick in COVID-19 infections, the MEP ordered that the half-term holidays be advanced and extended, such that the school year was suspended from June 24 to Friday, July 25. This measure involved extending the 2021 school calendar, since part of the holidays scheduled for the end of the school year were brought forward so that the student body would not miss classes, with which the school year did not end in December but rather in January 2022 (Chaves and Valverde, 2021).*

<sup>57</sup> *Law No. 10,137.*

*a modality of work that is performed outside the facilities of the employer, using information and communication technologies without affecting the normal performance of other positions, processes and services provided. This modality of work is subject to the principles of opportunity and convenience, where the employer and the teleworker define their objectives and the way in which the results of the work are to be evaluated (Article 3, Subsection a, La Gaceta No. 184, 2019).*

This Law states, among other aspects, that the implementation of telework is the result of a voluntary agreement between the worker and the employer and delegates to the employer the responsibility of training staff, “providing and guaranteeing the maintenance of equipment, programs, the value of electricity determined according to the form of mediation possible” (Article 8, paragraph A). Additionally, in relation to the right to digital disconnection, in May 2022, the Reform Law to regulate telework came into force.<sup>58</sup> With this regulation, Subsection d) of Article 9 of the Law to Regulate Telework was amended in order to ratify workers’ compliance with the established work schedule and working day, and therefore giving them the right to digital disconnection outside that day or time (La Gaceta No. 74, 2022).

Despite having these regulations, the International Labor Organization states that in the context of the pandemic, telework assumed different characteristics from those established in their definition and in the legislation of the countries that already had regulated it, such as Costa Rica. Notable among the main differences are the fact that this telework was implemented on an obligatory basis; it was carried out full-time, not part-time, as it had been until that moment (working a few days from home and others from the office); it was considered to be a short-term temporary measure, although the health situation prolonged it for several months; and it went from being a planned process that allowed the gradual acquirement of the equipment necessary with which work to being installed as an immediate measure in which the available resources had to be made use of, so making this a greater burden on the responsibilities of the family (ILO, 2020).

<sup>58</sup> Law No. 10,137.

In this context, it is relevant to highlight that telework impacted on the exercise of the labor rights of working people. The study carried out in 2021 by CE-FEMINA for EILA consulted teachers about the rights they considered violated by the telework they undertook. 90.8% identified the right to an eight-hour working day with a well-defined schedule, 80.4% the right to disconnect, 69.7% the right to choose between face-to-face, telework and a bimodal modality, and 30.8% stated respect for trade union freedoms (Paniagua, 2021).

This study also showed that, for 72.7% of the teachers consulted, telework generated work overload; for 64.3%, it generated emotional tension and stress; 63.8% said it forced them to multi-task; 61.3% stated it did not allow them to separate rest time from work time; 39% did not have time to rest; and it caused 26.1% family conflicts (Paniagua, 2021).

With regard to the positive effects of telework, 35% of those consulted considered that this work modality allowed them to attend to paid work and their family; 32.3% found it easier to share time with their family; and 15.6% considered that they organized their time better (Paniagua, 2021).

On the other hand, for the 2022 school year, the MEP announced the total return to face-to-face attendance, a measure that was accompanied by others such as making a diagnosis of educational lag, an academic leveling plan so that students could overcome this, and an attention strategy for students who could not attend educational institutions in person.

However, once again, the decisions were made from within the ministry without consulting or coordinating the organizations of education workers, which left it unclear whether teachers should attend to these tasks outside their usual working hours. Additionally, relevant health measures were not included such as mandatory vaccination for students, physical distancing in classrooms, and reducing the number of students in each group to avoid overcrowding. Faced with this context, the *Asociación Nacional de Educadores y Educadoras* (National Association

of Educators, ANDE) and the Asociación de Profesores de Segunda Enseñanza (Association of Secondary School Teachers, APSE) denounced improvisation, the absence of dialog, the lack of clarity regarding the actions they should perform, and the conditions under which they should do so (Cordero, 2022b).

In summary, telework and the different educational strategies used between 2020 and 2021 deepened the socioeconomic inequalities affecting the student body and deteriorated the working conditions of educators, along with their options to organize.

## **2. The impacts of the measures to address the pandemic on working conditions**

### **2.1 Increase in the working day and in the tasks to be performed**

In the 2020-2021 period, different studies were carried out that coincide in noting the significant impact that telework and education in virtual,<sup>59</sup> bimodal,<sup>60</sup> and combined<sup>61</sup> modalities had on the working day of educators.

According to information collected by ANDE through a survey conducted among its affiliates in 2020 (in the virtual education period), 84.4% of the participants indicated that they were working more than eight hours a day, of which 28.5% reported working between eight to ten hours, 32.8% ten to twelve hours, and 23.1% more than twelve hours (Vásquez et al., 2021). This study also showed that the extension of the working day not only increased the daily hours worked, but also working on weekends was indicated by 88.8% of the

<sup>59</sup> Synchronous classes using virtual platforms such as Teams, Zoom and Classroom.

<sup>60</sup> This combines synchronous classes using virtual platforms with Autonomous Work Guides (remote work).

<sup>61</sup> This combines classes in face-to-face and virtual environments.

people consulted (Vásquez et al., 2021). In another study conducted by EILA, 93% of the people consulted considered that their schedule increased in the context of the pandemic (Chaves and Valverde, 2021).

The extension of the working day reflected in these investigations has various explanations. Teaching staff had to learn to carry out their work via information technology, using platforms such as YouTube, Classroom, Zoom, Teams, and others. They had to listen to or watch and analyze educational radio and television programs in order to make recommendations of these to the student body; prepare, deliver and review the Autonomous Study Guides (GTAs for the initials in Spanish); contact and follow up on students and their families; and search the internet for educational material (Chaves and Valverde, 2021).

In this sense, 66.9% of the people who participated in the consultation carried out by ANDE indicated that during 2020, their responsibilities varied or increased; 25.1% considered that their responsibilities did not change, but they suffered work overload; and only 5.3% indicated neither their functions nor their workload changed (Vásquez et al., 2021). This same study stated that 92% of the teachers consulted considered that the increase in their workload was specifically due to use of the virtual medium.

On taking into account the fact that the day had the same twenty-four hours as before the pandemic, it is important to identify what had to be sacrificed to cover the time deficit that the increase in the working day implied. In this sense, 70.7% of the women educators consulted by CEFEMINA identified a loss of rest time, and 75.4% a loss of recreation time; only 11.8% reported having the same time as before the pandemic to rest, while 9.5% said they had the same time as previously for recreation (Paniagua, 2021).

It is important to note that, in the face of trade union complaints about the labor situation, a union leader reports that there were political pressures from the Legislative Assembly and from the business chambers against the

authorities' opening forums for dialog and negotiation to respond to the pandemic in a coordinated and strategic way.

*The use of the platform [Teams to give the virtual classes] was mandatory for all colleagues and also to check their work, and, yes, they explained that to us in the Ministry. Also, sorry, that for them it was very important in the sense that there were many pressures from deputies in the Legislative Assembly, from the business chambers and the UCCAEP [Costa Rican Union of Chambers and Associations of the Private Business Sector], really, particularly so that salaries were lowered or eliminated, because people were stuck in their houses. So part of the pressure that teachers are being put under is due the Ministry of Public Education's obligation to corroborate and prove that teachers are working and to justify their salaries. That is another complication that we have had explained to us in various meetings, because, yes, we convene a meeting to discuss the workload once again and these are some of the explanations that they give us. (Participant of an interview conducted with women leaders of the ANDE, 2021)*

## **2.2 Difficulties in accessing technological equipment and the connectivity necessary to implement virtual, bimodal and combined education**

According to data from the Economic Commission for Latin America and the Caribbean (ECLAC), access to internet connectivity was strongly related to socioeconomic status since before the pandemic. In Costa Rica, 91% of households in the fifth income quantile had internet access, while in the first quantile only 58% did so (Torres and Saldívar, 2021).

The different educational strategies implemented between 2020 and 2021 were limited by the huge gaps that existed between public and private education, socioeconomic gaps within the student body and digital gaps among

the teaching staff. This was verified by different studies that basically reached the same conclusions.<sup>62</sup>

Regarding the access of teaching staff to technological equipment with which to carry out their work, different investigations reported between 61.6% (study carried out by ANDE), 63.3% (study carried out by CEFEMINA among female teachers) and 78.6% (study carried out by EILA among teaching staff).

73.6% of the teaching staff had use of wireless internet in their household; for 14%, their main source of connectivity was through a postpaid mobile device; 5.6% shared internet with other households; 3% accessed the internet through a prepaid mobile device; 1.8% went in to the educational institution to access the service; 0.8% did not have internet access; and 0.6% indicated other options as the main source of connectivity (Vásquez et al., 2021). However, with regards internet quality, 23.1% considered this to be very good; 34.2% considered it to be good; 28.8% considered it to be fair; 6.9% considered it to be poor; and 4.5% considered it to be very poor (Paniagua, 2021).

In 2020, the MEP, for its part, released the results of a diagnosis made of teaching staff and students. By August of that year, 25% of the teaching staff did not have access to the internet or lacked the necessary resources to undertake distance learning (Barquero, 2020 cited in Calderón, 2021). According to Estado de la Educación (State of Education), rural teaching staff were the most affected by these limitations, so they mainly resorted to the printed GTAs that they delivered to students when these approached educational institutions to pick up food packages (PEN, 2021).

According to ECLAC data, in 2019 young people and senior citizens were the age groups with the least connectivity. 42% of those under 25 years of age and 54% of people over 66 years of age did not have access to the internet (ECLAC, 2020 cited in Torres and Saldívar, 2021).

<sup>62</sup> See Estado de la Educación (PEN, 2021); Condiciones sociolaborales de las personas docentes en el contexto de la pandemia del COVID-19 y sus implicaciones en la salud integral, (ANDE, 2021); La educación en la pandemia: Ampliando las brechas preexistentes, (Chaverri, 2021); among others.

According to the MEP, by December 2020, 63% of the student body had some access to the internet (in many cases, by means of a cell phone) and 30% had no access, while no information was obtained from 7% of the rest of the students. Thus, a total of 324,616 students in the educational system lacked all access to the internet (MEP cited in Calderón, 2021). By May 2021, this figure increased to 425,000 students (Calderón, 2021).

Regarding access to technological devices (tablets and computers), at the beginning of the 2021 school year, an estimated 133,274 students were missing out. In this regard, Paniagua pointed out that “these digital gaps generate overloading in teaching work, since they imply differentiated pedagogical mediation” (2020, p. 203).

As can be expected, in rural areas, connectivity difficulties are greater. According to data from the Inter-American Institute for Cooperation on Agriculture (IICA) and the Inter-American Development Bank (IDB), only 43.2% of the rural population has connectivity, and even this may not be of the best quality (IICA-IDB, 2020, cited in Chaves and Valverde, 2021). In this regard, data from the Ministry of Science and Technology (MICIT for the initials in Spanish) indicates that in 2019, in these areas, “approximately 40% of subscriptions had speeds below 4 Mbps” (MICIT, 2020, cited in Chaves and Valverde, 2021, p. 173).

Faced with this reality, it is important to indicate that the MEP had no measures or guidelines in place to provide teaching staff with technological equipment, neither as a loan nor through facilitating flexible lines of credit such that teachers could acquire these at low cost; nor did it finance or subsidize internet connections. It is thus possible to affirm that securing these work inputs was entirely paid for by the teaching staff (Paniagua, 2021).

It is also important to take into account the complexity of the physical and technological overcrowding that occurred when there were also students or



other teleworkers in the homes of teachers, all requiring computer equipment and internet access (Chaves and Valverde, 2021).<sup>63</sup>

Faced with this situation and the urgency to secure the inputs required in order to work, teachers incurred unplanned expenses to obtain computer equipment, office furniture, and to improve their internet connectivity. In this regard, 90.4% of the teaching staff who responded to the ANDE consultation made in 2020 indicated that they incurred extraordinary expenses. Of these, 37.5% considered that those expenses were very high, 39.9% that they were regular expenses, 13% that they were low expenses, and only 9.6% did not report extra expenses (Vásquez et al., 2021). The study carried out by CEFEMINA indicated that 83.1% of the teachers consulted frequently used their income to cover equipment expenses and/or connectivity payments; 14.6% did so at some time; and only 2.2% never had to use their own income to purchase equipment or pay for internet connectivity to work (Paniagua, 2021).

This same study revealed that teachers also met the needs of students using their own resources, since state measures to facilitate connectivity were focused, palliative and insufficient (Paniagua, 2021). In this sense, 92.8% of the respondents indicated spending their income to cover the needs of their students. Of these, 56.1% did so frequently and 34.2% did so occasionally (Paniagua, 2021).

Covering these unexpected expenses had economic repercussions on the homes of the teachers consulted. 81.4% of them considered that their expenses increased in the context of the pandemic, while 14.7% indicated that there was no variation, and only 3.9% felt that they decreased. With regard to households facing economic difficulties, the study pointed out that before the pandemic, this happened in 21.1% of households, but increased to 51.6% of households in the context of the pandemic (Paniagua, 2021).

<sup>63</sup> *Technological overcrowding is considered to occur when the ratio is three or more people for each technological device in the home (these include desktop or laptop computers, tablets and cell phones) (Chaverri, 2021).*

Regarding support from educational institutions to carry out teaching work, ANDE indicated that 86% of the teaching staff consulted had received support from the MEP and their educational institution through a virtual platform (77%), printed material (58%), or educational programs broadcast on television, radio or social networks (53%) (Chaves and Valverde, 2021). Regarding the 14% of people who did not receive support, this study suggests that this could have been due to lack of information about the information and training activities provided by the MEP (Chaves and Valverde, 2021).

### **2.3 Insufficient and irrelevant training processes in response to the new educational context**

The *Estado de la Educación* (State of Education) report emphasized the importance of education workers having the appropriate technological equipment, but also the relevance of having training and the professional development required to really take advantage of technology in the performance of their functions (PEN, 2021). However, educators use technology mainly for personal activities and not so much for their teaching work (PEN, 2021), with 72% of the teaching staff consulted by EILA indicating that they did not have previous training or experience to teach non-face-to-face classes (Chaves and Valverde, 2021).

Beyond gaps in access to connectivity and technological equipment, the research carried out by EILA suggests that the generation gap could also present an obstacle, since 70% of the participants were over 40 at that time. In this regard, "different studies show that the older the age of professional people in education, the less they use digital technologies in education" (COLYPRO, 2021, cited in Chaves and Valverde, 2021, p. 183).

Aware of this reality and faced with a context that made information technologies the main means of sustaining the educational process, the MEP, through the

Uladislao Gámez Solano Professional Development Institute (IDP for the initials in Spanish), carried out 140 training activities (imparted both virtually and face-to-face) (IDP, 2021, cited in Chaves and Valverde, 2021). About 80% of the teaching staff participated in these activities.<sup>64</sup> In these, pedagogical mediation was worked on through the GTAs, the pedagogical use of the Teams platform, formative evaluation, the use of digital tools in learning about different areas (mathematics, physical education, special education, languages, among others), distance education, innovative strategies for pedagogical mediation, an approach to emotional support for children and their families, resilience, mental health and COVID-19, and virtual games, among others (IDP, 2021, cited in Chaves and Valverde, 2021). In addition, the MEP enabled links on its website for self-training, giving advice and answering the questions of teaching staff (Chaves and Valverde, 2021).

Regarding the quality of these training processes, only 14% of the teaching staff who participated in the survey conducted by ANDE in 2020 considered that this training was very effective, 13.5% indicated that they were ineffective, and 3% indicated that they did not receive any training from the MEP (Vásquez et al., 2021).

To fill the gaps identified, teachers resorted to the use of tutorials to learn how to use the different platforms and tools available on the internet, or consulted other teachers (Vásquez et al., 2021). However, at the same time as this professional development process was carried out in a fashion forced by circumstances, teachers had to reformulate the educational process as mediated by technology, plan activities, review tasks and evaluations, contact the student body by different means (phone calls, WhatsApp, emails, etc.), impart lessons in different modalities (distance, virtual or blended), make reports, and provide support and listen to their students (Paniagua, 2021).

Finally, it should be noted that it was not possible to quickly correct the lack of preparation existing in the use of technology of education workers in the

<sup>64</sup> 68,967 teachers participated in these trainings on a face-to-face or remote basis, with 11,587 undertaking them in the distance modality, 7,573 in blended fashion, 6,405 in virtual mode and 438 using self-training activities (IDP, 2021, cited in Chaves and Valverde, 2021).

context of the pandemic, beyond the training initiatives promoted by the MEP and the individual efforts teachers made. In this regard, EILA drew attention to two aspects: firstly, the insufficient results of the work carried out by the Omar Dengo Foundation to bring digital technology to educational institutions;<sup>65</sup> secondly, the weaknesses presented by the university curricula that were used to train new teaching staff in information technology and in the professional development activities delivered by the IDP (Chaves and Valverde, 2021)

## 2.4 The deterioration of education workers' right to health

There are many factors that affected the physical and mental health of education workers during the pandemic. In the case of Costa Rica, 34% of the people consulted in a study carried out by Red Estrado and EILA considered that the pandemic greatly affected their mental health (Andrade, Pereira and Clementino, 2021).

The physical and mental health of teaching staff were deeply affected by the health situation that the country went through, the abrupt changes in their work modalities and their working day, the uncertainty generated by the social consequences of the pandemic on their own lives and those of their students, grieving for people close to them who had died, the fear of contagion, and the animosity generated by the press towards those working in the public sector (Vásquez et al., 2021).

However, situations also arose that could be considered beneficial to health. In this sense, educators were self-reflective about family coexistence, about different situations in their lives that they needed to resolve, also reflecting on personal difficulties and their way of life; that is, they made a review of their lives on a personal level (Román, 2020.) Interview with the ANDE's psychosocial care team cited in Vásquez et al., 2021).

<sup>65</sup> The Omar Dengo Foundation was created in 1987 with the purpose of bringing digital technology to educational institutions. According to data from their website, they work with 91.7% of public educational institutions in Costa Rica (FOD, online data).

With regard to mental health in particular, according to EILA data, more than 60% of the teaching staff consulted—of which 81% are women—considered that the new educational reality produced tension and stress that affected their emotional state. Of these, 48.5% had risk factors for COVID-19, and 17.2% received emotional support at the educational institution where they worked (Chaves and Valverde, 2021).

According to another study carried out by ANDE, in 2020, 94.2% of respondents considered that their mental health had been affected (30.8% seriously affected, 35.3% negatively affected, 28.1% somewhat negatively affected), while only 5.8% considered that they had not been harmed. Furthermore, 58.4% of the participants identified their work as a factor affecting their mental health, which manifested mainly as stress (88.9%), anxiety (76.5%), exhaustion (76%), insomnia (65.8%) and sadness (50.8%) (Vásquez et al., 2021).

This same study consulted people concerned about risk factors and protective factors related to their health care in the context of the pandemic. The most relevant risk factors were the lack of recreation (49.4%), the lack of time for leisure (42.9%), the lack of psychosocial support (17.4%), and an overload of care provision work (16.6%) (Vásquez et al., 2021, p. 103).

Regarding factors protective to health care, the study participants prioritized having decent housing (78.6%), access to basic services (78.2%), access to hygiene supplies (72.1%), access to sufficient and healthy food (69.4%), healthy family relationships (61.2%), and effective access to health services (51.5%) (Vásquez et al., 2021).

According to the CEFEMINA study, the most frequent concern of the women educators surveyed during the pandemic was feeling tired and exhausted (87.3%), followed by concern for their health and that of their family members (82.1%). 54.8% felt overwhelmed in trying to meet all their obligations, 32.8% were concerned about economic uncertainty, and 21.3% reported tensions in

labor relations. Regarding family concerns, 9.9% expressed loss of loved ones due to COVID-19, 6.5% deterioration of their intimate relationships, and 4% reported deterioration in their relationships with their children (Paniagua, 2021).

Violence also had an impact on the mental health of women teachers. According to the survey conducted by CEFEMINA, 27.8% of the women teachers surveyed faced virtual harassment, 14.6% workplace harassment, and 6.7% violence by partners or ex-partners (Paniagua, 2021). It should be noted that only 11.7% of the teachers who reported having faced some form of violence asked for help, of which 46.8% sought assistance from a close person or a family member, 19.1% did so from a state institution, 12.8% went to a trade union organization, another 12.8% sought help elsewhere, 4.3% turned to non-governmental organizations, and 4.3% to churches (Paniagua, 2021). Regarding the impacts on physical health, 43.4% of the teachers consulted had some health condition other than COVID-19, and 8.4% were infected with this virus<sup>66</sup> (Paniagua, 2021).

### **3. Impacts of the measures taken against the pandemic resulting in irreconcilable tension between work, family and personal life**

According to ECLAC estimates, before the pandemic, women in Costa Rica devoted 22.6% of their time to unpaid household chores and care, while in the case of men, it was only 8.7% of their time (2019).

During the pandemic, different studies were made into the impact that the measures adopted by the Costa Rican government in the face of the health emergency had on the work, family and personal lives of workers. In this regard, one of the first records that was available in the country was an exploratory study carried out by means of an online survey by the Psychological Research Institute

<sup>66</sup> Paniagua indicated that at the time the survey was applied to teachers, it was estimated that 4.12% of the population living in Costa Rica had been infected with COVID-19. The proportion of teachers surveyed who had fallen ill with COVID-19 was therefore twice the overall average (2022).

of the University of Costa Rica a few weeks after the pandemic and confinement measures began (in April 2020).

The survey participants—87.7% of which were women—reported triplicated working days affecting the women members of families. In addition to the care provision tasks and paid work performed in pre-pandemic times, the demand for pedagogical support increased, since now they not only had to help with schoolwork but, basically, had schools in their own homes (Méndez, 2020).

This study concluded that despite the increase in demand for time in which to attend to household and care tasks in homes, there was no increase in resources (services, subsidies, leave or others) with which to respond to this situation adequately (Méndez, 2020). Health care was therefore prioritized, followed by attending to affective bonds, while the fulfillment of tasks and routines were relegated.

During the pandemic, the Instituto Nacional de las Mujeres (National Women's Institution, INAMU) and the ILO conducted another survey among working women. This study reported that 86% of women stated that continuing with their work from home meant working after hours, confirming that this type of work extends the previously established working day. Even among workers who performed telework before the pandemic, the new context meant very different workloads since they now had the whole family at home demanding time and greater attention. In this regard, 81% of the women indicated that most of the household and school support tasks became their responsibility, while only 19% indicated that these tasks were shared with someone else (Castro et al., 2021).

As for the options of achieving the reconciliation of domestic and work tasks, the aforementioned study indicated three areas of greatest concern. For 56.3% of the participants, the concern with respect to having to simultaneously comply with paid work and the the provision of care for dependent people increased, while 51.9% reported concern about the recreation of dependents,

and 44.5% were worried about getting sick and not being able to take care of the dependents they had in their charge (Castro et al., 2021).

In the specific case of teachers, 94.7% of those who participated in the consultation carried out by ANDE in 2020 considered that their family care responsibilities and household chores increased during the pandemic (Vásquez et al., 2021).

According to another study carried out by the Colegio de Licenciados y Profesores en Letras, Filosofía, Ciencias y Artes (Association of Graduates and Professors in Letters, Philosophy, Sciences and Arts, COLYPRO), transforming the domestic sphere into a workplace, a study center for the household's children, and a teleworking base for other adults was the main factor of discomfort for 35.1% of the people consulted. This also aggravated the overloading of responsibilities that its members had to manage, especially women, in their always challenging efforts to reconcile their personal and their working lives (Ramírez et. al., 2020).

CEFEMINA, for its part, also concurred that in the face of the pandemic, teachers' domestic and care responsibilities increased and that increase fell mainly on women teachers despite the fact that all members of the family group were at home and this could have favored a more democratic distribution of such tasks (Paniagua, 2021). In this regard, 52.6% of the women teachers consulted reported having dedicated more time than before the pandemic to domestic work (without care provision tasks), while 33.7% dedicated the same amount of time as before, and only 13.4% considered that this time was reduced (Paniagua, 2021).

The qualitative information collected by trade union organizations also gave an account of the overloading of domestic and care provision tasks that the pandemic meant for women teachers, even when their spouses were also teachers.

*Person B stated that on continuing to work as a teacher in the same space as her husband, it was difficult for her to maintain her concentration, because*



*he constantly interrupted her for her to do housework, even when she was teaching virtual lessons. For this reason, she chose to request the principal of the school where she worked to give her a letter of authorization to attend her educational institution two days a week, despite the fact that she lived two hours away and had risk factors with respect to contagion from COVID-19, since this would give her the opportunity to get away from housework and achieve progress in her duties as a teacher. (Vasquez et al., 2021, p. 71)*

*It's easier for men because they get up and their female partners make them food, clean up for them and everything. [...] I go to sleep at 1:00 AM doing school work and I get up at 6:30 AM to clean up and do my duties as a mom (Person C, woman teacher) (Vásquez et al., 2021, p. 72).*

In the case of other adult women who live with women teachers, CEFEMINA indicated that for 52.1% of these, the time demanded by household chores also increased, while for 32.1% it remained the same and only 10% considered that it was reduced (Paniagua, 2021). However, in the case of the men living with women teachers, only 30% of those consulted reported devoting more time than before the pandemic to such tasks, 43.3% considered that they devoted the same amount of time, 11.8% said this was less than before, and 14.8% reported that they never engaged in such tasks (Paniagua, 2021).

With regards to the time spent caring for dependent people (children, people with disabilities and the elderly), 34.5% of the women teachers consulted said the time spent on such tasks increased, 29.8% stated this remained the same, and only 9.4% stated the time spent on such tasks diminished. On the other hand, the time spent caring for non-dependent people increased for 25.6% of the women teachers, remained the same for 33.7%, and was reduced for 8.2% (Paniagua, 2021).

However, as could be expected, women teachers, as well as simultaneously assuming their professional work, domestic and care provision tasks, also had to support the learning processes of their children. In this regard, 50.2% of the wo-

men teachers indicated that the time spent on this activity increased during the pandemic, while 22.9% stated it remained the same, and only 8.7% said it decreased (Paniagua, 2021). In addition to these tasks, women teachers also invested time in other family, social and political responsibilities, the most frequent being providing support for relatives outside the home (45.7%), union work (37%), and volunteer work in organizations such as associations and churches (20.1%), while 31.3% did not carry out this type of unpaid activities (Paniagua, 2021).

Based on the above, it is important to take into account that the additional demand made on women for care provision came not only from other members of the household, but also from other relatives with risk factors who required support, which it fell to women teachers to provide.

Person C commented that she lived near relatives with risk factors should they contract COVID-19, and when she was working at home, they typically asked her for favors such as going to buy something at the supermarket, so they would not be exposed to the virus (Vásquez et al., 2021, p. 72). In line with the above, one of the most relevant conclusions of the study carried out by ANDE indicated that efforts made to attempt to reconcile everyday life with the increase in tasks and care provision, added to work overload, and abrupt changes in work responsibilities took its toll on the mental health of women teachers (Vásquez et al., 2021).

#### **4. Impacts on union action**

Although the advance of austerity and economic liberalization policies have been gaining ground in the state actions for decades, in the last four years this has taken on a forceful, devastating character, leading to the detriment of public education and labor rights. Sufficient evidence of this lies in the implementation of the fiscal regulation included in the Law on Strengthening Public Finances

that reduces financing for education, and the approval of the Public Employment Framework Law that increases the precariousness of the working conditions of education workers, resulting in teaching becoming less attractive, with fewer resources for educational infrastructure and innovation, and further widening the gap between public and private education (Calderón, 2021).

It should also be recalled that the laws and measures taken by the Costa Rican Ministry of Public Education (MEP) in the context of the pandemic were agreed upon between the executive and legislative branches of government without establishing any consultation or negotiation mechanisms with education trade union organizations. Even from the beginning of the Alvarado Quesada administration, there was a strategy of polarization and delegitimization of the trade union movement in general (Molina, 2022), and of teachers in particular.

Faced with this reality, the public health measures promoted by the government to address the pandemic and the implementation of these generated important transformations in the working conditions of education workers, especially with the unexpected change from the face-to-face modality to the telework modality and then to bimodality, which also changed the forms of union organization.

In this sense, it is necessary to take into account the fact that trade unions' ability to act as a forum for organizing workers is closely linked to the workplace. It is there that people meet, socialize, discuss their concerns, organize and generate strategies to claim their rights: "The workplace is the space par excellence where trade union rights are developed and exercised" (Ottaviano and Perdomo, 2022).

Taking into account this starting point, telework, especially as implemented in an improvised fashion, forced trade union organizations to adapt their organizational, consultation and communication strategies to rely on virtual resources (with meetings held via virtual platforms and communications sent

via email, social networks and instant messaging applications). In addition, the forums of working people communicating with each other and with their union representatives were interrupted. This was confirmed in the study carried out by CEFEMINA, which showed that 18.3% of the teachers consulted considered that teleworking disrespected their union rights (Paniagua, 2021).

The abrupt transition to the virtual modality made trade union action more complex, particularly given different elements in the national context such as the tension that was generated and intentionally sustained between the executive branch and the educational trade union organizations, the polarization between public sector and private sector workers, and the already mentioned regulatory restrictions that were approved over the previous four years, establishing clear limitations to exercising the right to strike and the right to collective bargaining, that is, legally constraining the basic tools for trade union action, and therefore, the full exercise of the right to unionize.

Despite the adverse environment for the defense and promotion of labor rights, trade union organizations raised different demands and promoted dozens of actions throughout the pandemic. According to the database of collective actions of the University of Costa Rica's *Instituto de Investigaciones Sociales* (Social Research Institute), between 2019 and 2021, education trade union organizations participated in 160 actions of different types, public declarations and denunciations, protests, cyber actions, demonstrations, and strikes, among others, raising different demands.

By 2020, despite the onset of the pandemic and mobility restrictions, the total of 45 collective actions led by trade unions in the education sector remained practically the same as that occurring in 2019. At that time, the main demand of education workers were labor demands of different kinds, including denouncing failures to make full and punctual salary payments, the overloading of administrative functions, and the lack of budget for MEP institutional operations. The second most common cause of mobilization in 2020 was the rejection of the

executive branch's initiative to request a loan from the International Monetary Fund, with the argument that the economic resources that the country needed could instead be obtained by taking measures against tax evasion and tax avoidance and increasing taxes on the richest economic sectors. In this regards, it should be added that the unions also denounced that labor rights were being used as a bargaining chip in the agreement between the government and this international organization, which is confirmed by the agenda of draft laws that the executive branch presented to the Legislative Assembly as part of the commitments assumed before said body (See Section 2).

By 2021, with less restrictive health measures and the advance of a neoliberal economic agenda that tramples labor rights as promoted by the executive branch of government, collective actions increased significantly, representing 41% of the total accounted for in the period (65 actions). The demands made also diversified, but opposition to the draft Public Employment Framework Law was a priority for the unions. Secondly, collective actions aimed to demand clear public health measures, as well as adequate compliance with these, and the prioritization of teacher vaccinations for the implementation of the bimodality that the MEP sought to establish in educational institutions.

Beyond these actions of denunciation and the making of demands and proposals, trade union organizations additionally generated research to identify the strategies that teachers used to carry on with educational processes during the pandemic, as well as to characterize teachers' work and family conditions.

Finally, it should be noted that faced with the impact that the pandemic generated on the mental health of teachers, the unions focused on providing these with different types of support. For example, the ANDE set up a psychological support hotline, provided financial assistance, support and crisis care, followed up on work situations such as "burnout syndrome", and established a referral mechanism with the INAMU (National Women's Institute) for women teachers living in situations of violence (Vásquez et al., 2021).

The analysis carried out reveals tensions and transformations that reformulate the working conditions of education workers, especially women. At the moment of writing, on the verge of the commencement of a new government, the threats of deepening this trend are latent, with the Public Employment Framework Law soon to enter into force (in March 2023). In this sense, the lack of regulations prevents making projections of the real impact this will have on workers in the public sector and on education workers in particular, therefore, trade union organizations will have to remain active and alert, ready to make denouncements and proposals to protect their rights and recover investment in education.

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## **El Salvador. The pandemic as an excuse for an authoritarian government to attack the labor rights of women teachers and deepen the care crisis**

*Ana Carcedo*

### **1. Context**

The measures adopted by the government of El Salvador during the COVID-19 pandemic deepened a pre-existing social and economic crisis marked by low GDP growth in previous years (2.4% in 2019), the high incidence of poverty (30.4%) and extreme poverty (5.6%) (ECLAC, 2021a), and high rates of informal employment (in 2019, 55.5% of jobs were in low productivity sectors) (ECLACS-TAT online consultation). The lack of opportunities is one of the reasons for the massive Salvadoran migration, with the country having a strong dependence on remittances from people working abroad. In 2019, this represented 21% of the GDP (CIM, 2020).

The global health emergency and the measures taken by the Bukele government increased tensions between the needs and the resources of individuals, families, communities and the state. In 2020, the GDP decreased by 7.9%, with the estimated increase of 7.5% in 2021 not managing to counteract the previous drop (ECLAC, 2021b).

Some of the most serious impacts of the measures adopted by the government were the sudden massive drop in employment (6% of registered employment, ECLAC, 2022), the subsequent total or partial loss of income for many families, the replacement of classroom education with non-face-to-face forms, and the drastic decrease in some services provided to the population on a daily basis, such as health services that were not related to COVID-19 or that were very urgent, and the provision of care for dependent persons.

Teachers in El Salvador experienced this crisis in a unique fashion. They shared certain conditions with the population as a whole, but others they experienced quite differently. The education sector is one of those that has been under the most stress, with pressure from the public administration as well as from the demands and needs of the educational community.

### 1.1 Social crisis and public investment during the pandemic in El Salvador

In El Salvador, as in the rest of the countries in the region, the state increased social investment during the pandemic in order to reduce the serious effects of the health crisis and the measures adopted by the Bukele administration. The social investment of the central government, which in 2019 was at 8.5% of the GDP, increased in 2020 to 13.8% of the GDP, the highest value in the region, going from \$302 per capita to \$448 per capita (constant 2010 US dollars) (ECLAC, 2022 and ECLAC, 2021a). In absolute terms, social investment in 2020 exceeded that corresponding to 2019 by 49.5%, while social investment per capita exceeded 2019 figures by 48.3% (own calculations based on data from ECLAC, 2022, ECLAC, 2021a, and ECLAC, 2020a).

In 2020, social protection was the item making up the largest part of the central government's social investment, at 46.7%, showing an annual increase of 4.26% with respect to the GDP. In absolute terms, the resources for this were almost doubled, increasing by 194%. This social protection category implemented and financed the different programs aimed at working people and families whose incomes were reduced.

The Bukele administration launched several social assistance programs, including food distribution and cash transfers. The government reported the delivery over two occasions (April and August 2020) of 2.7 million food baskets

with a unitary value of US\$56, for a total value of US\$240 million. Likewise, it announced the delivery of food packages from the school program to 320,000 families most in need, to occur between June and July 2020. According to official sources, monetary transfers of \$300 were made to 1.5 million households whose incomes were derived from informal employment (UNDP, online data). The monthly average of the bonds delivered from the beginning of the pandemic to the end of 2021 was equivalent to 12% of the poverty line and 26% of the extreme poverty line (ECLAC, 2022).

Although vastly insufficient to covering the needs of the population, these monetary transfers had a significant impact, in particular for women. In 2019, at 40.9%, nearly half of the women in the country lacked their own income, a proportion that diminished to 37% in 2020. On excluding non-contributory transfers by the state, the figures would have been higher, increasing during the first year of the pandemic to 42.6% (ECLAC, 2022). It must be taken into account that in 2019 more than half of employed women (51.8% compared to 45.9% of men) (ECLACSTAT online consultation) were in the low productivity sector, and due to the particularly strict confinement measures dictated by the government, this sector was seriously hit by unemployment in 2020.

Despite these transfers, among the population aged 20 to 59 years of age, poverty affected women more than men (27.2% to 25% respectively). The femininity index for poverty was 109; that is, for every 100 men in this condition there were 109 women (ECLAC, 2022).

Unlike the norm for Latin America, in 2020 the average income per person in El Salvador grew, albeit slightly, by 0.3%. In any case, this small increase was unevenly distributed, which is reflected in an increase of 3.7% in the Gini coefficient<sup>67</sup> as compared to the previous year. In the population as a whole, extreme poverty increased by 2.7% in 2020, although the incidence

<sup>67</sup> The Gini coefficient statistically measures the difference between the income distribution observed in a country at any given time and a totally equal distribution. The higher the value of the coefficient, the greater the inequality.

of total poverty remained practically the same since, increasing only by 0.3% (ECLAC, 2022).

The central government's distribution of social investment included amounts for social protection under the rubrics of education and health, at 28.9% and 22% respectively, leaving less than 3% for housing, community services and the remaining rubrics. Per capita investment on health increased by around 15% between 2019 and 2020 (ECLAC, 2022). It is to be expected that this rubric would be strengthened when a health emergency such as the COVID-19 pandemic is declared.

Between 2019 and 2020, government spending on education at the levels from preschool to secondary education even increased by 4.9%, such that in relation to the GDP, each year it grew from between 3.6% and 4.1% (MINED; 2020). These resources did not include teacher subsidies (EILA, 2021a).

## 1.2 Conditions in El Salvador for non-face-to-face teaching

When the pandemic was declared, one of the early measures adopted by the government of El Salvador was the suspension of face-to-face classes at all levels. From that moment, teaching was dependent on other resources that had been used sparsely before 2020, especially, although not exclusively, digital media.

The country was not prepared for this change. Pre-pandemic internet penetration was estimated to be 40.9% in 2019, growing to 45% in 2020 (EILA, 2021b).<sup>68</sup> In addition to the low coverage, there are access gaps between different population groups. One of the most significant of these gaps is that existing between rural and urban areas, where the populations with an internet connection are 25.4% and 49.5% respectively (EILA, 2021b).

<sup>68</sup> The data for 2019 and 2020 were extrapolated by EILA from the growth rate for the previous year using information provided by the International Telecommunication Union (ITU).

The cost of internet connectivity adds another social gap. For households in the first quantile, the expenditure they needed to make in 2019 to obtain a mobile connection was just over 20% of their family income, and approximately 15% in the case of fixed connectivity. These are percentages that multiply by more than 10 and 7 times the 2% recommended by the Broadband Commission for Sustainable Development. For those in the second quantile, these values are higher than 10 and 7 times respectively, which continue to exceed the aforementioned recommendation (ECLAC, 2020b). These figures show that 40% of lower-income families had to make great sacrifices to acquire internet connectivity.

Costs of equipment and internet connectivity opened up another very significant gap among the student population. The education guild reports the difficulties faced by many families in order to meet all their members' work and study demands with their scarce resources. Space in homes was limited and was not appropriate for full days of work or study, let alone to allow each family member to have their own space. When equipment was available, this was not always enough or suitable, computers when available had to be shared, and cell phones, which were more frequently available, did not always have the capacity for use as educational tools.

In January 2021, the government announced that it would deliver one computer per student, representing a total of 1.2 million computers (Presidency of El Salvador, 2021). However, it is unknown to what degree this goal was met. A request for information on the number of computers delivered to students submitted to the Salvadoran Ministry of Education, Science and Technology (MINE-DUCYT) was answered on May 18, 2022 indicating that "access to the requested information is denied because it is classified information" (MINEDUCYT, 2022).

In the first two years of the pandemic, the Bukele administration made several back-to-school announcements that sometimes failed to be implemented. In August 2020, the government suspended face-to-face classes for the rest of the year (La Vanguardia, 2020) and spoke about the "safe, blended and gra-



dual” return to classrooms to occur in the 2021 academic year; this applied to public and private institutions and entailed strict COVID-19 prevention measures (Presidency of El Salvador, 2021b). On April 6, the authorities reported the reactivation under a partial face-to-face modality of 3,500 public education institutions that satisfactorily met the established public health protocols<sup>69</sup> (Presidency of El Salvador, 2021c). This was only 68.1% of the existing 5,137 institutions according to the Ministry for that year (Presidency of El Salvador, 2020b). In some institutions, groups of students were divided into two to receive face-to-face classes at different times (Presidency of El Salvador, 2021c).

The government announced the return to face-to-face classes at the end of January for the 2022 academic year, although education organizations and the Physician's Association asked that this be postponed until March in the hope that infections would drop (elsalvador.com, 2022). In the end, the start of in-person classes had to be delayed (swissinfo.ch, 2022 and Semanario Universidad, 2021). For this return, the authorities presented *La alegría de regresar a la escuela* (The joy of returning to school) protocol. It was planned to make face-to-face, partial face-to-face and non-face-to-face modalities available in each institution so that each family could decide whether or not to send their children back to the classrooms. Four filters<sup>70</sup> were established to prevent the access of infected people to educational institutions, although vaccination was not required (MINED, 2022).

Under the guise of giving parents the freedom to make the decision with respect to the study modality used for their children, the Bukele administration placed back on teachers and families the responsibilities that the state should assume, causing an overload of work during the pandemic.

*Parents were not obliged to send their children to school and that is why we have worked hard at creating various platforms that make it possible for chil-*

<sup>69</sup> These are the general protocols for the use of masks, hand washing, and social distancing.

<sup>70</sup> Starting with in the family, in transport, on arrival at schools, and within schools.

*children to stay at home; we have the Google Classroom platform, we have delivered textbooks to all students, we have educational television as well as radio. To date, half a million students and 90% of teachers already have their computer; so parents just have to make sure to provide support for their children so that they stay in communication with their teachers and use some of these platforms (MINED, 2022).*

The government announced the start of the vaccination process on February 17, 2021, which was first aimed at health personnel and, secondly, at the non-health frontline, which included the police and the armed forces. Teaching staff were not considered frontline and commenced being given vaccinations on March 29, 2021 (Ministry of Health, 2021 and 2021b). For the recommencement of classes on April 6, 2021, the government announced that teaching staff had already been vaccinated (first dose). At the end of that year, 63.8% of the population had the full vaccination schedule and 5% had been partially vaccinated (ECLAC, 2022).

### **1.3 The pandemic as an excuse to advance the agenda for the privatization and commercialization of education**

El Salvador has a long history of political struggle with respect to the right to education and the adequate state recognition of teaching work. Neoliberal pressures have acted on various fronts, involving different actors over time, prominent among whom are the World Bank (WB), the Inter-American Development Bank (IDB) and the United States Agency for International Development (USAID).

During the war (1979-1992), due to the absence of the state in the areas controlled by the Farabundo Martí Front (FMLN), rural communities organized primary education autonomously. Faced with this situation, the Cristiani government (1989-1994), which was of a neoliberal orientation, sought to regain control over these areas and extend educational coverage in rural

areas, circumventing the action of the education unions linked to the FMLN. (Arancibia, n.d.).

In 1991, a loan of \$40 million was taken out with the World Bank to implement the Social Rehabilitation Project (OAS, online data), which included the Education with Community Participation Program (EDUCO). Among other measures, EDUCO established a parallel educational management system by delegating the administration of educational institutions, especially those in rural areas, to Community Education Associations (ACEs) formed by parents. The government provides resources to these entities, which are responsible for acquiring the necessary goods for the institutions, as well as hiring teachers and making decisions about the materials and services to acquire (EILA, 2020).

The communities contribute with their own resources to the construction and maintenance of infrastructure, as well as covering part of the students' food and cleaning materials, so reducing public administration costs (Arancibia, n.d.). In this way, the state, in addition to decentralizing education and renouncing administrative management to hand this over to private entities, obliges families and communities to co-finance education, shirking its own responsibility to guarantee minimum conditions of educational infrastructure and teaching quality. The state vacuum in educational matters deepened in this period.

This program started with primary school and then was applied to secondary schooling. In successive ARENA governments, the program expanded. In 2010, it operated in 55% of public rural schools, accounting for a third of the total. It was presented as a successful program because it managed to expand coverage in rural areas, although it did not exceed the school performance of public institutions. Moreover, teachers worked in precarious conditions: without the right to unionize, without fixed contracts, they were dependent on the ACEs which lacked criteria to evaluate their performance, having no parameters to guide them in making this type of decisions (Arancibia, n.d.).

The first FMLN government (2009-2014) eliminated EDUCO, incorporating the teachers from this program into the Ministry of Education's payroll and providing them with the protection of the Teaching Career Law while eliminating the ACEs. They thus regulated the constitution of the School Management Councils established in the General Education Law (Arancibia, n.d.).

In 2005, the *Excelencia e Innovación en Educación Secundaria* (Excellence and Innovation in Secondary Education, EXITO) program commenced, financed with an \$85 million loan from the World Bank (World Bank, 2007). In 2011, the World Bank made another loan for \$60 million to establish the *Proyecto de Mejoramiento de la Calidad de la Educación* (Project to Improve the Quality of Education) (World Bank, 2011). EILA considers this to be an attempt to promote a double standard for education. The project offers extended education to secondary school students so that they stay longer in schools, while offering impoverished students flexible education aimed at developing basic competencies in arithmetic, languages, sciences and occasionally ICTs (EILA, 2020).

Between 1991 and 2018, the World Bank granted the government of El Salvador \$331 million to carry out educational reform with similar characteristics. This was fundamentally aimed at establishing minimum competency-based curricula, standard evaluation of teachers and students, allocation of resources based on performance criteria, and the creation of parallel management structures without the control of the Ministry of Education (EILA, 2020). These World Bank programs and projects, in addition to influencing educational policy, are based on the indebtedness of the Salvadoran State.

In the case of the IDB, during this period this entity carried out various technical assistance projects for smaller amounts (US\$850,000 between 2008 and 2015) financed with donations from the bank. These were also aimed at promoting strategic educational reforms, targeting quality systems, the definition of quality parameters, evaluation, educational statistical information, support for flexible secondary education modalities, and the redesign of university degree accreditation systems (EILA, 2020).

In 2018, USAID presented its approach to education in Latin America in the document *The Future of Education in Latin America and the Caribbean. Possibilities for United States Investment and Engagement* (Fiszbein and Stanton, 2018). This represented a blend of action according to this agenda in the field of education and the identification of opportunities and niches for action. The political role of USAID was clearly captured in the statement that this entity “in recent years has chosen to focus on a concentrated portfolio of countries and projects, many of which have strong and direct ties to the national security policy of the United States” (Fiszbein and Stanton, 2018, p. 39).

Consultations with experts reveal that the most successful programs are those aimed at the quality of education, primary education and risks for young people inside and outside schools. A niche was identified for USAID to work with older students in the development of work skills; given that there are few actors involved in this field, the possibility of implementation and extension was found to exist. At the same time, this strategy was proposed as an option to distinguish itself from other agencies and as an opportunity to promote USAID's involvement in strategic alliances (Fiszbein and Stanton, 2018, pp. 43-49).

Between 2015 and 2020, USAID developed Puentes para el Empleo (Bridges to Employment) in the areas of health, education, employment and citizen participation, for a cost of \$42.2 million. It is an initiative that advances public-private partnerships in education by involving state institutions with business partners, including CISCO and Microsoft, private vocational training institutions, the Salvadoran Association of Industrialists (ASI) and the Salvadoran Chamber of Information and Communications Technologies (CASATIC) (USAID, n.d.).

Part of USAID's attention is focused on the effects on schools of the security problems caused by the presence of gangs in Guatemala, Honduras and El Salvador. In this regard, the aforementioned report points out that the agency has increased its investment in the components of programs related to the

prevention of violence in schools in places where this is a major threat to education (Fiszbein and Stanton, 2018, p. 40).

This last element is particularly worrying because it aligns with a growing tendency to burden educational institutions and teachers with the responsibility of preventing environmental violence. EILA points out that

*the role of resolving structural situations that require a systemic response from the entire state apparatus is placed on public education. However, assigning this role to public education is advantageous for many projects in which cooperation and the private sector participate, that focus on generating programs, materials, content and other educational services to respond to these situations (and at the same time exist based on these). (EILA, 2020, p. 10)*

The privatization and commercialization of education in El Salvador has taken advantage of these entry routes via public-private partnerships that fill gaps that the Salvadoran State does not cover. Financial agencies strengthen this strategy by making donations to private agents or hiring these to implement particular projects or actions (IEAL, 2020).

This possibility is opened by Article 79 of the General Education Law, and was taken advantage of during the pandemic in particular to strengthen the position of communication service providers. As part of the Educational Continuity Plan, 1.4 million Google Classroom accounts were created and 30,000 teachers were trained in its use (Google Blog, 2020).

The General Education Law does not allow private participation in the structures and forums of management and decision-making on educational policy. Nonetheless, through externally financed projects, public-private alliances are incorporated that seek strategic modifications in this field, generating a type of power parallel to the state.

An emblematic case is the Plan El Salvador Educado (Educated El Salvador Plan, PESE) proposed in 2016. The implementation and follow up of this is responsibility of the state, but it involves as partners a wide range of organizations in addition to public ones, including the business sector, political parties, churches, the media, unions and professional organizations, student organizations, think tanks and research centers, and international and cooperation organizations (EILA, 2020). The responsibility to finance education is established to belong to the state, but it is proposed that “the National Education Pact must promote coordination between the state and the productive sectors to assume the investment in education that national development urgently requires” (CONADE, 2016, p. 26).

Among the lines of work to be undertaken, some point to strategic changes: “In tune with the vision of a school harmonized with its particular environment, one cannot forget the imperative need to carry out institutional and regulatory transformations to implement this plan” (CONADE, 2016, p. 20). PESE promotes higher and technical education aligned with the productive needs of the country, as well as focusing on the training of quality teachers (CONED, 2016, p. 80 and 101). Another worrying aspect is that PESE includes among its areas of operation the prevention of violence in schools, an aspect with implications already mentioned. In particular, the lack of preparation of teachers to deal with and prevent these situations is repeatedly pointed out, and the result of the challenge in this aspect is that “students are trained by committed teachers competent in providing quality education, under an adequate working environment and conditions” (CONADE, 2016, p. 49). Clearly, the responsibility for establishing an adequate working environment and conditions does not fall on teachers.

In 2019, the National Education Council (CONED) was created to be of an advisory nature, also being made up of a wide range of public and private actors. Although it is an advisory body, this forum is presented as a generator of consensual agreements, such that it has a de facto authority not supported by law (CONADE, 2016). CONADE assumed PESE, such that public-private partnerships were strengthened

from different initiatives not only in the provision of educational services, but also in educational policy decisions.

The pandemic was used by the Bukele administration to deepen these trends. Deficiencies in terms of access and use of ICTs did not just provide opportunity to large transnationals in the field, but additionally advanced the anti-union agenda and the precariousness of teaching work, even in violation of the law, with the refusal to communicate with unions, publicly attacking the professional and human qualities of teaching staff, and controlling and politically manipulating new appointments. The rest of this document analyzes in greater depth what these state actions have implied for the working conditions of teachers.

## **2. Working conditions for teachers during the pandemic**

The closure of educational institutions in March 2020 transferred teaching from classrooms to homes. 91.3% of the teaching staff who answered a survey by EILA applied in October and November 2020 indicated that they carried out non-face-to-face activities from home (EILA, 2021b).

The government announced that there would be support with equipment, teaching materials and advice for teachers and students in order to guarantee non-face-to-face classes through different means. The way in which teachers' practice guaranteed the continuity of education moved away from the panorama established by the administration and affected numerous aspects of their personal and working lives.

### **2.1 Non-face-to-face education, the regulations**

On June 4, 2020,<sup>71</sup> the Legislative Assembly of El Salvador approved Decree 600

<sup>71</sup> The Legislative Assembly passed a text on March 20 that was revised by President Bukele; he sent changes that were accepted by the legislature in session on June 4.



Law on the Regulation of Telework (Republic of El Salvador, 2020). This was a draft law under parliamentary debate since 2019 that was urgently resumed at the beginning of the pandemic. It defines telework as “a way of organizing and performing work in a non-face-to-face fashion, either totally or partially, for a definite or indefinite period of time, outside the establishment or workplace, whether being at the worker's home or in a place alien to the employer and using information and communication technologies as support” (Article 4).

This law establishes specific chapters for telework in the private sector and for that carried out for public institutions and municipalities. In the first case, the responsibilities of the employers are detailed, which include, among others, “Providing the teleworker with the equipment, connections, tools, programs and applications that are necessary and indispensable for the execution of the tasks [...]” (Article 9b), also stating that the employer is “responsible for the costs involved in the operation of technological equipment, connections or other tools and programs that are used for the operation of the telework, including a subsidy for the payment of electric energy services and internet in a fashion that is proportional to the undertaking of the work” (Article 9). These specifications do not appear in the same way in the chapter on telework for public institutions, since, in this case, only the supply of work equipment is mentioned.

Faced with this gap, with regard to the other elements necessary to perform telework and their costs, the legal reference of Article 29 of the Labor Code is required, which establishes as one of the employer's obligations:

*Article 29 3rd) Provision of the worker with the materials necessary for the job; as well as the appropriate instruments and tools for the performance of the tasks, when it has not been agreed that the worker shall provide the latter (Ministry of Labor-ILO, 2010).*

Another obligation that is specified in the Law on the Regulation of Telework for private employers, and which is not mentioned in the chapter on public

employment, is to provide training to people who telework “in the proper management and use of the equipment and programs necessary for the proper development of their functions” (Article 9e).

This Law protects labor rights under the modality of telework. In particular for public employment, Article 16 states that

*Telework only modifies the form of provision of services in the terms indicated in this law, but does not affect the rights, guarantees, benefits and provisions received by workers under the law, regulations, collective agreements and any other source of labor obligations except when it is to the benefit thereof.*

With regard to the workspace, the norm establishes that, when the work activity is carried out in the dwelling of the public official, he or she is responsible for “conditioning a physical space according to the respective health and safety regulations” (Article 16).

The Law refers to working hours and the working day, establishing that “these will be governed by the laws, regulations and collective agreements applicable to each public institution and municipality” (Article 18). There is no mention, however, of the right to disconnect or the recognition of working days extending outside regular hours.

Another aspect included in this norm is the voluntary nature of telework for public servants and their right to request at any time the return to the previous condition, with this being binding to the employer (Article 19).

President Bukele had to submit a regulation for this law within nine months after the publication of the norm, that is, before April 2021. Without this regulation, there are aspects that remain undefined, such as calculation of the recognition of costs assumed by the people working under this modality, and performance evaluation modalities (LatinAlliance, 2021).

On the other hand, the Law regulating telework has a transitory provision that establishes that this “will not be applicable to the work performed by workers at home in favor of the employer during the validity of the COVID-19 Pandemic National State of Emergency” (Article 24). This implies that in this period, even when people worked under the telework modality, their employment relationship was not governed by this law. In particular, the obligations that this norm establishes for employers did not apply. In any case, as already pointed out, many of these obligations were not mandated for the public administration.

The employment relationship of teaching staff working under the non-face-to-face modality during the pandemic therefore continued to lack a legal framework of a national nature beyond the Labor Code. This instrument does not include the modality of telework<sup>72</sup> and only Article 29-3 could be applied, although it does not refer to non-face-to-face work, since it establishes that it is the employer's obligation to “provide the worker with the materials necessary for work; as well as the appropriate instruments and tools for the performance of the tasks, when it has not been agreed that the worker shall provide the latter” (Ministry of Labor and Social Security, 2010).

## 2.2 Non-face-to-face education, the reality

### 2.2.1 Job and salary stability

One of the biggest social impacts generated by the measures adopted during the pandemic by most governments, including that of Bukele, was the massive loss of jobs, and thereby, of one of the fundamental sources of income of

<sup>72</sup> It does include home-based work, but refers to the production of goods, not services: “Home-based workers are those who make items in their home or some other place freely chosen by them, without the supervision or immediate management of the employer or his or her representative, provided that the employer supplies the raw materials, in whole or in part” (Article 71).

families. Nonetheless, during the crisis those who worked in the public education sector mostly retained their jobs and their salaries.

91.7% of the women teachers surveyed by CEFEMINA in March and April 2021 had a stable work contract, which guaranteed them job continuity. The remaining 8.3% did not have these, but continued to work a year after the start of the pandemic. On the other hand, 85.3% received their full salary in a timely fashion, while another 9.8% also received this in full, but with arrears. 3.4% did not receive their salary in full and 0.5% had not received any payment since the beginning of the pandemic, with all of these teachers being active at the time of the survey. Job and salary stability for the vast majority of the surveyed women teachers was one of the few rights respected in this crisis (Carcedo, 2021).

Job stability was not guaranteed for those who did not have a stable contract. On February 2, 2022, a communique from the Ministry of Education changed the previous conditions for hiring, allowing schools to hire interim teachers for three months<sup>73</sup> (elsalvador.com, 2022b). In addition, in 2021 the Ministry of Education, contrary to the law, commenced a recruitment process for applicants for new positions that was denounced by teacher organizations, among other reasons for being a means of allowing people related to the Bukele administration to benefit.<sup>74</sup>

## 2.2.2 Without the material conditions required for telework

89% of the women teachers surveyed in October and November 2020 indicated that to teach remote classes they used cell phones, while 64% indicated using laptops, 21% used desktop computers, 9% used tablets, 12% used microphones, 11% used cameras, and 70% had broad band internet access (EILA, 2021b).

Similarly, among the women teachers surveyed by CEFEMINA in March and April 2021, 64.1% indicated that to give continuity to the educational process they

<sup>73</sup> This indication was given in response to a teacher deficit generated by a communication of the Ministry of Education on January 21, 2022 that changed the hiring rules, which will be analyzed later.

<sup>74</sup> This aspect is further developed below.

resorted totally or partially to virtual media. To this end, most of the teachers suffered insufficiencies or complete lacks with regards to the material conditions of space, equipment and technological resources that were required.

The teachers' families, like many of the students' families, live in houses that do not meet the conditions to be workplaces, and spaces had to be shared with the rest of the family to undertake various work, study, and recreational purposes, in addition to domestic ones. Computers also had to be shared and not all homes had internet connectivity before the pandemic. The survey applied in 2020 showed that among all teachers, more than 60% had to share the equipment they used to work (EILA, 2021b).

69.7% of the women teachers surveyed in 2021 indicated that computers and tablets were insufficient to cover the needs in their homes, with this being 55% in the case of smartphones. In addition, 53.6% reported that their internet connection was regular to very bad.

*They have demanded work from us, we have to do that work, but they have not given us the tools required. While the government promised that every teacher who trained was going to be given a computer, so far we do not have them; they have reached some places, but it has not come to even perhaps 50%. While the government made a commitment and at the beginning talked about giving children the tools so that they could continue to progress, this has not been fulfilled either. (Group interview of leaders of ANDES June 21 held on September 24, 2020)*

The government announced on different occasions its ambitious plan to equip every teacher with a computer. However, as of October 31, 2020, only 4,323 of these had been delivered (MINEDUCYT, 2020a).<sup>75</sup>

<sup>75</sup> The MINEDUCYT did not later provide more information on the delivery of computers to teachers.

### 2.2.3 Insufficient training for the needs and challenges to be faced

The survey conducted in 2020 revealed that the proportion of teachers who had training in the use of technology was low, at 13.5% of women and 16.6% of men. At the beginning of the pandemic, about 70% lacked previous experience teaching non-face-to-face classes (whether remotely or at a distance), with only 23% of women and 33% of men having such experience. The proportion of teachers at that time that had both the technological resources required and previous training was even lower, at 16% (EILA, 2021b)

The Government announced on June 22, 2020 that the training of 30,708 teachers in the use of the Google Classroom platform had been successfully completed (Presidency of El Salvador, 2022). This was carried out virtually, which represented a barrier for those who did not have a prior minimum of familiarity with the field of ICT.

*That was another challenge. Not all of us were up to date with the technological tools and that worries teachers, although the Ministry may have trained us. But virtual training is not the same as in-person training and not all teachers have managed to assimilate this virtual training on technology, and this is going to be another problem because the Ministry is currently providing our colleagues with computers [...], but the requirement is to have passed this course that was provided, and if the teacher doesn't pass, they are not provided with the computer. In other words, the Ministry is setting limits (Group interview of leaders of ANDES 21 de junio held on September 24, 2020).*

This opens up the risk of increasing the generational digital divide and placing older teachers who have been teaching for longer in positions of disadvantage and uncertainty.

*That is what has most affected our colleagues who are already at an advanced age, who have 30, 25, some up to 35 years of working, that we were not used*

*to using technology. These colleagues feel very worried (Group interview of leaders of ANDES 21 de junio held on September 24, 2020).*

## 2.2.4 Limited support for distance learning

On May 8, 2020, the government unveiled the Educational Continuity Plan that sought to make educational resources available for teachers and students. The plan was based on working with study guides, and the use of printed and audiovisual materials using various platforms, radio and TV (MINEDUCYT, 2020b). With the school year nearing completion, the leaders of ANDES 21 indicated:

*The media that the Ministry of Education published, in which you can listen to education telecommunications, do not exist. So, the teachers, out of their own pockets have even had to buy printing tools, right? A printer for printing and going to drop off [the study guides] to the children to see how they can achieve progress.*

In San Salvador no one, no one has been given study guides. It has fallen to me as a principal [...] to print many guides for various grades and go and deliver them, but the government has not given us anything (Group interview of leaders of ANDES 21 de junio held on September 24, 2020).

The use of television also presented problems. For one in three women teachers surveyed in 2021, these resources in their homes were insufficient, and it can be assumed that in students' homes this problem would have been even more significant.

The survey of women teachers conducted in October and November 2020 confirmed some of these points. Only 42% of these worked with printed materials, 46% used some pedagogical platform or application, 53% used the support of radio or TV classes, and 30% had pedagogical support, while 14% had to work without any support whatsoever (EILA, 2021b).

### 2.2.5 Unilaterally enforced and changing conditions

At 69.2%, one of the rights that the women teachers surveyed most frequently considered to have been violated was that of choosing work modality, whether face-to-face, telework or bimodal. Although the teaching guild agreed on the suspension of face-to-face classes at the beginning of the pandemic, consultations were never developed on how to provide continuity to the educational process, with changes instead being imposed.

There was also no consultation or clarity on how to assess these changes. Reports were very frequently requested by the Ministry, adding further burdens of time and effort to the teaching staff.

*And the reports they are demanding of us, weekly, monthly, at any time it occurs to the Ministry of Education that it needs to know how the work with the educational guides is going to see how educational continuity is taking place, so we are making reports (Group interview of leaders of ANDES 21 de junio held on September 24, 2020).*

### 2.2.6 Extended work days teaching without defined schedules

Non-face-to-face education demanded personalized dedication from the teaching staff that could previously be performed collectively in class, especially for those who could not provide virtual classes. 80% of the women teachers surveyed in October and November 2020 indicated that their working days increased due to the preparation of non-face-to-face classes (EILA, 2021 b)

For all of these, the number of students they taught was particularly relevant. Slightly more than half of the women teachers taught between 20 and 49 students (52.3%), with one in five (20.5%) teaching less than 20, while 7.6% had between 50 and 99 students, 7.3% between 100 and 149 students, and one in eight (12.2%) teaching more than 150 students (Carcedo, 2021).



Without the possibility of the classroom and the face-to-face relationship, educational continuity became an impossible burden to fulfill in an 8-hour day. In addition, they adapted to the conditions and possibilities of their students' families, attending to these at times that were possible for the latter.

*The work has increased, as my colleague said [...]. We are giving more to the students and parents, having more consideration for them because we understand the situation. It is hard for us and it'll be hard for the parents and students.*

*We have stopped fulfilling the schedule we had of 8 hours at school, now it has turned into us even attending to students on weekends at any time of the day. We are, as we say, working 24/7 [...] We have to attend to the family when they can call us, when they have the need to make a consultation with each teacher about the work in the study guides that are being worked on. We send them virtually, via WhatsApp, and they have to do the work, but when they encounter difficulties, in which they do not understand what the task consists of, they call and ask for an explanation; the teacher sends a video or audio with a more in-depth explanation about the task that they are going to perform (Group interview of leaders of ANDES 21 de junio held on September 24, 2020).*

The right that the surveyed educators most frequently indicated to have been violated, indicated by 88%, was that of an 8-hour workday with a defined schedule. Likewise, a large majority, at 68.7%, mentioned the right to disconnect as another disrespected right.

### 2.2.7 Costs that fell on women teachers

The acquisition of equipment and internet connectivity are expenses that many women teachers paid for from their own resources. 85.3% said that they had to do so frequently and 12.7% said they sometimes did so; only 2% indicated never having done so (Carcedo, 2021).

*Most of us have had to invest in smartphones [...] as well as to buy computers, to buy phones, to buy tablets, any tools, because the phones we had began to break down and how could we run out of that tool required to be able to always be monitoring the students? So then, the alternative would be to disconnect completely [...] So, this has come to increase expenses on technology, expenses on buying phone lines, expenses on electricity, expenses on the internet and water and everything. Some do not have access to the internet and have to be consuming data on a daily basis (Group interview of leaders of ANDES 21 de junio held on September 24, 2020).*

In order to maintain educational continuity, many teachers surveyed have defrayed their students' expenses from their own resources. 42.1% did so frequently and 43% did so occasionally. Only 14.9% had never done so (Carcedo, 2021). A union leader stated, "The country's teaching staff is supporting online work because the costs have been borne by us" (Group interview of leaders of ANDES 21 de junio held on September 24, 2020).

These extra expenses represented a further great difficulty for the women teachers' family finances. 81.7% of respondents indicated that household expenses increased during the pandemic. Before the health emergency, family income was insufficient to supporting the households of less than half the respondents, at 40.6%. This figure rose to 61.1% a year later (Carcedo, 2021).

### **2.2.8 Occupational safety and health risks neglected by the State**

The COVID-19 pandemic represents a health risk that can be fatal. Women teachers experienced this in a unique way, since many of them were not able to isolate themselves due to the need to maintain contact with their students. Despite being so exposed, teaching staff, as already noted, were not considered as being in the frontline for vaccinations. 13% of those surveyed in March and April 2020 had contracted the virus (Carcedo, 2021), a percentage significantly higher than the 1% of national incidence according to official figures.

This discrepancy may be due to the fact that the official figures feature strong underreporting, as considered by some leaders interviewed who indicated, “The government has not wanted to give the COVID data necessary for [the Ministry of] Health to work on what is needed, and instead they are working with data that is not correct.” Other leaders considered that teachers took greater risks than the population at large.

*Teachers have had to risk their lives because the children have neither smartphones nor the simplest phones, where there are no televisions and where the radio is not heard either (Group interview of leaders of ANDES 21 de junio held on September 24, 2020).*

At the beginning of the pandemic, the Bukele administration sought to make the teaching staff of educational institutions responsible for the distribution of food and in-kind aid that the government offered to families, although it had to eliminate this demand due to union pressures (ANDES 21 de junio, 2020a).

Working under the conditions described above generated other health problems for the women teachers. After a year of pandemic, 67.2% of these indicated feeling tired or exhausted; 47.4% stated non-face-to-face education generated emotional tension and stress; and 30.6% stated this left them with no time to rest (Carcedo, 2021). These are occupational risks that the Ministry of Education should have prevented and addressed.

After a year of pandemic, 40.6% of the women teachers surveyed in 2021 indicated disrespect for sick and disability leave as a violation of their labor rights (Carcedo, 2021). This shows that in the conditions in which they performed their educational work, they did not have the opportunity or were not allowed to rest from teaching work to adequately meet their health needs.

On the other hand, the increased use of virtual media to undertake teaching placed many teachers at new risk of job insecurity. Among the respondents,

one in five (19.6%) had experienced virtual harassment, and 14.2% had experienced workplace harassment, an incidence higher than the 6.6% who had experienced intimate partner or ex-partner violence. In addition, 3.9% indicated that they experienced sexual harassment at work, also higher than the 3.4% who experienced sexual violence in other contexts (Carcedo, 2021).

### 2.3 Impacts on union action

The measures taken during the pandemic also affected trade union action. Confinement forced unions to resort to virtual forums in this field as well. Meetings were no longer face-to-face, and maintaining communication suffered from the same limitations that teachers encountered in their work. Despite this, 15.4% of respondents indicated that they carried out trade union activities during this period (Carcedo, 2021).

ANDES 21 de Junio continued to be internally active under these conditions, as well as defending rights and advocating within educational institutions. Since the beginning of the pandemic, teachers' organizations tried to maintain a close relationship with Ministry of Education authorities to guarantee the continuity of teaching processes, while maintaining vigilance in defending the rights of teachers and the health of the educational community. Along these lines, in various communications ANDES 21 de Junio and other teacher associations and trade unions addressed the Minister for Education to discuss different issues.

In terms of educational continuity, among other actions, ANDES 21 de Junio, the *Sindicato de Trabajadoras y Trabajadores Administrativos y Docentes del Ministerio de Educación* (Union of Administrative and Teaching Workers of the Ministry of Education, SITADMES) and the Salvadoran Pedagogical Movement (MPS), in a note sent to Minister Carla Hananía de Varela on April 13, 2020,

expressed their agreement with the decision of the authorities to rely on the virtual modality, but indicated that the Ministry must guarantee equal opportunities for all students given the existing digital gaps; they included in this communication recommendations to ensure educational continuity, urging the Ministry to convene teaching organizations to work with Ministry of Education staff on curricular adaptation for non-face-to-face modalities. The latter request was repeated in several communications.

In aspects related to the right to health, ANDES 21 de Junio in numerous communications to the Ministry of Education supported the measures to suspend face-to-face classes in order to preserve the health of the population. Consistent with this position, in a letter dated April 10, 2020, the union manifested against a protocol signed on April 7 in which the presence of teachers, principals and directors was requested to carry out the distribution of products for the School Food and Health Program (PASE) (ANDES June 21, 2020a). On April 13, the Ministry accepted that the participation of such personnel should not be mandatory.

On June 19, 2020, ANDES 21 de junio, SITADMES, MPS and Coppe JML de RL delivered the document prepared by EILA, *Conditions for returning to educational institutions within the framework of the COVID-19 pandemic*, to the Ministry of Education with the request for a meeting with the authorities to discuss the conditions for the return to classes, noting that they considered that this was not the correct decision at that time (ANDES 21 de junio, 2020e). On March 24, 2021, ANDES 21 de junio together with SITADMES, MPS and Cophe JML de RL requested that classes not be recommenced after the Easter break, but rather two weeks later to reduce the risks of contagion (ANDES 21 de junio, 2021).

Regarding work continuity and salary rights, on March 30, 2020, ANDES 21 de Junio addressed the Minister of Education to request that the bonus for teacher performance that is usually delivered in June and December could be advanced to May so that teachers could remain solvent in the face of the difficulties generated by the crisis (ANDES 21 de Junio, 2020c). On the same day,

another communication was made acknowledging and expressing gratitude for the fact that almost all the interim teaching staff had received their salaries in full, and requesting that the remaining ones be paid and that no more arrears should occur for the rest of the year (ANDES 21 de junio, 2020d).

Late in 2020, on August 24, ANDES 21 de Junio, SITADMES and MPS requested the Minister commence the salary review process that had to be carried out according to the Teaching Career Law, proposing the creation of a negotiation table with all teacher association and trade union organizations, also including the payment provisions in the 2021 budget (ANDES 21 de junio, 2020f). On September 24, 2020, a communication sent by ANDES 21 de Junio, SITADMES and MPS to the Minister of Education again addressed the interim teacher situation, proposing that they remain in the same position in 2021 in compliance with the right to stability of work, in order to take advantage of the skills already developed in the virtual modality (ANDES 21 de Junio, 2020g).

Some of the proposals made by ANDES 21 de Junio and other organizations in the education sector were welcomed by the Bukele administration, although the decisions made were of a vertical nature, with no possibility for these groups to participate in formal work or negotiation forums, as denounced by education sector organizations (elsalvador.com, 2021a). This attitude contradicts the declarations of the minister on being presented as a future head of the ministry with regards to “maintaining an open-door policy for teachers”, and her recognition that “the profession of teachers is the most important one because the formation of future citizens is in their hands” (El Tiempo Latino, 2019).

In 2021, the actions and statements on behalf of the Minister of Education took on an increasingly antagonistic tone against teachers.

The Ministry of Education decided to undertake the evaluation of teachers aspiring to interim positions, violating the law that establishes that this should be the responsibility of the *Tribunal Calificador De La Carrera Docente* (Teaching

Career Selection Board). To justify this change, the minister publicly attacked the teaching guild with statements about a lack of preparation, affirming:

*We have a large number of teachers who arrive under the influence of alcohol to teach classes; a lot. We have more or less a list of about 20 people, because the principals protect many of these and do not report when they come in to work under the influence of alcohol.” (elsalvador.com, 2021b)*

The *Frente Magisterial Salvadoreño* (Salvadoran Teachers’ Front) denounced the inclusion of the following question in the psychometric test used: “Are you generally satisfied with the way the country is governed?” The minister declared that this question did not exist, but the press published an image of the test in which the item appeared (elsalvador.com, 2021c). This question was denounced as inappropriate to the type of test, as well as being unethical since it allows those who manifesting themselves to be sympathetic to the Bukele government to benefit. Other complaints about these tests included the indication of technical errors (questions with answers that are all incorrect) and the fact that those who applied were required to provide documentation that implied additional expenses (elsalvador.com, 2021a).

Another source of confrontation with the Ministry of Education relates to the right to health. In September 2021, the *Sindicato de Maestras y Maestros de la Educación Pública de El Salvador* (Union of Public Education Teachers of El Salvador, SIMEDUCO) requested that face-to-face classes not yet be recommended due to the serious risk posed by the high rates of contagion. This union had account of 300 deceased teachers. The minister did not accept the request and SIMEDUCO filed a lawsuit against her with the Office of the Attorney General for the Defense of Human Rights (PDDH for the initials in Spanish).

The actions and statements of the Minister of Education generated great discomfort among teachers. In October 2021, representatives of the education guild called for the dismissal of the minister. They pointed out that her Ministry was hi-

ding the high dropout rates, that there was poor management of the educational administration, that the minister had insulted the guild, and lacked empathy over the deaths of teachers. They claimed that the Minister had earned the repudiation of 90% of teachers on a nationwide basis (elsalvador.com, 2021a). On February 22, 2022, President Bukele dismissed the minister, although the ex-minister's son, who held the Governorship portfolio, tried to hide this fact by saying that it was a retirement for health reasons (elsalvador.com, 2021e).

The smear campaign against teachers was difficult to counteract. The government relied on the popularity it held at the beginning of its administration despite the strongly authoritarian traits of President Bukele. The Latinobarómetro survey conducted in 2020 showed that 68% of the population would not object to a non-democratic government as long as this was effective; 68% considered it acceptable for the president to control the media; and 54% did not believe that the country was governed in benefit of the interests of a few (UNDP, 2021). This predisposition of the public to accept official information and positions as valid represents a challenge for trade union action.

### **3. Impacts on the care crisis**

#### **3.1 Women's and men's time use before the pandemic**

The only time use survey performed so far in El Salvador was conducted in 2017. This showed that the proportion of time spent on unpaid household chores and care was 20.5% among women and 7.3% among men (ECLAC, 2021c). 69% of all unpaid domestic work is performed by women (CIM, 2020). This is equivalent to 21.3% of the GDP of that year, although this data is not included as a satellite account in the national accounts (ECLAC, 2021c).



El Salvador does not have a public system that provides care for children who are not in school nor for the long-term care of elderly people; nor does it offer leave for the long-term care of dependent people. Maternity leave is for 16 weeks, and the payment that women receive during this leave is 100% of the previous salary, paid by social security in full. There is no paternity leave and fathers have only 3 days of leave with 100% of the salary paid by the employer, but same-sex unions are excluded from this right. Although El Salvador has not ratified Convention No. 183 on maternity protection, its regulations are aligned with this instrument regarding the duration of maternity leave and benefits during this period (ILO, 2021).

### **3.2 Measures taken during the pandemic that affected care provision within families**

The overload of domestic care tasks that women experienced in El Salvador during the pandemic and the implications of this were not contemplated in the social support or compensation measures that the Bukele administration took in this crisis. The state support that women received was for their role as managers of the resources in kind that were provided to families, or due to their belonging to groups considered vulnerable (pregnant women, those who were displaced, returning emigrants, prisoners and victims of violence). The delivery of a US\$150 bonus to people working for state institutions in essential areas did not reach those working in education, since this activity was not considered essential (UNDP, online data).

The expectation that health confinement measures could place women, children and adolescents at increased risk of violence from the men in their families generated a variety of responses from the state. Hotlines were set up to provide information and to attend to requests for help, internal processes were facilitated in cases of denunciations, and campaigns were carried out to

promote resources. There was no similar reaction with regards to the overloading of the need to provide care (UNDP, online data).

### 3.4 Care provision overload on women teachers

For women in El Salvador, social isolation measures and the closure of schools represented an overload of home care work for multiple reasons. On the one hand, demand for care and attention increased as all family members were present in the home throughout the day, causing more need for cleaning, cooking, tidying up and taking care of the children who formerly were in school, including those who were in special education schools. In addition, many households that previously had the support of hired domestic workers lost this resource. It was estimated that in the scenario of prolonged recession, the country lost 32,791 paid domestic labor positions (CIM, 2020). Families who were able to have dependent people (children, people who were unwell, people with disabilities) in private care centers also lost this support, since these were also closed.

44.3% of the women teachers surveyed indicated that this general panorama meant that during the pandemic they devoted more time than before to domestic work that did not involve the direct care of people (cleaning, food preparation, laundering clothes, etc.). With respect to taking care of dependents, 37.9% devoted more time to such tasks than before. At 43.5%, almost half carried out unpaid activities to support family members outside the home (Carcedo, 2021).

The percentage was noticeably higher when it came to providing academic support to the family's children, with 67.4% increasing time spent on this activity (Carcedo, 2021). Women teachers redoubled their teaching efforts not just with their students, but also with their families.

The demand to “overwork” occurred in various areas; in their work, at home, and in their extended families. As a result, 64% of the women teachers indicated that they spent less time on recreational activities. In the week before answering the survey, 83.1% did housework without care provision; 37.9% provided care for dependents; 66.3% provided support for the educational processes of children and adolescents; 16.6% provided care for non-dependent adults; only 9.8% rested during the day; and 13% carried out recreational activities (Carcedo, 2021).

For other adult women at home, the care workload also increased, as stated by 48.1% of the respondents. 31.5% of adult men in the respondent’s households increased the time they spent providing care, while 17.1% of these adult men had never done such tasks (Carcedo, 2021). These data indicated that it was not just women teachers that undertook greater care workloads in their homes than that they had performed before the pandemic. They also show that gaps in this field between women and men have widened.

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# **Women educators in Honduras: Creating new foundations based on the hope for dignified labor and the right to care provision**

*Mirta Kennedy*

## **1. The context: Government measures and teachers' working conditions during the pandemic**

The measures taken by the governments of Latin America in the context of the COVID-19 pandemic had important impacts on the education sector, in particular on women teachers, as manifested in the deterioration of their working conditions and in the deepening of the care crisis (CEFEMINA-EILA, 2021).

This analysis focuses on the impact of these measures in the case of Honduras with respect to the precariousness of the working conditions of women teachers and the unequal distribution of care work. There is a risk that some of the changes that occurred will remain after the pandemic, harming the labor rights of women teachers in the long term and widening gender gaps.

### **1.1 The context of the pandemic: Privatization, corruption and the narco-state**

The last two administrations of President Hernández's continuist and illegal government (2014-2022) achieved a ruling on April 24, 2015 by the Honduran Supreme Court of Justice, controlled by his supporters, declaring the constitutional precept prohibiting re-election to be illegal. These administrations were characterized by the extreme deepening of neoliberal policies by means of a complex interplay of privatization, corruption and drug traffic-

king. As Hernández' term came to an end, he achieved rapid international recognition as the head of a high-profile cartel in the region, so being the first drug trafficker to occupy the highest political office in the country, consolidating a narco-state.

Hernández, requested in extradition by the United States government 14 days after the end of his second period of de facto government,<sup>76</sup> uncovered a torrent of information in Honduras revealing the profound degree of privatization and loss of state sovereignty that was achieved. The progress of privatization competes for territory directly with the Honduran people, the legitimate citizens of the state, taking refuge in the Law of ZEDs.<sup>77</sup> Public assets were transferred to mining, hydroelectric, logging, and tourist concessions, among others, as was as the administration of the country's essential services—electricity, water, health and education—transferred to private banks (Moncada, 2020).

On January 28, 2022, two months after the new government chaired by Xiomara Castro was installed,<sup>78</sup> the high level of delivery of public institutions to the private sector during the previous decade was revealed, and questions were raised about the magnitude of the loss of sovereignty by means of a model of state administration managed by private banking through trusts<sup>79</sup> (Moncada, 2022). Money laundering by narco-businesses and corruption entrenched in state institutions and society appear to compromise businesses, banking institutions, corporate media, evangelical church leaders, traditional political parties, and others (El Perro Amarillo, 2021).

<sup>76</sup> On February 14, 2022, the Honduran Foreign Ministry sent the Supreme Court of Justice an official communication from the United States Embassy requesting formal provisional arrest for the extradition of former President Hernández (@CancilleríaHN, February 14, 2022), accused of conspiring to traffic 500 tons of cocaine to the USA (insightcrime.org).

<sup>77</sup> Decree No. 120-2013. Organic law of employment and economic development zones, ZEDs. These are areas subject to special jurisdiction in order to attract investment. They have functional and administrative autonomy, their own autonomous courts of justice, an autonomous government administered by a technical secretariat, and they collect their own taxes, with the people inhabiting these territories being subject to said administrative jurisdiction. This decree was repealed by the National Congress of the government of Xiomara Castro, on April 20, 2022.

<sup>78</sup> Xiomara Castro won the presidential elections held on November 28, 2021 at the head of a political coalition composed of the Libre party, made up of the Salvador de Honduras party, the Innovación y Unidad party (PINU) and the emerging Honduras Humana party, also receiving the support of a portion of the electorate, some leaders of the Liberal de Honduras party, and independent sectors.

<sup>79</sup> Trusts were created by the previous government in private banks to manage state resources and tax collection. (Moncada, 2022)

During the pandemic, household poverty increased by more than 10%, reaching 73.6% of the total (INE-EHPM, 2021). Jobs were lost, with a greater impact on women. In 2020, the female unemployment rate was 13.7%, exceeding the male unemployment rate by 5% (UNAH-IIES, 2021). Additionally, the health system collapsed (Ávila and Yánez, 2020), a third of the school-aged population was excluded from education (SEDUC-SACE, 2020),<sup>80</sup> the country's indebtedness grew 700% to historical levels (55% of the GDP) (CASTRO, 2021), progress was made in the installation of the ZEDES, and the scandal of government corruption broke out with the purchase of mobile hospitals that were never installed and featured overvalued medical equipment, all in the midst of the pandemic (CNA, 2021). In both 2020 and 2021, the country's main income continued to be remittances sent by migrants, mainly from the United States, the vast majority of these undocumented. Against all forecasts, foreign exchange flows for family remittances grew by 3.9% in 2020 compared to 2019, and by 4% in 2021 compared to the previous year. In 2020, family remittances accounted for 24.1% of the GDP (BCH, 2021).

The period of the pandemic was marked by high mortality and morbidity due to COVID-19, political violence, high rates of femicide, insecurity, violence related to drug trafficking, and human rights violations. Noteworthy in 2021 was the electoral campaign that led Xiomara Castro to victory on November 28 at the head of a coalition of political forces that consolidated more than a decade of massive resistance to the dictatorship throughout the country, after having won two previous elections at the polls in 2014 and 2017, which were turned into defeats due to electoral fraud perpetrated by the ruling party.

<sup>80</sup> According to data of the Sistema Administrativo de Centros Educativos (Educational Institutions Administrative System, SACE) belonging to the Honduran Secretariat of Education (SEDUC), for the three educational levels—pre-school, primary and secondary school—in 2020, 1,921,454 students were enrolled, representing 66% of the projected school-age population of 2,912,624 (INE, 2020). 34% did not enroll (SEDUC-SACE, 2020).

## 1.2 The public education system in crisis: decentralization and privatization

The arrival of the pandemic highlighted and aggravated the sustainability crisis and the deterioration that, for decades, the most fragile public education system had been experiencing due to the decentralization policies embodied in the Fundamental Law of Education (2012) and reaffirmed in the Strategic Plan for the Education Sector (PESE 2018-2030). Although the law establishes that education is compulsory and free from the last preschool level to the completion of secondary education, the scenario was conducive to reducing the state responsibility to guarantee the provision of services by paving the way through privatization “by default” or by means of “disaster route” mechanisms<sup>81</sup> (Verger et al., 2017).

In Honduras, the schools of the *Programa de Educación Comunitaria* (Community Education Program, PROHECO) are an example of privatization by means of disaster. Created in 1999, they were promoted by the World Bank one year after the national disaster caused by Hurricane Mitch. Located in rural communities where there are no other educational services, these schools are managed directly by the students’ parents under the modality of Community Educational Associations (AECOs for the initials in Spanish). They provide primary and preschool education services. Teaching staff depend directly on their AECO and do not enjoy the same rights as do teachers in public education; they have lower salaries, job instability, are prevented from joining unions and the majority lack degrees (ISSUU, n.d.).<sup>82</sup>

In 2020, 83.5% of students enrolled in preschool, primary and secondary levels (first and second cycle) were in the public sector, while 16.5% were in the private sector. Enrollment in the private sector was 30.3% in Cortés and 28.5% in Fran-

<sup>81</sup> Privatization by default occurs due to the passivity or limited capacity of the state in the face of growing educational demand, and is channeled through so-called low-cost private schools in a context of the lack of state educational investment. Privatization by way of disaster is the adoption of drastic educational reforms in humanitarian and social emergency situations (natural disasters, pandemic, others), applying different privatization formulas. In the case of Honduras, these include PROHECO schools installed in 1999, in the post Hurricane Mitch scenario. (Verger, A., Moschetti, M. and Fontdevila, C., 2017).

<sup>82</sup> <https://issuu.com/educationinternational/docs/digital-tendencias-bancomundial/s/11466526>

cisco Morazán, the departments with the highest urbanization. Between 2000 and 2020, the percentage of enrollment in private schools at the primary level almost doubled compared to that in public schools, going from 6.1% to 11.4%. At the preschool level, 13.1% were enrolled in private institutions, as were 24.5% of students in year 10 (first cycle) of secondary education, and 32.5% of students in years 11 and 12 (second cycle) of secondary education (SEDUC-SACE, 2020).

In recent decades, it has not been a government priority to strengthen the institutionality of public education. The abandonment of education is reflected in the poor state of educational infrastructure and equipment, the deterioration of basic services in schools, the chronic deficit of classrooms, the lack of teachers hired to fill vacant positions, insufficient budgets, mismanagement and the diversion of resources (CESPAD, 2020).

The pandemic impacted on an education system already in crisis and weakened by the decentralization and privatization measures that had been strongly implemented since the coup d'état of 2009. A 2015 report highlighted problems similar to those already mentioned, such as the lack of investment in educational infrastructure by the Honduran state, the unmet demand for educational services, deficiencies in teacher training, the lack of transparent management of resources allocated to public education, and the lack of prioritization and political vision on behalf of the authorities as seen in their not addressing education as a human right (OREI, 2015).

The country's exposure to cyclical and increasingly frequent catastrophic climate events in the region have favored the promotion of the privatization of education by way of disaster. It has been estimated that 500 schools were completely destroyed and another large number were damaged as an effect of tropical storms Eta and Iota, which affected the country in November 2020. At the beginning of 2022, it was estimated that 75% of schools required some kind of rehabilitation (COLPROSUMAH, 2022).<sup>83</sup>

<sup>83</sup> COLPROSUMAH (2022). Lecture by Luis Daniel Fonseca, President of the elected Board of Directors, 2022-2023. Facebook. Retrieved from: <https://www.facebook.com/COLPROSUMAH.HN/videos/1174311069639555>



The vacuum in sustaining public education left by government inaction in recent decades is being filled by multiple non-state actors, such as international organizations, cooperation agencies, companies, corporations, banks, foundations, national and international NGOs, contractors, churches, community organizations, parents' associations and other community actors. This privatization "by default" manifests itself in heterogeneous trends, such as: the preponderant role of private foundations in the provision of preschool education; the increase in low-cost basic education schools: charging parents for school tuition; the increase in private secondary schools; the incursion of private companies and banks in education through corporate social responsibility projects; the increasing participation of NGOs, cooperation agencies and subcontracted for-profit organizations; and the implementation of accountability policies as a form of endogenous privatization (Caravaca et al., 2019). These actors have a strong influence on the production of policies and the management of the system due to factors such as: state weakness; the under-provision of human, material and infrastructure resources; system misgovernment; the adoption of internal efficiency measures to meet the demands of the system without allocating sufficient resources; and the unquestioned adoption of global policies. In 2019, the budget for education corresponded to 4.7% of the GDP.<sup>84</sup> In practice, these resources were not invested in priority needs due to factors such as the diversion of funds and mismanagement (Caravaca et al., 2019).

In the state structure, the Secretariat of Education has become weaker, having lost powers. It has retained the role of an entity that directs and regulates policies, while other functions were decentralized to other government entities such as the National Education Council and the National Telecommunications Commission, as well as cooperative organizations and private foundations (PESE, 2012). It has also lost status in the government structure. In 2013, with the so-called modernization of the state under the pretext of achieving the

<sup>84</sup> Data from the World Bank. Retrieved from: <https://datos.bancomundial.org/indicador/SE.XPD.TOTL.GD.ZS?locations=HN>

greater efficiency and effectiveness of government interventions, seven sectoral cabinets were created, leaving the Secretariat of Education subsumed in the Cabinet of Development and Social Inclusion. In this restructuring, education lost status and power compared to other public entities, with less control over resources, making administrative and decision-making processes more cumbersome<sup>85</sup> (Irías, 2015). With the change of government administration in 2022, this trend could be reversed.

### 1.3 Resources provided and measures taken for the education sector

The transition to non-face-to-face education decreed by the government at the beginning of the pandemic in Honduras required fluid remote communication between teachers and students. For this purpose, information and communication technology (ICT) was used, and to a lesser extent, mobile devices and internet connectivity.

In Honduras, specific projects were implemented in different state institutions for two decades to provide schools, colleges and communities with internet connectivity and computers in the context of cooperation programs facilitated by certain agencies, including: Ampliando Horizontes (2004), which provided equipment to 420 educational centers; @prende/Aula tecnológica (2007), with the provision of desktop computers, printers, furniture and internet connectivity for 2250 technology classrooms and the delivery of 30,000 computers in 18 departments in 2010; Eurosolar Project (2007), with the provision of solar energy to 68 rural communities and equipment for educational institutions and community centers, providing these with computer and internet connectivity; Centros Comunitarios de Conocimiento (CCC, 2004), which installed internet

<sup>85</sup> The reform implemented by President Juan Hernández had two central purposes: privatization, and the greater centralization on the presidential figure of state powers and decisions. Legislative Decree 266-2013, Law to Optimize Public Administration, Improve Services to Citizens and Strengthen Transparency in Government. <https://www.tsc.gob.hn/biblioteca/index.php/leyes/527-ley-para-optimizar-la-administracion-publica-mejorar-los-servicios-a-la-ciudadania-y-fortalecimiento-de-la-transparencia-en-el-gobierno>

cafes and provided ICT training in 123 locations in 48 rural municipalities; Proyecto Ampliando Horizontes (2009), providing mobile network connectivity in 17 departments not including Gracias a Dios. Technology classrooms were equipped with laptops, electronic whiteboards, furniture, a server for interface management, successfully training 2,634 teachers and equipping 296 educational institutions with 3500 computers, installed over 3 years. The National Congress promoted the 5 Estrellas Project, which provided internet connectivity and computers, printers, and furniture (with 885 computers distributed) to 63 schools in seven departments, through a private contract with the Claro company.<sup>86</sup>

In 2013, the Telecommunications and Information Technology Investment Fund (FITT for the initials in Spanish) was created to finance the promotion and development of telecommunications projects and their applications in ICT, empowering the National Telecommunications Commission (CONATEL) to regulate ICT in order to reduce the digital divide (Legislative Decree No. 325-2013). The FITT budget was created drawing on “mandatory monthly contributions required from the operators of public telecommunications and ICT services, equivalent to 1% of their gross monthly income from the provision of telecommunications services” (Article 24-C), as well as other sources (donations, bequests, investments, and others). In 2014, CONATEL approved the FITT regulation, NR007/14.

In 2014, Regulatory Resolution NR019/14<sup>87</sup> regarding universal access and connectivity, to be carried out through the social cooperation program “Internet de todos-Conexión al mundo”, established that the operators of this service are obliged to provide a free quota of national broadband access to the internet and network infrastructure coverage, so contributing to the spread of ICTs and the reduction of the digital divide (Article 39). Additionally, Article 41 states that they must:

<sup>86</sup> Information contained in the Preamble of Legislative Decree 325-2013, Reform to the Telecommunications Sector Framework Law.

<sup>87</sup> Amending Regulatory Resolution NR 0014/11.

*on an annual basis, provide a number of fixed broadband internet accesses proportional to 5% of the total users and subscribers of the service accounted for on December 31 of the previous year, taking into consideration only the number of users and subscribers with consumption of, or making payment for, the equivalent of or greater than the current broadband speed defined by CONATEL. (Article 41, RN019/14)*

The same resolution indicates that within the objectives of the Third Educational Reform, “Education for Work and Information Technologies”, priority is made to benefit technology and computer classrooms in public schools and colleges, community centers, health centers, telecenters and public recreational areas such as parks and sports fields with free broadband internet access, prioritizing social sectors that due to their economic, social, cultural, ethnic or geographical locations, have little possibility of accessing this service otherwise (Article 41.A, RN019/14). An additional resource available to the Education Secretariat (SEUC) was the Educatrachos digital portal created by the 2010-2013 government.<sup>88</sup> This is an online platform with educational materials for students in different primary and secondary educational grades, also hosting evaluation guides and other materials for teachers. These materials can be consulted online and downloaded, which requires internet connectivity and a computer, tablet or smartphone.<sup>89</sup>

At the beginning of the pandemic the educational campaign “Te queremos estudiando en casa” (We want you studying at home) was designed with the support of UNICEF. This commenced days before schools were closed in March 2020. The campaign had three main objectives: i) To keep the student population in the educational system through classes at home; ii) To divulge information about the public health measures to be taken; and iii) To provide instruction on socio-emotional health, with advice aimed at teachers and family members responsible for taking care of children’s nutrition and mental

<sup>88</sup> In the Presidency of Porfirio Lobo

<sup>89</sup> Educatrachos Platform. Available at: <https://educatrachos.learningpassport.unicef.org/>

health (UNICEF, 2020). Preparation was made of didactic material for teachers, as well as informative segments for students, dividing up and prioritizing contents to be disseminated at the community level on social networks, via mass media, and by means of mobile phones (SEDUC, 2020).<sup>90</sup>

On July 16, 2020, Legislative Decree 60-2020, “Measures to facilitate non-face-to-face education through digital media, in exceptional cases”, came into force, mandating that internet companies make this service available free of charge to the Secretariat of Education, both for the use of teachers and students in the public education system, to “disseminate the contents provided by the Education Office of the Secretariat of the State in order to guarantee the continuity of non-face-to-face education in the public education system during the emergency decreed” (Article 1). It also obliged local and other like television and radio broadcasters (132 media outlets) to assign one hour a day from Monday to Friday between 7:00 a.m. and 6:00 p.m. to broadcast such content within their programming. This included cable operators and “all open and free reception national television channels with frequencies registered with the National Telecommunications Commission (CONATEL)” (Article 1, Decree 60-2020, La Gaceta No. 35315).

*During the school year commencing in 2020, and until the resumption of face-to-face classes in the public education system, all companies providing internet connectivity on a national level, including mobile data, must provide free internet service to the Education Office of the Secretariat of State so that both teachers and students in the public education system can undertake the activities forming part of the strategy defined for the teaching of virtual classes by the Education Office of the Secretariat of State. (Legislative Decree 60-2020, Article 2).*

It was SEDUC’s responsibility to design a plan for the provision and gradual allocation of information and communication technology to educational ins-

<sup>90</sup> According to information from the Minister of Education, in July 2020, 606 audio radio classes and visual texts were available. <https://www.jp.gob.hn/plataforma-te-queremos-estudiando-en-casa-lleva-educacion>

tutions that did not have such technology, until all educational institutions were equipped by the end of 2020 (Article 4, Decree 60-2020). It also committed local governments to implement strategies and the logistics necessary to the distribution of printed educational materials in places where there was no access to other means of communication. SEDUC was to provide the printed materials to guarantee access to education to every student in the nation (Article 3, Decree 60-2020).

On January 21, 2021, Executive Decree PCM 232-2020 came into force (Official Gazette, No. 35,485) creating the National Digital Education Transformation Program, attached to the Secretariat of General Coordination of Government, as a strategy to contribute towards the achievement of learning. Among its objectives was promotion of the use of virtual educational learning platforms, and support for the provision of electronic devices to selected educational institutions, also providing these with the technical support for the maintenance required. It established that coordination of this would be carried out by a council chaired by the Minister of Education. No direct funds were allocated, it was to operate in coordination with other ongoing programs and projects.<sup>91</sup>

In May 2021, the Ministry of Education launched the Virtual Baccalaureate in Sciences and Humanities, coordinated by the General Directorate of Educational Modalities, through the General Subdirectorate of Youth and Adult Education with the support of the National Educational Information System Department of Honduras (USINIEH for the initials in Spanish). This is an educational program for young people and adults aged 15 and over who have not completed primary or secondary education. Scheduled to benefit 6,000 students per year inside and outside the Honduran territory, this online edu-

<sup>91</sup> Funds for the implementation of the program were to come from the following Programs and Projects: 1. *Mejora de la Calidad Educativa para el Desarrollo de Habilidades para el Empleo: Proyecto Joven (Improving Educational Quality for the Development of Skills for Employment: Youth Project, HO-L1188)*; 2. *Transformación Digital para una Mayor Competitividad (Digital Transformation for Greater Competitiveness, HO-L1202)*; 3. *The Fondo de Inversión en Telecomunicaciones, las Tecnologías de la Información y las Comunicaciones (National Broadband Plan, through the Investment Fund in Telecommunications, Information and Communication Technologies, FITT)*; and, 4. *Other funds to be identified and prioritized in the future. Strategic Plan for the Education Sector 2018-2030*

cation platform requires internet connectivity and a mobile device<sup>92</sup> (Conexión.hn, 2021). The platform is linked to the Secretariat of Education's Virtual Education Center, which hosts online texts and educational materials.<sup>93</sup>

At the beginning of classes in 2021, the Minister of Education reported that workbooks and school textbooks would be delivered to 800,000 students in areas with difficulties in accessing radio, TV and the internet. These were precisely the sectors most excluded from the educational system.<sup>94</sup>

In the years before the pandemic, several government projects had been implemented, mostly with funds derived through external cooperation, to introduce ICT and connectivity to certain educational institutions, with computers being distributed to schools, students and teachers. Most of these were discontinued due to budgetary constraints. During the 2020-2021 period when the pandemic was declared, the government implemented several actions, with laws passed, decrees issued and new institutional measures taken to facilitate remote education. Nonetheless, results remained limited. Among other problems, the state action was of slow execution and took little account of the new problems that educators and the educational community as a whole had to face.

#### 1.4. The limited scope of the measures taken

With the closure of educational institutions a few weeks after classes began in 2020, almost 2 million students, and more than 90,000 preschool, primary and secondary school teachers (70.2% of whom were women) had to leave the classrooms (SE-DUC-SACE, 2020). The risk of the total closure of the school year became evident, and it was the pressure and the demands of teachers' unions that accelerated the transition to non-face-to-face and remote classes.

<sup>92</sup> <https://conexion.hn/2021/05/educacion-lanzan-el-bachillerato-en-ciencias-y-humanidades-bajo-la-modalidad-virtual/>

<sup>93</sup> <https://cevirtual.se.gob.hn/cevirtual/>

<sup>94</sup> <https://www.se.gob.hn/detalle-articulo/1569/>

The educational system lacked the conditions to move from face-to-face to virtual education based on the use of ICT. As already mentioned, previous government initiatives to incorporate telecommunication and information technology in education had been disjointed and of limited scope, failing to guarantee that teachers, students and educational institutions had the required technological tools and connectivity.

The country also lacked the necessary service infrastructure. Included among the main difficulties were the insufficient coverage of the electric network in rural areas, with this service suffering continuous failures almost throughout the entire country; the low coverage of internet connectivity, especially in rural areas and among the most economically disadvantaged sectors; and the generalized poverty exacerbated by the pandemic, which made it difficult for families to meet the new costs of educating their children, such as the payment of internet connectivity and prepaid data, the purchase of communication devices, TVs and radios, adequate space at home, and the conditions required for learning at home, among others.

With the transmission of educational programs on television and radio, SEDUC attempted to reach all corners of the country whether these had internet connectivity or not. However, in many of the country's rural areas, there is no electricity. Despite the announcements of the distribution of tablets, in March 2021 the press reported that such distribution had only been made in two departments, with no mention of how many of these had been given out, while teachers' associations reported that those that were received were outdated (Digital Newspaper Paradigma, 2021).

In practice, cell phones were widely used to facilitate communication between teachers and students, mainly via calls and text messages to send educational materials, often in image format, so that students could print and share the work assigned. In places with connection difficulties, or where few families had mobile phones, contents were shared with those who did not have devices. In some communities, it was necessary to walk to the nearest place where an internet signal could be picked up (Kennedy, 2021).



In 2020, 49.1% of students enrolled at preschool, primary and secondary levels were in rural areas (SEDUC-SACE, 2020), where almost a third of homes are not connected to the electricity grid. In 2019, 72.6% of rural homes were connected to the electricity network, while 27.4% lacked this service. In some departments, this percentage was much higher; in Gracias a Dios, 80% of the homes were not connected to the electricity network (ENEE, 2019).<sup>95</sup> In 2015, at the national level, 44% of public and private school premises at the preschool, primary and secondary levels did not have electricity<sup>96</sup> (ENEE-SIPLIE, 2016).

Another shortcoming was the low internet coverage on a national level. According to CONATEL data, in 2019 the density of internet users per 100 inhabitants was 39.4 (CONATEL, 2020). In Honduras, the percentage of homes with fixed internet access was 20.4% for poor households, 40.3% for vulnerable middle-class households, and 58.6% for consolidated middle-class households. The percentage of the population with 4G coverage was 75.8%, lower than the average for Central America (88.6%) and the entire region (86.7%). According to the Global Digital Skills Index, the country ranks 93rd out of 141 countries (Prat J., et al., 2021).

There was a lack of political will on behalf of the government to increase the education budget in order to facilitate the conditions for classes in remote modalities. In 2020, the budget was 29.9 million lempiras. In the midst of the pandemic in 2021, the government only increased the budget by 3.8% to 32.3 million lempiras (La Gaceta, No. 35,468), such that SEDUC had the pending task to sustain non-face-to-face education at the national level, investing in technological equipment and connectivity, and in the rehabilitation and adaptation of educational institutions for the return to blended or face-to-face classes.

The set of factors indicated made remote educational classes difficult and complex to implement, added to by the limited training of teaching staff in

<sup>95</sup> Empresa Nacional de Energía Eléctrica (National Electric Power Company, ENEE)

<sup>96</sup> Each educational institution operates on a campus or physical installations equipped for educational purposes. Multiple educational institutions working at different levels and/or modalities may operate on the same campus, either on the same day, or on different days. SIPLIE-SEDUC (2015).

ICT, compounded by the lack of prioritization of educational institutions on training teaching staff in remote pedagogical methodologies using ICT (Mejía-Elvir, 2020b) and the limited availability of technological tools and connectivity for teachers and students. By December 2020, the post-paid internet modality represented 9.7% of subscribers, while prepaid subscribers represented 90.3%; daily spending on mobile data became a basic need for families with children studying, which many could not afford (ENEE, 2021).

Measures taken to provide free internet for education were not implemented on a scale significant enough to guarantee access, even in large cities, despite the existence of more than one legal mechanism to activate this. Educational institutions did not distribute enough electronic devices for students and teachers to be able to connect up. Nor did local governments assume the responsibility assigned them by the law in such a way as to be effective in implementing strategies and logistics to support teaching work in areas without connectivity, which obviously required resources.

These deficiencies complicated teachers' work to maintain communication with their students in different situations. They used the tools available in each context, including: online classes; communication and sending tasks and educational content through WhatsApp; mobile phone calls; sending printed materials or delivering these directly to homes or distributing these in educational institutions; and reduced face-to-face classes. Teachers had to rely on creativity, innovation and their own ability to adapt in order to continue teaching by combining different methods to adapt to the particular situations of their students, even within the same group (Kennedy, 2021; Mejía-Elvir, 2021a).

The entire responsibility for the continuity of education outside the classroom fell on the teachers' efforts, drawing on the unique arrangements that each family managed to make to maintain their children in the educational program. It can be said that it was the networks of cooperation and solidarity built between teachers and parents with the support of communities that allowed the

educational system to keep functioning, thanks to the additional effort of the teaching staff adapting to the circumstances of the context, to the detriment of their working conditions, income, quality of life, and care.

## 2. Worsened working conditions during the pandemic

### 2.1 Coordinating strategies to continue educating in precarious conditions: telework and remote work

The ILO qualifies telework as a subgroup of remote work, defined as “those situations where part or all of the tasks are not performed at the predetermined place of work” (ILO, 2021). Like offshoring, telework is characterized by the use of information and communications technology (ICT). When confinement measures were decreed due to the pandemic, salaried workers who could perform telework were sent to continue their work from home.

Remote teaching work can be characterized as telework in that it is carried out from home outside the usual workplace in a subordinate relationship with the use of ICT tools, although these may not be exclusively used.

The different contexts forced the teaching community to deploy diverse alternatives, as already mentioned, combining different resources and modalities; these may have been virtual classes, or remote classes with the use of some technological tools, distance classes using printed materials, partial face-to-face classes, or the combination of several methods. Educational resources from the *Te Queremos Estudiando en Casa* (We Want You Studying at Home) platform were used, with follow up made via contents transmitted via TV and radio. These experiences were similar to those of other countries in the region. A study

by ECLAC-UNESCO (2020) identified eight different study continuity strategies in non-face-to-face education modalities: the instruments of distance learning, online learning, offline learning, the transmission of educational programs via television and radio, online distance learning platforms, resources aimed at teachers, the delivery of technological devices, and live online classes.

In Honduras, cell phones were the most used electronic device for telework and communication between teachers and students, and teachers and parents, using prepaid data connectivity. A recent study indicated that 81.2% of teachers made cell phone calls to their students' families, and 74.8% communicated online by means of cell phones. It should be noted that only 25% of the teaching staff followed up on the prerecorded classes broadcast by the 132 TV, radio and digital channels nationwide (OUDENI-UPNFM, 2020). It was not mandatory for teachers to organize their educational work based exclusively on such broadcasts.

A survey of women teachers showed that 42.3% alternated virtual classes with face-to-face activities, 20.9% taught only virtual classes, 27.4% used study guides and printed lessons with offline students and the WhatsApp network to send assignments and to communicate with students who had cell phones. This was usually done by combining the sending of printed materials and a follow-up process done via phone calls to students' mothers, or meeting with these. Overall, 90.6% of the teachers used some electronic device, especially cell phones, to communicate with students and their families, while 54.8% of the respondents stated that the internet that they used at home was of low quality (Kennedy, 2021).

In situations where they found it difficult to communicate via networks or cell phones, teachers resorted to face-to-face classes, meeting with their students to teach face-to-face classes to small groups, giving individual advice, and meeting with parents to provide advice on providing educational support to their children. During 2020 and much of 2021, teachers had to break social confinement, exposing themselves to COVID-19 by attending officially closed educational institutions to follow up with those who did not have telephones

or internet access. In some cases, teachers met with small groups of students in outdoor spaces.<sup>97</sup>

Teaching non-face-to-face education meant moving the school to the house, organizing the family environment, coordinating teaching work with daily family life, sharing and adjusting limited space and resources, and for women, an overload of care and domestic work at home. Working days extended far beyond legal stipulations in order to meet the demands of students and families. Teachers often worked at night because at that time students had connectivity in homes in which there was only one cell phone that had to be shared. They required time to train themselves according to the new demands for ICT use, and to prepare materials in electronic formats, and had to spend more of their own funds to secure the materials and resources to provide education.

They did not receive timely or necessary support from their educational institutions such as training in adapting to the new working conditions, the provision of resources for using the internet, nor digital devices. Instead, pressure on them was increased, with demands for greater performance and productivity, and more administrative controls and meetings, which teachers' associations came to consider to verge on being work harassment. The combination of "do what you can" with constant surveillance and control over teachers' work in compliance with their work schedules, and the requirement to achieve high efficiency in educational results under conditions of near catastrophe generated high levels of stress (Interview with women leaders of COLPROSUMAH, 2021).

Non-face-to-face teaching work during the pandemic was characterized by the worsening of working conditions, flexibilization of the work schedule, the prolongation of the working day, the diversification of tasks, the intensification of work, the overloading of costs related to the equipment and services

<sup>97</sup> *Digital Journal Paradigma. Maestra imparte clases presenciales al aire libre en Catacamas. Iris Coello. Retrieved 2022, from <https://paradigma.hn/maestra-imparte-clases-presenciales-al-aire-libre-en-catacamas/>*

necessary to perform their work, which were not provided by teachers' educational institutions, and the overlapping of roles and tasks of women teachers with responsibilities for care provision. Similarly, they suffered a worsening of the material conditions required to carry out work in terms of physical space, usually with shared and insufficient equipment, which caused risks to occupational health and safety and generated increased stress levels.

In Honduras, there is no legislation on telework, which therefore lacks a regulatory framework for the protection of teachers' and other working people's labor rights affected by non-face-to-face working conditions during the pandemic. The ILO establishes a guide with recommendations for companies hiring people to perform telework, suited to protecting public servants, in this case, teachers. It covers aspects such as working schedules; the protection of health, safety, privacy, and the compatibility of private life and work life; training opportunities in the technological and organizational aspects of work; evaluation by results management with realistic expectations that take into account the context in which the telework takes place; the provision of the equipment and tools necessary for the performance of work; reimbursement of broadband internet costs and the appropriate communication tools needed to work; and the provision of support to workers with care-giving responsibilities through specific measures, such as special plans for leave and flexible schedules, among others (Mauricio, R., 2021). None of these conditions were met in teachers' working conditions during the pandemic.

## **2.2. Subsidizing remote education under worsened working conditions**

Since before the pandemic, at the local level, educational decentralization was seen to occur due to the government's abandonment of the maintenance of the public education system, transferring responsibility for this to teachers, families, organizations, municipalities and other community actors. Giving evi-

dence of this are the collection of school tuition fees, schools being maintained through contributions from teachers and family members, school meals being prepared thanks to the voluntary work of mothers using the food provided by families and other local actors, and teachers having to acquire the materials necessary to teach classes using their own resources.

During the pandemic, these conditions did not change. The greatest burden of bearing the costs of keeping education functioning in the remote modality fell on the teaching community and on the contributions that families were able to make, with more than two thirds of these latter living in conditions of acute poverty. Teachers found themselves needing to buy equipment such as computers, tablets, telephones, printers, and furniture to be able to work from home; also spending on things such as paper, printer ink, photocopies, office supplies, and internet connectivity, whether fixed or using other modalities. In addition, they had to pay the additional costs of increased electricity in their homes and private transport to distribute educational materials because public transport was paralyzed. They also frequently spent on public health supplies (alcohol, masks, protective tunics, etc.).

Teachers had to bear on their own the expenses of remote classes, which were not recognized or reimbursed by the educational authorities, sacrificing their own salaries to this end. They thus subsidized the public education system and often financed the needs of students, covering the costs of photocopies, educational materials, and prepaid data so that students could download study guides and submit their assignments via cell phones. The situation of structural poverty aggravated by the public health crisis increased the inequality gap and the risk of exclusion. “‘Teacher, I either buy a pound of sugar, or I pay for internet to download my son’s homework’, a student’s parent told me” (Interview with women leaders of COLPROSUMAH, 2020). Teachers frequently downloaded the monthly work booklets sent to them by the educational authorities, printing more than thirty pages of this using their own resources, and then went out to distribute these among the students with reduced con-

nectivity opportunities, thereby breaking with social isolation protocols (Kennedy, 2021). This invisible contribution made in solidarity most certainly enabled many children and adolescents to continue in the educational system.

The survey of women teachers mentioned above (CEFEMINA, 2021) revealed that 99.5% of teachers surveyed spent their income on the aforementioned items in order to teach classes. 89.8% frequently made payments on the purchase of equipment and internet connectivity, and 9.7% did so occasionally. 69.2% frequently spent their own money on photocopying, printing materials and recharging internet data, and 27.9% did so occasionally. In addition, 69.2% of female teachers frequently spent part of their income on covering students' needs, and 27.9% did so occasionally (Kennedy, EILA, 2021).

They often used their own salaries to pay for school maintenance services and the internet, for students to access the internet, and to pay for surveillance services, because many schools suffered theft and vandalism even under the country's militarized conditions. Parents collaborated in this task (Interview with women leaders of COLPROSUMAH, 2020).

### 2.3. Teacher association and union action during the pandemic

On March 16, 2020, the government issued Executive Decree PCM-021-2020, taking measures to slow the expansion of COVID-19 with the reduction of mobility and mandatory confinement. Economic activities considered non-essential were paralyzed, and constitutional guarantees were suspended, in particular the right to freedom of movement, personal freedom, freedom of association, and judicial guarantees, among others. State security agencies were empowered<sup>98</sup> to stop people circulating in public places outside

<sup>98</sup> The Armed Forces, the National Police, the General Directorate of Intelligence, the National Inter-Institutional Security Force (FUSINA), and National Anti-Mara and Gang Force



the permitted exceptions. At first applicable for seven days, these measures were extended until December 2021 (Executive Decree Number PCM-146-2020).

Social confinement put a brake on the mobilization of organized social sectors, limiting protest actions by professional associations and trade unions to virtual forums. The emergency and the fear initially provoked by the spread of COVID-19 generated the opportunity for the rights of the working classes to be curtailed. The scenario of the pandemic forced readjustment of the operation of trade unions and their actions to deal with social confinement protocols, going from in-person actions to virtual ones. Using all possible tools such as social networks, internet platforms and telephone communication, teachers remained active in defense of their rights and of public education. Gradually, even with confinement measures, face-to-face forums were resumed. In 2021, the electoral campaign brought social movements to the streets again, including teacher associations and unions.

The teachers' platform of demands upheld the defense of those rights that had been deposed or threatened: the defense of the teaching statute, decent working conditions, fair salaries, dignified retirement, the defense of public education and of the right to education. During the pandemic, these rights were more deeply violated; working conditions worsened, salaries were affected, there was less access to health care services and social security, with all services being saturated. Teacher unemployment increased due to the lack of renewal of contracts of more than 22,000 teachers, the payment of salaries was systematically delayed, and benefits were cut (COL-PROSUMAH, 2022).

*Instead of giving us the rights that correspond to us, for example, to have payment for our academic qualifications made on time, fortnightly payments made on time, the only thing the Finance Secretariat said is, we are going to stop the payments because there is no budget (Interview with women leaders of COL-PROSUMAH, 2020).*

The constant demand has been upheld for universal quality internet connectivity for both teachers and students, and for devices to enable communication, which are required for the improvement of the conditions for teaching at a distance and for the quality of education.

The fight against corruption in public institutions was a concern in the trade union agenda. A few days before the new government took office, \$90 million from the *Instituto Nacional de Previsión del Magisterio* (National Institute for Teacher Social Security, INPREMA) was transferred to the company Concesionario Palmerola International Airport, SA de CV, with no transparency with respect to the profitability or risks of the investment, and without waiting for special review by the *Comisión Nacional de Bancos y Seguros* (National Banking and Insurance Commission, CNBS) in order to verify the investment authorization process (Once Noticias, 2022). In the same month, funds were also taken from INPREMA for the financing of the Government Civic Center. Teachers' unions protested in the streets in defense of their social security institution.

President Xiomara Castro's new government issued an executive decree mandating the creation of an audit board for INPREMA in response to teachers' demands denouncing repeated acts of corruption within the institute, requesting the investigation of the irregularities and that the institution be audited.

Faced with the reopening of educational institutions, teachers demanded the prior review of the conditions of the educational infrastructure, the rehabilitation and construction of classrooms, the provision of basic services with adequate public health conditions, and educational equipment. The mass vaccination of teachers and students was a key demand of teaching staff for the return to the classrooms.

In the transition period between the de facto government and the new gover-

nment, which took office on January 27, 2022, teachers prepared and presented a proposal for a new education plan to rescue and strengthen public education, creating a new educational model, which also bestowed the teaching career with greater dignity.

In view of the recommencement of classes, COLPROSUMAH prioritized: the reconstruction of school classrooms, given that most educational institutions were in poor conditions; the provision of school meals in all educational institutions; ensuring connectivity for teachers and students; the provision of electronic devices to students in the public education system; the provision of pedagogical and didactic material to educational institutions along with connectivity; eliminating single-teacher schools; and raising the education budget to 8% of the GDP. The demand was also made that a new basic national curriculum be developed that corresponded to national identity and sovereignty, including a new subject related to climate change and risk prevention. They demanded that 2022 be declared the year of education, and that education be the fundamental focus of public policy (COLPROSUMAH, 2022).

The specific demands of women teachers are less visible in the platforms of teacher social struggle, these being issues of inequality in the distribution of care provision, work overload, violence affecting women teachers, in particular with regard to the increase in domestic violence under the conditions of social confinement, workplace harassment, and online harassment. These demands were addressed internally by the Secretariat of Women's Affairs, the Secretariat of Conflicts and others, but they did not come into public visibility on the platforms of trade union struggle.

### 3. Women teachers sustained care provision in their homes during the pandemic

The pandemic aggravated the crisis of care throughout the region as a result of the closure of activities and the obligation to maintain home confinement. Those most affected by this were women, on whom the responsibility for unpaid care work in households is burdened by society. Although this is an issue on the gender agenda, very little progress has been made in the region in terms of care policies and the fair division of unpaid domestic and care work between women and men, whether in households or any other field.

The scenario of social distancing and home confinement not only increased the burden of care and domestic work of women in households, but also represented a setback to the co-responsible distribution of this work with men, compared with the previous period.

In the transition from face-to-face activities to telework and remote education, it was assumed that the problems of care would be resolved by women at home. It was not part of the agenda of government measures to consider issues of care in a scenario of the closure of public and private services, schools, preschool centers, and care services for people in situations of dependence, among others. All care work was referred to homes, which also became schools for families with children studying, and a location for health care in a threatening pandemic scenario.

Women teachers not only had to adapt to new working conditions, but also had to organize their time and domestic environments to reconcile teaching and domestic and care provision activities in the same limited space shared with the rest of their family members, where the daily life of the family took place.

With the closure of schools, they not only had to take on the work of caring for children at home under conditions of confinement, but also had to provide follow-up to schoolwork in the home. In many cases, women teachers had to

juggle managing the resources of limited space and equipment, with a single computer, tablet or phone for several users, while they themselves organized a place to carry out their work of preparing and teaching classes, which was often shared with other active adult members of the family who were working. A survey of women teachers in Honduras in 2021 reflected that the majority of these had caregiving responsibilities; 97% of the teachers interviewed lived with other people; 77% lived with children in their care; 27.9% lived with elderly adults; and 10.7% lived with people with disabilities (Kennedy, 2021).

### 3.1. Educating and providing care without measures of institutional support

The approaches adopted in the regulations on remote work and telework ignore unpaid care work in households as an activity fundamental to the sustainability of life. Home care is not considered to be part of the economic circuit, but as an external factor, making women's workloads invisible in a shared environment in which it is difficult to establish clear delimitations of time and space between both responsibilities. In contrast, telework has been considered as an alternative that favors women because it allows them to connect paid work with family and domestic care (Batthyány, K. et al., 2021).

In Honduras there is no care policy that provides answers to this problem, and public care services are non-existent or present a very large deficit. From the perspective of hegemonic neoliberal policies, the contribution of women's care provision has been seen as compensation for subsidies directed at homes. This approach has contributed to strengthening the role of impoverished women as unpaid caregivers, both in households and in communities.

Outside homes, with the exception of education, most care services offered are private and usually expensive. The cheap option is households hiring paid domestic workers, the most widespread alternative given the low wages of

this sector of workers and the low recognition of their labor rights. During the pandemic, such workers mostly had their positions suspended, or they were dismissed without access to the government relief measures that benefited other sectors of the working class (ECLAC, 2022).

The educational authorities applied no relief measures for women teachers with family, economic or other responsibilities, such as parental leave, greater flexibility in connectivity schedules, nor subsidies, bonuses, food, nor others. Such teachers also did not receive psycho-emotional support services from the educational authorities, which could have helped them manage the difficult situations they were going through.

### **3.2 Double working days and work overload without shared co-responsibility**

For women teachers, the weight of responsibility and the workload they assumed in the provision of care were disproportionate, particularly in families with school-children and people in conditions of dependency. Teaching classes from home involved making educational work schedules compatible with numerous domestic tasks and responsibilities, such as care provision, doing housework, supporting children in their studies, performing household organization and management tasks, attending to family members, providing emotional support, and caring for the sick, among others. Women teachers also had to teach classes, carry out the activities requested by the educational institution, respond to monitoring methods for their work, participate in meetings and training, remain connected up to answer queries, distribute food and hygiene materials to the families of the students in their charge, advise parents on giving educational support to their children, distribute educational materials in person, and provide emotional support to students and families. Many added to all this trade union activity, training, and when possible, they also engaged in personal activities (recreation, rest, leisure).

The data from the survey on women teachers affiliated to COLPROSUMAH showed 84.3% had performed household chores in the week before the survey. 75.2% spent time supervising the study of children. 40.5% provided care for children or people in conditions of dependency, and 17% provided care for non-dependent adults. Only 17.8% did some recreational activities, while 10% rested during the day.

A large proportion of the women teachers spent more hours per day on domestic and care work than before the pandemic. 58.5% stated they did more domestic work, 70.1% spent more time supporting the schoolwork of children, 42.6% spent more time caring for children, while 21% spent more time than before providing care for other non-dependent adults. The women teachers had less time to rest during the day (60.2%) and for recreational activities (60.3%).

The level of co-responsibility in the performance of these tasks reflected inequality in the distribution between adult women and men. In households in which other adult women and men lived together with the women teachers, 95.2% of such women devoted time to domestic and care work, compared to 67.2% of men. 47.6% of the women spent more time on these tasks than before, while 37% spent the same time. Among men, 45.7% spent less time on such tasks than before, while a third of them had never done this type of work; only 6.9% spent more time collaborating with domestic and care work. (Kennedy, EILA, 2021).

*The father, as the man, goes to bed, works, brings in the money, and goes to sleep, and to be served. While the woman has to work in teaching and is the one who has to deal with household chores, the one who has to take care of the children and help them complete their school tasks. (Interview of women leaders of COLPROSUMAH, 2021)*

*In the same way, providing support for classes undertaken at home by students was mainly performed by women. It's definitely the mothers. With all the children I have con-*

*tact with, it's the moms who are catching up, supporting the students, but the fathers are not. (Interview of women leaders of COLPROSUMAH, 2021)*

The contribution of teachers' care provision was not limited to their own households. Even under restrictions on mobility due to the confinement measures, half of the respondents provided care to other family members outside the home. A third of these collaborated as volunteers in civil or church associations, 15% carried out union work, and 11% participated in political parties (Kennedy, EILA, 2021).

### 3.3 The deepening crisis in health care

During the pandemic, the health of education workers became precarious, with greater consequences for women given their role as caregivers. They faced very stressful situations such as long and intense working days, a vast number of activities to be performed, excessive demands from different groups of people such as students, parents, educational authorities, and their own families. In addition to the responsibility of taking care of their own and their relatives' health were the demands of their students in emergency situations.

The confinement had negative effects on mental health, which was expressed as depression and feelings of discouragement. Teachers' colleagues and relatives were getting sick, deaths were increasing, and health care conditions were precarious. In the previously mentioned survey, 95.3% of the women teachers expressed concern about their own health and that of their relatives, 55.6% felt tired and exhausted, half expressed fear about economic uncertainty, and a third felt overwhelmed by everyday obligations. 56.4% had been ill, and 19.1% had been ill with COVID-19 (Kennedy, 2021).

<sup>99</sup> "The COVID-19 Vaccines Global Access Fund (COVAX) is an alliance promoted by public and private actors with the objective of guaranteeing equitable access to vaccines developed against COVID-19." <https://es.wikipedia.org/wiki/COVAX>



The Ministry of Education did not take into account the psycho-emotional support that teachers required. Instead, their relationships with their educational institutions generated stress and concern given the extraordinary level of control of teaching that was exercised. Despite being on the front line, the teaching guild did not receive any facilities in terms of medical care, rapid access to COVID-19 tests, medicines, emergency medical care nor prioritization for vaccines (Kennedy, 2021).

Support was provided by teaching unions through different means and resources, including meetings, workshops and virtual training, face-to-face attention, financial support, and legal support, among others. Notable among the support provided by COLPROSUMAH were the payment of subsidies to the families of teachers who died as a result of COVID-19, subsidies to cover health expenses, workshops to address the psycho-emotional consequences of telework and other remote education modalities, and a diploma course to train educators in providing attention to cases of violence against women during the pandemic, taking into consideration the increase in cases of domestic violence, online harassment and workplace harassment.

Honduras is among the countries that were affected by the slow distribution of vaccines through the COVAX mechanism,<sup>99</sup> in addition to the government's delay in their acquisition. Teachers were not included in the prioritization of essential workers for the vaccination process (UNICEF, 2021). As of December 2021, according to official data collected by ECLAC-UNESCO (2021), more than 80% of teaching staff had been vaccinated. Nonetheless, the demand for vaccines for students and teachers continued to be a priority for teachers, who incorporated this as a condition for the return to classes in the proposal that was delivered to President Xiomara Castro for implementation in the first 100 days of her government, in which education rates as one of the prioritized sectors.

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## **Moving in the wrong direction: Labor rights and care provision during the pandemic. A view from the perspective of women teachers in Paraguay**

*Larraitz Lexartza*

### **1. Impacts of the measures adopted during the pandemic on working conditions for the education sector**

#### **1.1 Processes tending to long-standing precariousness: The background and progress of reforms during the pandemic**

The context of the COVID-19 pandemic, in addition to causing a major health crisis with significant economic and social repercussions, led to important changes in state policies. These changes had a strong impact on people's lives and affected key areas of public policies such as social investment and labor rights. These changes were made both through structural reforms that sought to modify the size and structure of the state, and through the adoption of temporary measures that contributed to progress in the direction of greater reform. They deepened trends already present in the region towards the further reduction of rights and the institutionality of the states, taking advantage of the pandemic to this end.

This was also the situation in Paraguay. In this country, it was said the pandemic "has not altered the political system by transforming it, but by intensifying it, demonstrating the face and the real dimension of the political and normative power of the executive branch" (Duarte-Recalde and Filártiga-Callizo, 2020, p. 21). During the pandemic, multiple measures were adopted in a discretionary fashion, without needing to be debated or agreed upon and without going through the filter of legislative control, which restricted even fundamental rights. In Pa-

Paraguay, this restriction of rights was based on normative instruments, such as decrees and resolutions made prior to the 1992 Constitution (Duarte-Recalde and Filártiga-Callizo, 2020). Although in form this restriction of fundamental rights was proposed to be universal, in practice it was selective, since compliance control and sanctions for those making up the country's economic and political elite were scarce or non-existent (Duarte-Recalde and Filártiga-Callizo, 2020).

In addition to these types of restrictive measures that show the fragility of even fundamental rights, the measures adopted in the pandemic also sought to further advance in reforming the state. The health crisis generated a scenario in which the most basic rights were frozen without significant resistance, so it was also an advantageous context for the acceleration of previously planned reforms on the political agenda. This is a formula implemented in many countries in the region that includes regressive tax reforms, reduction of the state, and reforms to labor legislation that make the situation of workers more precarious.

Understanding the development that Paraguayan economic and labor policy has undergone in depth would require an analysis of the several decades preceding the arrival of the COVID-19 pandemic. Nonetheless, this work is able to examine a far shorter period, covering the measures promoted and adopted in the years immediately preceding the health crisis. This exercise, which is shorter in scope, also makes it possible to identify which measures proposed during the pandemic respond to a previously drawn up agenda.

Mario Abdo Benítez of the Colorado Party, who held the Paraguayan presidency during the pandemic, began his term in 2018. The first stage of his time in the executive branch was already marked by a significant controversy linked to the country's energy management, which came to compromise his permanence in the presidency. In May 2019, the government secretly signed an agreement with Brazil, the Itaipu Act, regarding the hydroelectric plant on the Paraná River that both countries share in Itaipu. In practice, the signing of such an agreement increased the cost of energy by \$200 million per year

for Paraguay (Carneri, 2019), in turn implying a significant increase in the cost of tariffs for households. Mobilizations against the agreement, in addition to denouncing corruption and demanding transparency, warned of the executive branch's plans regarding the privatization of energy (Irala, 2020).

In the field of labor law, the tendency to restrict rights took shape in the run-up to the pandemic through the approval of Law 6339/19 regulating part-time employment and making labor relations more precarious and flexible (Irala, 2020).

The first months of the pandemic and the measures adopted during that period also lent themselves to deepening this precarious trend in labor relations. In May 2020, Comptroller General of the Republic (CGR) Resolution No. 256 regulated part of the Nation's 2020 General Expenditure Budget. This regulation directly affected a significant group of municipality workers. Such workers have more precarious working conditions, since they work under "rubbish contracts".<sup>100</sup> In addition to this form of irregular hiring, sometimes their remuneration does not even amount to the minimum wage. Added to this, the aforementioned resolution obliged these workers to present personal invoices (Aguayo, 2020).

Some temporary measures were also approved to provide economic relief for employers, which instead put greater pressure on workers' incomes. That is, they weighed heaviest on those who are most vulnerable. This is the case, for example, of a measure adopted in July 2020 by the Ministry of Labor, which involved the six-month suspension of the employers' obligation to pay for medical examinations both for admission, and for ordinary cases (Aguayo, 2020). Law No. 6524, which declared a state of emergency in March 2020, further included "measures to rationalize expenses for the execution process of the National General Budget for the Fiscal Year 2020" (Article 4), which included aspects such as the suspension of the Voluntary Retirement Program and the suspension of salary increases. These measures were again included in Law

<sup>100</sup> "The so-called 'garbage' contracts are those in which a typical employment relationship is passed off as a 'service provision', that is, a labor benefit is disguised as one of a civil nature and, consequently, all the rights and guarantees established in current labor legislation are not recognized." (Aguayo, 2020, p. 269).

No. 6809, passed in August 2021, which established transitional measures of economic consolidation and social containment to mitigate the impact of the COVID-19 coronavirus pandemic. In addition, this regulation suspended the performance of new personnel hires, except in exceptional cases, and suspended the implementation of the Improvement of Labor Conditions Policy (Article 4), which is aimed at providing stability and labor benefits to those working under the temporary hiring regime.<sup>101</sup>

In the context of the economic crisis generated by the measures adopted to face the pandemic, there was an upsurge in discourse promoting economic cut-backs. This is a logic arguing that the reasonable thing to do in a situation of economic crisis is to reduce spending, but which conceals the fact that such reductions have negative impacts, particularly for the most unprotected populations who are also the ones who suffer to a greater extent the effects of the economic crisis. This was also the case in Paraguay, which on the arrival of the pandemic lacked an emergency fund, at the same time that fiscal resources were scarce. At that time, the government resorted to incurring an external debt of \$1.6 billion (Quevedo, 2020). This implied a significant increase in public debt, going from 19.6% of the GDP in December 2019 to 30.1% in December 2020 (ECLAC, 2021). In this scenario, it was argued mainly by the business sector that the state spends too much on salaries, and so their reduction was promoted, to impose the logic of moving from the model of an “employer state” to the state acting as a “regulator and guarantor” (Quevedo, 2020, p. 6). Thus, a few days after the emergency situation was declared due to the pandemic, the executive branch convened “authorities from the three branches of the state, business associations, political parties and the Catholic church to promote an initiative previously announced as ‘Structural reform of the Paraguayan State’” (Quevedo, 2020, p. 6). The set of measures in this package included a reform to the Fiscal Responsibility Law to establish a limit on public debt and current spending, the redesign of the public procurement system, the creation of a superannuation and pensions superintendency, and reform of the Public Service and Civil Service Career Law (Quevedo, 2020).

<sup>101</sup> Resolution No. 57/2019.

Among these proposals, the Civil Service and Civil Service Career Law stands out due to its direct impact on labor rights. The draft law was premised on the need to base processes on a meritocracy, however it included measures such as the establishment of a single salary system and of fiscal criteria for salary policies and the planning of human resource needs. In summary, the reform would aim “instead to guarantee the containment of labor costs within the framework of an austerity policy” (Quevedo, 2021, p. 7).

## **1.2 Education, a historically precarious sector: Promises owing that remain undelivered**

Education in Paraguay is a sector that has a decades-long history of precarious working conditions. This is particularly evident in the wage policies that have kept those working in this sector earning a remuneration below the legal minimum wage. Formally, General Education Law No. 1,264 approved in 1998, then under a democracy, equated “the teaching salary with the legal minimum wage for each work shift” (Molinier, 2014, p. 20). However, the equalization provided for in the norm has not been maintained over time, since adjustments “to the legal minimum wage did not include adjustments to the same extent or excluded adjustments for teaching salaries” (Molinier, 2014, p. 20), this being one of the main demands of the sector to date (Lexartza, 2021).

The lesser recognition of rights and particularly of salaries is frequent in occupations with the high participation of women, as is the case of education. This is also the case in Paraguay, where in 2018, 62.5% of the teaching staff employed by the Ministry of Education and Sciences were women (Observatorio Educativo Ciudadano, 2022).

On the other hand, the debts of the Paraguayan state to education are also reflected in its general financing. Figures available for 2016 show that the country's in-

vestment in education is one of the lowest in the region. In that year, it represented 4% of the GDP, a percentage below the regional average of 5% (Hanni, 2019).

The education sector also forms part of the **proposals** that seek reform and privatization. One of the indicators of this trend is the way in which educational plans proposed by the MEC incorporate the “efficiency” approach promoted by international financial institutions (EILA, 2020). In addition, recently approved regulations explicitly promote the incorporation of the private sector in educational matters. This is the case of Law No. 5749 passed in 2017, which establishes the Organic Charter of the Ministry of Education and Sciences (MEC for the initials in Spanish), which enables this body to involve the private sector in decision-making in Article 5 (EILA, 2020).

The involvement of the private sector is also already more than a mere possibility. In fact, in recent years actors from the business sector have positioned themselves as experts in the field of education policy, skillfully manipulating public opinion from that positioning. They also seek to replace the teaching and trade union sector in decision-making forums existing for this area (EILA, 2020).

These business sectors act in an organized fashion through groups and foundations operating both at the national and regional levels. This is, for example, the case of the *Juntos por la Educación* group, *Paraguay Educa* and the *OMAPA Foundation* (EILA, 2020).

The first of these entities, *Juntos por la Educación*, presents itself on its website as “a non-profit organization, independent of any government, that does not receive public money and that is financed with contributions from entrepreneurs committed to the country and to inclusive, comprehensive public education, which makes coexistence possible, upholding values of solidarity, helping us to respond to the challenges of the country and our insertion in the world” (*Juntos por la Educación*, n.d.). In practice, the entity is made up of representatives of the business sector, the banking sector and the media (EILA, 2020).

Juntos por la Educación implements different projects, some of them related to advocacy, while others involve the implementation of actions in specific areas or regions of the country (Juntos por la Educación, n.d.). In addition, in recent years it has expressed its vision and agenda regarding education in the country in different publications. One of the clearest documents in this regard is the 2013 Education Agenda Proposal. This is the result of a joint initiative developed between Juntos para la Educación and the MEC. Said document is committed to a new educational social contract focused mainly on evaluation and data management. In fact, of the 30 actions proposed in the short and medium term, 22 of these are focused on these aspects (EILA, 2020). Among the long-term actions, the proposal to “adjust [and] repeal as appropriate the legal frameworks linked to teaching policies, such as: the General Education Law, the Teacher Statute Law, the Higher Education Law, the School Calendar Law, the Scholarship Law, and the ANEAES Law” (Juntos por la Educación, 2013, p. 86). Although it does not detail the adjustments to be made, there is an evident intention to substantially modify the current regulations in the field of education.

The need to restructure the teaching career is also raised, emphasizing that the ladder system for salaries based on levels of education and training, experience, merits and seniority is a problem since “it constitutes a focus of conflict between the MEC and the teaching guild, even being the reason for numerous prolonged teacher strikes. There is no evidence that teacher escalation results in better teaching practices” (Juntos por la Educación, 2013a, p. 43).

The other two entities mentioned, Paraguay Educa and OMAPA Foundation, are associates of Juntos por la Educación and participate in the execution of concrete actions. The first has promoted the one computer per child initiative and the *Transición a la Educación Digital* (Transition to Digital Education) project in the country, and the second sells digital educational materials (EILA, 2020).

There is an evident trend in the country towards the consolidation of public-private participation forums in the field of education and educational po-

licity. This is a form of participation that moves away from social dialog and that, although it values occasional teacher participation, does not recognize the trade union sector as an actor to be taken into consideration (EILA, 2020).

In fact, the private sector is permanently present in key institutional forums for educational policy, such as the Consejo de *Administración del Fondo para la Excelencia en la Educación y la Investigación* (Board of Directors of the Fund for Excellence in Education and Research, FEEI). This Board of Directors is made up of the Ministry of Finance, the MEC, the Ministry of Public Health and Social Welfare, the Technical Secretariat for Economic and Social Development Planning, the National Council of Science and Technology (CONACYT) and four representatives of civil society. This last representation, however, has in practice been performed by the private sector, implying the exclusion of key actors from the educational community such as teachers, students and families (EILA, 2020). It should also be noted that the MEC has been opposed to carrying out reforms to the board administration to guarantee union participation (EILA, 2020).

The information available shows that the participation of the private sector in the FEEI does not seem to have guaranteed its proper functioning. The entity financed the program “Improvement of learning conditions through the incorporation of ICTs in educational establishments and educational management units in Paraguay” since 2014. Although more than \$112 million were invested in this initiative over five years, a diagnosis made at the beginning of the pandemic showed “low execution, isolated interventions, and lack of coordination between the components, with the absence of a strategy to complement interventions at different levels, and the lack of registration of the people trained by the program” (Corvalán and Portillo, 2020, p. 229).

During the pandemic, efforts have continued towards increasingly privatizing and making the conditions under which education is carried out more precarious. It is particularly serious that even the magnitude of the education crisis has not encouraged greater investment in the sector. The lack of conditions to be able



to undertake educational activities at home meant a total educational stoppage for a large number of students, especially during 2020 (Lexartza, 2021). In this scenario, far from expanding educational investment, public spending in this area was instead reduced. In fact, at the beginning of 2021, education trade union organizations warned of a possible cut to the sector of up to \$85 million (EILA, 2020). Along the same lines, other sources indicate that although Paraguay had more resources than other countries in the region with which to face the pandemic, education was not prioritized. The educational budget for 2021 thus suffered an 8% cut compared to the previous year. This affected the financing of actions for the safe return to face-to-face classes, teacher training, the provision of educational materials and the expansion of internet connectivity (Barrios et al., 2021).

In addition, suspension was made of the salary increases agreed upon with the sector in the Teaching Statute. These were increases that sought to eliminate the aforementioned salary discrimination and to guarantee remuneration equivalent to the Basic Professional Salary for teachers (Lexartza, 2021).

The state's inability to respond to educational needs during the pandemic can also lend itself to reinforcing the argument that turning to the private sector is an inevitable solution. This has been denounced by trade union organizations during the pandemic, anticipating the possibility of the purchase and transfer of services to this sector (EILA, 2020). In fact, this was a trend from the first weeks of the pandemic. By March 2020, the MEC had already signed an agreement with Microsoft Paraguay SRL for the donation of Office 365. In this same context, the internet service provider companies Claro, Copaco, Personal, Tigo and Vox also offered the MEC data packages for free access to their platforms (Sequera, 2020). These are measures that contributed to alleviating and resolving the immediate crisis, but which nevertheless can deepen the digital divide and the gap in access to technology and education (Sequera, 2020).

In March 2020, Paraguay had precarious internet access indicators. 65% of the richest households (Quantile V) had internet connectivity in 2018. This

contrasts with the situation of the poorest households (Quantile I), among whom only 3% had such access (ECLAC, 2020a). For these households, the cost of fixed internet connectivity represented approximately 9% of their income, while that of mobile connectivity represented approximately 12% (ECLAC, 2020). Percentages in both cases were well above the “reference threshold of 2% of income recommended by the Broadband Commission for Sustainable Development to classify an Internet service as affordable” (ECLAC, 2020, p. 4).

Measures such as the donation of connection bonds restricted to certain pages and platforms and specific times reduced the likelihood that these structural barriers will be lifted in the future. Internet provider companies thus avoided the responsibility to invest in infrastructure and provide quality and accessible network connectivity for all people, instead guaranteeing only limited and low-quality access (Sequera, 2020).

This is not a minor issue, since it represents a key area rarely discussed until now in the region, this being the privatization and outsourcing of education through the incorporation of ICT in teaching. In this sense, the acquisition of products implies the transfer of part of the dynamics and logic of education to private sector actors, outsourcing training. This also happens when tools are received by donation, as was the case with the Office 365 donation made in Paraguay. This leads to a dynamic in which technological products replace educational policies (Sequera, 2020) and dependence on large technology companies is generated.

State reform and the reduction of rights were also accompanied by attacks on the trade union sector and strategies to try to undermine the organization of workers. In the context of the pandemic, particularly during the first months of this, the possibilities for mobilization were limited due to measures of social isolation and restricted mobility. In addition, difficulties in responding to the need to offer educational continuity without support from public institutions further complicated the possibilities to mobilize due to the excessive increase

in work that occurred. In addition to this, as will be seen in section 2.3, teachers had to assume responsibility for the greater demand for care provision in their homes, such that the possibility of organizing protest actions was particularly difficult:

*What exactly happened to our freedom of association? [...] It is as if it is restricted to going out on the street, making our demands, conversations have been taking place on WhatsApp, but it is limited [...] I'm a teacher, I'm a mom, I'm a wife, I'm a union president, and you get 500,000 messages so that you have to try to be responding to all your colleagues all the time. (Interview conducted with women of the UNE-SN trade union in September 2020)*

Discrediting teachers' work has also been a strategy to undermine union work in this period (Lexartza, 2021). These strategies were already present in the past. In most countries, those working in the public sector have higher labor standards than those working in the private sector. Suggestion is made to the public opinion that the rights of these workers are privileges. However, these conditions are derived from the greater commitment of the employer—in this case, the state—with respect to rights and better conditions, and the results of social dialog, among other factors. A greater recognition of rights in the public sector also contributes to the expansion of rights in the private sector, since it indicates a line of new guarantees to be achieved and marks a route in that direction.

In contrast, when the rights of those who work in the public sector are reduced, that is, rights are cut down, the effect of this precariousness also reaches those working in other areas, since in practice this implies a deterioration of the country's labor standards. In the case of education, during the first months of the pandemic when face-to-face classes were suspended, this type of discourse was used to criticize the fact that teachers continued to receive their salary although they were at home. On the one hand, this type of discourse seeks to normalize the fact that private sector employers do not assume any responsibility with respect to their workers in crisis situations. On the other

hand, it fails to recognize the fact that in this period of crisis, the intensity of teaching work and working hours were even greater than the ordinary ones:

*The Ministry does not protect its teachers, it is not taking care of them emotionally and that leads to families and society also making the judgments that “We do nothing”, “Teachers just hold out their hands for payment”, “Teachers are enjoying themselves at home.” And that is what our colleagues have learned through social networks. Recently a person from here in Ciudad del Este, a politician, came out and said this clearly: “How much can teachers say if they don’t do anything? They don’t even have to go out to work!” He does not value what we are working on because the Ministry of Education itself does not protect us and does not take care of teachers. (Interview conducted with women of the UNE-SN trade union in September 2020)*

*The workload is staggering [...] The issue of working hours has extended considerably. Since the MEC practically asks us to be flexible with students, there is no fixed schedule from 7 in the morning to 5 PM as it was in face-to-face schedules. It is morning, afternoon, night, and early morning, at any time students can connect up to send their work. So you have to be ready to answer your phone, or for someone to come and bring their work in hard copy, or to go and pick it up from school; you have to multiply yourself. (Interview conducted with women from the OTEP-A union in September 2020)*

### **1.3 Telework: A work modality for teachers marked by state improvisation, the lack of resources, and decreased recognition of rights**

Despite the fact that different forms of work carried out remotely have commonly been called telework, there are notable differences between the characteristics of each modality.

According to the International Labor Organization (ILO), telework involves the combination of two components: work is performed “in an alternative location to the predetermined workplace and [...] the use of information and communication technology (ICT) is required” (Maurizio, 2021, p. 5). Work at home, on the other hand, “is that which is carried out totally or partially in the worker’s own home, regardless of what his or her predetermined place of work is” (Maurizio, 2021, p. 5). Finally, home-based work “includes only those workers who habitually perform their tasks from their homes, regardless of what their predetermined workplace is” (Maurizio, 2021, p. 6).

If we consider the work carried out by teachers in Paraguay during the first months of the pandemic, it becomes clear that in many cases we could not talk about telework since educational work was carried out remotely without the use of information and communication technologies. This was the situation for about one in three people.<sup>102</sup> However, all Paraguayan regulations developed since the beginning of the pandemic have used the term telework to refer in general to all work done remotely. Consequently, regardless of the conceptual nuances, the term telework is used in this chapter in the same global fashion.

Firstly, it is important to note that although in its first weeks the pandemic led to the widespread implementation of telework in those activities where it was possible, this is not a new modality in the region. Its accelerated expansion, however, highlighted the normative and regulatory challenges presented by this form of work.

According to ILO estimates, in the region between 20% and 30% of salaried people worked from home during the second quarter of 2020, while in 2019 this proportion was less than 3% (Maurizio, 2021). In addition, before March 2020, telework was often combined with face-to-face work, but with the adoption of

<sup>102</sup> 33.8% of the teachers affiliated to OTEP-A who responded to a survey conducted between June and August 2021 indicated that they worked only through the distance modality from home. 27.7% of the teachers affiliated to UNE-SN who responded to a survey conducted between June and July 2021 indicated that they worked only through the distance modality from home.

measures to limit mobility, it became the exclusive modality for many working people. Previously, it had been a planned measure, voluntarily accepted by both parties (Maurizio, 2021). This was not the case after the arrival of the pandemic, since it became one of the “few alternatives to continue economic activity and the employment relationship in exceptional circumstances” (Maurizio, 2021, p. 2).

Most countries in the region lacked adequate regulations for the regulation of telework in March 2020, and that was also the case in Paraguay. Faced with this situation, on March 16, 2020, the Ministry of Labor, Employment and Social Security (MTESS) issued a resolution<sup>103</sup> that entrusted the private sector to temporarily implement home-based work contracts and to avail itself of the provisions of Article 141 of the Labor Code in this matter (Rojas, 2021). It was, however, an insufficient measure since said article only requires the registration of labor relations that are developed under this modality.

Days later, on March 26, 2020, Law No. 6524 declaring a state of emergency in the country was passed. Provided that the characteristics of the employment relationship allow it, Article 20 of said law enables the legal regime of telework for salaried people in both the public and private sectors (Paats, 2021). The MTESS regulated this article<sup>104</sup> shortly after this for those working in the private sector, establishing the obligations of employers to determine which jobs were applicable for the telework modality and to develop and disseminate the guidelines regarding the conditions required in the worker’s environment to be able to perform telework (Article 4).

It also established the obligation to make addendums to contracts (Article 5), to respect the privacy and rest time of workers (Article 9), and to ensure occupational health and safety (Article 10). That is, the provision of the means for the fulfillment of labor functions was not established as the obligation of employers.

<sup>103</sup> Resolution No. 471/2020, which establishes mechanisms for remote work (telework) in order to prevent the risk of the expansion of the coronavirus (COVID-19) in the Paraguayan territory.

<sup>104</sup> MTESS Resolution No. 598/2020.

With regard to the public sector, Resolutions 146/2020 and 181/2020 of the Secretariat of the Public Service defined the protocol for the application of the telework modality. This protocol did provide for the provision of computer equipment and internet connectivity by public institutions. However, according to Law No. 1626/2000, those engaged in teaching in the public sector are not governed by the provisions of that entity (Article 2).

Subsequently, in June 2021, Law No. 6738/2021 “establishing the modality of telework in a relationship of dependency” was passed. This represented formal progress with respect to the previous situation, since the norm included some factors such as voluntariness, reversibility, and the right to disconnection and privacy (Article 8). It also defined a schedule for a working day similar to that for those performing face-to-face work (Article 9), and the employer’s obligations to ensure data privacy, to provide and maintain the necessary equipment and programs, and to provide training in the use of equipment and programs (Article 14).

The experience of women teachers showed that in 2020, the practice of telework did not comply with the provisions of the Secretariat of the Public Service. In addition, their experience, both in terms of the provision of resources and with respect to their rights, was diametrically opposed to that stated in the regulations approved in 2021.

A survey of teachers affiliated with the OTEP-A between June and August 2021 showed that most women teachers had to use their own resources to perform their work. At 94.4%, almost all the women teachers answering the survey indicated that they frequently incurred expenses such as the purchase of equipment and the payment of internet connectivity in order to be able to carry out their work. A survey was also conducted between June and July of that year of teachers affiliated to the UNE-SN, which showed similar results. 93.3% indicated that they frequently spent their income on equipment and internet connectivity (Lexartza, 2021).

Moreover, teachers also had to use their resources to cover the needs of their students. 64.5% of OTEP-A and 65.6% of UNE-SN women teachers answering the survey indicated that they were in this situation frequently (Lexartza, 2021).

The women teachers responding to the surveys agreed that telework significantly affected their rights. In the case of OTEP-A women teachers, almost all of these, at 94.4%, considered that the right to an 8-hour working day was affected. There were also many who considered that their right to disconnect was disrespected (78.5%), as was the right to choose the mode of work (66.2%) (Lexartza, 2021). To a lesser extent, they mentioned the impact on other rights such as respect for trade union freedoms (28.6%), and the right to sick and disability leave (24.8%) (Lexartza, 2021).

The UNE-SN women teachers responding to the survey agreed that the right to an 8-hour working day was violated during the period of teleworking. This was indicated by 95.5%. Similarly, 78.4% indicated that the right to disconnect was violated, and 64.5% reported disrespect for the right to choose their work modality. Additionally, 29.3% indicated that trade union freedoms were negatively affected, while 22.4% indicated this to be the case for the right to sick and disability leave (Lexartza, 2021).

The women union leaders interviewed also noted the precarious conditions that prevailed during the period in which telework was performed.

*It is twenty-four hours a day, seven days a week. The Ministry itself [...] is the one that provides those guidelines, no matter the time, no matter the day, you have to get behind the students, receive work from students, or, in the cases that we don't have internet, take the work to students. (Interview conducted with women of the UNE-SN trade union in September 2020)*



## 2. Care provision and the distribution of unpaid work during the pandemic

### 2.1 The distribution of care provision before the pandemic

The provision of care is essential for the reproduction of life and its well-being. In turn, its fair distribution is key to guaranteeing equal conditions and access to rights for all people, especially for women. Socially, these latter have been assigned—and continue to have assigned—the responsibility for this work, which in most cases is unpaid. Thus, it is women who perform unpaid domestic and care work within households. This represents an unequal distribution between women and men that implies limitations for the former group, and even the impossibility of accessing the labor market, with more precarious working conditions, and a lack of time for rest and leisure, among others. This situation conditions the lives of women and limits both their economic autonomy and their physical autonomy.

In the case of Paraguay, the figures available before the pandemic already demonstrated this situation. According to the Time Use Survey conducted in 2016 in the country, the total time spent working (in paid and unpaid labor) by people aged 14 years and over was similar for women and men, at approximately 46 hours per week. However, women devoted the majority of this time, at 61.3%, to unpaid work, while men, at 74.7%, spent the majority of their time in paid work (Zavattiero and Serafini-Geoghegan, 2019). The same survey showed that 71.3% of unpaid work was performed by women.

Among the different activities that made up unpaid work, it was domestic work that required the most time. This was a job performed by 91.6% of women and 72.9% of men. Female participation in terms of hours was also significantly higher, since women dedicated three times as many hours per week to this work, representing thirteen more hours than those men spent on such tasks (Zavat-

tiero and Serafini-Geoghegan, 2019). In addition, men who did devote time to domestic work mainly performed tasks related “to the maintenance, cleaning and repair of household vehicles, as well as minor repair and supervision work in electricity or plumbing” (Zavattiero and Serafini-Geoghegan, 2019, pp. 28-29).

The next activity in terms of work dedication was the provision of care for people with some degree of dependence (children, people with disabilities, and the elderly). In this case, the participation of women also significantly exceeded that of men. 57.1% of women performed this type of work, while this was the situation for 42.9% of men. In addition, women devoted almost twice as much time to this, at 12.9 hours per week compared to 7.5 hours for men (Zavattiero and Serafini-Geoghegan, 2019).

A calculation made of the value of this unpaid work in the country estimated it to be equivalent to 22.4% of the Gross Domestic Product (GDP) in 2016. 76% of this contribution corresponded to work carried out by women (OCR et al., 2021). This same analysis explored some of the impacts on women of this unequal distribution. In this sense, it is notable that throughout their working lives, Paraguayan men as a whole provide an economic surplus for 36 years, from the age of 26 to the age of 62. This means that they derive an economic income above their consumption during this period. Women, on the other hand, are in a situation of deficit throughout their entire life cycle (OCR et al., 2021).

Furthermore, the unequal distribution of care does not only reflect the way tasks are divided between women and men within the household. As a basis for life and well-being, care provision is also a social responsibility, which should be supported by specific policies in which the different social actors participate and assume commitments. In some countries, progress has been made in the creation of systems, policies and programs seeking both to provide services and resources to relieve the pressure of the demand for care on households and to promote a fairer social distribution of this work.

It is precisely when the State fails, that households—and within households, women—must resolve the demand for care internally. This also generates gaps among women, since those with more resources can buy care services on the market, while those without economic resources can only resolve the demand for care with their own work.

To date, Paraguay does not have a care provision policy. There are some programs of a focused nature that provide care services to children and the elderly. Their coverage, however, is very limited. In the case of children, the most far-reaching service was that of preschool education, which had a coverage of 32% in 2011 (Ministry of Women, n.d.). Beyond preschool levels, there are other programs such as the Ministry of Public Health and Social Welfare's *Centros de Bienestar Infantil y de las Familias* (Child and Family Welfare Centers, CEBINFAS), and the Abrazo program. Both cases represent focused initiatives with little coverage (Ministry of Women, n.d.).

With regard to other measures for care, such as leave, the country recognizes the right to an 18-week maternity leave during which women receive their full salary. It also offers new fathers a two-week paternity leave. However, no other types of special leave exist, for example, for the care provision of sick people (ILO, 2022).

This brief account shows the poor record of the state in meeting the demand for care provision even before the pandemic. Consequently, the provision of care fell on families, and within these, due to the lack of participation of men, on women.

## 2.2 Deepening of the unjust social organization of care

Far from being an opportunity for co-responsibility with regards to care provision, the pandemic deepened its unfair distribution. As in other countries in the region, public health measures were adopted in Paraguay in March 2020

which involved the suspension of face-to-face classes. Although schools do not operate as a care service, they contribute to co-responsibility in the sense that they free up a portion of the time of those taking care of children. However, the cessation of attendance at school was not accompanied by measures aimed at balancing the additional demand for care that this implied for households and, specifically, for women.

On the other hand, adults were confined to their homes for weeks. Given the low participation of men in unpaid household chores confirmed by the 2016 time use survey, it is reasonable to think that their prolonged presence at home during the pandemic would also generate a greater demand for care that they do not attend to themselves. That is, if before they did not devote time to satisfying their own basic needs such as washing or cooking, there is no reason to suggest that during the pandemic they devoted more time to these tasks. Likewise, in staying at home for longer periods of time, the need to clean and cook also increased, in turn generating a greater pressure of unpaid work for the women who perform such tasks.

The return to face-to-face classes in schools also did not imply an immediate return to the way things were done before the pandemic. In fact, the return to face-to-face classes in 2021 posed an even more complex scenario, since this was carried out under a hybrid modality that combined face-to-face and virtual modalities, with face-to-face classes held “at specific times and days according to the size of bubble groups” (MEC, 2021). Although this was an optional modality, in practice, given the material limitations on virtuality in the country, it was the only viable option, and it nonetheless implied greater challenges to reconcile school schedules with work schedules. These were changing schedules, different each day, that required an adaptability that did not correspond to the work schedule conditions of most workers. In this case, the return to school strategy also did not take into account the needs of women.

The lack of consideration regarding women’s care provision and rights was a constant in the measures adopted during the pandemic. A tool developed by

the United Nations Development Program (UNDP) to analyze the inclusion of the gender sensitive approach in the measures adopted in countries in areas such as social protection, the labor market, economic and financial measures, and violence against women up until November 2021, showed that, in the case of Paraguay, of the 32 measures adopted in these areas, only 18 (56.2%) were gender sensitive. In addition, it is notable that no measures related to care provision and unpaid work were identified.<sup>105</sup>

Although there are no figures in the country giving an account of the deepening of the care crisis during the pandemic, the experience of women educators helps to gauge this situation. In this sense, more than half of the UNE-SN women teachers (57.6%) indicated that, even without taking into consideration the provision of care for people, during the pandemic they took on more domestic work. In the case of OTEP-A women teachers, 61.6% reported this situation (Lexartza, 2021).

For both groups of workers, the time spent providing support to children in their studies at home also increased. 72.7% and 76.2% of UNE-SN and OTEP-A educators respectively reported this increase (Lexartza, 2021).

The increase in the demand for care in turn implied less time for rest and recreation. Among the UNE-SN affiliates responding to the survey, 6 out of 10 women (59.6%) stated that their rest time during the day was reduced, while 7 out of 10 (68.9%) indicated the same situation with respect to the time spent on recreation. The situation was also similar when it came to women teachers affiliated with OTEP-A. In this case, 65.8% of the respondents indicated that their rest time during the day was reduced, and 65.2% stated the same situation occurred regarding the time spent on recreation (Lexartza, 2021).

It is also noteworthy that when comparing the situation of women teachers with that of other adults living in their homes, an important gap is evident with res-

<sup>105</sup> COVID-19 Global Gender Response Tracker (UNDP). Retrieved March 23, 2022. <https://data.undp.org/gendertacker/>

pect to the care work assumed during the pandemic by adult men. Only 29.5% of adult men living with UNE-SN women teachers and 23.4% of adult men living with OTEP-A women teachers took on more domestic work during the pandemic. This shows that despite the increase in the demand for care at home, most men did not take on more work than they previously had performed. In the case of UNE-SN, 43.4% of the women teachers indicated that the men who lived with them devoted the same amount of time to domestic work as before, while 12.3% stated that these men devoted less time than before, and 14.8% stated that these men had never done such tasks. Similarly, among OTEP-A women teachers, 43.2% indicated that men devoted the same amount of time to domestic work as previously, 13.5% indicated that they spent less time on such tasks, and 19.8% indicated that they had never performed such work (Lexartza, 2021).

The overloading of paid and unpaid work had a high impact on women teachers. This is a situation that, in addition to consuming their time and limiting their opportunities for rest and leisure, also impacted on their well-being and health, given that:

*Our role as teachers, as wives, as mothers, as daughters, as sisters, has become quite difficult, since the workload is practically triple what we were doing. And, the Paraguayan state never cared, so to speak, about the condition of women [...] The social load, the workload is overwhelming, and it's felt even more in this lockdown that we have. I am the mother of a 3-year-old preschool child and I have to do my work with my child because I am the mother. That is the case of many of our colleagues and not just in the educational sector, other sectors as well, and it makes our work as teachers very difficult. (Interview conducted with women from the OTEP-A union in September 2020)*

*I started taking painkillers two months ago. I'm medicated, without my medications I explode. I explode because at the beginning I exploded, my daughter, my family, my husband, I didn't sleep, and then I went to the doctor, because I said, "What a problem! Something is wrong with me!" And in July when there was the*

*winter school break, so I went and they medicated me against the stress that I suffer from, and I have no choice but every night I take [medication], in order to go on. Why? Because I have to cook, I have to do the three girls' school work. (Interview conducted with women of the UNE-SN trade union in September 2020)*

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# In Peru: More work, less rights - Educating and providing care in the new normal

Mirta Kennedy

## 1. The socio-economic and political context before and during the pandemic

### 1.1 The socio-economic context

Like the other countries in the region, in Peru the stoppage of productive activities to slow the expansion of the COVID-19 pandemic in March 2020 accentuated structural problems and caused the contraction of the economy. People working in the informal sector, the self-employed, and small-business employers and employees were the most affected by unemployment and loss of income. With fewer possibilities to resort to telework, these people were paralyzed by the quarantine.

According to data from the Household Survey (ENAHO-INEI), in June 2020, there were 6.7 million unemployed people. The employed population had decreased by 49.9% in the urban area and 6.7% in the rural area. Half of the small companies characterized by concentrating female and youth employment were at high risk of job loss (Gamero and Pérez, 2020).

The pandemic had greater adverse effects on women's working conditions. As occurred in the entire region, there was a significant withdrawal of women from the labor market because they were overrepresented among those informally employed and in occupations most affected by the crisis. In 2019, 62.9% of the female workforce was engaged in service activities<sup>106</sup> and trade.

<sup>106</sup> Non-professional, administrative and technical services. ILO. *Panorama Laboral 2021*.

The female employment rate fell 11.4%, going from 61.5% in 2019 to 50.1% in 2020. In the last quarter of 2020, this rate recovered to 57.7%, without reaching the 2019 level (61.5%) (ILO, 2021).

Annual GDP growth has been declining since 2017. The pandemic had a strong impact on the economy, with the annual GDP growth rate at -11 in 2020. In 2021, highly significant recovery was achieved, with 13.4% growth of the GDP, due to fiscal and support measures for companies and families, internal economic reactivation, and employment (ECLAC, 2021). Jobs and incomes did not recover at the same rate, and as occurred in most countries in the region, inequality grew, while inequality in the distribution of per capita labor income of households increased (Maurizio, 2021).

In Peru, the variation in the Gini index reflects the increase in inequality, rising from 0.429 in 2019 to 0.464 in 2020 (ECLAC, 2021). Informal work made the largest contribution to the employment recovery as of mid-2020 (75%). In 2021, the minimum wage had not been adjusted since April 2018, accumulating inflation of 10.2 up to then (ILO, 2021).

Peru implemented one of the largest economic plans in Latin America to mitigate the impact of the pandemic on the health of the population, supporting individuals and families by prioritizing low-income sectors and independent workers, as well as supporting companies in order to reactivate the economy and generate jobs. The plan, with a containment phase and a reactivation phase, was organized along four lines: emergency care (0.4% of the GDP), support to households (4.81% of the GDP), support to companies (1.82% of the GDP), and a chain of payments and support for the economy (12.48% of the GDP)<sup>107</sup> (Gamero and Pérez, 2020).

To achieve economic reactivation, the *Reactiva Peru* bond program was implemented (8.65% of the GDP), aimed at providing liquidity to companies affected by the

<sup>107</sup> Information updated to August 27, 2020.

pandemic. To a lesser extent, resources were channeled to the Business Support Fund (FAE for the initials in Spanish), and to the economic reactivation program Arranca Peru (financed with public spending). Tax facilities were also made available, such as the reduction of income tax payments to third-category companies registering losses from May 2020 to July 2020 (Gamero and Pérez, 2020).

The plan was financed with public spending, external credit from the issuance of sovereign bonds, fiscal stimuli, and the deferred savings resources of workers (Compensation for Time of Service and pension funds) representing the most significant contribution as a percentage of the GDP (Gamero and Pérez, ILO, 2020). As of December 31, 2021, 61.6% of the plan's resources had been allocated to reactivation (S/87.6 billion),<sup>108</sup> with 38.4% allocated to mitigation measures (S/54.7 billion) (Peruvian Ministry of Economy and Finance, 2021).

These measures were criticized by the teachers, who considered them neoliberal in nature due to their providing more resources to large companies than to small and microenterprises, which generate 85% of jobs. Likewise, they criticized the complete suspension of employment established in April 2020 by the Ministry of Labor (Emergency Decree No. 038), which authorized companies to suspend their workers for 90 days along with the payment of salaries, with these latter being able to withdraw the equivalent of S/2000 per month from their pension fund during that period. While the companies received direct subsidies from the state, workers had to use their own retirement funds, mortgaging their future security.

Peru stands out for being the country with the highest number of deaths reported from COVID-19 in the world, at 6 per 1000 inhabitants, almost triple the region's average of 2.34 (2021). The biggest impact of the pandemic was felt during the second year. Between April 1, 2020, and December 31, 2020, there were 93,367 deaths due to COVID-19 registered, while between January 1 and August 4, 2021, there were 103,211 deaths registered due to COVID-19, representing 10.5% more (Peruvian Ministry of Health, 2021). As occurred in other countries in the region,

the capacity of the health system was overwhelmed by the health crisis. In 2020, the vaccination process progressed slowly due to the lack of vaccines, in the midst of complaints against government officials for encouraging commercialization (Diario Oficial El Peruano, 2021). Vaccination accelerated during 2021; as of December 31, 63.9% of the country's population had been vaccinated with the full coronavirus schedule, while 9.1% had the partial schedule, achieving progress in this aspect above the Latin American average (59.4%) (ECLAC, 2021).

### 1.1 Political crisis and presidential elections during the pandemic

The political instability marked by confrontations between the legislative and executive branches had characterized the country since the previous period, continuing during the pandemic and on throughout 2022. Between 2016 and 2021, Peru had five different presidents with the particularity that three of these came to office by appointment of the Congress of the Republic when the previous president resigned or vacated office, with all these occurring in the month of November 2020. The lack of a parliamentary majority favorable to the executive that has partisan support has been pointed out as a factor behind the country's instability. The political crisis was apparent in a succession of events; the resignation of the president, vacancy of the highest office, the dissolution of Congress, a return to vacancy, and general elections held in 2021 in a context of high conflict between the contending forces, in which Pedro Castillo won.

The impact of this instability became evident during the pandemic. In March 2020, President Martín Vizcarra faced similar conflicts with the legislative branch as those faced by his predecessor.<sup>109</sup> He was forced to make successive changes to his ministerial cabinet in a scenario of social conflict, with

<sup>108</sup> SOne US dollar = 3.5311 soles, August 2020

<sup>109</sup> Martín Vizcarra assumed the presidency on March 23, 2018, appointed by the Congress of the Republic to complete the 2016-2021 government period due to the resignation of the previous president, Pedro Pablo Kuczynsky, accused of corruption. [https://es.wikipedia.org/wiki/Gobierno\\_de\\_Mart%C3%ADn\\_Vizcarra](https://es.wikipedia.org/wiki/Gobierno_de_Mart%C3%ADn_Vizcarra)

the rejection of some measures adopted by his government and allegations of corruption against him and members of his cabinet. This scenario led to a political trial that culminated in the president's dismissal on November 9, 2020, for accusations of having been linked to the Odebrecht case in his previous term as governor of Moquegua, in the south of the country. The last eight months of his government occurred in the context of the COVID-19 pandemic, with questioning of the management of the health crisis and the poor response to teachers' demands for the implementation of remote education (SUTEP, 2020i).

Vizcarra's dismissal sparked strong social protests throughout the country against the vacancy, not in defense of the president, but rather for the sake of maintaining political stability until the next general elections scheduled for April 2021. On November 10, 2020, Manuel Merino, who until then had held the position of president of Congress, was sworn in as president. He was a controversial character with 54 corruption complaints filed against him in the justice system, and a Fujimorism supporter. His appointment sparked a strong wave of protests nationwide, in Lima, Cuzco, Guanco, Arequipa and the Amazon area, with 1,200 mayors rejecting Congress' decision. They made the demand, "All must leave", meaning the entire political class, also demanding the bringing forward of the date of the national elections, and the holding of a national constituent assembly. In his inaugural speech, Merino made assurances that the date of the general elections would be respected and that he would appoint a national cabinet that would promote national unity.

A second national protest march was held in the country on November 14, 2020. In Lima this was violently repressed by the police, using rubber bullets and tear gas; two young people died from gunshot wounds. On November 15, faced with social discontent and the request from Congress that he resign, Merino submitted his resignation after five days of presidency. His appointment has been alleged to have been a coup d'état due to the usurpation of legislative power over that of the executive, considering that Vizcarra's vacancy



process was based on journalistic information, without an investigation occurring to provide concrete criteria for this (Wikipedia, 2022).

On November 15, 2020, Francisco Sagasti was elected president of the new executive committee of Congress and sworn in the next day as President of the Republic by constitutional succession, to thus complete the 2016-2021 government period. He named his government a transitional emergency government, alluding to both the political crisis and the pandemic. He prioritized vaccination for the entire population and health care. His presidential term ended on July 28, 2021 when the newly elected president took office. During his government there was some slow progress made in meeting the demands of teachers.

The 2021 presidential elections were marked by strong confrontations with conservative forces from the beginning of the electoral campaign. The winner in the first round held on April 11, and in the second round held on June 6, was Professor Pedro Castillo, an educator with a career in the trade union. He assumed office on July 28, 2021, after a difficult process to get his triumph recognized after being strongly questioned by the losing candidate. Castillo's government, like its predecessors, existed in an environment of constant struggle with the legislative power to exercise its mandate, the instability of the ministerial cabinet, and tensions with teachers and social movements due to unfulfilled campaign promises. Notably, there was a greater openness in dialog with teachers during Castillo's government.

Among the most important achievements of teachers in this period was the approval by Congress of 6% of the GDP for education. On December 19, 2021, the plenary session of Congress passed in a second vote Law 31097/2020-CR, which amended the last paragraph of Article 16 of the Constitution: "Education is a fundamental human right that guarantees the development of individuals and of society, and therefore the state shall invest no less than 6% of the GDP in this on an annual basis" (Diario Oficial El Peruano, 2020).

## 1.2 Measures for the education sector: The *Aprendo en Casa* (I Learn at Home) strategy

The first measure taken by the government in the face of the pandemic was to decree mandatory social distancing and the suspension of face-to-face classes on March 16, 2020, 10 days after the first cases were detected in the country, impacting 9.9 million students. On March 27, 2020, the Ministry of Education, MINEDU, announced the new *Aprendo en Casa* (I Learn at Home) remote education strategy, for preschool, primary and secondary education levels, which commenced on April 6 (UNESCO, 2020).

The cooperation of private organizations and multilateral agencies, mainly UNESCO, supported the design process of the strategy; interministerial meetings were held in the region with experts in distance education. The strategy consisted of the development of pre-recorded educational content to be broadcast on television and radio, and published on a website for those who could access these through electronic devices. It covered the topics of the comprehensive school curriculum and socio-emotional subject matter in the context of the emergency and social confinement (UNESCO, 2020). Educational materials with the contents were printed for students who did not have access to other media in areas of the country without an internet signal or with a deficiency of electricity service.

In October 2020, the *Aprendo en Casa* program was broadcast over 165 television channels, 1,237 nationwide radio channels, and 61 regional radio channels, transmitting the program sessions in nine Indigenous languages for all educational modalities<sup>110</sup> (UNICEF, 2020). In order to expand rural coverage, MINE-DU coordinated with other government institutions, regional and local governments, multilateral organizations, companies, and communities. New licenses and agreements were arranged to expand the range of repeater antennas for

<sup>110</sup> In rural Peru, 500,000 students belong to Indigenous peoples. UNICEF, November 2020. <https://www.unicef.org/lac/historias/en-la-amazonia-peruana-altoparlantes-ayudan-continuar-la-educacion-en-comunidades>

the internet and television signals, and the use of municipal and local television and radio channels, among others. In October 2020, more than 1,400 media broadcasters transmitted the *Aprendo en Casa* programs throughout the entire nation. Educational service centers located in remote and hard-to-reach areas called “Tambo platforms” were also installed. These have satellite internet, computers, photocopiers, and a multipurpose room for students and teachers at all levels. In October 2020, 363 Tambos had been installed, and by September 2021, there were 440 of these centers in 22 regions (Plataforma Digital-Government of Peru, 2020).<sup>111</sup>

In the areas where there is no internet signal nor electricity service and even radio signals do not get good reception, alternative solutions were implemented with the support of the communities. UNICEF donated four loudspeakers to expand the dissemination of the lessons transmitted by radio, one of which was installed in Nuevo San Rafael (Ucayali), the Shipibo-Conibo community in the Amazon zone. The parents in the community bought an electric generator in order to be able to connect up a device with a USB flashdrive with the recorded lessons for transmission via a loudspeaker. By turns, small groups of students gathered in an open space to listen to classes. This alternative required the teacher in charge to travel to Pucallpa to collect the recorded educational material (UNICEF 2020).

Through the MINEDU *Recarga* (Recharge) plan, the government facilitated free internet connectivity for about 433,000 teachers, principals and staff directly linked to the educational service, providing the monthly recharge for a cell phone and data plan. Top-ups allowed unlimited calls and texts and internet data for 15 GB. This service started on September 30, 2020 and was renewed monthly until December of the same year (MINEDU, 2020). Another government measure was to allocate S/70 million (Supreme Decree 238-2020-EF) in the month of August 2020 for the creation of new teaching positions for a pe-

<sup>111</sup> In coordination with the Ministry of Development and Social Inclusion, the MINEDU made arrangements to access TvPerú’s signal, install repeater antennas and internet infrastructure, improve and activate TvPerú antennas, and use loudspeakers in populated areas, among others. (MINEDU Press Office, October 2, 2020)

riod of five months in response to the demands of the teachers' guild to deal with the health emergency (Diario Oficial El Peruano, 2020).

In February 2021, the MINEDU enabled the *Te Escucho Docente* (I Hear You Teacher) platform to provide online emotional support and the strengthening of socio-emotional well-being strategies for teachers and education assistants in the country. Through this measure, the emotional support strategies teachers provided to students also improved. Many teachers had lost relatives and were going through grieving processes, and were afraid of contracting COVID-19 (Portal Te Escucho Docente, 2021).<sup>112</sup>

Between March and June 2020, educational institutions remained closed. From July 2020 until the end of the school year, some schools reopened, imparting face-to-face classes in certain regions, with shorter classes for certain grades, or a hybrid combined system of face-to-face and distance classes. 2021 commenced with face-to-face classes in March, and in April the switch was made to the non-face-to-face modality, with some educational institutions partially open under a blended modality until the end of the school year (UNESCO, 2021; UNICEF, 2022).

In 2021, the Ministry of Education implemented the Emergency Plan for the Peruvian Educational System (second semester 2021– first semester 2020), to ensure the conditions of the return to face-to-face learning, the recovery and consolidation of learning, the strengthening of educational strategies, and the provision of socio-emotional support to teachers and families. It included the strengthening of teacher training, expanding the offer and coverage of teaching positions, the creation of digital community centers in communities to expand access to ICTs, the promotion of hybrid education (remote, blended and face-to-face modalities), and improving the conditions of educational institutions with rural and Indigenous populations. The plan was designed for the teaching community, families, volunteer managers, communities with

<sup>112</sup> MINEDU- Portal Te Escucho Docente (2021) Online consultation: <https://teescuchodocente.minedu.gob.pe/>

their respective resources, organizations, and local educational management units (UGELs),<sup>113</sup> which assumed the greatest responsibility for the return to face-to-face classes and the sustainability of education, following a decentralized approach (MINEDU, 2021a).

Peru was one of the ten countries in the region that were unable to implement a safe return to in-person classes in 2021, although some schools returned to face-to-face classes in regions without access to remote class transmission and others operated under hybrid modalities (UNESCO, 2021). The 2021 school year began on March 15 and ended on December 17, with a school enrollment of 8,290,641 students. On December 16, 2021, only 10.5% of the student population was receiving full face-to-face classes (UNICEF, 2021).

The reopening of classes was planned for the start of the school year in 2022. In April 2022, 83.1% of the enrolled student population (5,651,567 students) had returned to face-to-face education and were receiving classes in this modality. 97.2% of the teaching community had been vaccinated with 1 dose, 95.5% with 2 doses, and 72.5% with 3 doses. Among the school population aged 5 to 11 years of age, 34.6% had been vaccinated with the second dose, as had 71.9% of those aged 12 to 17 years of age (UNICEF, 2022).

The pandemic exposed the long-entrenched inequality and quality problems of the education systems in the region, which suffer from insufficient material conditions, learning gaps, and increases in school dropout rates (Bárceñas, 2021). In Peru, the pandemic hit students from rural and working class sectors the hardest; students lost relatives and stopped studying because they did not have the means to connect up via internet, because they had to work to help with the family economy, or so that their younger siblings could stay in school, given that the conditions and resources of the home were not enough for all to study (Kennedy, 2021).

<sup>113</sup> MINEUnidades de Gestión Educativa Local (Local Education Management Units, UGELs) have provincial jurisdiction and are responsible for disseminating, guiding and supervising the application of national and regional educational policies and regulations in the management of institutions, and evaluating the institutions and programs under its scope. Online consultation: <https://gestion.pe/peru/que-son-las-ugel-cuales-son-y-como-estan-distribuidas-por-distrito-ugel-ministerio-de-educacion-gobierno-regional-gobierno-local-peru-nnda-nnlt-noticia/>

## 2. From face-to-face to remote classes: Teaching work in the pandemic

### 2.1 Telework and remote education

Peru enacted the Law Regulating Telework 30036/2013 in 2013, with its Regulations passed in 2015. These establish telework as a modality of service provision characterized by the use of information and telecommunications technology (ICT) applicable to the private and public sectors. This law was not implemented, and the teleworking population was not significant before the pandemic, representing less than 0.1% of jobs in the private sector in 2019. Furthermore, the regulation that the employer must provide the means of work was questioned by the business sector (Ramos, 2021).

When the pandemic was declared in 2020, about 250 jobs were registered in the telework/remote work modality up to October (RPP Noticias, 2020). In April 2020, more than half a million teachers switched to different modalities of remote work, including telework, distance work, and combined modalities (Government of Peru, 2022). During 2020, two decrees were issued with regulations on remote work: Emergency Decree No. 026-2020-PCM, and Decree No.10-2020-TR. A new telework bill was also drafted that underwent a long process of revision and modifications between 2020 and 2021, which was in the process of approval as of December 2021.

Emergency Decree No. 026-2020-PCM issued on March 15, 2020 incorporated a set of regulations<sup>114</sup> of an exceptional and temporary nature to reduce the spread and the health impact of the pandemic, and reduce its negative impact on the economy. Article 21 authorized the Ministry of Education to provide

<sup>114</sup> *En This complements Supreme Decree No. 044-2020-PCM, the presidential decree of March 15, Article 8 of which declared the state of emergency starting on March 16, and Supreme Decree No. 008-2020-SA of March 11, 2020, which declared the national health emergency for a period of 90 days and established COVID 19 prevention and control measures.*

non-face-to-face or remote educational services to the public and private educational institutions under its competence at all levels, stages and modalities during the health emergency. Paragraph 3 indicated that:

*Remote work is characterized by the provision of subordinate services with the physical presence of the worker at home or in a place of isolation, using any means or mechanism that makes it possible to perform the work outside the workplace, provided that the nature of the work allows it (Decree No. 026-2020-PCM).*

This regulation empowered public and private sector employers to implement remote work and applied to people who work in the country or who were abroad and unable to return. It did not apply to confined people who were suffering from COVID-19, nor those on medical leave.<sup>115</sup> The decree established the employer's obligation to maintain the same employment relationship, remuneration, and other economic conditions, except when these favored the employed person or were linked to attendance to the workplace. Computer equipment and the means required (internet, telephone service or others) to carry out the work could be provided by the employer or by the employee.

The employer had to put on record communication with the employed person regarding the decision to implement remote work.<sup>116</sup> The regulations authorized the mandatory application of the remote work modality for groups at risk. It was the duty of the teleworker to be available during the working day for work-related coordination. It was also required that they comply with current regulations on security, protection, and the confidentiality of data and information provided by the employer, as well as health and safety measures and conditions at the place of remote work, which had to be communicated by the employer.

<sup>115</sup> In this case, the imperfect suspension of work was applied, that is, the suspension of employees' obligations to provide services without affecting the payment of their remuneration, while the labor relationship was maintained. Online consultation: [https://static.legis.pe/wp-content/uploads/2018/07/Casaci%C3%B3n-Laboral-14818-2016-Lima-Legis.pe\\_.pdf](https://static.legis.pe/wp-content/uploads/2018/07/Casaci%C3%B3n-Laboral-14818-2016-Lima-Legis.pe_.pdf)

<sup>116</sup> If the work performed was not compatible with remote work, the employer had to grant paid leave subject to subsequent compensation.

As will be seen later, none of this was fulfilled for teachers, who had to improvise classrooms and equipment in their homes using their own resources and knowhow.

On March 24, issue was made of Supreme Decree No.10-2020-TR to facilitate the implementation of remote work in the private sector and develop the provisions for remote work provided for in emergency decree No. 026-2020. The complementary provisions established that “this is additionally applicable to public sector entities, as relevant.”<sup>117</sup> The content of this decree was similar to the previous one. It defined remote work as:

*The provision of subordinate services with the physical presence of the worker at his/her home or place of isolation, using any means or mechanism that makes it possible to perform the tasks outside the workplace, provided that the nature of the tasks allows it. This is not limited to work that can be carried out by computer, telecommunications or similar means, but extends to any type of work that does not require the physical presence of the worker in the workplace (Article 3a).*

Remote work can be carried out at employees’ homes or at another place where they are under mandatory social isolation measures (Article 3b). This does not apply to working people confined due to suffering from COVID-19 (Article 4.2). Regarding working conditions, the regulations establish the same ordinary working day agreed upon for face-to-face work, or that which would have been reconvened for this telework modality, which in no case can exceed eight hours a day or 48 hours per week (Article 9a).<sup>118</sup> The employee can freely distribute the working day at the times best adapted to his or her needs within the maximum established working day and a maximum of six days a week (Article 9.3). The worker has to be available during the working day for the necessary coordination with the employer (Article 9.4).

<sup>117</sup> Establishment was made that the National Civil Service Authority could issue provisions for remote work in the public sector in accordance with Emergency Decree No. 026-2020.

<sup>118</sup> Excepting management workers, those who are not subject to immediate supervision of their working day, and those who provide intermittent services.



The employer must assign the facilities required for the worker to access the systems, platforms, and computer applications for the performance of the employee's functions, providing instructions for their use, as well as establishing the rules of confidentiality and data protection. The decree did not include the employer's obligation to provide the equipment. When the means for performing the work are provided by the employed person, the parties can agree on compensation for additional expenses arising from the use of such means (Article 7).<sup>119</sup> The decree incorporated the observance of occupational safety and health measures that the employer must inform the teleworker about, leaving a record of this communication. They must also stay in communication to inform about any additional risks not previously warned about or work accidents that may occur during remote work,<sup>120</sup> and indicate to the employee the appropriate measures to take. The decree prioritizes the application of remote work in groups at risk due to age or clinical factors (Article 10.1).

In 2020, Telework Bill 5408-2020-CR was drafted. On May 21, 2021, the Commission on Science, Innovation and Technology issued an opinion and proposed a replacement text. Subsequently on March 9, 2022, the New Telework Law 1046-2021-CR was unanimously approved by the Science, Innovation and Technology Commission, and the draft law was referred to the Labor and Social Security Commission, which was to pronounce on it, continuing the approval process in the second round.<sup>121</sup>

The New Telework Law includes some of the contents of the emergency and remote work decrees. It regulates telework as a modality characterized by the use of technological, electronic or telecommunications technology (ICT), either exclusively or predominantly. In terms of the recognition of workers' rights, it does not propose significant progress, instead regressing with regards to

<sup>119</sup> In case of technical problems, the employer is informed, and must then give instructions for the continuation of remote work.

<sup>120</sup> This communication could be made by anyone residing at the address.

<sup>121</sup> Gaceta Peru Tv (2022, March, 11). Online consultation: <https://gacetaperutv.pe/2022/03/sepa-ud-que-modificaciones-propone-el-proyecto-que-impulsa-el-congreso-sobre-ley-del-trabajo.html>

recognizing the right to disconnection time. The remote work decree had established a connection time that was equal to the eight-hour working day, while the new law raises this to twelve hours.

The law will be applicable to public administration entities, and private institutions and companies subject to any labor regime. It defines telework as a special modality of labor provision, characterized by the subordinate performance of tasks without the physical presence of the person employed in the workplace with whom the labor relationship is maintained. It uses digital platforms and technologies. It can be total or partial; as a minimum, 30% of the working day must be performed as telework. The employee is free to decide the place or places where the work will habitually be performed. This information and the partial or total nature of the telework modality must be registered in the contract.

The teleworker has the right: i) To receive work equipment and tools, unless otherwise agreed; ii) To compensation from the employer for electricity and internet usage, unless otherwise agreed. In the private sector this compensation is conditioned, and in the public sector it depends on the budgetary availability of the entity; iii) The right to intimacy, privacy and the inviolability of communications; iv) The right to disconnection, only for 12 consecutive hours, a period in which the worker is not obliged to respond to employer communications, with exceptions,<sup>122</sup> and the right to flexibility in the distribution of working time; v) The right to be informed of protective measures in the field of safety and health at work. The obligations of the teleworker are to carry out the work personally and to be compulsorily available for work coordination, to comply with occupational health and safety regulations, to maintain the confidentiality of information, and to take care of the equipment.

<sup>122</sup> For management level and trusted teleworkers, those not subject to immediate supervision and those performing intermittent work, a differentiated period is established such that they can exercise their right to disconnect (Article 10.3).

The employer has the obligation to communicate in advance with the employee to ascertain his or her willingness to agree on a change to the telework modality, and not to undermine any collective rights recognized in current labor legislation. Some content privileges the interests of the employer. The employer may return the employee to face-to-face work if the objectives of the activity are not being achieved, by communicating this decision with two weeks anticipation. The employed person can request the return to face-to-face work, but the employer has the power to refuse this.

In Article 10, the law determines the application of telework in favor of people in situations of vulnerability, including in this category: pregnant and lactating mothers (three months before childbirth and the three first months of lactation), and the men (fathers) who live with them (one month before childbirth and one month of the lactation period); people with disabilities; and people who provide care for relatives with disabilities, or suffering from serious illnesses or accidents (Telework Bill 5408-2020-CR) .

The new telework law under review during 2021 did not establish significant changes with respect to the remote work decree as far as the rights of working people were concerned. A favorable aspect was the recognition of the collective rights of working people. The situation with regard to the right to disconnect worsened, since the availability of workers under the new telework law proposal went from eight hours to twelve hours. Another aspect to analyze is the application of telework in favor of people in vulnerable situations, among which pregnant women are prioritized, three months before and three months after childbirth, a period that overlaps with maternity leave (and paternity leave). People providing care for others with serious health conditions are also prioritized for telework. This measure favors the burden of care falling on working women, who are the main caregivers in homes. It goes against the recognition of care provision as a human right that must be protected.

## 2.1 The impact of the measures

The untimely transition from face-to-face classroom education to classes from home in different remote education modalities meant enormous challenges for the teaching community, with a greater impact on women who largely assumed the burdens of domestic work and the care of children and family members in their own homes, also supporting relatives in other homes.

### Working without the protection of rights

With regard to the education sector, the decree on remote work in force during the pandemic period was not applied, according to the information from the collective interview conducted with women SUTEP leaders (2020), as well as the information published by the union (2020-2021) on labor demands and working conditions during the pandemic. The change to the remote modality was widespread for teachers when educational institutions were closed. The working day agreed upon before commencing remote work was not respected. Teaching hours were normally extended to at least twice the face-to-face class schedule, even taking up more than eight hours. Although the decree established a connection time equal to the ordinary working day, in practice teachers were made to be continuously available throughout the day and even at night.

For the performance of teaching work, contrary to the regulations, teachers had to acquire the necessary devices and equipment on their own, without the educational institution assuming the reimbursement of costs. Also in most cases teachers had to assume the costs of their internet connections. Regarding access to systems and platforms, MINEDU had the *Aprendo en Casa* platform, but it did not provide timely training to enable teachers to adapt to teaching using this resource, nor to develop sufficient skills in the use of internet tools.

Occupational health and safety standards were not complied with for teaching staff. They were not instructed about occupational health and safety conditions. They worked in whatever conditions they could secure, exposing themselves to the pandemic due to the need to provide education to students, or to support the management of other resources in schools, such as school nutrition programs and providing support for families, without being considered essential workers or receiving any additional compensation.

### The worsening of working and living conditions

In the period of the pandemic, teachers' working conditions worsened. In the remote work modality, the working day was noticeably lengthened and the volume, complexity and diversity of tasks increased. The exercise of remote teaching invaded private space, even affecting the hours of night rest without the possibility of disconnection. Teachers often received calls or messages when their students' parents returned home from work, and a cell phone and time became available to support the performance of schoolwork. The teaching community did not have additional resources to improve workplace conditions in occupational health and safety matters, since they were located in domestic spaces not suitable for the exercise of teaching. Teachers shared the space and frequently the equipment they used for work with other family members who were also working or studying, without having the support of the educational institution in resolving the difficulties they faced (Kennedy, 2021). A 2020 survey of teachers and people in management positions in educational institutions in four areas of Peru (IPEDEHP-EDUCA-CREA) showed that between 51% and 82% of these shared the equipment they used with their family (cell phones, computers, tablets and laptops).

Non-face-to-face education had a strong impact on the organization of daily life in the homes of the teaching community, as it did in the homes of stu-

dents. The limitations of physical space, the lack of availability of devices on which to access classes (TVs, radios, tablets, cell phones and computers), and deficiencies of internet connectivity all had a strong impact on the economies of lower-income families. Teachers often had to organize schedules and daily routines to share equipment among family members—their children, partners and other relatives—who were receiving remote classes or teleworking. A May 2020 survey of teachers (65% of whom were women) in five areas of Peru (IPEDEHP-EDUCA-CREA), showed between 51% and more than 80% shared the equipment they used with their family (cell phones, laptops, computers, internet, TVs and radios).

### Skills acquired on the go

Teachers faced enormous methodological and practical challenges in teaching remote classes. They assumed a new role in the educational process, monitoring their students' reception of classes via the means available, providing feedback on contents, and facilitating learning and evaluation processes. Alternatives were adapted and created for a diversity of student situations in each region, with classes taught in different modalities, whether virtual, distance education, reduced face-to-face modalities, or in combined forms (Kennedy, 2021).

With little methodological and resource guidance and a vast diversity in the conditions of students in the different regions, teachers found it necessary to improvise and create their own adaptations for the application of the MINEDU's *Aprendo en Casa* strategy, which began to be implemented in April 2020. They had to adapt to the telework modality by making use of online applications, in many cases without having the necessary skills to manage digital platforms, nor the appropriate institutional support to acquire such skills. MINEDU data from the ENDO survey, 2021 (63.2% of respondents were women), indicated that at the national level, 47.4% of teachers had not received any training from MINEDU

on the use of ICT, while 65.6% wanted to receive training in educational tools and resources in digital environments (ENDO, 2021).

Most of the teaching staff are women in the age group of 45 years and over (with an average age of 46), who thus do not belong to the digital generation. They went through an accelerated process of learning about digital tools, massively participating in the refresher and training courses available. Teachers were largely self-taught, even dedicating rest time at night to train themselves in the use of internet platforms. “By force, just by force, we have had to learn and overcome challenges to take education forward” (Interview with women leaders of SUTEP, 2020). They relied on the advice of their own children and younger relatives to become up-to-date in the use of digital technology. They supplemented the training received from the Ministry of Education and Science, which was insufficient, with that provided by trade union organizations and teachers’ associations, among others, to fill in the gaps. “The Ministry of Education never gave us real training on the new technologies.” (Interview with women leaders of SUTEP, 2020).

### More work and fewer rights

As occurred in the rest of the region, in Peru the teaching community had to assume various activities and responsibilities outside of educational work (ECLAC, 2020). They took charge of the distribution of educational materials, the delivery of food from the Qali Warma program in schools, provided emotional support to students and their families, collaborated with the distribution of food and health products among families in the community, advised those responsible for supervising classes broadcast by TV, radio, and virtual platforms in homes, and printed materials. They had to combine remote and blended educational strategies to serve the student population at risk of exclusion.

The teaching work schedule was significantly intensified during the pandemic. A report by SUTEP indicates that teachers remained connected up for an average of nine hours to prepare and teach classes, review, and provide feedback on student tasks, participate in teacher and supervisory meetings for the educational institution and other administrative tasks, to receive training and to self-train. According to ENDO-21 data, 63.7% of the teachers spent more than three hours preparing classes and administrative tasks, 51.3% on providing feedback and evaluating students, while 44.3% spent between one and three hours on this task. More than half of the teachers surveyed spent between one and three hours attending to students' parents, and a similar period on teamwork with their colleagues.

Due to the impoverishment of families and the closure of low-budget educational institutions, enrollment in the public system increased, "but the number of teachers has not increased, as it should... This distance work is much more demanding than face-to-face work" (SUTEP, 2021a).

### Changes in the teaching role and the educational curriculum

The changes implemented in the way classes were taught reduced the predominance of teacher mediation in the educational process and in the contents that were already defined in the prerecorded classes broadcast over the different media. "It gives us something to think about, because often, they are almost not fitted to our national educational curriculum, that is, in a certain way they have become disconnected, it seems that it is not going towards the objective" (Interview with women leaders of SUTEP, 2020).



## A deficit of equipment and the costs of remote education paid for by teaching staff

To exercise their profession, teachers had to make adjustments to their daily budgets to acquire new or used equipment such as smartphones and computers, desks, chairs, and printers. The MINEDU distributed tablets for students and teachers only in targeted areas, with significant delays in delivery (Ombudsman's Office, 2021), among other causes for complaints of irregularities in the acquisition of these (SUTEP, 2020g).

As already mentioned, SUTEP's women educational leaders indicated that MINEDU did not provide them with any other type of office equipment to promote adequate occupational health and safety conditions. The payment for internet service largely fell on teachers. Although they had the government data plan, they often had to pay for the service required to teach classes and perform other teaching tasks. They also paid for students' mobile data such that these could continue receiving classes (SUTEP, 2022).

One month after the start of non-face-to-face classes, connectivity problems were faced that excluded more than one million schoolchildren from rural and the high Andean areas from the educational system (SUTEP, 2020b). In Peru in 2019, only 7% of children and young people aged 5 to 20 from households belonging to the lowest income quantile had access to the internet, compared to 85% of those belonging to the highest income quantile (Bárceñas, 2021). In the lowest income quantile, the cost of mobile broadband internet access accounted for 14% of household income, while fixed broadband accounted for 8.2% of this. In that same quantile, 30.7% of women lacked their own income, making it difficult to access telework (ECLAC, 2021d). Within households, it was mainly the mothers who took over providing support for their children's school work, although they had the least access to technology. 61% of women teachers on the national level had access to a smartphone, and 38% did not have such a device (EILA, 2021).

According to data from a survey of 110,000 high school students throughout Peru performed by Veeduría on the results of the *Aprendo en Casa* strategy, more than half of these had internet connection problems, 52% lacked connectivity, 72% experienced failures in this service, and 59% ran out of data. 59% used cell phones to access classes, however, more than half shared the device they used, and 48% did not have access to a cell phone at all. 24.2% followed the classes on TV, 17.7% did so via computer, 6.7% via radio, and 1.7% did not access classes at all. 32% of the student population surveyed failed to obtain the minimum grade (Comptroller of the Republic, 2021). The difficulties of access to computer equipment and internet connectivity, and the deficit in the development of ICT skills of teachers and students deepened the access and learning gaps, especially among students from low-income social strata and rural areas where no signal was accessible (UNESCO, 2021). In Peru, as seen before, the high Andean and jungle areas where there is a greater concentration of Indigenous population, have a greater deficiency in internet connectivity and electricity service.

### **The return to school without resources and worsened conditions**

As has already been mentioned, the pandemic exposed the shortcomings and weaknesses of the educational system, and the structural problems of the country. The Peruvian Educational System National Emergency Plan for the gradual return to classes relied on the strong support of work contributed by the teaching community, families, and local communities, under a system of territorial decentralization. The strategy was based on the voluntary work of relatives and local volunteer managers, as well as on the local resources of the communities, the collaboration of public and other non-governmental institutions in the territory, and of the local educational institutions (MINEDU, 2021a). With this strategic approach, at the time of writing it is likely that the teaching community will continue to be overloaded with work and the need to provide resources in order to sustain education.

## 2.3 Trade union action during the pandemic: Confronting teacher job insecurity

In the period of the pandemic, the teachers' guild maintained the internal functioning of their union organizations and the application of social pressure through union actions, including demonstrations on the streets. With a long history of defending their rights and advocating for the improvement of quality free universal public education, the Sindicato Único de Trabajadores de la Educación (Unique Education Workers Union, SUTEP)<sup>123</sup> deployed a platform of demands that combined historical claims with those emerging from the context.

### Strategies for organizational and trade union struggle

Union activity was undertaken based on virtual communication strategies and action via different means: frequent meetings over online platforms and internet networks between regional and national leaders; telephone communication with the rank and file, also performed through text messages and social networks; use of the union's website to inform and disseminate their proposals and demands; and some face-to-face meetings. Videos and communication campaigns were developed and disseminated, and assemblies, meetings and trainings were held, among other internal activities. Virtual meetings and conversations were held with members of congress and educational authorities to promote the teachers' rights agenda, achieving commitments of support. Organic remote operation did not completely replace face-to-face functioning. The national and regional leadership saw the need for face-to-face actions and some mass public mobilizations of the entire teaching staff, both in 2020 and in 2021. Among the most important of these occurred on November 24, 2020, when SUTEP joined the protest march convened by the Unión Nacional por la Educación (National Union for Education, UNDEP), with mobilizations and activities taking place in

<sup>123</sup> In 2022, SUTEP celebrated 50 years of continuous trade union struggle.

Lima and several other regions. On November 23, 2021, several trade union organizations participated in SUTEP's day of great struggle for a larger budget and the strengthening of public education. Among others, this included the CGTP, CITE, UNASSE, FENTASE, and UNDEP<sup>124</sup> (SUTEP, 2020d; 2021g; 2020l).

As a strategy for struggle, the teachers' union maintained a high public profile at the national level and in all regions of the country, with strong union unity maintained through social networks and in person. The political scenario was unfavorable in the context of the pandemic, having to counter attempts to discredit teachers, with accusations of their not working and of not needing a salary increase because they no longer spent money on transport: "Some media maliciously always slipped in the idea that we were saving on transport costs" (SUTEP, 2022).

### Teachers' union platforms for the defense of teachers' rights and education

In the context of the pandemic in 2020, the teaching unions' Emergency Struggle Platform was presented to Congress, prioritizing among its demands: i) The exceptional appointment of teachers and education assistants in the remote work modality; ii) The approval of draft law 5158 (May 11, 2020)<sup>125</sup> for the effective payment of the teachers' social debt of the special monthly bonus for class preparation and evaluation, an additional bonus for performance of office and for preparation of management documents (30% of total remuneration),<sup>126</sup> without the requirement for a judicial process. This bill, which had been drafted by the union, had been pas-

<sup>124</sup> At the end of the march, union leaders met with the president of the Congress.

<sup>125</sup> *Proyectos Perú. Legislature 2016-2021.* <http://proyectosdeley.pe/?page=123>

<sup>126</sup> On December 14, 1984, Law No. 24029 was passed, which recognizes the labor and economic demands of teachers. In 1990, the sixth general strike resulted in the promulgation of Law No. 25212; Article 48 of this establishes a special bonus for class preparation and assessment equivalent to 30% of total remuneration. The Fujimori government froze the payment of this bonus and others, and teachers remained on national strike for 107 days (1992). During the transitional government of Valentín Paniagua (2000), several rights were restored for the teaching profession, but not the 30% for class preparation and evaluation. The Teachers Reform Law (2012) approved by the Humala government annulled the 30% bonus, establishing in Article 56 that the full monthly remuneration included teaching hours in the classroom, class preparation and evaluation. In 2017, President Pedro Kuczynski formalized a preliminary agreement with teachers, including among other benefits, the scheduling of the payment of social debt. On May 31, 2021, the Congress of the Republic approved the law for the non-judicial payment of the social debt of 30% for class preparation and evaluation, but this norm was not promulgated by President Francisco Sagasti (SUTEP, 2022)

sed by Congress in the previous period of government, but President Sagasti did not sign it.<sup>127</sup> iii) Comprehensive reform of the pension system, in which contributions of 13% of the remuneration received by workers is used to generate profitability to enable pensions that allow the beneficiaries to live with dignity; iv) Full and absolute defense of the teaching profession, with eight projects aimed at promoting privatization and undermining the teaching community's control of their pension institution being filed as unconstitutional; v) Promotion of the approval of the amendment of Article 63 of Law 29,944 on Teacher Reform, on the calculation of compensation for time of service (CTS) based on a full monthly remuneration per year in force at the time of termination and for the years worked; and, vi) Promotion and the approval in the second legislature of the amendment of Article 16 of the Constitution, which assigns 6% of the GDP to education<sup>128</sup> (SUTEP, 2020f; 2020j).

The teacher union leadership called on the union membership to close ranks in the struggle for the platform demanding labor rights and the education budget, insisting that the Congress of the Republic speed up the approval of the bills.

The trade union demand platform in 2021 prioritized: i) The increase in salaries for teachers and assistant teachers, with the first-scale salary equivalent to 85% of a Tax Revenue Unit (TRU), that is, S/3,740.2. ii) A law that ensures decent pensions for unemployed and retired people, equivalent to the first-scale teaching salary. Their income is barely above the basic food basket and they did not benefit from government subsidies during the pandemic; this demand was presented to Congress. iii) The appointment of teachers to all vacant positions; and that temporary positions be declared vacant so that they can be applicable for appointment. iv) A draft law to pay 100% of the compensation for time of service (CTS) to education assistants; v) A Law granting allowances for 35 and 40 years of service to teachers and assistants for two full monthly remunerations (RIM) per Service Time Allowance (ATS) (SUTEP, 2021d).

<sup>127</sup> Since this law has not been passed, teachers have had to resort to judicial actions to have this right recognized. With the law passed, the benefit will be granted administratively.

<sup>128</sup> This was passed in the first vote in Congress on December 29, 2020, under the title Law 31097, which reforms Article 16 of the Constitution of the Republic. Retrieved 2022, from: *Pasión por el Derecho* <https://lpderecho.pe/congreso-aprueba-6-pbi-educacion-constitucion/>

Important achievements of the trade union struggle in the years 2020 and 2021 can be noted; the most significant with respect to public education is the approval of 6% of the GDP recorded in Law 31097-2020-CR. With regard to the fulfillment and protection of the rights and working conditions of education workers, the appointment of education assistants stands out, among others (Law 31185-2021),<sup>129</sup> benefiting more than 12,000 auxiliaries; the approval of 100% of the CTS per year of effective service and the payment of 30% for class preparation and evaluation without judicial trial, and the payment of mourning and burial subsidies for teachers and education assistants appointed and hired.<sup>130</sup> It was also possible to reduce workplace harassment by simplifying the monthly report format required by MINEDU. At the end of 2021, the union demanded that 6% for the education budget be made effective in 2022 and that the government comply with the other financial commitments made with teachers.

The nullity of the Single Teacher Appointment Test 2021 was also demanded due to the irregularities and acts of corruption reported, and an increase in remuneration for education assistants was also demanded. Regarding improvements in education, the safe return to classrooms was demanded, as was the guaranteed access to ICT for the educational community, continuing with the vaccination of teachers and students, and the fulfillment of the electoral promises of President Castillo for the education sector (SUTEP, 2021f).

### **The *Aprendo en Casa* (I Learn at Home) strategy: An insufficient tool**

The teachers' guild, with some reservations supported the *Aprendo en Casa* remote education strategy. From the beginning, they warned of the problems of low connectivity in the country, which accentuated inequality. They pointed out the difficulties of students and teachers' in accessing communication

<sup>129</sup> E129 The Law issued on May 20, 2021 obliged the MINEDU to formulate a regulation so that the process of appointment of education assistants can become a reality.

<sup>130</sup> Rights covered by Laws No. 29944, No. 3328 and No. 30493.

devices. They strongly criticized the exclusion that produced this deficit and a low level of academic achievement. At the same time, there was a demand for a greater response from the MINEDU with respect to teacher training in ICT applied to education. A critical view was maintained of the contents of the sessions broadcast on TV, radio, and the internet due to the inclusion of topics outside the curriculum. These changes made it difficult for teachers to strengthen and reinforce the contents of learning sessions and were detached from the national educational curriculum and the established objectives. Teacher union leaders demanded the greater participation of regional directorates in the formulation of didactic strategies, with these being adapted to each region. SUTEP agreed with MINEDU's measure to incorporate emotional support for teachers, students and families as a central tenet of their educational strategy.<sup>131</sup> For the teaching union, MINEDU's strategy and emergency plan lacked a long-term vision with the perspective of strengthening and guaranteeing the quality, universality and free nature of public education, with decent working conditions for teachers (SUTEP, 2021b, 2021c).

### Telework and remote work

Regarding telework, the demand was made that the government fulfill its responsibility to ensure the connectivity necessary to carry out remote education, and to continue distributing tablets among the more than 8 million students throughout Peru. According to information from MINEDU, one million students had already received the devices. SUTEP pointed out the responsibility of the employer (the state) to equip its workers with the necessary tools to do their job well. During 2020 and 2021, SUTEP repeatedly requested that students, teachers, and education assistants be provided with tablets or laptops. The government only had a plan to distribute devices to 10% of the student body and 22% of the teaching staff. Based on Article 14 of the Constitution, which dictates that

<sup>131</sup> *Te Escucho Docente* (<https://autoayuda.minedu.gob.pe/teescuchodocente/>).

the media must collaborate with the State, and Article 34 of the General Education Law, which establishes that companies must collaborate with the promotion of research, technological development and the professional training of the workers and students of the educational system, the demand was made that the government make arrangements with companies to provide free internet to teachers and students (SUTEP, 2020b; 2021b).

### Curbing the privatization of education

The teachers' union took up a very firm position against the privatization of education. In 2020, campaigns and denunciations were carried out demanding the repeal of Ministerial Resolution 326 of August 14, 2020 (RM 326-2020), issued during the government of Martín Vizcarra. This regulates agreements for the management of primary public education institutions by private non-profit entities. This is a way of outsourcing schools that opens the door to privatization. At the same time, it facilitates transferring the costs of education to families through the collection of monthly payments and other educational expenses. It has an impact on the quality and stability of teaching employment by moving from the public to the private system, and goes against the principle of free, universal quality education. RM 326 seeks to disassociate the constitutional responsibility of the state from education, and to promote non-profit institutions taking control of schools and education. (SUTEP, 2020i; 2020j). The teachers' pension institution, Derrama Magisterial, has been constantly defended by trade union organizations in the face of attempts to take control away from teachers over this pension entity. It is a very prestigious social security institution belonging to the teachers working in public educational institutions.<sup>132</sup> During the pandemic, Derrama applied measures that benefited education workers, rescheduling the payment of interest-free loans for those who requested it. The institution grants benefits superior to those of other private and state pension entities for death, retirement and disability (SUTEP, 2020i; 2020h).

<sup>132</sup> Derrama Magisterial. <https://www.derrama.org.pe/nosotros/quienes-somos/>



## The recommencement of classes

The union's position regarding the return to classrooms after two years of the pandemic was to protect the health and life of students and teachers through the installation or improvement of water and sanitation services in educational institutions; the improvement and construction of classrooms; the provision of educational and technological equipment and connectivity; an increase in teaching and auxiliary positions to comply with social distancing; reduction of the size of groups per classroom; the provision of school meals and socio-emotional support for students; allowing teachers with health difficulties to continue to carry out remote work; and the continuity of the vaccination process for teachers and students (SUTEP, 2021e). In November 2020, SUTEP carried out mobilizations demanding the repeal of Resolution 430 on the recommencement of classes in rural areas issued by the Ministry of Education in a context in which 79% of educational institutions suffered deficits in services and basic sanitation. The government had to back down on the return to face-to-face classes. During 2021, with the second wave of the pandemic, this union decision on returning to safe schools by demanding an increase in the budget for the improvement of the premises was maintained (SUTEP, 2020f; 2020f).

## The union responded with solidarity to the emergency

The timely union response of showing solidarity in the pandemic was expressed in the forming of the Comisión Nacional Magisterial de Solidaridad (National Teachers Solidarity Commission, CONAMAS), which began channeling different types of support to the teaching community, including assistance with administrative and logistical procedures, campaigns to help the 160 families of teachers who died during the first months of the pandemic, the delivery of medicines and remote medical care to those suffering from COVID-19, and attending to regional, provincial and local initiatives (SUTEP, 2020a).

### 3. Teachers sustaining care provision in the face of the pandemic

The COVID-19 pandemic aggravated the crisis of care in all countries in the region, and the unfair organization of this, highlighting its importance to the sustainability of life, its contribution to the economy, and the recognition of care as a human right (ECLAC, 2020a). In the period before the pandemic in Peru, the unequal distribution of care work in households between women and men was already noticeable, a situation that worsened with social confinement.

As in other countries in the region, care work in homes increased considerably with the closure of educational institutions and recreational, sporting, social and cultural spaces, child care centers, and centers for the disabled and the elderly, also affecting the employment of domestic workers and paid caregivers. Health care and care for the sick was transferred to homes due to the fact that health services were focused on providing attention to cases of COVID-19 (ECLAC, 2021b). All this extra care work mainly fell on women. During the confinement, there did not seem to be an increase in male co-responsibility for household and care tasks, and instead the overloading of work for women occurred.

#### 3.1 The unequal distribution of care provision before the pandemic

Data prior to the pandemic (2010) indicated that in Peru, women aged 15 and over devoted 21% of their time to household chores and unpaid care, while men of the same age group devoted only 7.3% (ECLAC, 2019). On average this represents almost triple the time spent by men on such chores, thus establishing disadvantageous conditions for women in the labor market and for the generation of their own income. In 2019, 29.1% of women aged 14 and over had no income of their own compared to 11.9% of men. This percentage increased significantly to 36.9% among women from populations speaking Quechua, Aymara and other Indigenous languages, and is at 44.4% among women in conditions of

poverty, and 40.6% for women with partners. Among men, these percentages correspond to 10.6%, 15.0% and 6.0% respectively (INEI, 2020).

The contribution of unpaid work prior to the pandemic was equivalent to 20.4% of the GDP, with women accounting for 70% of this contribution. By category, women performed 80% of the unpaid work in the activities of providing meals, and 69.2% of the care work (Vaca, 2021). Women worked on average 9.15 hours a week more than men when taking into consideration both paid and unpaid work, with women performing more than twice the number of hours of domestic work than men. Women worked 75.5 hours a week; 36.3 of these hours were devoted to paid work, and 39.3 to working in unpaid domestic and care activities. In contrast, men worked 66.4 hours a week, devoting 50.5 to paid work and 15.5 to unpaid domestic activities. In the analysis of time spent on domestic and care activity, it is notable that women devote less time than men to educational activities (2.14 hours), to taking care of their health (3.68 hours), and have less free time (4.18 hours). At the same time, women devote more than twice as much time as men to culinary activities (9.41 hours), to taking care of children (6.25 hours), and to caring for the disabled (7.52 hours) (INEI, 2020).

The overload of care work has an impact on women, resulting in disadvantageous labor insertion, in lower quality jobs, lower wages, and higher unemployment rates, as well as fewer educational opportunities. On average, women receive 73.1% of men's working income. When compared by level of education, the salary gap of women with respect to men improves, but it does not reach equality at the level of higher education (81.5%) and increases significantly at the primary level and lower (67%) (2019 data) (INEI, 2020).

<sup>133</sup> Derrama Magisterial. <https://www.derrama.org.pe/nosotros/quienes-somos/>

### 3.2 Double the working hours and work overload without shared co-responsibility

During the pandemic, homes became the center of production for care, both of the type that is frequently provided in the domestic sphere—food, cleanliness, attention to people, care for children—and those produced by institutional systems. On the closure of schools, the educational activity of providing support to students studying in remote classes was transferred to homes in the absence of face-to-face teacher-student relationships. Health care was also largely provided at home because health services were at the limit of their capacities or collapsed at critical moments of the pandemic, and many adult and elderly care services were closed. This work overload fell on women (ECLAC, 2020a).

Before the pandemic, time use surveys in the region showed that women spent more time than men providing support for children with their school tasks (ECLAC, 2020a). According to data from the Gender Gap survey (INEI, 2021), in Peru in May 2020, women had increased the time they spent on housework by 4.1 hours per day on average, while men did the same by 3.6 hours, starting from a very unequal previous situation in which women spent more than twice as much time than men on such tasks, and thus reflecting the widening of that gap.

A survey of parents conducted in July 2020 on the MINEDU's *Aprendo en Casa* strategy showed that providing support to the education of children in the remote modality of classes was mainly performed by mothers. 79.3% of the women surveyed provided support to their children for classes taught on television, 75.6% for classes broadcast on the radio, and 86% for classes taught via internet (Ministry of Development and Social Inclusion, 2021).

Women teachers were overworked during the pandemic. In the interview conducted with women leaders of SUTEP, they highlighted the accumulated responsibilities that the transition to remote education at home meant for

them. They were responsible for providing care and support for their children, providing attention to the family, the care of dependent and sick people, and assumed a large part of daily household maintenance tasks such as cleaning, food preparation, shopping and others. They also attended to their union responsibilities. In addition to teaching, they provided emotional support to their students and families who were under high levels of stress due to members of the household falling ill or dying from COVID-19. They dedicated time to advising those responsible for supporting the school work of the students in their charge, and they responded to the calls for help from their students requesting support to get medical attention for family members who had contracted the coronavirus. They considered that they had to assume more responsibilities than men as mothers, teachers, and union leaders, taking on most of the responsibilities in the home without time for rest (Kennedy, 2021).

Women teachers were more exposed to violence, workplace harassment, online harassment, and domestic and sexual violence. SUTEP made this problem visible and promoted the incorporation of the gender equity approach in the educational system (2018). In 2020, the decision was made to incorporate a gender union policy, which was being worked on at that time (SUTEP, 2020). It is noteworthy that SUTEP, in its trade union work agenda, incorporates the gender approach and includes the issue of co-responsibility in households in internal debates. The issue was addressed in meetings with education authorities, in which these authorities suggested that the union support women teachers, who during the pandemic, in addition to teaching duties, performed domestic and care work in their homes; support that was not provided by the educational institution (SUTEP, 2021b). In the field of trade unions, it represents an encouraging change that women's demands are already part of the trade union agenda in a context in which teaching work is not recognized as essential, and nor is the care work performed in homes, despite the fact that these became centers for care provision during the pandemic. In both cases, such work is performed on a supernumerary basis by women.

### 3.3 The deepening crisis in health care

Teachers were severely affected by the health crisis. Many teachers fell ill with COVID-19, and there were high numbers of them who died. During the entire period, MINEDU made no assessment on the management of sick leave. In the situation of the collapse of the health system, there was no way to certify people suffering from the disease (Kennedy, 2021). Cross-checking information from SUTEP and the teachers' union yielded estimates that about 1,500 teachers had died by March 2021 (SUTEP, 2021j). The members of union leaderships were more exposed to the risk of contagion since they had to leave their homes frequently to coordinate activities; participate in meetings with authorities; visit the Congress of the Republic, regional directorates, and courts; attend meetings with the union rank and file and appointed, hired, furloughed and retired teachers and assistants; and organize and lead campaigns and marches. In March 2021, five members of the national and regional leadership were ill with COVID-19 (two women and three men), while previously, two teachers in management positions had died (SUTEP, 2021).

In some Latin American countries, and particularly in Peru, the rate of loss of secondary caregivers due to deaths associated with COVID-19 and excess mortality during the pandemic in the period from March 2020 to April 2021 (14 per 1000 children) aggravated the crisis of care in homes with children (Bárceñas, Alicia, 2021).

In the context of the COVID-19 pandemic, women teachers in Peru faced the greatest burden of the care crisis in their triple role of education workers, trade union activists, and caregivers in their homes, being overloaded with physical, intellectual, and socio-emotional work, all while attending to excessive demands, providing all kinds of support in precarious conditions, with many of them also participating in labor union actions.

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