

AMURCON 2021
AmurCon 2021: International Scientific Conference**TEACHERS' WORK IN THE CONDITIONS OF THE COVID-19
PANDEMIC: LEGAL REGULATION**Aleksandr V. Shvets (a)*, Anastasia E. Chubukina (b)
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(b) Amur State University, 21 Ignatievskoe highway, 21, Blagoveshchensk, Russia, anastasiya_nastiya@mail.ru**Abstract**

The COVID-19 Coronavirus infection has affected all spheres of society. The educational environment has also been affected by the pandemic. The modification of the sphere of education caused by the coronavirus infection occurred too quickly. None of the participants in the educational process was ready for the changes that had arisen. The article analyses the problems of regulating the work of the teaching staff in introducing distance learning in the Russian education system. The authors identified and analysed the advantages and disadvantages of distance learning, which differ from the usual off-line learning and are characterized by direct interaction of students with the teaching staff. As a result of the analysis of the identified features, the conclusions are drawn. Despite the existing positive features, distance learning does not cease to be inferior to the traditional one. In addition, the sudden transition of the conventional educational environment to the online format has revealed the factual unpreparedness of the teaching staff for it. At the same time, many significant elements of the labour status of the teaching staff were left without proper and high-quality legislative regulation. The authors propose methods and techniques of competent legal regulation of the labour activity of the teaching staff in the online format of the educational process.

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Keywords: COVID-19, distance learning, legal regulation, pandemic, pedagogical worker

1. Introduction

A teacher is one of the most significant figures in education. Indeed, today the central and prerogative direction of the state strategy can be attributed to the further formation of the sphere of education as a mechanism of social improvement of the Russian Federation, capable of increasing the importance of the teacher in the domestic educational process. The tool capable of implementing this program is mainly the need for a correct legislative definition of the legal status of a pedagogical worker.

When considering the construction of the legal system regulating teachers' work in Russia, we can say that it is developing both at the federal level and the level of the subjects of our country. In addition, legislation in this sphere is also being established and realized at the municipal level. The Basic Law of the Russian Federation, which fixes the principal aspects of the legal regulation of the citizens' work that can be applied to the teaching staff, is the foundation for the competent building of legislative control of the specifics under consideration (Konstitutsiya..., 1993).

It is important to note that the Labour Code of the Russian Federation is more concretizing the constitutional provisions in the specifics under consideration, Chapter 52 is devoted to "The peculiarities of regulating the work of pedagogical workers" (Trudovoy kodeks..., 2001). At the moment, the legal regulation of the characteristic features of pedagogical activity and relations of educational specifics is provided by the act of a more specific orientation, the Federal Law "On Education in the Russian Federation." The norms of Federal Law No. 273-FZ of December 29, 2012 "On Education in the Russian Federation" determine that: "a pedagogical worker is a person who is in labour, official relations with an educational institution, and performs the tasks of teaching, educating students and (or) organizing activities in the field of education" (Federalnyy zakon..., 2012, p. 7).

The analysis of the legislative aspects lets us summarize the following features, which can be used to characterize the basis of the content specifics of the teacher's status:

1. characteristic features and procedural specifics of the substantial aspects of the conclusion of an employment contract, which is the basis for the formation and further building of labour relations between an educational institution and a pedagogical employee;
2. teachers' working hours;
3. the peculiarity of the aspects defining the regulations on the pedagogical employee's holiday;
4. characteristics of the central legislative provisions establishing the termination regulations of the employment contract of the employees under consideration (Minikhanov, 2018).

The analysis of the labour legislation lets us note that there are more detailed and specific aspects in the specifics under consideration, the regulation of which is provided not so much by the norms of the Labour Code of the Russian Federation as by-laws and rules. This observation makes it possible to establish that the normative provisions determined by the Labour Code of Russia unreasonably and lightly formulate the basics of the work of the teaching staff, referring to other legal sources. In this sense, such a situation does not contribute to the systematic and efficient law enforcement tools (Polenova, 2015).

The superficial and referential regulation by the Labour Code of the Russian Federation of labour relations of pedagogical workers generates the need for a detailed study of the content of the regulatory

provisions of the Labour Code of the Russian Federation in terms of the specifics under consideration. These will allow for a more thoughtful qualitative, systematic, and full-fledged regulation of the features of the legal status of the category of employees in question. The key to effective and competent legal regulation of the sphere under consideration is a unified legal space, brought by the realities and needs of modern society.

2. Problem Statement

The problems related to the legal foundations of the regulation of teachers' work are always quite acute and topical since the current tasks in the sphere of education in the Russian Federation determine the need for the transition of the quality of the teaching staff to a higher level of their skills. At the same time, several crucial issues in this area remain unresolved. In addition, the coronavirus infection - COVID-19 significantly influenced all spheres of society. Education has become an area that has been seriously affected by the impact of the pandemic because the entire educational platform has switched to a new format of its activities – distance learning.

Since March 16, 2020, the Ministry of Science and Higher Education of the Russian Federation has recommended that all domestic universities switch to a distance learning format (Orusova, 2020). Most of all, the teaching staff felt the impact of the abrupt and unexpected transformation of the educational process. They found themselves in absolutely unusual conditions, in which they had to completely rebuild and adapt their teaching methods to the distance model of the educational process (Marek et al., 2021). In this regard, the issue concerning the basics of legal regulation of the labour status of the teaching staff has become problematic. After all, the distance learning format of the educational process has quite hidden and not evident at first glance nuances that cause some changes in the structure of the rights and duties of the teaching staff.

What are the problems and evident flaws in the legal regulation of the work of the teaching staff when they implement the educational process in a distance learning format, solutions of which are necessary? How have the instruments of legal regulation of aspects of the work of the teaching staff changed? What adjustments need to be made to improve the work of the mechanism under consideration?

3. Research Questions

The distance learning format can be characterized by its specifics, first of all, by the fact that its educational mechanisms are implemented through information resources and technical means to implement interaction between participants in the educational process via the Internet. At the same time, a significant feature of distance learning is that its specificity causes an increased need for students to be independent and self-organized throughout the educational process. For the teaching staff, the primary and essential task in the distance learning format is a proficient introduction of a teaching methodology into their professional activities that are different from the usual one. Teachers can set a necessary vector of the whole educational process to ensure students a high level of knowledge (Gafurov et al., 2020).

It is important to note that teachers resorted to information resources and technologies in their professional activities to organize the educational process earlier. Many domestic educational institutions

have turned to various means and methods of distance learning in their educational process. Aspects related to the experience of using distance learning have repeatedly been the subject of discussions at educational forums and other events dedicated to the problems of modern education. There have already been enough published scientific papers devoted to the effectiveness of inclusion distance learning in the educational process. Scientists expressed many opinions about the pros and cons of using a distance learning model in the educational process and explaining the necessity and usefulness of implementing such a practice (Borisova, 2012). But it is crucial to note that this trend was not so widespread and extensive but rather was an alternative option. The coronavirus infection, unexpectedly introduced into the lives of all people on Earth, predetermined the distance learning model throughout the world as exclusively accessible in the existing realities of society (Radina & Balakina, 2021; Rogozin, 2021). The coronavirus infection merely left no choice for the participants of the educational process and accelerated what everyone expected only after a certain period.

4. Purpose of the Study

The absolute and first-task necessity, at present, is to determine the advantages and contradictory qualities of distance learning during the pandemic and identify the impact of such training on the field of legal regulation of the teachers' work. It is the understanding of existing problems in the specifics of the legal provisions of the labour rights and duties of the teaching staff that let us determine measures and methods necessary for their speedy and competent elimination. Corresponding the legal platform to the fundamental principles and regulations establishes the priority of protecting the labour rights of employees, in particular pedagogical ones.

5. Research Methods

The methods necessary to analyse the issues under consideration were: analysis and generalization of existing legal sources and specific literature, analysis and interpretation of the theoretical and factual materials used.

6. Findings

It is important to note that the existence of such innovations as distance learning is determined as several positive points, and a whole galaxy of issues faced by all participants in the educational process, particularly the teaching staff in the implementation of their duties (Afanasyeva & Turkova, 2020).

Many experts in the field considering the perspectives agree that the benefits of distance learning can be attributed primarily:

1. integration of modern tools and methods of teaching and learning into the educational environment;
2. students and teaching staff gain experience in interacting with these tools and methods;
3. reducing the mental tension of students in preparation for classes, together with the process of conducting classes. Indeed, being in a comfortable environment for students causes a practical absence of

excitement and anxiety compared to offline learning. Thus, it allows students to concentrate on the teaching material and improve the quality of their knowledge;

4. accessibility and timeliness of the educational process, despite the possible spatial and temporal distance between the teacher and the students;

5. the lack of a teacher's subjective evaluation of study results of the discipline among students. A pedagogical worker in the distance learning format makes conclusions about the level of assimilation of the taught material only by analysing the works and answers provided by the learner;

6. accelerated and simplified access to the information necessary for mastering and studying the taught information;

7. the inclusion of interactive resources in the educational process allows more accessible, understandable, and high-quality information to be brought to students. In addition, the inclusion of such resources ensures that students are interested in the taught and studied information and in the educational process itself (Sobyenin et al., 2021).

Despite many positive aspects, distance learning is also characterized by a sufficient number of problematic qualities that do not allow us to consider this format of the educational process as a singular replacement for the traditional contact format.

The more visible disadvantages of the distance learning format of the educational process are seen in the regulation of the work of the teaching staff. As experience has shown, most of the teaching staff turned out to be completely unprepared to get involved in the educational process with a distance-learning implementation format into its specifics as there are several features and practical reasons for this.

One of the disadvantages of the distance learning format of the educational process in the given circumstances is possible to indicate the issue that it is not feasible for all teaching staff to implement their work duties in the proposed format due to the lack of the necessary technical resources for this. Thus, it turns out to be efficient to legislatively define the aspects related to the working conditions for a teacher provided by the employer under the realities of our life in the era of the pandemic. Indeed, what kind of effectiveness of the educational process in the given realities can we talk about if the technical equipment is not provided or provided only nominally?

The further negative point in the specifics under consideration is that when distance learning is included in the educational process, the workload for the teaching staff has increased significantly. The total duration of methodological work and preparation for classes has increased. It became urgently necessary for the pedagogical worker to restructure his teaching methodology per the distance educational model. The pedagogical worker became a student himself as he had to quickly learn all the necessary technical skills to organize a high-quality and effective educational process.

When conducting classes in the usual format, the teacher can more immediately assess the quality of the students' knowledge, identify weaknesses in his training. But during an online class, it is impossible to do this without introducing special technical equipment into this process. The teacher spends more time and effort on the development and task and information placement necessary to test the students' knowledge as he usually does. The teacher spends the same amount of time and effort checking the assignments performed by the students. The online format of classes causes the blurring of the boundaries between working and free time for a teacher (Anpilov & Sorochaykin, 2021).

The educational process has mainly become complicated due to the need for constant technical support of the classes. It is not always possible to quickly, smoothly, and successfully set up Internet communication and Internet connection between the students and the teaching staff to work online. Many technical errors and failures can occur while conducting an online lesson and their elimination takes a large part of the total time. A small portion of the time provided by the schedule and curriculum remains to conduct a lesson.

It is also essential that currently the teacher is obliged to carry out the educational process online, that is, working on the computer. Thus, long-term work at a computer can adversely affect teachers' health, which determines the importance and urgency of legislative definition and implementation into the practical reality of aspects of medical support for the teaching staff (Ivanov, 2020). This situation, in turn, gave rise to the need for a competent revision and qualitative updating of legal provisions concerning labour protection. In particular, it can be considered necessary in the given conditions to introduce regulations into the domestic labour legislation that stipulate compensation for teachers who carry out their professional activities in an online format.

It is also crucial to consider that most of the teaching staff do not have sufficient knowledge of information technologies, which would allow them to implement the educational process online without any problems. Many teachers are faced with the fact that they lack the necessary for their efficient and uninterrupted work competencies in given circumstances (Golovina & Shcherbakova, 2021). Even to create independently and realize their educational e-courses on the distance learning platform, many teachers need detailed explanations and support on many most complicated issues (Puchkova et al., 2020). At the same time, as we continue to work with the course itself, the number of difficulties in operating this stuff only grows. Thus, the teacher was placed in uncomfortable conditions when the lack of understanding of how the distance learning platform functions correctly caused the inefficient implementation of this employee's work duties to provide students with the required information (Tantsura, 2020).

Thus, such an observation can be attributed to an actual drawback and internal inconsistency of the content specifics of the online format of the educational process. In this regard, distance teaching practice creates additional difficulties for the teacher in his professional activity. In addition to having the skills to effectively present the necessary information to students and professional competence in the subject area; teachers are forced to an additional duty by default to have a computer and technical literacy.

There are several prerequisites for the situation to emerge. One of them is that, despite the rapid informatization of all most important spheres and social institutions, finding common points of contact between the educational process and information technologies tools and methods of organizing and realizing the educational process is just appearing in the sphere of education.

Most educational institutions do not provide methodological programs for distance teaching and learning. Therefore, the teachers' adaptation to the new regime of their functions was painful. Naturally, the teaching staff in those educational institutions, where distance learning techniques had already been practised in the educational process before, joined the necessary training format faster and more successfully (Aleshkovsky et al., 2021). The current situation is typical for a more age group of teachers who do not encounter the information environment in their daily lives so often (Grunt et al., 2020).

In this regard, it may be advisable to create a program, the comprehensive implementation of which will be aimed at acquiring information technology skills and abilities necessary for pedagogical workers to carry out their high-quality activities within the framework of distance teaching and learning. It is vital to help the teaching staff in mastering new teaching methods, together with providing them with the possibility of an understandable and flexible orientation in the proposed online educational platforms (Tantsura, 2020).

Considering the main features that regulate the teachers' work in distance learning, it should be noted that there are many such institutions engaged in educational activities. At the same time, such remuneration of the teaching staff exceeds the employees' salary rendering educational services in the traditional format. As you know, in the conditions of the transition of all educational institutions and organizations in Russia to distance learning, the remuneration of the teaching staff has not become higher but remained the same as a large-scale transformation of the educational process under the realities of the pandemic (Cherdakli, 2020).

It should be noted that the transition of the educational process to a distance learning environment also causes the loss of the necessary interaction between the teacher and the student. In this regard, distance learning does not seem to be as effective as the traditional training format. It is due to the lack of psychological contact between the participants in the educational process necessary to determine the best tactics for conducting classes, together with the effectiveness and efficiency of the learning process, which is, obtaining higher learning outcomes (Hung & Wati, 2020).

The specificity of the learning process phenomenon is based on the importance of constant communication between its participants. The full-time training format, different from distance learning, determines the ease and clarity of such communication. During traditional full-time learning, the teacher can control students' reactions in the classroom to the content of the offered information. At the time of contact training, the teacher can adjust the plan and tactics of his class to the mood of the students and possible force majeure circumstances. Teaching full-time, the teacher has the tools to focus students' attention on more significant aspects of the topics being studied (Mikhailov & Denisova, 2020). In addition, distance learning is not a promising option for students' sociability and confidence, often necessary in their future professional life. Other things include a lack of direct contact between the teachers and the students. It causes the risk of a shortage of a proper level of students' interest in the educational process and the possibility of teachers' authority falling.

Having analysed all the features that occur in the professional duties' implementation by a pedagogical worker, it is possible to identify some innovations that will ensure the elimination of difficulties arising in the specifics under consideration. Thus, aspects that consider the inclusion in the modern legal practice of regulating the work of the teaching staff of the functioning of an additional agreement on the transfer to a new online format of the category of workers are becoming topical now (Ivanov, 2020).

As for the content of the specified agreement with the teacher, it should be determined by comprising the ideas following in it:

1. regulatory provisions on the terms of the specified format of work;

2. provisions concerning the identification of the work and rest regime of the given category of employees;

3. information that establishes the aspects of the amount of remuneration of corresponding employees;

4. normatively specified regulations indicating the method by which the employer will be authorized to exercise control over the performance of the professional duties of the teaching staff in the online work format;

5. aspects about the conditions and procedure for providing an employee with the technical resources necessary to carry out his professional duties;

6. provisions on the amount of compensation to teachers for the use of personal technical resources;

7. the regulations, defining the procedure for providing the teaching staff with working conditions that meet safety requirements by the employer.

In addition, as appropriate and effective measures necessary for the competent legal regulation of the work of the teaching staff in an online format, it is possible to name the following:

1. inclusion in the labour legislation, and in particular in Chapter 52 of the Labour Code of the Russian Federation, of regulations fixing the basis for determining and the procedure for payment of compensation for the teaching staff who carry out distance learning;

2. inclusion in the legal plane of a legislative assumption for a pedagogical worker to carry out his professional duties under his work schedule convenient for him, so that the implementation of regulatory provisions on labour protection and health is ensured;

3. identification of the basic regulations that make up the structure of the supplementary agreement on fulfilling online work, taking into account the teachers' state of health;

4. updating of labour legislation, in terms of regulations governing the salary of the teaching staff to increase it when working in an online format (at least two minimum wages in the country);

5. identification and normative inclusion in the supplementary agreement, the regulations defining the conditions and procedure for equipping the teacher's workplace with a computer or a laptop necessary for the successful implementation of an uninterrupted and effective educational process;

6. identification and normative inclusion in the supplementary agreement, the regulations defining the conditions and procedure for compensation payment for the use of personal teachers' staff technical resources at work.

The actual practice turned out to be the following. The requirements provided in article 72 of the Labour Code for a written binding agreement between an employee and an employer on amendments to the terms of an existing employment contract were not implemented by any educational organization.

After all, there was a situation in which the entire educational environment suddenly transformed into a new format to implement the educational process – distance learning. The preparation for work in this format seems to be a complicated and full of difficulties process. The teaching staff had to spend an enormous amount of time and effort to ensure an uninterrupted and efficient lesson within the framework of the proposed format.

Thus, with all the difficulties of such a large-scale process of transition of the educational process to new and unusual conditions for everyone, the main elements of the labour status of the teaching staff at that moment were unsettled.

A competent step in this situation would be to coordinate all the fundamental aspects associated with the conditions and procedure for changing teachers' work duties, remuneration regulations, and compensations to the employee for expenses caused by the distant work format. Particularly, aspects of equipping the teacher's workplace with all the resources and technologies necessary for distance learning and his readiness to fulfil his duties in an online format had to be worked out and settled.

7. Conclusion

Summing up, it can be noted that the suddenly occurred COVID-19 pandemic has caused the implementation of significant and painstaking adjustments in the legal space, particularly in the field of labour regulation of the teaching staff, considering the transformation of the entire educational process into a distance learning environment.

Let us hope that in the coming future, the teacher's rights and obligations of his professional functions in an online format will become regulated in more detail in the current labour legislation. Proficient legal labour regulation is a primary mechanism that ensures the effectiveness and fulfilment of their professional competencies by employees. In addition to making the necessary changes to the current legislation, the most crucial aspect is to ensure their competent and consistent implementation in practice. Significantly, legal adjustments and modifications should be reformed in reality as correctly and realistically as possible. Thus, the objective readiness of the teaching staff to implement a productive educational process is ensured, even in such complicated and unusual conditions as distance learning.

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