

Social and labour standards of Russian and foreign educational legislation

Tatiana Vysheslavova

Law Institute of the North Caucasus Federal University, Pushkin str., 1, 355001, Stavropol, Russian Federation
E-mail: vysheslavova_tf@mail.ru; Tel: 8-962-446-30-81

Abstract. This article deals with a comparative analysis of educational legislation of the Russian Federation and the republics of Ukraine, Belarus, Kazakhstan, Armenia, Azerbaijan, South Ossetia in the provision of educational participants of social and labor relations of state guarantees. Measures of social support of the students in these countries as traditional for them, and innovations of educational legislation are considered; and also legal regulation of labor relations of pedagogical workers, reflecting the special character of their work in the modern world and considering various public features.

[Vysheslavova T. **Social and labour standards of Russian and foreign educational legislation** *Life Sci J* 2014;12(1s):61-64] (ISSN:1097-8135). <http://www.lifesciencesite.com>. 15

Keywords: education, education legislation, the Law “On Education”, social security, labor warranty, expansion of social support, social security, labor relations

Introduction

While radically changing the socio-economic conditions of Russian society is the inevitable process of change adequate educational legislation. Educational Law of the Russian Federation is an extensive legal base. The totality of existing sources of educational law is sufficiently large. According to conservative estimates, there are over 20,000 legal acts and normative treaties in education. only at the federal level More than 500 legal acts in the form of federal laws, enactments of the President of the Russian Federation, the Russian Government decrees and regulations of the Russian Ministry of Education have been adopted over the past eight years [1].

This is confirmed by the new law on education in the Russian Federation dated 29.12.2012. № 273 – Federal Law. Scientists estimate the law is ambiguous. We can recognize that it secured the whole complex of social and labor standards regulating the status of students and employees of educational institutions. So what has changed in the social and labour sphere with the adoption of this law in comparison with earlier regulations.

The basic social and labour rights are enshrined in chapters 4-5 of the law, which are based on the direct action of the Constitution and the Labour Code of the Russian Federation.

According to V.M. Syrah, social and other benefits and guarantees which law offers to educators is just the most famous exponent of public recognition of the teacher’s labour and true desire of the state to have its most worthy representatives of society teachers and tutors [2].

The measures of social support have been significantly expanded and detailed to students in

current law. In addition to traditional measures - health, provision of food, protection mechanisms of the students’ activities because of the organization activity termination, the new guarantees for accommodation, transport facilities, use of textbooks, scholarships and other financial aid, educational loans, etc. have appeared. Article 36 provides for a certain range of material incentives for students in the form of academic, social and other types of grants, disbursements professional educational organizations and educational organizations of higher education engaged in the provision of public services in education due to federal budget allocations, to provide material support to needy students in the amount of twenty-five percent of them envisaged size of the scholarship fund , the funds for the organization of cultural , athletic and sporting , fitness work with students in the amount of the monthly size of the scholarship fund for educational programs of vocational education and double the size of the monthly scholarship fund for higher education programs [3]. Articles 37 and 38 of the Law are to provide food and clothing and equipment, students through budgetary allocations appropriate budgets. Articles 39 and 40 of the law provide for the provision to students in the hostel premises in the presence of the specialized housing, free transportation of students in state and municipal educational institutions implementing basic education programs, between the settlements of the founders of the respective educational institutions, as well as providing in accordance with Russian law of social support when traveling on public transport.

The measures of social support to protect the health of students, instilling healthy lifestyles, as well as psycho-educational, medical and social assistance to students who are experiencing difficulty in

mastering basic educational programs, development and social adaptation are expanded.

Essential guarantee for students and their parents seems to provision on educational loans. Implementation of this feature is the Russian Federation Government Resolution 18.11.2013 № 1026 “On approval of the provision state support for educational loans” [4]. According to regulation citizens concessional can get basic and (or) related education loans. The first available for tuition in basic professional educational programs. The second - to pay costs accommodation, meals, purchase of educational and scientific literature and other household needs during the training period. Borrower does not provide security for the loan, as well as the size does not pay the principal before graduation. For the first 2 years of the loan is set grace period to pay interest. Need to return the education loan for 10 years after completion of training. However, you can pay it off early without any commission. There are no restrictions on the provision of credit for a second or subsequent education. Subsidies allocated by agreement between the credit institution and the Ministry of Education of Russia. These measures ensure greater social protection of students.

However, the existing law disappeared from the law norms with articles 52.1. “Fee charged to parents (legal representatives) for the maintenance of the child in educational organizations that implement basic educational program of pre-school education” and 52.2. “Compensation for the contents of the child in educational organizations that implement basic educational program of preschool education” before the current law of the Russian Federation “On Education” from 10.07.1992. № 3299-1 [5]. These exemptions in current law reduces social security primarily low-income citizens of the Russian Federation in the exercise of their rights to education. In the field of labour relations of teachers state guarantees almost unchanged or extension. Paragraph 5 of chapter 5 of the Federal Law № 273 regulates labour and social rights of teachers, working in conjunction with chapter 52 of the Labour Code of Russian Federation. Thus, it is stipulated shorter working hours, the right to further professional education on the profile of teaching activities at least once every three years for early retirement, providing an elongated annual and leave of long duration for the experience of pedagogical work, giving priority to the living area. Pedagogical workers, who live and work in the countryside, working settlements are entitled to compensation expenditures for premises, heating and lighting.

In regulating these issues a greater role laws of subjects of the Russian Federation and local acts educational organizations has acquired.

And as in all laws governing social security, the differentiation level of these guarantees in the community of teachers, and that in no way associated neither with quality nor volume performed with pedagogical and scientific-pedagogical activities. There are too many questions in the practice of minimum social guarantees in this area. So, the question of attracting teaching staff to work overtime by employers to pay at a higher rate does not arrange. The regulations on the peculiarities of customs mode of teaching and other staff of educational institutions from 27.03.2006 № 69 settled the issue associated with the division of the day into parts. This document stated that in the teachers’ scheduling and other employees breaks in working time is not associated with rest and meals are not allowed [6]. Thus, making a schedule of training sessions, the educational institution shall exclude irrational amount of teaching staff’s time, leading a teaching job that is violated in practice. Legal regulation of the working time of teachers requires specifying and fixing of minimum standards at the federal level in the force and significance of diverse teaching staff. This approach is part of the special nature of their work, which requires considerable intellectual and continuous voltage [7].

The new Education Act does not regulate salaries of teachers. In the previously existing law, this legal relationship governed by Article 54, provides for the payment for performing the additional contracts. Wages should be, by virtue of the Labour Code of Russian Federation, salary, compensation and incentive payments. Compensation payment for the purchase of educational literature - 100-150 rubles has not changed over the years. Incentive payments are regulated by local acts and may be up to 30 % of the payment of teaching staff. However, even summing up all these payments, the average salary of teachers is low. It is not conducive to attracting industry young professionals.

Problems in the development of educational legislation exist in foreign countries, especially in the neighboring countries, based on the traditions of the Soviet model of education. The variety of approaches to the legal regulation of educational relations, ways and means of regulation that apply legislators these countries allows hoping for some integration with the Russian educational legislation and originality of the legislation of individual countries. Focusing on the global education standards enshrined Declaration of Human Rights and other sources of international law, the state between different ways to solve problems of social and legal guarantees.

Social and labor relations training paid considerable attention to the legislation of Ukraine, Belarus, Kazakhstan, Armenia, Azerbaijan and other

countries. So the Ukraine Law of "On Education" in the education system provides state psychological service.

Psychological support of the educational process in schools carried out practical psychologists. According to its status psychologists refer to practical teaching staff. Article 22 of the law provides for the organization of social and pedagogical patronage in the education system that promotes interaction among educational institutions, family and community in the education of children, their adaptation to the social environment, provides advice to parents, persons acting in their stead. Pedagogical patronage managed by social educators [8]. The provision of the Law of Ukraine on the establishment funds of universal compulsory education at educational institutions to provide financial assistance to students, cultural activities and other expenses is deserved attention. Such funds are formed from the local budget of at least 3% of the cost of the schools, as well as through fund raising organizations, institutions and other sources. The possibility of additional forms of social and material support for all learners from local budgets, ministries and departments, enterprises, institutions, organizations, and citizens, businesses and individuals outside of Ukraine, charitable organizations, as well as other income. During apprenticeship practices pupils and students are provided with jobs, safe and harmless working conditions. Order of payment of work performed during the training and practice is determined by the Cabinet of Ministers of Ukraine. Fifty per cent of wages for job training and work practice students, vocational students - technical schools sent to the account of the institution to carry out its statutory activities, strengthening of training facilities, social protection of students, trainees, of mass cultural and sports activities.

The labour guarantees besides the teaching staff include adequate working and living conditions, recreation, health care training at least once every five years, the compensation established by the legislation, in the event of job loss due to changes in the organization of production and labour.

The events of the last two decades in the Republic of South Ossetia, have not avoided education. The considerable damage to infrastructure and educational complex is suffered, human potential is suffered. All this could not affect the quality of education. Republic of South Ossetia pays great attention to the reconstruction and development of education. So, March 5, 2013 a State Programme of the Republic of South Ossetia "Development of Education and Science" in 2013-2017 was developed. The program includes a commitment to establish salaries for teaching staff at the level of 100% of the

average wage in the economy of the Republic of South Ossetia. It is planned to implement a system of motivation of teachers, for affordable housing, including using a mortgage with a reduced interest rate. It is planned to wage setting faculty members of higher professional education with the 169% in 2011 to 180% in 2015 to average in the republic's economy and bringing in 2017 the average salary faculty members educational institutions of higher education to 200% relative to the average wage in the economy of the republic [9, 10, 11, 12, 13 and 14].

As a result of this program, a draft law of the Republic of South Ossetia "On education" was developed. This law synthesizes the rules of Russian law "On education" and the possibility of the RSO and will provide social and labor warranty on the education level of the Russian law on such terms and conditions determined by the Government and the current legislation of Russia.

The analysis of socio-labor government guarantees enshrined in the educational legislation of the test says about their care and attention, to the educational sphere. However, the level of many social and labor standards remains poor and does not optimistic statements about the role and importance of high teachers in modern society. Many states is not only retained the scope of rights and benefits offered to teachers Soviet state, but expanded and improved socio-educational labor standards legislation. A brief overview of certain provisions of laws on education of the Russian Federation and Nearby Countries shows that foreign legislative experience contains many valuable, worth recommending regulatory decisions, the knowledge of which greatly expands our understanding of the ways, methods, specific options for improving social and labor standards of educational legislation. In the study of foreign educational law, we see an invaluable experience in identifying ways and trends in educational reform legislation, guidelines on the forefront of legislation in education, evaluation of proven practices.

Thus, the implementation of a comparative analysis of current educational legislation of the Russian Federation and Nearby Countries can come to the following conclusions:

1. Educational legislation of the Russian Federation and of the states has some common roots-education legislation of the USSR;
2. all countries are reforming their educational legislation in accordance with the changing socio-economic conditions;
3. all States in some extent include education legislation regulating social and labor sphere for students and employees of educational institutions;

4. the level of social and labor provided state guarantees in general the same, but the rise in the general level of development is directly dependent on the economies of those countries;

5. education legislation of these states has sufficient array reference nature norms which establish certain types of social assistance participants educational relation sex executive authorities and educational institutions themselves;

6. wages of participants remains low of educational relations with the trend of gradual bringing its size to the level of remuneration of educators developed European countries;

7. the use of the comparative method in the analysis of educational foreign legislation will facilitate the proper ways and means to improve Russian legislation in line with international experience.

Corresponding Author:

Dr. Vysheslavova Tatiana

Law Institute of the North Caucasus Federal University

Pushkin str., 1, 355001, Stavropol, Russian Federation

E-mail: vysheslavova_tf@mail.ru

Tel: 8-962-446-30-81

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9/20/2014