

# A Comparative Study of the Performance of Secondary School Teachers Working on Regular and Contractual Basis

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**Abstract:** *The present study was designed to find out difference in performance of the regular and contract teachers in government secondary schools to develop a strategy for future. The study was based on classroom performance of regular and contractual teachers. In this study closed ended questionnaires were used. Two questionnaires were used to get the responses of head teachers and students regarding the performance of the regular and contractual teachers.. Only those secondary schools were selected where contractual and regular teachers were working. The opinions of the head teachers of the respective schools were also obtained on the overall performance of both the groups. The data obtained, was organized, tabulated, analyzed, calculated by mean scores in order to find out the significant difference between the performance of two groups .The findings and the conclusions of the tabulated data indicated that there is no significant difference between the performance of both regular and contractual teachers.*

**Keywords:** School, Performance, Regular , Contractual, Teacher , Student, Government

## 1. Introduction

Education is an obligatory to every citizen; therefore, the government of Pakistan is trying its best to provide educational facilities to every individual .In this regard the government has appointed, teachers at different levels on regular and contractual basis. In the near past, contract appointments were made against a few selected posts whereas the bulk of appointments in the government sectors were made on regular basis.

However, during the last few years, the government has increasingly realized it that the regular mode of appointment is not suitable for the most of the government sectors due to administrative and financial factors. The government has shifted from regular mode of appointment to the contractual mode in view of changing management practices and achieving the goals of good governance in public sector organizations. (Contract Appointment Policy 2004, p.2)

Appointment on regular basis is made under the provisions of the Punjab Civil Servants Act, 1974. Contract appointments were being started, largely, in health departments from the year 1996. Education department also adopted contract mode of appointment from the year 2000 and on wards. In June 2003, finance department issued a circular letter No. E & A (FD) 12 -7/ 2003 (P) dated 02-06-2003 stating that all appointments are made on Contract, unless or otherwise allowed by any authority (Contract Appointment Policy 2004, p.3).

## 2. What is Employment Contract?

Employment is a contract between two parties, one being the employer and the other being the employee. An employee may be defined as: "A person in the service of another under any contract of hire, express or implied, oral or written, where the employer has the power or right to control and

direct the employee in the material details of how the work is to be performed," (Black's Law Dictionary page 471, 5th ed. 1979).

In a commercial setting, the employer conceives of a productive activity, generally with the intention of generating a profit, and the employee contributes labour to the enterprise, usually in return for payment of wages. Employment also exists in the public, non-profit and household sectors. To the extent that employment or the economic equivalent is not universal, unemployment exists

## 3. Teacher's Contract in United State of America

In the United States, the standard employment contract is considered to be at-will meaning that the employer and employee are both free to terminate the employment at any time and for any cause, or for no cause at all. However, if a termination of employment by the employer is deemed unjust by the employee, there can be legal recourse to challenge such a termination. Unjust termination may include termination due to discrimination because of an individual's race, national origin, sex or gender, pregnancy, age, physical or mental disability, religion, or military status. Additional protections apply in some states, for instance in California unjust termination reasons include marital status, ancestry, sexual orientation or medical condition. Despite whatever agreement an employer makes with an employee for the employee's wages, an employee is entitled to certain minimum wages set by the federal government. The states may set their own minimum wage that is higher than the federal government's to ensure a higher standard of living or living wage for their residents. Under the Equal Pay Act of 1963 an employer may not give different wages based on sex alone (Free encyclopedia files. min. p, 11).

In Australia there is the controversial Australian Workplace place In March 2008 a bill was passed in the Australian

Senate that prevented new AWAs from being made, and set up provisions for workers to be transferred from AWAs into intermediate agreements. India has Contract Labour, Minimum Wage and Provident Funds Acts. Contract labour in India must be paid minimum wage and certain facilities are to be provided to labour. However, a lot of work has yet to be done to fully implement the Acts. In the Philippines, Private employment is regulated under the Labor Code of the Philippines by the Department of Labor and Employment. According to Swedish law there are three types of employments.

- 1) Test employment. The employer hires a person for a test period of max 6 months. The employment can be ended at any time without giving any reason. This type of employment can be offered only once per employer and employee. Usually a time limited or normal employment is offered after a test employment.
- 2) Time limited employment. The employer hires a person for a specified time. Usually they are extended for a new period.
- 3) Normal employment, which has no time limit (except for retirement etc.).

There are no laws about minimum salary in Sweden. Instead there are agreements between employer organizations and trade unions about minimum salaries, and other employment conditions. (Free encyclopedia files.min. p,11) Pakistan has Contract Labour, Minimum Wage and Provident Funds Acts. Contract labour in Pakistan must be paid minimum wage and certain facilities are to be provided to labour. However, a lot of work has yet to be done to fully implement the Acts (Free encyclopedia files.min. p, 11).

#### **4. Contract employment in Pakistan**

In the past contract appointments were made against few selected posts whereas the bulk of appointments in the government sectors were made on regular basis. However, during the last few years, it has been increasingly realized that the regular mode of appointment is not suitable for most of the government sectors assignments due administrative and financial factors (Contract Appointment policy 2004, p.1).

The government generally shifted from regular mode to of appointment to the contract mode, in view of the changing management practice and to achieve the goals of good governance in public sector departments / organizations. Despite this major shift in policy, no legal/policy framework, governing various aspects of contract appointment, is available except the general guideline issued by Finance Department regarding terms and conditions of contract appointments of persons who are already working on regular basis in the governments sector (Contract Appointment policy 2004, p.1).

To clarify the legal position of contract appointment and to provide policy guidelines for the same, a comprehensive Contract Appointment policy has been framed which is hereby issued as under. (Contract Appointment Policy 2004, p.18)

#### **I. Appointments on Contract Basis**

- 1) Appointment on contract basis is to be made through the appropriate selection committees as notified by the Government.
- 2) Under the provision of rule 4 of the Punjab public service commission (function) Rules, 1978; contract appointments are excluded from the purview of the PPSC. However the Department should preferably adopt the channel of PPSC even for contractual appointment against posts, which otherwise fall within the purview of PPSC under Sub Head V above, by seeking relaxation of Rules 4 ibid form the chief minister.
- 3) The Service Rules applicable to various posts shall be applicable also in case of appointment on contract basis. If however the Service Rules for a post have not been framed, the departments are advised to get them framed in consultation with the Regulations Wing of S&GAD and with approval of the chief Minister.
- 4) Where Service Rules for posts be filled on contract basis are not available or where the department intends to adopt qualifications etc., different from those provided in the Service Rules, comprehensive criteria regarding proposed qualification, experience, age, appointing authority etc., may not be approved wing, as per provision of sub head VII-2 below.
- 5) As result of shift towards to contract appointments, the feeding cadres for posts required to be filled by promotion under relevant service rules, are expected to diminish. This means that after some time, regular governments service may not be available for appointment to posts reserved for promotion under the rules. In order to ensure that the posts do not remain vacant simply on the grounds that regular employees are not available in the feeding cadre for promotion, the Departments should review the existing service rules and propose appropriate amendments so as to add a provision that, " if none is available by promotion then by initial recruitment. " More over the qualification, age and experience for initial appointment against such posts shall also be got incorporated in the service rules, if it does not exist already, be placing the case before the Service Rules Committee.
- 6) To provide better prospects for selection (on contract) against higher posts to the contract employees, the departments should carry out an exercise to rationalize the existing service rules. With the depletion of regular employees various categories in the feeding cadre, the percentage of posts reserved for promotion should be reviewed.
- 7) Person appointed on contract basis are not civil servants, therefore their service matters shall not be governed by the rules framed under the Civil Servant Rules Act, and 1974. There appointments shall be strictly regulated by the terms and conditions of their contract.
- 8) Appointment on contract basis shall be non-pension able. ( Contract appointment Policy 2004,p.5)

#### **II. Appointment on Regular Basis**

Appointment on regular basis is made under the provisions of the Punjab Civil Servants Act, 1974, Punjab civil servants (Appointment & conditions of service) Rules, 1974 and relevant Service Rules of the posts in the following manners:

- a) Initial appointment on regular basis to all posts in BS-16

and above is made on the recommendations of the Punjab Public Service Commission.

- 1) As per notification No. SOR-III (S&GAD) 1-14/75, dated 24.07.04, initial /attached departments shall be made on the recommendations Of the Punjab
- 2) Public Service Commission.
- 3) Service & General Administration
- 4) Revenue.
- 5) Finance.
- 6) Police.
- b) Initial appointment on regular basis to the following posts in the departments /attached departments mentioned against each shall also be made on the recommendations of the Punjab public Service Commission:
  - 1) Assistant superintendent jail Prison
  - 2) Assistant Food controller Food
  - 3) Excise and taxation Inspector. Excise & Taxation
  - 4) Sub Engineer. Irrigation & power
  - 5) Sub Engineer Communication Works
  - 6) Sub Engineer Development public Eng
- c) Initial appointment on regular basis in BS-1to 10 in all departments and against posts in BS-11 to 15, other than those listed at serial no (ii) above, shall be made on merit by the relevant committees /boards as notified by the government.
- d) Persons appointed on regular basis ate governed by the rules framed under the Punjab Civil Servants Act, 1974 such as the Punjab Civil Servants (Appointment & Conditions of Service) Rules, 1974, Service of the post, Leave Rules, pension Rules etc., or other rules framed under any law, specific to any category of employees. (Contact Appointment policy 2004, pp.4-5).

### **III. Background of Contract Appointments in Punjab**

- 1) Historical, contract appointments were made against very few posts in case of:
- 2) Re-employment. development projects.
- 3) Tenure posts, for example member PPSC Ombudsman, etc
- 4) Contract appointments were started in bulk in Health Department from the year 1996-1997 onwards.
- 5) Education Department also shifted to the contract mode of appointment from the Year 2000-2001 onwards.
- 6) In June 2003 Finance Department issued a circular letter No .E&E (FD) 12-07-03 dated 02.06.2003 stating that all appointments be made on contract, unless otherwise allowed.
- 7) Consequently, almost all appointments in Government Departments were made in the contract mode, under the recruitment Policy –phase-I.
- 8) Under Recruitment Policy Phase-II issued vide No. SOR-IV (S&GAD) 10-1- 2003 dated 17.09.2004, it has again been clearly specified that all appointments Should be made in the contract mode unless specifically allowed otherwise by the Chief Minister, on the recommendations of the Contract Appointments Regulations committee (CARC). (Contract Appointment Policy 2004,p.2)

## **5. Rational Behind Shift to the Contract Mode**

### **5.1 Financial /economic reasons**

- 1) *Due to financial constraints the government had imposed ban on recruitments since long, under the Economy Measures.*
- 2) The government could not even foot the bill of salaries let alone the pension bill.
- 3) The financial burden of the annual pension bill has accumulated to the tune of Rs.10 Billion (approx). The budget estimates of annual pension liability gave risen from 1739.230 million in 1990-91 to RS. 9734.935million in 2000-05. The province cannot sustain such steep increase in the rate of pension liability.

### **5.2 Administrative Reasons**

#### **a) Large-scale practice of absenteeism of regular government servants, especially in the case of Health and Education sectors.**

- 1) The performance of regular employees had become abysmal leading to poor service delivery.
- 2) Regular employees became too secure in their service, leading to poor performance.
- 3) Cumbersome accountability mechanisms under E&D Rules as well as PROS, with the result that no meaningful action could be taken against poor performer.
- 4) Huge administrative costs on transfer/promotions, etc., of regular employees as administrative machinery remained totally engrossed in these functions instead of focusing of Supervisory and policy- making functions.
- 5) Regular mode of appointments did not distinguish between better and poor performers, resultantly all and sundry would be promoted to the next higher scale, undeservingly.
- 6) No concept of performance based indicators for retention in service resultantly, inefficient and corrupt elements continued in service without any hindrance.
- 7) Contract mode of appointments is a preferred mode in all private enterprises providing the employers all the flexibility to tap in the best human resources available in the market. Hence performance in private sectors is generally considered much better as compared to the performance in the Government sector.
- 8) Latest management practices in the developed world also recommended contract mode of appointments with better pay package for improved performance and service delivery, resulting in good governance. (Contract Appointment Policy 2004, pp.2-3)

#### **b) Need for Policy Framework for Contract Appointments**

- 1) Though Government has made a paradigm shift from regular to contract mode of appointments, no policy frame work exists to cover contract appointments.
- 2) No uniform policy of contract appointments exists, therefore departments have adopted various policies lea ding to disparities at inter and intra departmental level.



- 3) There is no institutional arrangement for deciding as to whether a certain category of posts is to be filled on contract of regular basis. Resultantly, same category of posts in one department is being filled on regular basis whereas; in other departments it is being filled on contract basis.
- 4) Contract appointments are being made in various departments without any service rules or without getting the criteria of qualification, etc. approved.
- 5) Numerous problems regarding contract appointments of regular governments servants has emerged e.g., issues and retention of lien, treatment of period spent on contract, pension, etc. (Contract Appointment Policy 2004, p.3).

#### **c) Appointments --Legal position**

- 1) Section 4 of the Punjab Civil Servant Act, 1974 provides that appointments to a civil service of the province or to a civil post in connection with the affairs of the province shall be made in the prescribed manner.
- 2) Rules 3 (1) of the Punjab Civil Servants (Appointment and condition of service) Rules, 1974 provides that appointment to posts shall be made by promotion, transfer or initial recruitment as may be prescribed.
- 3) Rules 17 of the Punjab Civil Servants (Appointment and conditions of Service) Rules, 1974 requires that initial recruitment (either on regular or contract) against all posts in BS-1 and above shall be made on merit after advertisement of vacancies in newspapers. (Contract Appointment policy 2004, p.4)

#### **5.3 Determination of Posts to Be Filled On Regular or Contract Basis**

As mentioned above, the Government has generally shifted from regular mode of appointment to the contract mode. However regular appointment can be allowed under special circumstances in individual cases. Therefore, in order to determine as to whether of posts should be filled on regular or contract basis, a contract Appointment Regulation committee (CARC) has been constituted vide Notification No SOR.IV.(S&GAD) 12-2/2004, dated 16.04.2004 (Contract Appointment Policy 2004, p.5).

#### **5.4 Constitution of the Committee (CARC)**

- 1) Secretary Regulations, S&GAD. Chairperson
- 2) Secretary Punjab public service commission Member
- 3) Additional Secretary (Regulations) Finance Department Member
- 4) Additional Secretary (Management) S&GAD. Member/Secretary
- 5) Additional Secretary (Regulation) S&GAD Member
- 6) A representative of A.D concerned Member (not below the rank of Additional secretary where the department does not have an additional then Deputy Secretary Shall represents the department).
- 7) Any other Member is co-opted by the committee. Where the job assigned to a post is of important nature, it may be filled on regular basis or with higher pay package on contract basis while the posts carrying lesser

responsibility are considered for appointments on contract basis in the pay scale prescribed for the posts.

#### **6. Objectives of the Study**

The following were the objectives of the study.

- 1) To determine the performance of contractual and regular teachers on the comments of students of government schools.
- 2) To elicit opinion of the heads of Government boys schools about the performance of contractual and regular teachers.

#### **7. Significance of the Study**

Education is a process, which changes the behavior of a man. The major focus of the education system is to ensure the quality in education. Teachers are the main agents to maintain the quality of education system. This study will help the heads of school in assigning duties within school by adopting the principal, right person for right job. This study will also provide insight of innovative techniques used by contractual and regular teachers to strengthen the teaching-learning environment. This study will also help and provide a linkage between contractual and regular teachers to motivate the aggressive students to get education. The study will also facilitate, policies makers, administrators in formulating the policies, about regular and contractual teachers. It will also provide the guidelines to solve the issues and problems relating to contractual and regular teachers. It will also provide the guidelines to evaluate the performance of both types of contract and regular teachers.

#### **8. Methodology**

The study is descriptive in nature. Survey method was used to assess the difference between the performance of regular and contractual teachers. The population of the study comprises all 99 government school and 334 teacher and 99 male teacher working on contract and 99 male teacher working on regular basis. Two detailed questionnaire were for students and head teacher, The questionnaires comprises all necessary aspect related to the job of secondary school teacher appointed on contractual basis and regular basis. The collected data by keeping in views the objective of the study the mean score method was used.

#### **9. Findings**

Following were the findings of the study, based on means scores given by the students and head teachers.

##### **a) Comparison of the performance of Regular and contractual teachers based on Students' responses.**

After the analysis of the data it was found that contractual teachers are slightly better than regular. Contractual teacher are better in gaining moral lesson to the student is also find from the result that the contractual teacher are better than the regular teacher in the following aspect as behavior, teaching techniques, use of A.V aids, lesson planning, creates flexibility, attractive teaching styles, responsibility, time management, regularity and checking

home work and notebook. It also observed that the contractual teacher have the good reputation in the society due their good performance of results.

#### b) Comparison of the comments of Head Teachers

The present study of the comparison of the performance of the secondary school teacher and the regular teacher the view of the head teacher about both are as:

The result score shows that the performance of the contract teacher is better than the regular one .Mean score of the comments of head teachers' about the performance of regular is for contractual teachers with respect to teachers' accent is good and understandable. Mean score values show that the performance of contractual teachers is slightly better than regular .Mean score values show that the performance of contractual teachers is better than regular but not significant than regular in increasing enrolments of the students. In respect of teachers help the students in choosing the subject. The performance contractual teacher with respect to recapitulate previous Lesson before start of new lessons is better and understandable. The class control approach of the contract teacher is better than the regular one . it has been also observe that the acceptance of the new challenges of the contractual teacher is better than the regular one. The teacher appointed on contract is regular and follow the time management techniques during the class. the teacher appointed on contract have the impact of the their higher education on their teaching method . The data point out the contractual teacher follows the lesson planning techniques. The contractual teacher has respect of their colleagues and students. The contractual teacher have the better understanding to develop relation with parents for the solution of the student problem.

## 10. Conclusion and Discussion

The result of this study indicates that SSEs contractual teachers, show slightly better performance as compared to regular teachers as indicated by students' achievements. Mean score values show that the performance of contractual teachers is slightly better as compare to the regular teachers, in greeting the students, giving moral lesson, preparing lesson Plan, by using attractive teaching style, to motivate the students, to control the classes without giving physical punishment, positive relation with students. The teachers on the contract have the better performance than a regular one. The result of the study also depict that the student results of the contract teacher is better than a regular one .it is also observed that the headteacher does not equally trust the contract and regular teacher . The overall result shows that the performance of contractual teachers is slightly better than regular teachers but not significant.

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