

Examination of Discriminatory Behaviors and  
Practices within the  
Education System

Commissioned by

Women's Department

Researched and written

By

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## **1. BACKGROUND**

The Women's Department through funding provided by UNICEF has conducted a survey examining gender-related issues in the education system, especially issues that impact greatly on the lives of women. This qualitative study examined school policies and gathered information from school authorities regarding issues that may adversely affect the advancement and livelihood of teachers and students, especially women.

While a number of issues were identified, this report deals with two major areas that may have serious implication(s) for women's social and economic development. These two issues involve school policies regarding teenage pregnancy for primary and secondary school students, as well as the unwritten policies that seek to release unmarried pregnant teachers from the classroom, hence affecting their continuous employment during and after pregnancy. Both these issues were critically examined. The resulting report focuses on discriminatory attitudes and practices identified within the church-state partnership. The other two major concerns identified during the study are annexed at the end of the report.

### **1.1 Introduction**

School policies are usually formed and based on teachings of the Church. These policies are rooted in the convictions of the church and have significant implications for unwed pregnant teachers and pregnant teenagers who are expelled from school during their primary and secondary school years. In addition to regulating the private lives of female teachers, the policies put women in a critical situation at a crucial time in their lives; that is, when it is most important for them to be employed and thus, self-sufficient.

Similarly, teenage girls who become pregnant are likely to be expelled from school, thus ending their education at an early age, even before they have had the opportunity to develop meaningful life skills. Expelling these young women from school due to pregnancy reinforces a cycle of dependency and poverty for women. Such practices keep women out of the decision-making process; keep them economically dependent on men, and contribute to an over-burdened public welfare system.

The releasing of unmarried pregnant teachers from their profession or other female employees due to pregnancy is an act of injustice toward women. Such actions clearly violate the Convention on the Elimination of Discrimination Against Women (CEDAW) that was signed and ratified by the Government of Belize in May 1990. Discriminatory actions perpetrated against teachers have not been a priority for the Ministry of Education, who completely finances salaries of teachers at the primary level while providing seventy (70%) percent of salaries for secondary school teachers. Furthermore, there are no clear laws to protect teachers against such blatant discrimination that has gone unnoticed for many years.

## 1.2 Methodology

This research was conducted in a participatory manner to effectively examine discriminatory practices and attitudes in the education system. A participatory method was chosen in order to validate the experience of the subjects and to demonstrate the manner in which they are affected. This method provides a thorough description and a comprehensive understanding of the problem as it exists today. Collectively, this information served as the basis for developing an analysis. Specific objectives of the study include:

- To identify gender-related issues in the education system.
- To identify school policies regarding teenage pregnancy for female primary and secondary school students.
- To identify policies relating to unmarried female employees and their continuous employment during and after pregnancy.

In keeping with the objectives of the study, the researcher divided the study into two parts. The first part of the study examined issues impacting unmarried pregnant teachers and other employees. In order to collect the relevant information, interviews were conducted with general managers of primary schools, representing all denominations. Similarly, local managers and principals (primary and secondary schools) representing various denominations countrywide were also interviewed. During this phase, discussions were also held with the Belize National Teachers Union, the Ministry of Education, and Labour Department with the intention of developing an understanding of the ministries' perceived role in this matter, as well as obtaining an understanding of the labour laws.

In order to develop an understanding of the school's administrative policy and its effect on female employees, interviews were also conducted with ten teachers who in one form or the other have been affected by the policy. These women individually told their stories that were later used in developing a comprehensive analysis of the situation. A focus group was also conducted with teachers at the University of Belize, Faculty of Education, providing them with a forum to openly discuss any concerns they have regarding the issue.

The second part of the study looked at the expulsion of teenagers from high schools due to pregnancy. During this phase, interviews were conducted with high school principals in order to develop an understanding of high schools policies toward young expectant mothers and high school teachers. Interviews were also held with women who were expelled from school due to pregnancy. The purpose of these interviews was to develop an understanding of their present situation while examining the opportunities that were available for continuing their education.

A discussion was also held with the principal of St Catherine's Academy, a catholic institution that has a policy that facilitates and allows teenagers to complete their education during and after pregnancy. The purpose of this discussion was to examine the experience of the school, and to have an insight into the changes that have occurred since the policy was implemented in 1970's. Truancy rates resulting from pregnancy before and after the implementation of the policy were also examined.

A major part of the study involved making recommendations, which should assist in the development of an advocacy program aimed at creating legislative and other necessary changes. With this in mind, individuals representing civil society came together to brainstorm and propose realistic recommendations to be used in this venture.

Embedded in this study is a collective analysis of the issues addressed and its effect on teachers' continuing employment during and after pregnancy. The analysis and recommendations also reflect discussions with the Belize National Teachers Union, representatives of the Ministry of Education and the Labour Department.

### **1.3 Limitations**

Carrying out the study in a timely manner was important and challenging. However, many factors affected this effort. For instance, managers did not take appointments seriously. Consequently, many had to be rescheduled more than once. The lack of openness and honesty by some members of school management were also factors in developing the analysis. Another major factor identified was the lack of statistical information regarding teenage pregnancy within the high schools, as well as information regarding the number of teachers who are released from their employment due to pregnancy each year.

## **2. OVERVIEW**

### **2.1 Structuring and Financing of Education in Belize**

Since the inception of education in Belize, the system has always been one of a partnership between church and state. This relationship was made formal with the Education Ordinance of 1962 (Belize Education Statistical Digest 1998-1999). Within the framework of this partnership, the church provides the infrastructure and manages the day-to-day activities of the school including personnel matters, while Government is responsible for providing salaries to teachers.

In the past, Government's spending on education was very little, with the majority of responsibility for education being on the church (SPEAR Report, 1991). Today, through the financing of teachers' salaries (this includes 100% of primary schools, and 70% of secondary schools that are not government), pension and gratuity, tuition, an annual stipend to primary schools and recently, improvement to some schools, Government's contribution has increased tremendously. Education expenditure as a proportion of total Government expenditure is approximately 22.0% (Belize Education Statistical Digest, 1998-1999). According to data outlined in the Education Statistical Digest, of the total Recurrent Education expenditure for fiscal year 1998-1999, 58.8% was allocated to primary education, with 24.6% allotted to secondary education. A major proportion of the recurrent expenditure (approximately 92%) was allocated to financing teachers' salaries (Belize Educational Statistical Digest, 1998-1999). Comparing this figure with other government ministries, education continues to rank as a high priority

spending area for the Belize Government (Belize Educational Statistical Digest, 1998-1999).

## **2.2 Administration and Management**

According to the Belize Education Statistical Digest 1998-1999, there were 284 primary schools and 29 secondary schools in the country. In general, the management of schools falls under the categories of (1) larger denominations, (2) smaller denominations and (3) government schools. While government schools are fully supported by the government, the others are managed by various religious denominations. Schools under church management are classified as specially assisted and government-aided schools. This classification determines the amount of funding that schools receive from government. Government-aided schools receive full salaries for teachers and a small stipend annually per child in each school. With specially assisted schools, government is only responsible for the salary of the principal.

Of the total number of schools in the country, the government manages ten. The Roman Catholic organization has the majority of schools under its management. During the period 1998-99 one hundred and thirty one (131) schools or 46.1% of all primary schools fell under the Roman Catholic management, and “continue to account for the main concentration of the student enrolment in primary education” (Belize Education Statistical Digest: 1998-1999). Similarly, during this period, there were 2,064 teachers in the primary school system of which 1,156 came under Roman Catholic management. Also, thirty-three (33) high schools were also fully operational between 1998-1999. Of this number, ten (10) were managed and funded by the government, while five (5) of these high schools were government-aided and managed by a Board of Management and Governors. While four (4) were considered private schools, fourteen (14) were denominational (Belize Educational Statistical Digest 1998-1999).

The Ministry of Education is responsible for managing the national education system, with the support of the National Council for Education whose membership is a representation of managers from various denominations. This body makes recommendations for policies in education. These recommendations are made to the Minister of Education who is responsible for policy decisions.

While the church in partnership with the Government of Belize has been involved in providing public education, most schools are managed and administered based on the teachings of the church. For instance, according to some schools’ “Code of Ethics”, education is based on a Christian perspective. Therefore, school policies clearly advocate that teachers must live and portray a life of good “Christian values” based on church doctrines. It is within the scope of this philosophy that the issue of morality becomes the basis under which schools are managed. It is within this context that the issues of women’s employment within the education system and young girls’ access to education during and after pregnancy have become and continue to be a major concern.

### **2.3 Women in Education**

Women have always made significant contributions to the teaching profession. Today, the trend continues and women represent a large population of teachers both in primary and secondary schools. Recent statistics from the Ministry of Education showed that currently, women constitute a remarkable seventy (70) percent of primary school teachers throughout the country. It is also estimated that approximately forty-seven (47) percent of secondary school teachers are women. Statistics from the Ministry of Education also indicates that in most cases, female teachers are more qualified than their male counterparts (Educational Statistical Digest, 1998-1999).

Teachers are not public officers, however they are paid on similar salary scales as public officers. The salaries of teachers are very small. For example, an unqualified teacher who has not been through the formal teacher's education program at the University of Belize (formally Belize Teachers' College) earns approximately BZ\$ 10,164 annually. Trained teachers who have been through the Belize Teachers' College program with approximately ten (10) years of experience can expect to earn approximately BZ\$17,400 per annum. Principals and school managements conduct performance evaluation and then make recommendations to the Ministry of Education regarding increments for teachers.

### **2.4 Protection against Discriminatory Behaviour**

The education system has always responded negatively to unwed mothers who are part of the system. While there have been various changes in the system to accommodate modern day realities, little has been done to affect change in this area. This is largely due to the Constitution of Belize and the Education Act which provide little protection for teachers. With the help, however, of various United Nations Conferences and the Convention on the Elimination of all Forms of Discrimination against Women, (CEDAW), and most recently the Post Beijing Conference, discriminatory issues that were once ignored are being brought to the forefront. Today, issues affecting the overall development of women have become priority for the Women's Department. For example, the Women's Agenda (1998) is the national policy of the present government to address and reduce discrimination against women.

In 1990 the Belizean government signed and ratified CEDAW, committing itself to creating the necessary avenues for improving the lives of Belizean women. By doing this, the government made a solid commitment to address discriminatory attitudes and practices that hinder and impede the advancement of Belizean women.

According to the CEDAW document, "discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women on equal terms with men, in the political, social, economic, and cultural life of their countries, hampers the growth of the prosperity of society and family and makes more difficult the full development of potentialities of women in the service of their countries and humanity." (CEDAW, 1990) Therefore, the convention provides

the legal framework for addressing, in a meaningful manner, discriminatory attitudes and behaviours toward women. Any discriminatory behaviour toward an unwed teacher/employee, like those stemming from pregnancy, clearly violates the Convention.

## **2.5 Ministry of Education Policy**

The Ministry of Education has recently published a “Handbook of Policies and Procedures for School Services” (August 2000). This handbook contains the Education Act and the Education Rules 2000 that govern the administration of teachers and institutes procedures for providing quality education in Belize. This handbook emphasises that all female teachers are entitled to receive maternity benefits from social security. The policy, however, does not emphasize that teachers must remain employed during this period. School managements, therefore, can take action they deem appropriate and in the process deny a teacher benefits she is entitled to.

## **3. FINDINGS**

### **3.1 Policy Affecting Continuous Employment for Primary School Teachers**

The principles and beliefs of the various churches are translated into the general administration of primary and secondary schools. Based on these principles and beliefs, schools develop “Code of Ethics” that are given to their teachers upon employment. While some schools have a standard "Code of Ethics," for others it is either outdated or non-existing. For a majority of schools, the “Code of Ethics” is viewed as a condition of employment.

Some schools like the Catholic Management, in addition to the “Code of Ethics,” request that teachers sign a contract that is based on issues outlined in the code of ethics. Both the “Code of Ethics” and the contract highlight the issue of morality and the need for teachers to live by the Christian values of the Church, especially Christian values as they pertain to marriage and sex. Therefore, it is within this framework that management of schools takes “disciplinary action” (as it is referred to by school management) against unwed female employees and punishes common-law union. Placing teachers under “disciplinary action” is easy since teachers are employees of the school management and not the government who pays their salary.

The issue of pregnancy outside of the institution of marriage and cohabitation are deemed immoral. While no written policy exists regarding these issues, teachers are aware that the issue is disguised within the school's code of ethics and of the seriousness of its implications.

With the exception of the Anglican management, the unofficial policy of schools regarding pregnancy of unwed teachers by management is non-tolerance. An unwed teacher who becomes pregnant is put on “disciplinary action” which can include (1) releasing the teacher from her duties and (2) taking a leave of absence ranging from three months to six months without pay. Prior to “disciplinary action”, teachers are counselled

into marriage. If marriage does not take place, management will settle for the second option. Most teachers are asked to leave before the pregnancy is visible and are told that they will return to the classroom after giving birth. Most teachers, however, who have been put on “disciplinary action” found out that returning to their jobs after maternity leave is difficult. After the disciplinary period is completed, oftentimes the teacher finds herself going back and forth to the manager inquiring about her status. Most often no decisions have been made and after months without a job and a child to support, the frustrated teacher seeks employment with another management. At the same time the former management willingly gives a transfer indicating that the preference was not to rehire the teacher.

Maternity leave has always been exclusively for married women. Married teachers were given three (3) months-paid maternity leave depending on the length of their service. Unmarried teachers however, received “disciplinary action,” that included six (6) months to one (1) year’s leave without pay. Teachers who are put off on “disciplinary action” receive no salary, only their social security benefit during this period. It must also be noted that the amount paid by Social Security is based on the individual’s earnings.

Since no written policy is available, the matter is not addressed in a systematic manner. The extent to which “disciplinary action” is enforced at management’s level can be characterized as unfair and inconsistent. For example, a school management can decide what action to take on a case by case basis. If a teacher is liked, and is a good teacher, then the management of the school can decide, based on its very wide discretion on an appropriate action. Management may decide to have the teacher take a leave of absence without pay for some months while some have stayed in the classroom for a longer period. If management, however, views the teacher as a problem, that is, ineffective, and troublesome, or not liked, then it uses this opportunity to terminate the teacher’s service. The teacher is then released by that management and is free to seek employment with other managements.

Schools under the Management of the Anglican Church have taken a different approach to the issue of pregnancy for unwed teachers and other employees. Likewise, no policy exists regarding the issue, but unmarried teachers are advised to have only three children. While they are cautioned, there are teachers who have more than the three children specified, despite the unwritten policy. The management of the Anglican Schools provides counselling for their unwed teachers, advising them that it is in their best interest as single mothers that they do not have a large number of children. No cases have been identified in which a teacher was released or placed on “disciplinary action.” However, this was not always the policy for primary schools managed by the Anglican denomination.

Unfortunately, female teachers feel that similar action is not given to male teachers. As school administration argues, it is difficult to prove that a male teacher has fathered a child. Management claims that if a male teacher fathers a child outside the institution of marriage, similar action would be taken. No such case has been identified.

### **3.2 Case Studies I & II**

In 1978 a young and inexperienced primary school teacher under the management of one of the larger denominations found herself struggling to understand the injustice of the church-state system she grew up in. Just out of high school and at the start of her career, this eighteen-year-old found out that she was to become a mother. While her pregnancy was obvious to all staff members, the young teacher was never informed of the school's policy toward unwed female teachers prior to her pregnancy. Assuming that maternity leave was the norm for all women, she approached the school's management and applied for maternity leave. Instead, she was shocked to find out that she had to resign for a year without pay at the end of the school year. (This is arbitrary, though, because there was no law laying down that condition.) She was now faced with a frightening situation of not only becoming a teen mother, but the challenge of caring financially for herself and her unborn baby since the father was no longer a part of her life.

With limited financial support and the help of her family, after the birth of her baby, she was able to gain employment at the start of a new school year with another primary school under the management of a smaller denomination. A year after her resignation, she was able to apply for employment with her former employer. She was rehired and later gained entry to the Belize Teacher's College.

Twenty years later, and a new millennium, the situation is the same. A thirty-three year old teacher under the management of one of the smaller denominations found out that she was pregnant. Knowing of the unwritten policy, she sought the advice of the principal outside of school before going to management.

After listening to her, the principal assured her that everything was going to work out in her favour. Some days later she was called to a meeting with the members of the board, manager and principal. At this meeting she was informed that if she had plans to get married the situation would be solved easily. Hearing she did not intend to get married, management decided that she should take a leave from school at the start of the school year in January since her pregnancy was obvious. Prior to her pregnancy, she had applied for sabbatical. Since her sabbatical was approved for April, she got three months without pay but received monthly salaries for the months that coincided with her sabbatical. During her leave, she was asked to stay away from school premises. While she was on leave, the board also assured her that they were going to inform her of their decision as to her re-employment.

After eight months, the school did not inform her of her employment status. Whenever she inquired about her status, management told her that they had not made a decision regarding her status. This continued for some time after which she decided to seek employment with another management. She was later employed with the Methodist management where she taught for a year. At the end of the school year, her former management had a vacancy for a teacher, and her colleagues at the school advocated for her to be hired. She was automatically hired, and nothing was said to her regarding pregnancy or her child. To date the school has not produced any policy and does not have a code of ethics for teachers.

### **3.3 Common-law Union**

Common-law unions are not encouraged or supported by the managing authorities of the denominational schools. Therefore, teachers who are not ready for marriage are oftentimes forced or advised to marry once pregnant. Some unmarried teachers, who realise that they are about to become mothers, often marry secretly and then produce a marriage certificate to the school administration. This is much easier than to endure the disciplinary action that schools enforce. Others, who have no interest in marriage, or for whom marriage is not an option, suffer the consequences. There are cases in which pregnant female teachers have decided to engage in a cohabiting relationship with their partner. Once this decision is made, they no longer return to the classroom.

There are some teachers, however, both male and female, who are engaged in common-law unions. Most often it goes unnoticed since it is difficult for management to prove. If realized and when questioned by management, teachers refer to their relationship as a visiting relationship, rather than a common-law relationship, which is acceptable even though the end results maybe similar.

### **3.4 Hiring Policy**

Teachers are hired by the school management and are considered their employees. When hiring, preference is given to prospective teachers who are of the same religious faith. This is the prevalent practice. According to management, from this perspective, the chance of teachers or other employees starting a family before marriage is less likely to occur. While this situation would be ideal for management, oftentimes this does not happen. A teacher may subscribe to a certain religion, but does not necessarily practice the faith promulgated by that religion. This often happens, resulting in conflict in ideology.

### **3.5 Belize National Teachers Union**

A majority of primary school teachers and a smaller number of secondary school teachers are active members of this union. Teachers belonging to the union pay between \$18.00 and \$20.00 per month depending on the individual's salary. Throughout the years, female teachers who have been placed on "disciplinary action" by their managements have turned to the union for help. Unfortunately, the union has had very little success in championing the cause of the young teachers. Very little has also been done by the union to address the issue in a meaningful and collective manner.

### **3.6 Policy Affecting Continuous Employment of Secondary School Teachers**

Similar restrictions that apply to primary school teachers largely affect secondary school teachers. Nevertheless, the policy varies by high schools. Over the past few years, some high schools have revised their policy to accommodate single mothers, even though they have insisted that preference to starting a family should be within the institution of marriage.

Within the government high schools and high schools governed by a board, teachers married and unmarried are given maternity leave. They are employed until their date of confinement. Some high schools also have a progressive policy in which no distinction is given to married and unmarried teachers. Except for medical reasons, teachers are expected to stay employed until confinement, receiving full maternity benefits. Others allow their teachers to teach during pregnancy, and receive full maternity benefits. They are not allowed, however, to repeat the behaviour if they remain unmarried.

Some schools that fall under the management of the conservative evangelical denominations (smaller denominations) seem to have strict rules regarding unwed employees. Most of these high schools have an unwritten policy that calls for immediate termination of the teacher's employment.

### **3.7 Focus Group**

During a focus group session with teachers at the University of Belize, they expressed concerns and views regarding policies of primary school managers, especially those that relate to continuous employment during and after pregnancy and common-law unions.

A major concern is the manner in which the policy is enforced. While everyone agreed that it is unfair, and indeed discriminatory, many pointed out that the manner in which "disciplinary action" is applied is also unfair since punishment for the same conduct or behaviour is not the same for everyone. According to teachers, "disciplinary action" has a lot to do with the individual and their relationships with administration, particularly, managers. Numerous examples were cited to illustrate unfairness of the policy.

Teachers would like to see the development of policies based on their skills and not on their personal life. A general concern is that the term morality is broad and often it is taken too far.

### **3.8 High School Policy**

#### **3.8.1 School Policy Expelling Young Girls**

Ten years ago, it was almost certain that a young girl would be expelled from school due to pregnancy, thus putting an end to her formal education. Over the past years a number of high schools have changed their policies in order to accommodate the young mother to complete her education. This new policy (which varies by high schools) has led to a number of young mothers completing high school.

Presently most of the high schools, with the exception of a few, allow third and fourth form students to continue their education after giving birth. While this is so, most schools expect the young mother to withdraw from school as soon as her pregnancy is visible. Others ask that the young woman withdraw as soon as she reports the pregnancy

to school authorities. She is further asked to stay out of school for a year, and apply for readmission after this period. According to school authorities, by this time the girls will overcome the discomfort of having a baby, adjust to having a child, as well as overcome separation anxiety with their babies.

Re-admission into school is not automatic. Each school requires that, prior to their leaving girls must discuss their pregnancy with school authorities, namely the principal who in turn meets with the parents or guardians in order to explain the conditions on which the student may return to school. One of the conditions for re-admission is for the parents/guardians to assume full responsibility for the newborn so the new mother can successfully complete her education. The young mother must also demonstrate and have the desire to continue her education and completely assume the role of student after re-admission. It is expected that throughout her remaining high school years, no more pregnancies will occur. A second pregnancy will result in immediate expulsion.

Teenage pregnancy during the first and second years of school in almost all high schools in Belize City may result in expulsion. Only two high schools clearly stated that their policy allow for all girls to return to school regardless of their class status. Similarly, these girls must leave school once the pregnancy starts showing and return one year after giving birth. Of these two schools, only one provides parenting classes for young mothers. However, in the districts, there are some high schools that have taken a different approach to educating young mothers. They have meaningful policies in place to allow for the continuing education of young mothers who have the desire to complete their high school education. For instance, a few have changed their policy allowing not only single mothers to attend but married young women who have the desire to complete their education.

For some high schools, especially in Belize City, a young man who fathers a child is also expected to leave school for sometime. They require the young man to leave at the same time the expectant mother does; others ask that he become involved in some sort of community activity to introduce him to the issue of parenting. For instance, they are oftentimes asked to volunteer at day care centres at least once a week during a school semester.

High schools that are currently expelling young mothers due to pregnancy or those with policies that expel teen mothers from first and second forms argue that these young mothers-to-be often drop out of school before reporting the pregnancy to school authorities. For some, they are not aware of the school policy. If it is close to the end of the semester or graduation, some girls try to conceal the pregnancy to the end of the semester hoping that the pregnancy will not be obvious to their peers, teachers or school administrators.

Most of the cases of teenage pregnancy occur within the high school system. Primary school principals have indicated that there have been situations in which young girls within the primary school system (as low as standard four) have become pregnant and were asked to leave school. While the incidence of pregnancy is not as high as the number in high schools, in almost all cases, it is older men who impregnate these young girls, men who are sometimes twice the girls' age. Interestingly, it was argued by school officials and others that parents are sometimes aware of the young girls relationship with older men, but encouraged the affair because of the financial reward that is involved.

Statistics on the number of teen pregnancy in high schools is not available. While high schools provide a yearly report to the Ministry of Education, the forms make no provision for school dropouts due to pregnancy. Most of the principals mentioned that the change of policy has not affected the number of teenage pregnancies in their schools.

### **3.8.2 Abortion**

Both primary and secondary schools have very strict policies regarding abortion. Almost all the schools have expressed in their policies (written or unwritten) that if brought to the attention of school authorities, a young woman who has procured an abortion, encouraged or assisted with an abortion will be expelled immediately. Most of these policies are unwritten and quite vague when it comes to explaining what is meant by “encouraged or assisted”.

There are situations, however, where it is rumoured in the schools of young girls having abortion. Since it is difficult to prove, actions are generally not taken. In addition, for some schools, being sexually active is not acceptable and calls for immediate expulsion.

### **3.8.3 Case Study III**

In 1990 a very shy, but brilliant young girl in second form realized that she was pregnant for her math teacher. Her pregnancy occurred after a year of having an off campus affair with this teacher. Before the pregnancy occurred, school authorities heard rumours of the affair and questioned her. Young, and terrified, she confessed to another teacher that indeed she was having sexual relations with her teacher. When the teacher was questioned, he became upset, and told her to go to school authorities and inform them that she lied. He forced her to sign a letter and took it to the principal’s office stating that she lied about the affair. Since her mother was already informed of the affair, she was taken to a clinic to be tested. This test proved that she was pregnant. Unfortunately, the young girl was asked to leave school while the teacher kept his job.

Even though the teacher admitted to the young girl that the child was his, and visited her often, engaging in sexual relations with her, he denied to her mother and school authorities that he had sexual relations with her and that the child is his. One night in her presence, her mother confronted him. During this confrontation he told her mother that the baby was not his, and that he was only trying to be a supportive teacher. At that moment, this young, inexperienced, expectant mother, feeling very disappointed and disillusioned by the person she loved, decided to commit suicide. Fortunately she was saved and a month later had her son who has seen his father only twice.

Since she was determined to complete her education, her mother, a single parent, enrolled her at St John’s Extension prior to having her baby. After having the baby she worked as a full-time employee, and with determination continued her education until she received her High School Diploma.

Presently she is a mother of three young children and is working full time at the University of Belize where she is currently enrolled as an accounting student. She is expected to complete her associate degree in December.

### **3.9 Case Study IV - St Catherine's Experience**

In 1973 St Catherine's Academy challenged the status quo of the catholic philosophy and the education system by allowing teenage girls to complete their education after pregnancy. While the community met this new policy with much opposition, the school held on to its belief in giving the young mother a second chance at education.

Since the inception of the policy, numerous changes were made. At the inception of the policy, young girls were asked to leave school immediately and to return the start of a new semester. This was later changed, allowing the expectant mother to attend classes until her due date and returning two months after having the baby. Today, the policy requires a pregnant teenager to leave school as soon as the pregnancy is realised. If accepted for re-admission (which normally happens) the young mother is expected to return to class nine months from leaving school or at the start of the new semester.

Returning to school is not automatic. Firstly, the option is not available to first form students. Students are evaluated on their behaviour and academic performance. In addition, the family has to prove that they would be a good support system, assuming full responsibility for the baby in order for the young mother to complete her education. It must be noted that most young mothers do return to school and complete their secondary education.

Similar to the other high schools in Belize City, it is expected that a young mother will have only one pregnancy during her high school education. A second pregnancy, as well as a proven abortion will lead to expulsion.

During the early years of the policy it was noted that some young mothers were not returning to school. Not that they were not re-admitted into school, but being out of school for approximately a year, the young mother had assumed another life. Not only were they now mothers, but had assumed full responsibility for that role, including providing for the child financially. This was common among young mothers who came from families with limited finances.

With the help of concerned teachers, the policy was changed to include all girls regardless of class status. They were able to remain in school for the duration of the pregnancy and allowed to return to school immediately after having their children. While this process increased the likelihood of the number of girls returning to school, school authorities quickly realised the role the high school community had to play in order for the programme to be effective. For example, working around the young girl's schedule in order for her to attend pre-natal clinic, and providing her with class assignments after having the baby took tremendous dedication, cooperation and teamwork by members of staff. In addition, other small problems like finding suitable clothing after uniforms became too small was an issue for most girls.

As time progressed a Student Assistance Programme was instituted. This programme helped to provide young girls with counselling and issues beyond teen pregnancy. Through this programme, issues affecting the well being of young girls surfaced. Sexual abuse, rape, divorce, and violence in the home were some of the problems that the programme addressed through individual and group counselling.

With the dedication of some teachers, a number of girls are able to complete high school. They have gone on to create a meaningful life for themselves and their children. In addition, some had the opportunity to further their education.

School authorities have not seen an increase in the number of teen pregnancies within the school as a result of the policy. It can be argued that the presence of young mothers in school, and the understanding of the magnitude in which their lives changed serves as a deterrent. Other students experienced first hand their friends' limited participation in school activities, and sometimes the stigma, and certainly they did not want to live that experience.

#### **4. Legal Implications Surrounding Administrative Policy**

##### **4.1 The legal issues**

Two questions must be answered if the situation regarding teachers and students getting pregnant out of wedlock, living in common-law relationships, or cohabiting with a person of the opposite sex is to be addressed justly. First, in light of the Constitution and other statutes, is it discriminatory and illegal for denominational or other schools to terminate the services of a female teacher for (a) becoming pregnant out of wedlock and/or (b) co-habiting with someone of the opposite sex (c) living in a common-law relationship or (d) in the case of a student, becoming pregnant while in school? Second, is it unconstitutional for a school, especially denominational schools, to terminate a female student's education because that student becomes pregnant while in school? The answer to this last question is contained in the Education Act, Chapter 36 of the Laws of Belize, Revised Edition 2000 and the Constitution.

The Education Act makes education compulsory for students between the ages of five and fourteen years. (See section 2 of the Act for definition of "child of compulsory school age" and sections 111(1) and 111(2) for ages for attendance and enrolment.)

A careful study of the Constitution of Belize shows that there is no constitutional protection for teachers dismissed from the profession for becoming pregnant out of wedlock, for cohabiting with the opposite sex, or for living in a common-law relationship where the preceding conduct(s) is expressly forbidden by a code of conduct that is a part of the contract of employment that the teacher signed upon entering employment. In fact, the Constitution protects the employer.

Three sections of the Constitution deal with the question at hand. All three appear to support the decision of school authorities to dismiss a female teacher for indulging in any of the preceding behaviour or conduct. The relevant sections are set out below and later expanded on.

Section 11 (1) Except with his own consent, a person shall not be hindered in the enjoyment of his freedom of conscience, including freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with other, and both in public and in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance.

Section 11 (5) Nothing contained in or done under the authority of any

law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision which is *reasonably* required--

(a) in the interests of defence, public safety, public order, *public morality* or public health;

(c) *for the purpose of regulating educational institutions* in the interest of the persons who receive or may receive instruction in them. (Protection of freedom of conscience)

Section 14 (2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision of the kind specified in subsection (2) of section 9 of the Constitution. (Protection of right to privacy)

Section 9 (2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes reasonable provision--

(a) that is required in the interests of defence, public safety, public order, *public morality*, . . . for a purpose beneficial to the community. (Protection from arbitrary search or entry)

Section 15 (1) No person shall be denied the opportunity to gain his living by work which he freely chooses or accepts, whether by pursuing a profession or occupation or by engaging in a trade or business, or otherwise.

Section 15 (3) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes *reasonable provision--*

(a) that is required in the interests of defence, public safety, public order, *public morality* or public health; (Protection of right to work)

Section 16 (1) Subject to the provisions of subsections (4), (5) and (7) of this section, no law shall make any provision that is discriminatory either of itself or in its effect.

Section 16 (2) Subject to the provisions of subsections (6), (7) and (8) of this section, no person shall be treated in a discriminatory manner by any person or authority.

Section 16 (3) In this section, the expression “discriminatory” means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by sex, race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not accorded to persons of another such description.

16 (5) *Nothing contained in any law shall be held to be inconsistent with or in contravention of subsection (1) of this section to the extent that it makes provision with respect to standards or qualifications* (not

being standards or qualifications specifically relating to sex, race, place of origin, political opinions, colour or creed) ***to be required of any person who is appointed to or to act in any office or employment.*** (Protection from discrimination on the grounds of race, etc.)

What the Constitution does is make provisions, in very broad terms, for denominational, grant-in-aid schools to receive financial assistance from the public treasury while allowing the church to impose morality on its workers. What this says is that the Constitution was written with the intention of retaining, nurturing and strengthening the continuing church-state partnership in education.

The phrases used in the Constitution that appear to protect the managing authority of denominational schools are: “provision which is reasonably required”, “public morality”, “for the purpose of regulating educational institutions”, and the following portion of section 16(5) that makes direct reference “. . . to *standards or qualifications to be required of any person who is appointed to or to act in any office or employment.*” The important word in the last phrase is “standards”. The interesting thing about all these sections of the Constitution and the key phrases highlighted in the preceding statement is that there are no definitions or guidelines to follow for those having to resolve personnel issues that fall within these sections.

What this means, then, is that, notwithstanding the express provisions of the Constitution, an aggrieved teacher or student can ask the Supreme Court of Belize to review the actions of any managing authority that dismisses a teacher for any of the reasons set out at the beginning of this section. An application can also be made to the Court to define what is meant by “reasonably required”, “public morality”, and what actions can be considered “for the purpose of regulating educational institutions”.

Since the Constitution appears to legitimise the actions of any managing authority carried out within the scope of the Education Act, the teacher/worker and aggrieved student is left with only two possibilities: apply to the Courts for judicial review of administrative action if one of three situations appear to exist or challenge the constitutionality of the managing authority’s action on the grounds that the authority’s actions fall outside the scope of the Constitution as provided for in the various sections quoted above.

A third possibility may exist. That calls for a teacher to exhaust the appeal’s process as provided for in the Education Act. This may include taking the matter to an Arbitration Panel set up under section 41 of the Act and empowered “. . . to arbitrate cases referred to it under section 16(c) and all other cases referred to it in accordance Rules made under this Act”.

#### **4.2 Judicial Review**

According to Selwyn’s *Law of Employment*, 10<sup>th</sup> ed.: “An application may be made for judicial review, seeking to ensure that a public body carries out its public duties in a manner consistent with the legal requirements.” (Selwyn, p. 57) Selwyn outlines the three grounds under which judicial review may be granted:

1. Illegality, ie “contrary to the legal rights and duties of the parties”;
2. Irrationality, ie “where the decision arrived at was outrageous that no body or person acting responsibly could have reached that decision”; and,
3. Procedural impropriety, ie “where there is failure to act with procedural

fairness". (All taken from Selwyn, p.57)

Judicial review is a procedure opened to all citizens. As a part of Administrative Law, the procedure was developed and refined in the latter half of the twentieth century to curb the abuse of administrative authority and power. In the case of teachers and students who believe the action of a managing authority was ultra vires (beyond its authority) or contrary to procedures laid down for natural justice and fairness or for the proper administration of schools, in this case, the option for redress rests here. Managing authorities, as created and stipulated by the Education Act, fall within the Courts' definition of a public body. Thus, any action by any school management or managing authority can be questioned in a court of law.

The provisions for a person to apply to the Supreme Court for judicial review of the actions at issue here are contained in the Rules of the Supreme Court. This procedure is very costly but may be the most expeditious as the law sets fairly short time frames for judicial review matters to receive a hearing. This area of the law is vast and filled with technicalities. It requires an extensive exposition of the various tests the courts apply to determine whether someone has "standing" to have his/her case heard by the courts. It also requires the services of an attorney.

Hence, until a teacher, a student's family or the Belize National Teachers Union sue a managing authority, the issues of having a child out of wedlock, living in a common-law union, cohabiting with someone of the opposite sex, or a student becoming pregnant while in school will not come before the court for proper resolution. In this area of the law, British and West Indian Legal precedents exist that support the teacher and student's position. Because the Constitution appears to protect the actions of the various managements behind the veils of the Education Act, it is imperative that any decision to pursue a legal solution in these matters includes a judicial review action. All options must be explored if there is hope for improvement in this situation.

#### **4.3 The Education Act**

The Education Act and the Education Rules 2000 covers and deal with all matters relating to the disciplining of teachers and students. The Labour Act, the primary labour legislation in Belize, does not cover nor protect teachers or students. This Act was drafted mainly to protect workers in commercial and industrial undertakings. The definitions of these undertakings do not include schools or school services.

What this means is that the matter of dismissal or suspension of a teacher rests ultimately with officials in the Education Department or an arbitration panel of Education Department officials, senior teachers, supervisors, the Labour Commissioner and union officials, most of whom may have no knowledge of how employment law works, of what the common-law definition of a contract of employment is, or understand the importance or meaning of the phrase "natural justice" as it relates to the administrative action of a school management or managing authority.

What is important now is for ALL teachers in Belize to know and understand that their employment is governed by legislation that most of them have never seen nor read. The Government, in commendable fashion, has compiled the Education Act, the Education Rules and other pertinent school service materials into a single volume that teachers may now purchase. This was never done before, but it must be noted that the result was a work in progress that ran over ten years.

While the Government, however, has put one step forward, it is now for teachers

and parents of students to purchase this volume and acquaint themselves with the rules and laws that will govern about 13 years of schooling in the case of students and their entire career in the case of teachers. A closer examination of the Act and the Rules will show how the matter of discipline falls within the purview of the managing authority and not the Labour Department.

First, the Act establishes the National Council for Education “embodying the partnership between the state and its partners in education, such as churches, communities, voluntary organisations and other partners in education.” (Sec 7(1), p. 7) What the Act does here is not only establish a Council, but it indirectly legitimises the church-state partnership in education despite the fact that taxpayers’ money finances the partnership. The preamble to the Constitution buttresses this relationship. It must be noted that there are many people involved in education and affected by the Act and the rules who are not believers of the faith or have a pragmatic philosophy of life that does not include God because of their socio-economic situation. These people exist within a vacuum where the Act is concerned. Their rights are secondary to the moral majority.

Second, a look at the creation of and the functions of managers and managing authorities will highlight the shortcomings of the legislation where the issues at hand in this work are concerned. Section 15 explains:

Managers, managing authorities or boards shall be responsible for the proper and efficient organization and management of schools or institutions and for the adequate provision, with assistance and in partnership with the Government under the conditions for Grant-in-aid as specified in this Act **or rules made thereunder**, of such support systems required to deliver appropriate education to students enrolled in schools under their management.

The preceding section compacts a lot of authority in it for managing authorities and managers. Aside from legitimising the Education Rules that were made and signed by the Minister’s hand as a Statutory Instrument under the authority of this Act, the individual managements can make additional rules under this Act that will never have to be approved by any legislative organ or other body, except the Chief Education Officer. This is evident in sections 70(2) and 70(2)(d) of the Education Rules of 2000. These read: Section 70(2) “Every contract between a Managing Authority and a teacher shall signify terms and conditions of employment in accordance with the Act and Rules and shall further specify: (d) **such other rules and requirements as determined by the Managing Authority with the approval of the Chief Education Officer.**”

The managing authorities of denominational schools make rules under the preceding sections that are religious, moral, harsh, and sometimes unfair to teachers and their students. The Act and the Rules clearly state, however, that the Chief Education Officer must approve these rules, but it does not lay down any procedure for this approval. Therefore, it is fair to say that any rule(s) made by any managing authority that does not comply with the letter of the law could be construed as invalid.

The simplest example is where the rule is made and implemented without the Chief Education Officer’s approval. This would appear to be arbitrary and at the same time one of the easiest cases for judicial review, since procedures were not followed. The proper way to approach the challenge is to establish whether the Chief Education Officer approved the rule or not. If it were not, then the field is open for a judicial review

challenge. It is unknown if any of the rules made and implemented by managing authorities, at this time, have seen the desk of a Chief Education Officer.

The matter of suspension and dismissal of a teacher is covered by section 16 of the Education Act and sections 93 and 94 of the Education Rules. Sections 16 and 16(c) empowers the manager or managing authority of a government-aided school to “. . . suspend or dismiss members of staff of their respective schools or institutions subject to the following conditions ... :” 16(c) “the teacher and/or his agent shall be given a reasonable opportunity to be heard in his own defence and a statement of the findings of the manager or managing authority shall be forwarded to the Chief Education Officer.” If the teacher is not satisfied with the Chief’s decision, under section 16(e) the teacher may forward his case to the Arbitration Panel set up under Section 41 of the Act. This panel is empowered to arbitrate all cases referred to it under section 16(c) and all other cases referred to it under Rules made under the Act. That means the Arbitration Panel has its job cut out.

Section 93 of the Education Rules sets out nine reasons [sections 93(a) to 93(i)] that can lead the managing authority of a school to institute disciplinary proceedings against a teacher or other members of staff. The reasons are very technical and vague, and they raise the issue of what are questions of fact versus questions of law. These sections are set out in the Appendix.

It will suffice to say that these sections refer to conduct inconsistent with the expressed or implied conditions of service or which otherwise brings the teaching profession into disrepute. They also refer to a teacher failing to obey a lawful order or wilfully disobeying a lawful order. One of the sections speaks of neglect of duty and conduct that is physically, morally or otherwise harmful to students or members of staff, and for activities involving moral turpitude. Finally, section 93(3) mentions misconduct by a teacher or other member of staff.

It is important to note that most of the above terminology may have been borrowed from section 46(2) of the Labour Act. Under the law, when issues pertaining to this section of the Labour Act arise, the matter must be referred to the courts for proper adjudication. The reason is that only the courts have the authority to determine what is misconduct, what is a lawful order within the scope of the relevant legislation, what is conduct morally harmful to other, and what is neglect of duty. The courts are required by the common-law, as most of these types of case are tried under common-law principles, to hear both sides and to entertain witnesses. After the cases are heard, the courts then determine what the facts and the law are in the case and a decision is arrived at based on the facts and the law as construed by the courts.

The Education Act and Education Rules appear to leave the courts out of matters pertaining to the discipline of a teacher and student. These matters, however, can be brought before the courts. It is a major oversight on the part of those who drew up these regulations to think that the resolution of matters pertaining to a student becoming pregnant while in school, be it primary or secondary, or the dismissal of a teacher for becoming pregnant out of wedlock, for living in a common-law relationship, or for just cohabiting with someone of the opposite sex should rest solely with the managing authority, the Regional Education Council and the Ministry of Education. Most of these entities, it is safe to say, are not trained in interpreting the law, much less in comprehending the common-law rules that govern dismissal.

Yet, it is expected that in the event a dismissal case is escalated to the highest authority set up within the Act to deal with it, the aggrieved teacher will receive an impartial and objective hearing wherein the facts will be borne out and interpreted within the scope of the legislation. That is not necessarily the case, and the disciplinary bodies and the process leave too much room open for prejudices and biases to enter that may be contrary to the interest of justice.

Where a student has to leave school because she becomes pregnant, that is, she is either expelled or suspended for one year, the schools and the managing authorities use sections 37A(1) and 37A(2) of the Education Act and section 138 of the Education Rules to deal with the problem of students becoming pregnant while in school. The subsections of section 37A read:

1. Managing authorities shall make regulations for the efficient and effective conduct of schooling, **including rules for the behaviour of students. Provided that such rules and regulations are approved in accordance with Rules made under this Act.**
2. **In the case of gross and repeated behaviour which interferes with the general running or undermines the discipline of a school** the managing authority may have a pupil withdrawn from the school, subject to approval of the Chief Education Officer.
3. **The withdrawal of a child** of compulsory school age from a primary school **shall be subject to Rules made under this Act.**

Section 138 of the Education Rules qualifies the above sections by giving school authorities all the latitude needed to make rules to govern their schools and the behaviour of their students. It reads:

1. Schools shall establish and promulgate rules and regulations governing the responsibilities, behaviour and dress of students. **Such regulations shall dictate the behaviour, dress and responsibilities of students while at school but may also impose school-related responsibilities and dictate deportment while not at school.**
2. **School rules shall be subject to the approval of Regional Councils.**
3. Principals shall ensure that parents and/or guardians are provided with a written copy of the school rules upon enrolment of a child and with written copies of any subsequent changes to such rules.

Section 141 of the Rules that deals with disciplinary measures empowers school authorities with the option to dismiss a student from school. This is found in sections 141(5) and 141(6). In the case of dismissal of a student of compulsory school age, **the “concurrence of the Regional Education Council is required . . .”**. (All bold for emphasis.)

What is evident from the above is that the dismissal of a teacher or student for conduct at the heart of this research is protected by the Education Act and Education Rules that allow managers and managing authorities of schools to create additional rules that become binding on the teacher as a part of her contract of employment and binding on the student as a condition under which he/she remains in school.

## **5. Analysis**

### **5.1 Analysis and Implication of Legal Issues**

The Constitution of Belize, the Education Act, and the Education Rules govern the employment of teachers and other staff in almost all schools in the country of Belize. This includes government-aided denominational schools. The same rules and regulations, but at different sections, govern the attendance and continuous enrolment of students in school. A prevalent problem in most of the denominational schools, but one that has never been carefully documented, has to do with the releasing of teachers from the profession for becoming pregnant out of wedlock, for living in a common-law relationship, or for merely cohabiting with someone of the opposite sex. There is also the issue of a student being expelled for becoming pregnant while in school. The act of dismissing a teacher for any of the forgoing reasons appears to strike at the heart of justice. In spite of the Constitution and the Education Act that work together to protect the managers and managing authorities of denominational schools, the dismissal of a teacher for any of the above reasons is definitely discriminatory--a discriminatory act protected by the Constitution until a court of law or an Arbitration Panel decides otherwise.

Even though the number of male teachers in our primary and high schools is quite smaller than the number of female teachers, many male teachers remain in the profession after committing or indulging in similar behaviour that eventually leads to the releasing or discipline of the female counterpart from the profession. Clearly, that is discriminatory and a deliberate course of action pursued by many school managements. If the managing authorities will not properly investigate both male and female cases, then the rules of natural justice would apply and would require that the female teacher be kept on staff, in spite of any other rule that makes up the employment contract.

Normally, the male teacher may be able to hide his conduct and "immoral" lifestyle with the help of friends and family. Some of them live openly their "deviant" and "immoral" lifestyles. They never feel the wrath of the moral authority that governs their schools. The female teacher, however, cannot hide a pregnancy. Similarly, she finds it difficult to hide her unapproved behaviour and conduct. This teacher will normally run into problems when people start talking or she applies to the managing authority for maternity leave. Then, she has a problem. This problem mirrors an accepted belief in the Belizean society: It is OK for a man to indulge in permissiveness and an immoral lifestyle, but it is not so for a woman. The society will treat her with scorn, and in this case, discriminate against her.

Another point that must be brought up and to which close attention must be paid is the composition of the following bodies that would deal with dismissals of this type: the Chief Education Officer (male), the Regional Education Councils (composition unknown), the General Manager of Roman Catholic (RC) Schools (male), local managers of denominational schools (mostly males), and the Arbitration Panel as set up under section 41 of the Act (composition unknown and at this time of writing, may not exist but one of whose member would be the Labour Commissioner according to the statute.).

The four issues being discussed exist within the context of (a) a Constitution that defers to any legislation that creates “bona fide occupational personnel policies” and otherwise, in this case (b) the Education Act and Education Rules, legislation that allows the managers and managing authorities of denominational and other schools to create rules and codes of conduct in their schools that define morality and establishes what is “proper and reasonable” behaviour for both teachers and other staff and for students. So, notwithstanding the protection of freedom of conscience, protection of right to privacy, protection of right to work, and protection from discrimination on the grounds of race, etc., the Constitution allows for these protections and rights to be curbed within the parameters set out by the Education Act and the Education Rules.

Hence, the implication from all this is twofold. First, the laws appear to work in favour of the schools and the managing authority. As a result, challenges to the law must come from within and without the system. Second, if teachers and students affected negatively by these laws and rules do not challenge them as they exist, then the injustice and discrimination being experienced will continue to perpetuate itself and may only become progressively worse.

It is fair to say that the Education Act and Education Rules, buttressed by the Constitution, make a good attempt at putting in place the legal structure necessary to improve education in this country. It does so, however, by exacting very high standards from those who make the system work—the teachers and the students. In fact, it does so at the expense of the system losing many female students for making a mistake and many good teachers because of their philosophical and moral views on life. The structure was not meant to be fair; it was meant to teach and impose proper moral behaviour and that is exactly what it does. If we are products of a system that was far more rigid and rigorous when a structure of this sort did not exist and society is what it is today, can it be argued that this structure will now improve on what we see around us now by legitimising the moral authority of the church-state schools? The answer is no. We must make our teachers and students first feel and see that justice and fairness exist before we proceed down the road where the churches’ roles in education appear entrenched. Change must and can come with mobilised effort.

## **5.2 Issues Surfaced from Policy Analysis**

### **5.2.1 Personal Choice**

While school administrators expect that teachers are to live an exemplary life, this must be viewed in the context of what is happening in our society. Single parenting is common, and is a conscious choice most women make; it is also a part of the cultural reality we live in today. While this issue was taboo years ago, it is now acceptable providing mature adults can provide for themselves financially. Over the past years there has also been an increase in common-law relationships. More and more the younger population in the society is engaging in common-law unions before embarking on marriage.

### **5.2.2 Implications of the Unwritten Policy**

Releasing unwed female employees, especially teachers, due to pregnancy is wrong and unjust. First, employees are asked to adhere and to abide by an unwritten rule. It is also alarming that information regarding the unwritten policy is not discussed or clarified with prospective teachers at the time of employment. Therefore, it is almost criminal for a system to hold a person responsible for behaviour for which no policy exists. Furthermore, since no written policy exists and no criteria are available for management to follow, inconsistency in the manner in which “disciplinary action” is executed is common. In this situation teachers who are among the least favourite have a greater chance as to whether they continue to work or the extent to which “disciplinary action” is imposed.

### **5.2.3 Code of Ethics**

Not all schools have a Code of Ethics. A revision of most code of ethics revealed that most are not gender neutral, vague, and often serve as an unwritten contract for teachers. These documents clearly outline the churches’ philosophies toward education and stress the issue of morality (from the church’s perspective) within the framework of providing an education. A teacher, who may be of a particular religious faith, often is not a practicing Christian, and is forced to live by these rules. Therefore, schools are asking teachers to morally abide by a code of ethics that is not a part of their belief. Realising these constraints, teachers sign adhering to these rules since the primary objective at the time of employment is securing a job.

It is clear that the issues outlined in the code of ethics are conditions for employment. In some cases teachers are held responsible for a code of ethics that does not exist. There are teachers who were not given a code of ethics simply because the school did not have one at the time they were employed, and for others it simply is not available. If the issues outlined in the code of ethics are conditions for employment, then issues that infringe on the constitutional rights of an individual should not be articulated.

#### **5.2.4 Adverse Behaviour**

The irony of the unwritten policy is that while the religious institutions are against abortion, they seek to punish a woman for being pregnant. Instead of creating a support system for unmarried women, the result is to punish. The magnitude to which the policy is implemented creates an environment for a teacher to have an abortion. Since abortion is illegal in Belize, the likelihood of someone having a back alley abortion is great. No one knows the extent or the number of women who may have performed abortions, jeopardising their health. This scenario is possible if an individual feels that she is not ready for a marriage relationship, and cannot live in a common-law union since school administrators do not accept it.

#### **5.2.5 Premature Marriages**

Due to the strict policy, premature marriages often occur. The idea of not having a job at a critical time in their lives, and not being employed for months, forces some teachers to opt for marriage even though the relationship with their significant other is not at the level in which they are prepared for this type of union.

It is uncertain if similar consequences would apply to men in similar situations. While school administrators admit that male teachers do receive the same “disciplinary action,” female teachers disagree. Male teachers can father children out of wedlock, and go unnoticed, with no “disciplinary action” taken since this information can be kept from the school authorities.

#### **5.2.6 Lack of Statistics**

Statistics are not available as to the number of women who are affected by this policy. From casual observation, however, and through interviews with teachers and school administrators, we know that such behaviour and attitudes exist and impact greatly on the lives of women. The number of women affected, however, is not relevant, but the knowledge that it occurs indicates clearly that it is a serious form of discrimination and it has severe consequences on women’s financial and emotional well being. This is especially so since firing female teachers puts them in the unemployed category at the most crucial time of their lives--while having a dependent.

#### **5.2.7 Other Issues**

The issue of school policy and its implication for unwed female employees is an education and labour problem. Instead, it is viewed solely as a religious and moral issue. From this perspective, the main issue, that of discrimination, gets buried resulting in the issue not being addressed by relevant personnel in an effective manner. If viewed from an educational perspective, certain problems arise. The question as to what is the expectation of teachers becomes critical. If teachers are expected to produce students that are intelligent and can adequately function in today’s society, then the implications of such practice on the system, mainly the children, should be examined critically. There is

a loss of productivity when these teachers are forced out of the classroom, and a loss of human resource capacity when children are not being taught by teachers who are the most qualified or who have developed a relationship with the class. This adverse effect is critical regardless at what stage in the school year a teacher has to leave.

Within the framework of the argument presented, it is essential that government's role in the administration of schools be critically examined. A major problem is the issue of employer and employee relationship. Teachers are employees of the school and not the government who assume major financial responsibility in the education system, particularly salaries. Through taxes and other avenues, government provides for the expansion of schools, curriculum development, salaries, gratuities, and pensions. This should make teachers answerable to the government, as their employer. Once this issue is addressed, the discrimination as it exists today can be addressed.

### **5.3 Administrative Policy Affecting Students**

Providing education to young girls during and after pregnancy should not be seen as a privilege, but a right. Educational Goals developed by the Ministry of Education clearly emphasize education as a basic human right. This right is enhanced by the Convention on the Rights of the child (1989). Article 28.1 of the convention states that "parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunities..." furthermore, Article 29.1 states that "parties agree that education of a child shall be directed to the development of the child's personality, talents, and mental and physical abilities of their fullest potential." In addition, the Universal Declaration of Human Rights, article 26:1 states that "everyone has the right to education..." and 26.2 further states that education shall be directed to the full development of the human personality...". This right to an education continues to be denied for some young girls who become pregnant during their latter years of primary education and others attending secondary school.

Most high schools have made tremendous progress in trying to address teenage pregnancy within the schools. By allowing third and fourth formers to finish their education after having a baby, schools have recognized the serious implications stemming from not educating young mothers. Some of these implications are:

- Lack of socialisation
- Psychological effects
- Lack of productivity
- Risk of developing HIV/AIDS
- Living in Poverty
- Have large number of children
- "Back alley" abortion

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#### **5.3.1 Lack of Socialisation**

Not allowing first and second formers, however, to complete high school puts the young mother at a disadvantage. First, not only have these girls been deprived of the

opportunity to complete school and develop relevant life skills needed to provide adequately for themselves and their children but also they have been cheated out of the socialisation process. Schools assist young adults address their social and emotional needs. It is within this system, through interaction, that young adults learn acceptable social skills, including problem-solving skills, as they seek solutions to problems encountered in school.

Punishing a young child for being pregnant is also an injustice. Most girls within the primary school system, as well as first and second form years of high school, are under the age of sixteen and are not of the legal age to consent to sex. In most cases, older men manipulate these young girls by giving them gifts that their families may not be able to give to them. These girls are vulnerable and are used by these older men who are not held accountable for their actions. Instead the young girl, who is too young to understand her body and the choice that she made, is held responsible and forced out of school, with no support to care for herself and the unborn child. From this perspective, some of these pregnancies can be deemed statutory rape. As an example, as outlined in the case study, some of these young girls become pregnant for their teachers. The number of pregnancies resulting from incest is also unknown.

### **5.3.2 Psychological Effects**

Expelling teenagers do not allow for rehabilitation of those who experience sexual abuse. Special counselling and other programmes geared to sensitising young women to the issues they face and how to deal with the psychological effects of sexual abuse are critical. This is important if the young women affected are to embrace challenges as they overcome some of their fears. Instead, at an early age, these young girls must try and understand what has happened to them while struggling to meet their financial needs. This situation can cause additional trauma that may result in abnormal behaviour.

### **5.3.3 Lack of Productivity**

The overall objective of the Belizean government is to increase productivity of the country by increasing the human development capacity of the nation. This has been done through programmes such as: 4-H, Cadet Core, and vocational training. Girls who are allowed to stay in school will relieve the system of some of these burdens since they will have completed their basic education that affords them the basic skills necessary to find jobs, thus contributing to society. From this perspective, the government will spend less on such programmes, and can concentrate on other priority areas.

### **5.3.4 Risk of Developing HIV/AIDS**

As the HIV/AIDS epidemic rages through our society, the issue of teenage pregnancy and women not having the necessary skills to provide for themselves financially creates serious implications for the society. Young girls expelled from schools and lacking their families' financial support become part of the unemployed group with

at least one dependent. This situation may force the individual to turn to the sex trade that is on the rise and comprises women who most often do not have the necessary skills to provide for themselves financially. Since HIV/AIDS is prominent within the heterosexual community, this means that more children will be born to HIV positive mothers, and in turn, an increasing number of children that have to be provided for will overburden the system. The impact will be further compounded by the need to provide foster care to sick children whose mothers will die because of HIV/AIDS. To make matters worse, children born to HIV positive mothers will one-day end up in the education system.

### **5.3.5 Living in Poverty**

Studies have shown that young girls who are more economically challenged are more likely to become teen mothers. Therefore, young girls that are expelled from schools due to pregnancy are placed in a situation that increases their risks of continuing in a cycle of poverty. From casual observation, we can see that this scenario holds true for our society. Not having their families' financial support, it is likely that the young mothers and their dependents will continue in the poverty cycle. This poverty then creates a burden to the society since it may have difficulty meeting the needs of those that are less fortunate. Therefore, keeping a child in school can save the nation the cost of developing programmes to address poverty.

### **5.3.6 Having Large Number of Children**

The International Women's Tribune (1989) showed that uneducated women are more likely to have larger number of children, are powerless, and create greater burden on society. The poor are usually "unskilled workers, the underemployed, and unemployed, many of whom are school-leavers who have few skills with which to enter the labour market" (Education & Poverty, 2000). Therefore, denying young mothers an opportunity to continue their education can create adverse effects on the development of the country.

### **5.3.7 Back Alley Abortions**

In addition to the problems stated above, such policies create an environment in which students are forced into getting abortions. Parents at time will seek this procedure in order to facilitate the child completing her education. This situation not only places the young girl's life at risk but also risks the chance of her ever being able to conceive during her adult life since these abortions are often times not performed under safe conditions.

## **5.4 Benefits of Educating Young Women**

Basic education allows young women to access meaningful employment and to develop meaningful life skills that will allow them to adequately care for themselves and their children. Similarly, increased education will allow women to improve their standard of living, equipping them with the tools necessary to make appropriate decisions and choices regarding their life situation. This is especially important since women generally

carry the burden of raising their children and therefore need adequate skills to carry out the responsibility of effectively being a parent. This is especially important for Belize where thirty percent our households are headed by single females.

Clearly there are great benefits to providing young women with basic education. Education, such as secondary school, provides a high social return while it increases the opportunity for an individual to further her education (UNECLAC/CDCC, 2000). According to the International Women's Tribune (1998) education (a) enhances women and hence the country's productivity; (b) increases women's employment opportunities, and their earning potential; (c) reduces infant and child mortality; (d) increases life expectancy for the whole family; (e) reduces fertility rates; (f) reduces maternal mortality rates; (g) improves health for the whole family; and (h) enables women to efficiently manage natural resources.

In general, education will help to relieve poverty and increase human development that is vital to a country's development. According to a UNECLAC/CDCC report (2000), Human Development, the process of enlarging people's choices while raising the level of well being, can only come through education. Some of these choices are (a) to lead a long and healthy life; (b) to be educated; and (c) to enjoy a decent standard of living (Education & its Impact, 2000).

## **6.0 RECOMMENDATIONS**

The attention and active participation of the civil society is critical in order to eliminate discriminatory attitudes and behaviours that exist in the education system. This group will have to initiate some kind of action that will challenge the Government to critically examine the issue at hand. The government will have to change its policy and become more actively involved in some of the administrative issues of the school besides paying salaries of the teachers.

Below are proposed short and long-term recommendations.

### **6.1 Short Term**

1. It is important that teachers unite to address this issue on a national level. For this to happen, teachers must be aware of their rights. This is an issue that the Belize Teachers Union, with some assistance from the Civil Society, should address with teachers. It is proposed that ongoing training workshops be organised for teachers. These workshops will assist teachers in understanding their rights as a teacher, as well as the policy and procedures that govern the administration of schools. With the assistance of the Belize National Teachers Union, define the term "morality" and its implication for teachers.
2. Develop an advocacy program. Through such activity, discriminatory behaviour and attitudes in the education system must be seen as an education and labour problem rather than a religious issue.
3. With the assistance of the Belize National Teachers Union, review School's Code of Ethics to ensure that the Code of Ethics do not infringe on the individual rights

of a teacher. Also, mechanisms must be in place to ensure that Code of Ethics are approved by the Chief Education Officer.

## 6.2 Long Term

1. With the assistance of women organisations and other NGOs assist a victimized teacher in taking her case before the Arbitration Committee Panel. WIN-Belize has pledged its support (financial and moral) to assist the individual in challenging the system. Through such program, teachers will come to terms with the Act and Rules as they presently exist and work within the parameters set out by the Act and Rules for justice to be done; that is until the limitations can be surpassed.
2. With the help of the Women's Department, lobby for legislative change. For many reasons, the argument among teachers is that they believe it will be hard to change the system. Nevertheless, it must be realised that change will only come about if those involved and affected become more organised and proactive. Any decision to challenge must be collectively and formidably supported.
3. Using international pressures to assist in bringing about legislative change. The CEDAW signed by the government is clearly a first step in this direction. Through CEDAW, the government of Belize has made an international commitment to address gender issues--to address discriminatory attitudes and practices that hinder and impede the advancement of women. The Women's Department can use the CEDAW, as well as the Women's Agenda as lobbying tools to address this type of discrimination in the educational system.
4. Ensure that the recommendation under "Publicly Funded Institutions" (Recommendation 96 and called for action by 2003) outlined in the Summary report of the Political Reform Commission is revisited and necessary steps taken to address the issue. This recommendation states that "*The majority of the Commission recommends that Government review the personnel practices of institutions that receive public funds to (a) ensure that the rights of women are not being abused, and to (b) assess the need for the development of guidelines for all such institutions that accept public funds*".
5. Meaningful sex education within primary and secondary schools is essential. Youth need to be aware of their sexuality and to address concerns and questions they have regarding this issue. The sex education component of the SHAPES program offered within primary school is almost non-existent because schools prefer not to address the issue of sexuality. Secondly, teachers have expressed that they are uncomfortable teaching this program. Dialogue is needed to address this issue within the schools. HECOPAB maybe an alternative to implement such program. St. Catherine's Academy has an excellent sex education program that has been accepted by the school's management. Perhaps that model can be used as an example in teaching sexuality within the high schools.
6. Secondary schools are expected to provide a yearly report to the Ministry of Education. This report should provide detailed information regarding activities within the school year. One major purpose of the form is to provide reasons of why a student leaves school. Unfortunately, this form does not provide information regarding truancy as a result of teenage pregnancy. It is captured

under a broader heading as “personal”. It is recommended that this form be adjusted to include the number of school drops out as a result of pregnancy. It is important that such information is kept on record to assist in appropriate policy development.

7. The Youth Enhancement Service Program has a curriculum that includes basic life skills and counselling. Such resources can be shared with the rest of the high school community. For instance, high schools are accommodating young mothers after having a baby. However, they are not developing programs geared at developing meaningful life skills. Through collaborating efforts, YES can provide such training to high school students.

### **6.3 Additional Considerations**

1. That the procedure existing in the Act and the Rules for a teacher to appeal any dismissal to an Arbitration Panel be started and exhausted. According to the statute, the panel’s decision is not binding or final. It is imperative for one teacher, dismissed for any of the reasons indicated herein, to initiate action with the assistance of a group or by herself. The idea is to exhaust the internal appeals process before the legal options are explored with the hope that the result will be significantly different from the present precedents.
2. That teachers procure the assistance of a legal professional and launch a massive public education campaign on the Act and the Rules for teachers and all others affected by these regulations. The idea is to make teachers aware of the ramifications of these rules and laws as they pertain to their employment. Furthermore, the campaign would also educate all affected as to the appeals process that exists when they feel the dismissal of a fellow teacher, member of staff, or student was not warranted. They would also understand that procedures are in place that must be followed when management is proceeding to terminate, and if those procedures are not followed as set out in the rules, then management can be taken to task in a court of law.
3. That judicial review action is taken when it is evident that the Arbitration Panel cannot render justice, when a decision arrived at and taken was so outrageous and irrational, and/or serious procedural impropriety exists that calls for the courts to check the abuse of process. Though costly but the most expeditious legal option, this is the option that may lead to precedents in favour of teachers and much needed interpretations of the various provisions of the Constitution that touch on the issues herein.
4. That some teachers, through a legal professional, explore the third legal option of a repudiation of contract by the common-law route. While this option could be quite protracted, it may lead to settlements in favour of a teacher for repudiation. Repudiation may arise because of a simple unilateral varying of the contract by the employer. The Arbitration Panel should also be able to resolve issues of this type.
5. That teachers persist with the Belize National Teachers Union to take up the leadership role they should be playing in having the issues herein addressed. The Union should be in the forefront of trying to have the injustices remedied because

- they were a party to the drafting, refining, and approval of the Act and the Rules.
6. That a group of teachers representing all six districts and assisted by a legal professional draft proposals for the amendment of the Education Act and Education Rules 2000 so it can be brought to address the economic realities and socio-economic situation of teachers, most of whom are mothers and many of whom are single mothers. Adequate amendments can curb the moral authority of management while injecting some fairness into the application of rules pertaining to dismissal. The teachers are then to take up the proposals with their various area representatives.

## **7.0 CONCLUSIONS**

There is no doubt that the education system has contributed to a high standard of education, thus producing quality professionals who have contributed significantly to the overall development of the country. However, despite the successes and achievements of the system, it is important to recognize and embrace the weaknesses and shortcomings in order to institute new policies geared toward its overall improvements. Within this discussion, it is imperative to acknowledge that discrimination does exist and measures are needed to eliminate such practices.

Religious denominations establish schools as a way of meeting their primary objective which is to promulgate, proselytise and disseminate their teachings. Therefore, education can be viewed as secondary and is a means to attaining their primary objective. Also, it would appear that from the perspective of the church, education is not separate from religion. With this regards, the issue of morality, which is the foundation of their teaching, will always be a controversial topic within the education system. Therefore, if any change regarding the firing of female teachers and employees due to pregnancy or common-law union is to happen, mechanisms protecting the private lives of female employees are essential.

## References

1. Catzim, Adele (1999) Women in Belize: Moving into the New Millennium. Position Paper. Unpublished.
2. CEDAW (1990) Convention on the Elimination of Discrimination Against Women. United Nations.
3. Convention on the Rights of a Child (1989)
4. Planning Unit, Ministry of Education. (1998) Belize: Education Statistical Digest. Government of Belize.
5. SPEAR Report (1991) Education in Belize: Toward the Year 2000. Cubola Productions Belize, C.A.
6. Surridge, Mary & Vernon, Dylan (1999) Belize Education Sector Strategy Social Appraisal. Unpublished.
7. UNECLAC/CDCC. (2000) Education and its Impact on Poverty: Equity or Exclusion. Santo Domingo, Dominican Republic. LC/CAR/G.609
8. Women's Department (1998) Women's Agenda: Empowering Belizean Women for the Third Millennium, Belize, Central America.

## **Annex 1**

Two major issues also surfaced during discussions with school authorities that include principals of both primary and secondary schools. These issues have significant implications for students within the education.

### **1. Access to Education**

Primary schools and secondary schools exist throughout the country of Belize including the remote areas of Belize. While schools, especially secondary schools, are there to accommodate students, the issue of students' access to these schools is a major concern. For example, high school administrators are finding that an alarming number of children within their schools must drop out of school for financial reasons. This is due to the high cost of transportation and lunch. It is estimated that it costs a student \$5.00 per day for lunch and transportation to attend school. Parents, who are already operating within tight financial constraints, find it difficult to meet this obligation and consequently must withdraw their children from school.

A number of schools have developed feeding programmes in order to address this issue. However, with limited resources, schools are not able to address these concerns issue in a meaningful manner.

### **2. Drop out rate for male students**

According to the Educational Statistical Digest (1999-2000) young men are dropping out of school at an alarming rate. The statistics also show that more young men are entering high school. During the first two years of secondary education, however, an alarming number of males drop out of the system. Therefore, at the end of four years, more women are graduating. It is critical that school administrators along with the Ministry of Education official examine this phenomenon. As a society we need to understand what are some of the factor(s) that affect and hinder young men in receiving basic education that will allow them to participate in the society as responsible and productive citizens. It is important that this issue is addressed immediately because of the repercussions for the society.

### **3. Services for Young Mothers**

Very little exists in country to assist young mothers. The Centre for Teenage Mothers, a program of the Youth Enhancement Service Program has developed services to ensure that young mothers receive meaningful support including counselling at a critical time in their lives. More importantly, the program provides the young mothers with life skills allowing them to develop the skills to cope with their challenging situations. The Youth Enhancement Services Program in general provides an alternative for young women who otherwise would not have an opportunity. Therefore, programs such as this should be supported to allow the institution to develop their capacity to reach out to young women/ mothers without basic education and skills.

