

Original Article

Who Protects the Teacher? Rethinking Respect and Authority through Legal Framework

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Received: 15 February 2026; Revised: 22 March 2026;
Accepted: 09 April 2026; Published: 11 April 2026

DOI: <https://doi.org/10.66074/D1F2G3H4J>

Abstract

Teachers in South Africa are facing increasing incidents of violence and disrespect in schools, which jeopardise their safety and undermine their authority. Despite existing legal frameworks intended to protect teachers, many remain inadequate in addressing these critical issues, raising concerns about the dignity and security of teachers. This study aims to critically examine the alignment between South African educational laws and teachers' experiences of violence and disrespect in schools. It seeks to identify gaps in legal frameworks to highlight the need for better protections and support systems for teachers. This study uses a qualitative interpretive approach to analyse how South African laws and policies address teacher dignity, authority, and protection. Using primary sources like legislative documents and policy guidelines, it employs systematic data collection and thematic analysis to identify patterns and gaps in framing teacher rights. Four core themes emerged: (1) The construction of teacher authority and dignity in legislative discourse. (2) Regulatory accountability and the asymmetrical governance of teachers. (3) Institutional gaps and the production of teacher vulnerability. (4) The constitutional tension between learner rights and teacher protection. The study affirms the urgent need for stronger legal protections and institutional support for teachers, emphasising a critical gap between constitutional principles and their practical enforcement within schools.

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Keywords: Teacher Protection, Violence in Schools, Teacher Authority, Dignity, Legal Frameworks.

1. Introduction

Teachers are central to the educational process, yet in South Africa, they increasingly find themselves vulnerable to violence and disrespect in the very environments meant to foster learning. Incidents of learner-on-teacher violence, ranging from verbal abuse to physical assault (Venketsamy et al., 2023), are not isolated but have become disturbingly commonplace in many schools. These occurrences not only jeopardise the safety and well-being of teachers but also undermine their authority and the quality of education they provide (Choi et al., 2024; Lamula-Mthanti, 2023). Despite the gravity of these issues, existing legal and policy frameworks, including the South African Council for Teachers (SACE) Act and the South African Schools Act, have been critiqued for inadequately addressing the protection of teachers. Additionally, there are concerns regarding the dignity of teachers within these frameworks.

Recent media reports indicate a growing pattern of learner-on-teacher violence, including physical assault and threats involving weapons, highlighting the severity and escalation of safety concerns in schools (Serra, 2025; Seeletsa, 2024). The alarming rise in assaults on teachers by learners raises critical questions about the safety and protection of teachers in schools. Incidents resulting in violence and even the use of firearms emphasise the urgent need for effective measures and support systems. These systems must be established to ensure the safety and well-being of teachers in their work environments.

This study seeks to critically examine the alignment between the South African constitution, education laws, policies, and the lived experiences of teachers facing violence and disrespect in schools. Therefore, by analysing the SACE Act, the South African Schools Act, and related policies, the study aims to identify gaps and inconsistencies that fail to safeguard teachers adequately. The research will explore whether these legislative frameworks provide sufficient protection and support for teachers or whether they inadvertently contribute to the erosion of teacher dignity and authority. The central research question guiding this study is: *Who protects the teacher?* This question will be explored through a qualitative analysis of policy documents, legal frameworks, and existing scholarly literature, alongside an examination of teachers' lived experiences as documented in recent studies and newspaper articles.

The objectives of this study are to critically assess and identify who is accountable for ensuring the safety and protection of teachers. This research is significant as it contributes to the broader discourse on teacher well-being and professional dignity, offering insights that may inform policy development and advocacy efforts aimed at creating safer and more supportive educational environments for teachers, by emphasising the disconnect between policy intentions

and classroom realities. This study underscores the urgent need for systemic change to uphold the rights and respect of teachers in South Africa.

1.1 Theoretical Framework

This study is grounded in “critical theory” (Tyson, 2014), which emphasises the analysis of power relations, social structures, and systemic inequalities. Critical theory is especially important for analysing teacher dignity and authority. It provides insights into how institutional policies and laws can reinforce or challenge power dynamics in the classroom. In the context of South African education, critical theory emphasises that while prioritising learner rights and protecting students is essential (Rupe, 2024), it can unintentionally marginalise teachers. This marginalisation diminishes their authority and restricts their capacity to maintain a safe and respectful learning environment (Miller et al., 2023). By applying critical theory, this study interrogates how legal, and policy frameworks construct the role of the teacher and shape the experiences of vulnerability, disrespect, and diminished professional agency.

Complementing critical theory, this study draws on role theory, which explores how social expectations shape the behaviour, responsibilities, and identity of individuals within specific positions (Orlov et al., 2024). Teachers occupy a dual role as both authority figures and nurturers, tasked with guiding learners while adhering to the rules and regulations imposed by the education system (Butera et al., 2020). Role theory provides a lens to examine the tension teachers face between fulfilling their professional duties and navigating constraints imposed by policy, law, and societal expectations. This framework helps to explain the dissonance between the ethical and practical responsibilities of teachers and the systemic barriers that may compromise their authority and professional dignity.

The study incorporates elements of organisational justice theory, which focuses on fairness in the distribution of resources, treatment, and decision-making within institutions. Organisational justice is relevant in analysing how policies and legal frameworks either uphold or neglect teachers’ rights to respect, protection, and recognition (Poole, 2007). By examining fairness in disciplinary procedures, policy implementation, and institutional support, this framework offers insights into how legal, and policy structures affect teacher well-being. It also explores their impact on teacher motivation and effectiveness. Teachers are central to the educational process. However, in South Africa, they increasingly find themselves vulnerable to violence and disrespect in the very environments meant to foster learning. Instances of violence directed at teachers, ranging from verbal abuse to physical assault, have become distressingly frequent in many schools. This trend jeopardises the safety and well-being of teachers, undermining their authority and the quality of education they provide.

1.2 The Centrality of Teachers in Education

Teachers are often described as the cornerstone of education systems, responsible not only for transmitting knowledge but also for shaping values, discipline, and citizenship (Brahmbhatt, 2025). Their work extends beyond instruction into the realm of nation-building (Juhászová, 2025). Despite this centrality, teachers across contexts increasingly experience a decline in professional respect, authority, and protection. The erosion of dignity in the teaching profession has become a global concern, with implications for teacher retention, learner achievement, and the overall sustainability of education systems (Pawelec & Kochanowski, 2019; UNESCO, 1996).

1.3 Teacher Authority and the Question of Respect

The concept of teacher authority has historically been tied to the moral and intellectual legitimacy conferred on teachers as custodians of knowledge (Lv & Hu, 2021). Authority in this sense is relational; it depends on the recognition of learners, parents, and society at large (Bardach et al., 2021). However, research shows that teacher authority has been undermined by multiple forces, including the democratisation of education, the emphasis on learner-centred pedagogies, and the prioritisation of learner rights over teacher authority (Del Valle, 2022). In South Africa, scholars note that this shift has produced classrooms where teachers feel hesitant to enforce discipline, fearing administrative or legal consequences (Motseke, 2020; Potokri & Lumadi, 2025; Segalo & Rambuda, 2018). The result is a paradox: teachers are expected to maintain order and deliver quality education while simultaneously being deprived of the authority required to do so effectively.

1.4 Violence, Abuse, and the Teacher's Vulnerability

One of the most visible consequences of weakened teacher authority is the rise of violence and abuse against teachers (Venketsamy et al., 2023). International research demonstrates that teachers are frequent victims of both verbal and physical aggression from learners (Longobardi et al., 2019). In many cases, these incidents are underreported, with teachers fearing victim-blaming or a lack of institutional support (McMahon et al., 2022). In South Africa, the problem is acute. Studies emphasise patterns of verbal harassment, intimidation, and even physical assault directed at teachers, often exacerbated by broader societal cultures of violence (Venketsamy et al., 2023). High-profile media reports of teachers being assaulted by learners underscore how public humiliation compounds personal trauma (De Wet, 2021). These acts not only damage the psychological well-being of teachers but also undermine the professional ethos of teaching, creating environments where fear and disrespect overshadow the pursuit of learning.

1.5 Teacher Well-being and Professional Identity

Exposure to persistent disrespect and violence has profound consequences for teacher well-being (Mosito & Sitoyi, 2024). Teachers who experience humiliation or lack institutional protection often develop symptoms of stress, anxiety, and burnout (Melanda et al., 2021). Such experiences erode professional identity, leaving teachers feeling powerless and devalued. Reinke et al. (2025) also link these conditions to higher attrition rates, as teachers leave the profession in search of safer and more respectful work environments. This exodus has ripple effects, particularly in contexts like South Africa, where the demand for qualified teachers already outpaces supply.

1.6 Policy and Legal Frameworks on Teacher Protection

Globally, attempts have been made to codify protections for teachers. The International Labour Organisation (ILO) (2025) and UNESCO's Recommendation concerning the Status of Teachers (1966) remain the most comprehensive international instruments affirming teacher rights, dignity, and working conditions. It explicitly calls for safeguarding teachers from violence, ensuring fair treatment, and respecting their professional autonomy (Bucoy et al., 2024). Nationally, South Africa has enacted several frameworks aimed at regulating the education sector. The South African Schools Act (1996) sets out principles of learner rights and school governance. The Employment of Teachers Act provides for the employment, discipline, and dismissal of teachers (Department of Basic Education, 1998).

The South African Council for Teachers (SACE) Act (2016) establishes professional standards and ethical guidelines for teachers. While these frameworks are critical, critics argue that their focus is skewed: they tend to emphasise learner rights and teacher responsibilities while paying insufficient attention to the dignity, authority, and safety of teachers (Segalo & Rambuda, 2018; Mpindo & Mphojane, 2024). Teachers often report that policies such as the SACE Code of Conduct are applied more as mechanisms of accountability than as safeguards of dignity. Disciplinary frameworks sometimes create an imbalance where teachers are held responsible for misconduct, but learners' acts of disrespect or violence are minimised or excused (Longobardi et al., 2019). This creates a perception that existing laws and policies, though robust in design, are inadequate in protecting teachers in practice.

1.7 Gaps in the Literature

While there is considerable literature on learner rights, discipline, and school violence, research focusing specifically on teacher dignity and protection within legal and policy frameworks remains limited. In South Africa, empirical studies often highlight incidents of teacher victimisation but stop short of interrogating how laws and policies shape these realities. Few studies critically analyse whether frameworks

such as the SACE Act adequately balance the dual imperatives of safeguarding learners and protecting teachers.

This gap underscores the need for research that situates teacher dignity and authority within the broader discourse of education policy and law. This study seeks to explore the intersections of classroom experiences, legal instruments, and professional regulation. By doing so, it aims to contribute to ongoing debates about how education systems can restore balance and protect the rights of learners. Additionally, it emphasises the importance of affirming the dignity and authority of teachers.

2. Methodology

2.1 Research Design and Methods

This study was guided by a qualitative, interpretive research design to critically examine how laws, policies, and professional frameworks in South Africa addressed teacher dignity, authority, and protection (Darby et al, 2019; Morgan, 2022; Cleland et al., 2022). A qualitative approach was appropriate for this study because it allowed for an in-depth and nuanced exploration of the content, structure, and underlying assumptions of legal and policy texts. Unlike quantitative approaches, which may focus on prevalence or statistical trends, qualitative analysis permitted the interrogation of meaning and language. It also allowed for the exploration of embedded power dynamics within these instruments. The study is exploratory and interpretive, aiming to understand not only what policies say but also how they framed the role of the teacher and the balance of authority between learners and teachers (Darby et al, 2019). It also examined the extent to which teacher protection was prioritised.

2.2 Data Sources

The study relied on clearly distinguished primary and secondary sources. Primary sources consisted of legal and policy documents, including legislation, Acts, constitutional provisions, and official departmental policies (e.g., the Constitution of South Africa, the South African Schools Act, the Employment of Educators Act, and the SACE Act). Secondary sources include peer-reviewed scholarly literature and selected media reports, which were used to contextualise, interpret, and support the analysis of primary legal texts rather than serve as direct units of analysis. This distinction ensured analytical clarity and transparency in the construction of the document corpus.

2.3 Data Collection

Document collection followed a systematic, transparent, and reproducible procedure. Documents were retrieved from official government websites, SACE official publications, and legal databases such as SAFLII. Search terms included: “teacher protection”, “educator misconduct”, “school violence”, “learner discipline”, and “teacher rights South Africa”. Searches were conducted between January 2025 and December 2025, and included documents published from 1996 to 2025 to capture post-apartheid legal developments.

Inclusion criteria:

- a. Documents that defined teacher rights, responsibilities, or protections.
- b. Documents that outlined disciplinary procedures for teachers or learners.
- c. Policies that address school safety and governance.

Exclusion criteria:

- a. Documents that were not directly related to education law or teacher protection.
- b. Duplicated or superseded versions of legislation (only the most recent versions were retained).

A total of 4 documents were included in the final analysis. Where multiple amendments existed, the most current consolidated version of each law was analysed.

2.4 Data Analysis

The study employed thematic analysis, a method suitable for identifying, analysing, and interpreting patterns and themes across qualitative data, following the six-phase framework proposed by Braun & Clarke (2006):

Phase 1: Familiarisation with the data - reading and re-reading documents to understand their scope, language, and objectives.

Phase 2: generation of initial codes - assigning labels to text segments that reflected key concepts such as teacher authority, protection, respect, disciplinary procedures, and accountability.

Phase 3: Searching for themes - grouping codes into broader themes to identify systemic patterns, gaps, or contradictions in policy and law.

Phase 4: Reviewing themes - refining and validating themes against the full dataset to ensure internal coherence and consistency.

Phase 5: Defining and naming themes - clearly articulating the scope and meaning of each theme in relation to the research question.

Phase 6: Producing the report - integrating themes into a coherent analytical narrative guided by critical theory, role theory, and organisational justice.

This process allowed the study to critically assess whether legal and policy frameworks sufficiently safeguarded teachers, supported their professional authority, and maintain their dignity in practice. The analysis also emphasised areas where policies may have inadvertently prioritised learner rights at the expense of teacher protection, contributing to professional vulnerability.

2.5 Validity and Trustworthiness

To ensure credibility, dependability, and confirmability, the study implemented explicit procedural strategies: (1) Triangulation: cross-analysis of legislation, policy documents, and scholarly literature to validate thematic consistency. (2) Audit trail: systematic documentation of coding decisions, theme development, and analytical memos. (3) Peer debriefing: was conducted through consultation with a senior researcher to review coding and thematic structure. (4) Reflexivity: ongoing critical reflection on the researcher's interpretive position and potential bias during analysis. (5) Handling contradictory evidence: themes were refined to incorporate divergent or conflicting legal provisions rather than excluding them. These steps aligned with established qualitative criteria for interpretive rigour and move beyond a purely declarative approach to trustworthiness.

2.6 Ethical Considerations

Although the study relied exclusively on publicly available documents, ethical rigour was maintained. All sources were correctly cited, and interpretations were presented accurately and transparently to avoid misrepresentation of legal texts, policies, or prior research. Ethical reflection also extended to the researcher's responsibility to use findings to inform constructive debate about teacher protection and policy reform without compromising the integrity of the sources.

3. Results

This study presents the key results, structured around four dominant themes that emerged from the data. Each theme integrates verbatim excerpts from legal and policy documents, alongside selected supporting literature, to demonstrate the systemic frameworks shaping teacher protection.

Theme 1: The construction of teacher authority and dignity in legislative discourse

The Bill of Rights establishes dignity as a foundational constitutional value. It applies universally to all persons within the Republic. The provision does not distinguish between professional categories. Within the educational sphere, this means

teachers are constitutionally protected as citizens, not as a distinct professional class requiring sector-specific safeguards.

“Everyone has inherent dignity and the right to have their dignity respected and protected.” (The Government of South Africa, 1996, s10).

The protection is principled and universal, but not operationalised in education-specific mechanisms. Located within the security rights framework of the Constitution, this clause prohibits violence from any source, including private individuals such as learners. It is enforceable at the constitutional level but requires statutory or institutional mechanisms for implementation in schools.

“Everyone has the right to freedom and security of the person, which includes the right, (a) to be free from all forms of violence from either public or private sources.” (The Government of South Africa, 1996, s12(1)(c)).

Teachers are protected as members of “*everyone*,” however, the Constitution does not prescribe how schools must operationalise this protection in cases of learner-on-teacher violence.

These provisions form part of the professional ethics framework governing teachers. They articulate normative behavioural standards and reflect expectations of moral conduct and professionalism. They are situated within regulatory sections concerning professional identity and accountability.

“An educator must acknowledge the noble calling of their profession.” (South African Council for Educators, 2016)

Then, it further indicates that

“A teacher shall act in a proper and becoming way...” (South African Council for Educators, 2016).

Teachers are framed primarily as ethical duty-bearers. The discourse emphasises professional obligation rather than reciprocal institutional protection.

The theme affirms that teacher authority and dignity are rooted in South Africa's constitutional values, particularly the right to dignity. It recognises that teachers are protected under the Constitution against violence from learners. However, there is a lack of specific mechanisms to implement these protections in schools. The discourse emphasises teachers' ethical obligations and professionalism rather than institutional support. This emphasises a need for stronger frameworks to ensure teachers' safety and dignity in educational environments.

Theme 2: Regulatory accountability and the asymmetrical governance of teachers

Examples of serious misconduct for teachers include physical assault of learners, sexual misconduct, fraud, and insubordination, which may result in mandatory dismissal under Section 17 of the Employment of Educators Act. In contrast, learners committing violent acts such as assault or possession of weapons are typically subject to discretionary measures such as suspension or referral to disciplinary hearings, demonstrating the asymmetry in enforcement.

The following clause appears in the section governing serious misconduct. It mandates dismissal upon a finding of guilt, removing discretionary flexibility. The section provides a clear and enforceable sanction structure directed at educators.

“A teacher must be dismissed if he or she is found guilty of serious misconduct.” (Department of Basic Education, 1998, s17 (1)).

This reflects intense procedural clarity and regulatory intensity directed at teachers. The law prescribes mandatory consequences for educator misconduct.

This clause sets out precautionary suspension procedures pending disciplinary hearings. It outlines procedural safeguards and investigative authority for employers. It activates formal processes upon allegation.

“The employer may suspend an educator on full pay if the employer is satisfied that (a) the alleged misconduct is of a serious nature...” (Department of Basic Education, 1998, s16).

There is a defined investigative and disciplinary architecture when teachers are accused. Comparable statutory clarity is less evident for teacher-directed violence.

This provision empowers the professional regulatory body to initiate formal proceedings against teachers. It reinforces institutional oversight over professional conduct.

“The Council may institute disciplinary proceedings against any teacher...” (South African Council for Educators, 2016)

Professional governance structures are robust and clearly articulated. Regulatory enforcement mechanisms concerning teachers are detailed and centralised.

The theme affirms the importance of regulatory accountability in the governance of teachers, highlighting a structured and rigorous approach to handling serious misconduct. It emphasises the need for clear and enforceable sanctions, as seen in the mandatory dismissal clause for serious misconduct. This theme also emphasises the procedural clarity provided for precautionary suspensions and the roles of

investigative authority and professional regulatory bodies in overseeing teacher conduct. It reflects a commitment to maintaining professional standards and accountability within the education sector, showcasing a robust framework for addressing misconduct. At the same time, it points out the existing gaps in handling teacher-directed violence.

Theme 3: Institutional gaps and the production of teacher vulnerability

The following clause appears within governance provisions regulating public schools. It imposes a general duty to ensure safety but does not specify safety protocols, enforcement triggers, or actor-specific protection procedures.

“A public school must provide education in a safe environment.”
(Department of Education, South African School Act, 1996, s8).

The obligation is broad and environment-focused rather than teacher-specific. The provision does not detail how teacher-directed violence must be addressed.

The following verbatim quote mandates schools to regulate learner behaviour through internal codes. The responsibility is delegated to School Governing Bodies. The framework emphasises learner behavioural governance rather than educator protection.

“The governing body of a public school must adopt a code of conduct for learners...” (Department of Education, South African School Act, 1996, s8(1)).

Teacher safety depends on locally developed codes rather than centralised statutory protection.

The theme was further supported by the clause that grants discretionary authority to suspend learners. Suspension is not automatic and requires internal processes. It is framed as corrective rather than protective.

“The governing body may suspend a learner from attending school as a correctional measure...” (Department of Education, South African School Act, 1996, s9).

Disciplinary action following learner misconduct is discretionary. The statute does not mandate immediate or specific protection when teachers are assaulted.

The above verbatim quotes emphasise significant gaps in school governance provisions regarding teacher safety. While schools are required to provide a safe educational environment, specific protections for teachers against violence are lacking. Responsibilities for managing learner behaviour and disciplinary actions are

delegated to local governing bodies. This can lead to inconsistent and discretionary responses that may leave teachers vulnerable.

Theme 4: The constitutional tension between learner rights and teacher protection

This provision is integral to the children's rights framework outlined in the Constitution. It offers clear and specific protections for children, and it is often cited in legal cases related to education.

“Every child has the right, (a) to be protected from maltreatment, neglect, abuse or degradation...” (Constitution of the Republic of South Africa, 1996, s28(1)(d)).

As stated, this clause forms part of the children's rights framework in the Constitution. It provides explicit and enumerated protections for children and is frequently invoked in education-related litigation. Learner rights are clearly articulated and explicitly enumerated. The constitutional emphasis is protective and detailed.

This clause establishes education as an immediately realisable right. It positions the learner as the primary beneficiary of the education system.

“Everyone has the right, (a) to a basic education...” (Constitution of the Republic of South Africa, 1996, s29(1)(a)).

Education law structurally prioritises learner access and entitlement. Teacher authority operates within a rights-based framework centred on learners.

This theme affirms the constitutional framework that prioritises and protects the rights of learners within the South African education system. It emphasises the explicit protections afforded to children, particularly in terms of safeguarding them from maltreatment and ensuring access to basic education. The emphasis on learner rights, as outlined in the Constitution, indicates that learners are recognised as the primary beneficiaries of the education system. Additionally, it emphasises that while teachers have authority in the classroom, this authority is exercised within a framework that is fundamentally focused on protecting and advocating for the rights of learners.

4. Discussion

This study examined how South African constitutional and statutory frameworks construct and protect teacher dignity, authority, and safety. The findings show four central patterns. First, the Constitution recognises teacher dignity and protection from violence under general rights provisions, specifically section 10 (dignity) and section 12(1)(c) (freedom from violence). These protections apply

universally to all persons and do not create teacher-specific enforcement mechanisms within schools. Second, employment and professional regulation laws, including the Employment of Educators Act (1998) and the SACE Act (2016), establish detailed and mandatory accountability procedures directed at teachers. These include suspension, investigation, and compulsory dismissal for serious misconduct. Third, the South African Schools Act (1996) requires schools to provide a safe environment and to adopt learner codes of conduct, but it delegates enforcement to school governing bodies. It does not prescribe specific procedures for protecting teachers from learner-directed violence. However, this delegation raises concerns about the capacity of School Governing Bodies (SGBs). These structures vary significantly in legal expertise, resources, and operational effectiveness, which may result in inconsistent disciplinary practices and uneven protection for teachers across schools. Fourth, constitutional provisions relating to children's rights (section 28) and the right to basic education (section 29) provide explicit and detailed protections for learners, positioning them as primary rights-bearers within the education system. Collectively, these findings indicate that teacher protection exists at a principled constitutional level. However, it lacks equivalent operational clarity and enforcement intensity when compared to regulatory control over teachers or constitutional protection of learners.

The findings align with research indicating that teachers experience increased exposure to learner aggression and reduced authority in schools (Venketsamy et al., 2023; Longobardi et al., 2019). Prior studies show that teachers often report insufficient institutional support following incidents of violence (McMahon et al., 2022). This study extends the literature by identifying how statutory structures may contribute to these perceptions through decentralised and discretionary governance mechanisms. The results are also consistent with scholarship arguing that contemporary education systems emphasise learner rights within rights-based frameworks (Del Valle, 2022). In South Africa, scholars have observed that teachers perceive disciplinary policies as limiting their authority (Motseke, 2020; Segalo & Rambuda, 2018). The present analysis provides legal evidence supporting these claims by demonstrating that disciplinary provisions concerning teachers are mandatory and centralised, while learner discipline is discretionary and locally governed. International instruments such as the UNESCO Recommendation concerning the Status of Teachers (1966) and International Labour Organisation guidelines emphasise teacher dignity, safety, and professional autonomy. However, national implementation varies. The findings suggest that, in South Africa, constitutional recognition of dignity has not translated into education-specific statutory mechanisms that mirror the clarity found in professional accountability frameworks.

From a critical theory perspective, these patterns are not neutral but reflect embedded power relations within the legal and institutional structure of education. The asymmetrical governance identified in this study illustrates how the law functions as a regulatory instrument that disciplines teachers more rigorously than it protects them. In this configuration, teachers are constructed primarily as accountable agents of the state, subject to surveillance, control, and sanction, rather than as protected

professionals entitled to enforceable safeguards. This aligns with critical theory's assertion that institutional frameworks often reproduce hierarchical power relations under the guise of neutrality and order.

The asymmetry identified in this study can be explained by the constitutional design of post-apartheid South Africa. The Constitution prioritises children's rights due to historical patterns of systemic discrimination and vulnerability. Section 28 provides explicit and enumerated protections because children are recognised in international law as a group requiring heightened safeguards. This design is consistent with global human rights frameworks, including the UN Convention on the Rights of the Child. In contrast, teachers are protected as members of the broader category of "everyone." The Constitution, therefore, creates negative obligations on the state to prevent violence, but does not prescribe positive institutional duties specific to teacher-directed harm within schools. Implementation depends on ordinary legislation and policy. The stronger regulatory architecture governing teacher misconduct can be explained by the state's obligation to ensure accountability in public service. Education legislation emphasises professional standards to protect learners from abuse and to maintain public trust. As a result, statutory clarity is more developed in areas concerning teacher discipline than in areas concerning teacher protection. The delegation of safety governance to school governing bodies reflects South Africa's decentralised school management model. While decentralisation allows contextual flexibility, it can produce inconsistent enforcement and uneven protection across schools. This structural feature explains why statutory language concerning safe environments is broad and procedural rather than prescriptive and protective.

This arrangement reflects a form of institutional power asymmetry in which the state retains strong mechanisms to regulate teacher conduct. It diffuses responsibility for teacher protection. This diffusion of protective responsibility, delegated to schools and governing bodies, effectively weakens enforceability and shifts the burden of safety onto local actors. In critical theory terms, this can be understood as a redistribution of risk downward. Teachers absorb the consequences of systemic gaps while remaining tightly governed by top-down accountability structures.

The findings indicate that teacher vulnerability is not solely a product of classroom behaviour but is shaped by the interaction between constitutional design, professional regulation, and school governance structures. Teacher dignity is recognised normatively, but is not operationalised through uniform protective mechanisms in education law. This structural arrangement places teachers within a dual position. They are rights-bearers under the Constitution, but they are also primary duty-bearers within statutory education frameworks. The regulatory system, therefore, produces stronger oversight of teacher conduct than protection from external harm. This dual positioning reinforces a critical theory interpretation of the teacher as an "accountable servant" of the state, legally visible when failing, but institutionally under-protected when harmed. The law, therefore, does not merely fail to protect teachers adequately; it actively constructs a professional identity defined by obligation, compliance, and exposure to risk, rather than autonomy, authority, and

protection. From a systemic perspective, this does not imply that learner rights are excessive. Instead, it demonstrates that legal articulation is asymmetrical. Learner rights are detailed and enforceable. Teacher protections are general and dependent on local governance processes. The implications are institutional rather than individual. Strengthening teacher protection would require clarifying statutory duties related to teacher-directed violence and standardising protective procedures across schools. This should include the development of nationally standardised response protocols, clear definitions of teacher-directed violence, and minimum procedural requirements applicable across all schools to ensure consistency in implementation. It is also important to align constitutional principles of dignity and security with education-specific implementation mechanisms. In conclusion, the study demonstrates that the question *Who protects the teacher?* cannot be answered at a purely constitutional level. Protection exists in principle but requires stronger statutory operationalisation to ensure consistent enforcement within school environments.

5. Conclusion

This study examined how South Africa's constitutional and statutory framework protects teachers from violence and safeguards their professional dignity. The findings show that teachers are protected under general constitutional rights to dignity (section 10) and freedom from violence (section 12). However, these protections are universal and not operationalised through teacher-specific enforcement mechanisms within schools. In contrast, employment and professional regulation laws establish clear, mandatory, and enforceable accountability structures directed at teachers. While school governance provisions require safe environments, they delegate enforcement to local governing bodies and rely on discretionary disciplinary processes. At the same time, constitutional provisions relating to children's rights (section 28) and the right to basic education (section 29) provide explicit and detailed protection for learners. The analysis, therefore, demonstrates that teacher protection exists at a principled level. However, it lacks equivalent statutory precision and procedural clarity when compared to regulatory control over teachers or constitutional safeguards for learners. Teachers function simultaneously as constitutional rights-bearers and statutory duty-bearers. This creates a regulatory structure in which oversight of teacher conduct is centralised and mandatory, while protection from learner-directed violence is decentralised and discretionary.

The question *Who protects the teacher?* cannot be answered solely at the level of constitutional recognition; adequate protection requires statutory operationalisation and consistent institutional implementation. Legislative reform should therefore include explicit provisions addressing teacher-directed violence and standardised national response guidelines within the South African Schools Act. This should further include clearly defined categories of teacher-directed violence, mandatory minimum response procedures, and uniform disciplinary frameworks to reduce institutional inconsistency. Additionally, it should implement mandatory incident reporting systems

and more precise procedural requirements where serious harm occurs, while maintaining constitutional safeguards for children. Education departments should also provide structured professional support, including counselling and legal guidance. This support should align with international standards such as the UNESCO Recommendation concerning the Status of Teachers (1966). Strengthening teacher protection does not diminish learner rights. Instead, it ensures that constitutional dignity and security principles are translated into enforceable institutional practice within schools.

6. Limitations

This study is limited by its reliance on doctrinal and document-based analysis of constitutional provisions, legislation, regulatory frameworks, and selected scholarly literature. It does not include primary empirical data from teachers, school leaders, learners, or policymakers. Therefore, the findings reflect legal and policy design rather than lived implementation practices. The analysis focuses on national-level legislation, including the Constitution, the South African Schools Act, the Employment of Educators Act, and the SACE Act, and does not examine provincial regulations, collective agreements, or internal departmental circulars that may influence practical enforcement.

The study also does not include quantitative data on the prevalence, reporting rates, or institutional responses to teacher-directed violence, which limits the ability to assess the scale or variation of implementation across contexts. In addition, comparative international analysis is confined to established global normative frameworks, such as the UNESCO Recommendation concerning the Status of Teachers (1966) and does not include detailed cross-country case comparisons. Finally, the interpretation of asymmetry between learner rights and teacher protection is grounded in legal policy analysis. In addition, it does not assess judicial interpretation through case law, which may further shape the practical application of these provisions. The study is further limited by potential selection bias in the inclusion of documents and interpretive bias in coding and theme development, despite efforts to ensure analytical rigour. Additionally, the findings cannot be generalised to actual school-level practice without empirical validation, as the study does not capture lived experiences or implementation realities.

Acknowledgment

Heartfelt gratitude is expressed to Prof. Maximus Monahaneg Sefotho for unwavering support and belief in demonstrated abilities. The provided mentorship is highly valued throughout the journey, and guidance is offered with wisdom and encouragement. Additionally, appreciation is extended to teachers for continuous striving to make a difference in the lives of students, despite challenging circumstances being faced. Dedication and resilience are regarded as an inspiration. Gratitude is

conveyed for the commitment to education and for the shaping of the future, one learner at a time.

Conflict of Interest Statement

The author of this study declares that there are no conflicts of interest related to the research presented. All funding sources and institutional affiliations have been disclosed, and the author has not received any financial or material support from organisations that could benefit from the findings of this study. The research reflects an independent analysis of the legal frameworks governing teacher dignity, authority, and safety in the South African education system. It is conducted with the intention of contributing to the academic discourse without any influence from external entities.

References

- Bardach, L., Klassen, R., & Perry, N. (2021). Teachers' Psychological Characteristics: Do They Matter for Teacher Effectiveness, Teachers' Well-being, Retention, and Interpersonal Relations? An Integrative Review. *Educational Psychology Review*, 34. <https://doi.org/10.1007/S10648-021-09614-9>
- Brahmbhatt, H. (2025). The teacher's role in Value Education Development. *Journal of Research in Humanities and Social Science*, 13(4). <https://doi.org/10.35629/9467-13045658>
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative Research in Psychology*, 3(2). <https://doi.org/10.1191/1478088706qp063oa>
- Bucoy, R., Enumerabellon, K., Amilhamja, A., Sisnorio, C., Manalo, R., Chavez, J., . . . Albani, S. (2024). Knowledge deficits and analysis on comprehension of teachers on their common legal rights as teachers. *Environment and Social Psychology*. <https://doi.org/10.59429/esp.v9i9.2559>
- Butera, F., Batruch, A., Autin, F., Mugny, G., Quiamzade, A., & Pulfrey, C. (2020). Teaching as Social Influence: Empowering Teachers to Become Agents of Social Change. *Social Issues and Policy Review*, 15(1). <https://doi.org/10.1111/sipr.12072>
- Choi, J., Faucher, E., Newnam, M., & Han, S. (2024). Student-to-Teacher Victimization and Its Negative Impact on Teaching Approaches: Applying Propensity Score Matching. *Journal of Interpersonal Violence*, 39(21 - 22). <https://doi.org/10.1177/08862605241235123>
- Cleland, J., Macleod, A., & Ellaway, R. (2022). CARDA: Guiding document analyses in health professions education research. *Medical Education*, 57. <https://doi.org/10.1111/medu.14964>
- Darby, J., Fugate, B., & Murray, J. (2019). Interpretive Research. *Approaches and Processes of Social Science Research*. <https://doi.org/10.1108/ijlm-07-2018-0187>
- De Wet, N. C. (2021). South African English newspapers' depiction of learner-on-teacher violence. *Communicare: Journal for Communication Studies in Africa*, 40(2). https://journals.co.za/doi/pdf/10.10520/ejc-comcare_v40_n2_a2
- Del Valle, J. (2022). Tough Teachers Actually Care: An Ethnographic Look into the 'Problematic' Role of Teachers as Figures of Authority Under Learner-Centered Education. *Australian Journal of Teacher Education*, 47(6). <https://doi.org/10.14221/ajte.2022v47n6.2>

- Department of Basic Education. (1998). *Employment of Educators Act, No. 76 of 1998*. Retrieved from <https://www.education.gov.za/portals/0/documents/legislation/acts/employment%20of%20educators%20act,%20no%2076%20of%201998,%2027%2010%202011.pdf>
- Department of Education. (1996). South African Schools Act (SASA). *Government Gazette*. https://www.gov.za/sites/default/files/gcis_document/201409/act84of1996.pdf
- International Labour Organisation. (2025). *International Labour Organisation*. Retrieved from International Labour Organisation: <https://www.ilo.org/>
- Juhászová, T. (2025). Teachers in Power: Nation-Building and Loyalty in a Czechoslovak Periphery (1918–1947). *Contemporary European History*. <https://doi.org/10.1017/s0960777325000153>
- Lamula-Mthanti, B. (2023). A new phenomenon of Learner-on-Educator-Violence: A case of two secondary schools in Umlazi Township, Durban. *International Journal of Research in Business and Social Science*, 12(3). <https://doi.org/10.20525/ijrbs.v12i3.2418>
- Longobardi, C., Badenes-Ribera, L., Fabris, M., Martínez, A., & McMahon, S. (2019). Prevalence of student violence against teachers: A meta-analysis. *Psychology of Violence*. <https://doi.org/10.1037/VIO0000202>
- Lv, L., & Hu, J. (2021). Understanding Teacher Authority. *Journal of Education and development*, 5(2). <https://doi.org/10.20849/jed.v5i2.916>
- McMahon, S., Cafaro, C., Bare, K., Zinter, K., Murillo, Y., Lynch, G., . . . Subotnik, R. (2022). Rates and Types of Student Aggression against Teachers: A Comparative Analysis of U.S. Elementary, Middle, and High Schools. *Social Psychology of Education*, 25. <https://doi.org/10.1007/s11218-022-09706-6>
- Melanda, F., Salvagioni, D., Mesas, A., González, A., Cerqueira, P., Alencar, G., & De Andrade, S. (2021). Cross-sectional and longitudinal relationships between psychological violence and teacher burnout. *International Archives of Occupational and Environmental Health*, 94. <https://doi.org/10.1007/s00420-020-01633-3>
- Miller, A., Berland, L., & Campbell, T. (2023). Equity for Students Requires Equity for Teachers: The Inextricable Link between Teacher Professionalization and Equity-Centered Science Classrooms. *Journal of Science Teacher Education*, 35(1). <https://doi.org/10.1080/1046560X.2023.2170793>
- Morgan, H. (2022). Conducting a Qualitative Document Analysis. *The Qualitative Report*. <https://doi.org/10.46743/2160-3715/2022.5044>
- Mosito, C., & Sitoyi, Z. M. (2024). School violence and its impact on teachers' well-being. *Perspectives in Education*, 42(1). <https://doi.org/10.38140/pie.v42i1.7215>
- Motseke, M. (2020). Managing Ill-Discipline among Learners in Disadvantaged Schools. *Africa Education Review*, 17(3). <https://doi.org/10.1080/18146627.2019.1588747>
- Mpindo, E., & Mphojane, C. (2024). Human Rights Education: Exploring the Safety of Teachers in South African Secondary Public Schools. *E-Journal of Humanities, Arts and Social Sciences*. <https://doi.org/10.38159/ehass.2024538>
- Orlov, V., Krushelnitskaya, O., & Terekhova, E. (2024). The Role Expectations in the System of Interaction between Subjects of the Educational Process. *Journal of Modern Foreign Psychology*, 13(3). <https://doi.org/10.17759/jmfp.2024130309>

- Pawelec, L., & Kochanowski, J. (2019). CRISIS OF THE DIGNITY OF THE TEACHING STATE BASED ON EMPIRICAL RESEARCH. SOCIETY. INTEGRATION. EDUCATION. *Proceedings of the International Scientific Conference*, 2. <https://doi.org/10.17770/SIE2019VOL2.3812>
- Poole, W. (2007). Organizational Justice as a Framework for Understanding Union-Management Relations in Education. *Canadian Journal of Education*, 30(3). <https://doi.org/10.2307/20466660>
- Potokri, O., & Lumadi, R. (2025). Insights for female teachers on managing learner discipline from perceptions of teachers and parents in Vuwani, Limpopo, South Africa. *Management in Education*. <https://doi.org/10.1177/08920206251320183>
- Reinke, W., Herman, K., Stormont, M., & Ghasemi, F. (2025). Teacher Stress, Coping, Burnout, and Plans to Leave the Field: A Post-Pandemic Survey. *School Mental Health*, 17. <https://doi.org/10.1007/s12310-024-09738-7>
- Rupe, K. (2024). Centering students' thinking with the rights of the learner to counter deficit narratives in mathematics. *Theory Into Practice*, 64(1). <https://doi.org/10.1080/00405841.2024.2409023>
- Seeletsa, M. (2024). *The Citizen*. Retrieved 12 28, 2025, from The Citizen: <https://www.citizen.co.za/news/south-africa/education/primrose-primary-principal-shooting-gauteng-education/>
- Segalo, L., & Rambuda, A. (2018). South African public school teachers' views on right to discipline learners. *South African Journal of Education*, 38(2). <https://doi.org/10.15700/SAJE.V38N2A1448>
- Serra, G. (2025). *Cape Argus*. Retrieved 12 21, 2025, from Cape Argus: <https://capeargus.co.za/news/2025-06-02-teacher-safety-crisis-50-teachers-assaulted-in-2025/>
- South African Council for Educators. (2016). Code of Professional Ethics. Retrieved from <https://www.sace.org.za/pages/the-code-of-professional-ethics>
- The Government of South Africa. (1996). Constitution of the Republic of South Africa. Retrieved 02 15, 2025, from <https://www.justice.gov.za/legislation/acts/1996-108.pdf>
- Tyson, L. (2014). *Critical Theory Today: A User-Friendly Guide* (3rd ed.). Routledge. <http://www.olivialoksingmoy.com/s/TYSON-Critical-Theory.pdf>
- UNESCO. (1996). *Unesco*. Retrieved from Unesco: <https://www.unesco.org/en/legal-affairs/recommendation-concerning-status-teachers>
- Venketsamy, R., Baxen, E., & Hu, Z. (2023). Student-on-teacher violence in South Africa's Tshwane South District of Gauteng Province: Voices of the victims. *African Journal of Teacher Education*. <https://doi.org/10.21083/ajote.v12i1.7077>
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Author Contributions: Mosala, M.; Study design, method conception, data collection, data analysis and manuscript writing