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Labor Rights of University Teachers in Venezuela and Colombia. A Comparative Study

Derechos laborales de los docentes universitarios en Venezuela y Colombia. Un estudio comparado

Jesús Pirona
jpirona287@gmail.com
Universidad Nacional Experimental Francisco de Miranda, Venezuela
https://orcid.org/0000-0001-9811-8047

ABSTRACT

University teachers in Venezuela and Colombia work under constitutions that guarantee decent pay and job stability, since both texts enshrine the primacy of reality and the progressive nature of labor rights, although precariousness takes a different form in each country. The study therefore set out to compare the labor rights of university teachers in Venezuela and Colombia on the basis of their legal regime and the conditions documented in the literature. A qualitative, documentary and functional comparative law approach was applied to twenty-one sources, comprising five legal instruments and sixteen peer-reviewed articles. The results show that wage precariousness prevails in Venezuela and reaches tenured staff, whereas in Colombia contractual precariousness prevails and falls on occasional and hourly-paid lecturers. The study concludes that effective protection requires addressing income and employment status at the same time.

Descriptors: labor law; conditions of employment; collective agreements; higher education; comparative law. (Source: UNESCO Thesaurus).

RESUMEN

Los docentes universitarios de Venezuela y Colombia trabajan bajo constituciones que garantizan salario digno y estabilidad, por cuanto ambos consagran la primacía de la realidad y la progresividad laboral, aunque la precariedad adopta en cada país una forma distinta. Es así que el estudio se planteó como objetivo comparar los derechos laborales de los docentes universitarios en Venezuela y Colombia a partir de su régimen jurídico y de las condiciones documentadas por la literatura. En este sentido se empleó un enfoque cualitativo, documental y de derecho comparado funcional sobre veintiuna fuentes, cinco normas y dieciséis artículos arbitrados. Entre los resultados se obtuvo que en Venezuela predomina una precariedad salarial que alcanza al docente ordinario, mientras que en Colombia predomina una precariedad contractual que recae sobre los profesores ocasionales y de cátedra. Entre las conclusiones se estableció que la protección efectiva exige atender a la vez el ingreso y el vínculo.

Descriptores: derecho laboral; condiciones de empleo; convenio colectivo; enseñanza superior; derecho comparado. (Fuente: Tesauro UNESCO).

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Research Articles Section

INTRODUCTION

How much is the work of a university professor worth in two countries that share a border, a language and the same tradition of public universities? The question admits very different answers in Venezuela and Colombia, although their constitutions start from similar premises, since the Asamblea Nacional Constituyente (1999) provided in Article 89 that in labor relations “reality prevails over forms or appearances” and that no law may alter the intangibility and progressiveness of labor rights, and guaranteed in Article 91 a wage sufficient to live with dignity and cover the material, social and intellectual needs of workers and their families, while the Asamblea Nacional Constituyente (1991) incorporated in Article 53 of the Colombian Constitution, among the minimum principles of the labor statute, job stability, a vital and adjustable minimum remuneration and the primacy of reality over formalities. Both texts also protect university autonomy, in Venezuelan Article 109 and Colombian Article 69.

In Venezuela, the distance between that mandate and the university payroll is extreme, as shown by Alvarado and Bencomo (2023), who, contrasting the salary conditions of public university faculty with the International Labour Organization's concept of decent work, conclude that these teachers are among “the worst-paid workers on the American continent”, below the extreme poverty line according to United Nations and World Bank income indicators, which pushes them toward retirement, emigration or the practice of teaching as practically voluntary work whose expenses are subsidized by the professors themselves. Zambrano (2022) completes the picture from the perspective of the minimum wage, which in the country serves as a reference for public and private pay scales and which, in the face of inflation and devaluation, retains “an evident purpose of subsistence” that no increase decree has managed to satisfy.

In Colombia the problem lies elsewhere, in the form of employment, since the law distinguishes between exclusive-dedication, full-time and part-time professors, considered public employees, and occasional and hourly-paid professors (Congreso de la República de Colombia, 1992), and Guevara Florez et al. (2024) recall that the Constitutional Court has classified the latter as “sui generis public servants”, without the law or case law having clearly defined which jurisdiction they should turn to when

a dispute arises with the institution. On this basis, Jaramillo García and Vergara Mesa (2025) argue that hourly-paid and occasional professors are entitled to relative stability, derived from the principles of public service and labor law.

The theoretical framework combines three categories, the first of which is the legal segmentation of labor, which Bensusán Areous (2022) studies in Argentina, Brazil, Chile, Mexico and Uruguay through three modalities, namely lack of coverage, differentiated treatment and circumvention of rules, all of which translate into inequality and precariousness. The second is the precarization associated with quality policies, which Anaya Torres (2019) links to the neoliberal model and the deregulation of the conditions of education workers in Latin America, and which Walker (2021) examines in the everyday work of the university under so-called academic capitalism. The third is temporariness as a source of precariousness, documented by Anaya Pedraza (2023) among temporary professors at Mexican universities.

Based on the above, the research aims to compare the labor rights of university teachers in Venezuela and Colombia on the basis of their legal regime and the conditions documented in the literature.

METHOD

The methodology used is qualitative, with a documentary design and a descriptive-comparative scope, applying the method of functional comparative law, which contrasts the response of each legal system to the same problem, in this case the protection of university teachers as workers. Accordingly, a corpus of twenty-one sources was assembled, with the units of analysis being five legal instruments, namely the two constitutions, the 1970 Venezuelan Universities Law, the 2012 Decree with the Rank, Value and Force of the Organic Law of Labor and Workers and Colombia's Law 30 of 1992, together with sixteen articles published in peer-reviewed journals between 2018 and 2025. The inclusion criteria were relevance to teachers' working conditions or to labor law in the two countries and in the region, peer review of the journal and verification of the DOI in the Crossref registry.

The technique was content analysis, organized into four axes defined before reading the corpus (legal employment relationship, salary and benefits, stability, and

autonomy or participation), which made it possible to scrutinize each source with the same recording matrix. Table 1 presents the distribution of the corpus; Figure 1 constitutes an interpretive reading by the author based on the findings.

Table 1. Distribution of the corpus by scope and type of source.

Scope	Legal instruments	Articles	Total	Sources
Venezuela	3	5	8	Asamblea Nacional Constituyente (1999); Congreso de la República de Venezuela (1970); Presidencia de la República Bolivariana de Venezuela (2012); Alvarado and Bencomo (2023); García Ortega (2024); Zambrano (2022); Sosa (2025); Tellechea-Acuña et al. (2025)
Colombia	2	7	9	Asamblea Nacional Constituyente (1991); Congreso de la República de Colombia (1992); Guevara Florez et al. (2024); Jaramillo García and Vergara Mesa (2025); Restrepo Pimienta and Aguilar Avendaño (2021); Cabrales Salazar and Díaz Pérez (2020); Chica-Velásquez et al. (2018); Báez-Mancera (2025); Barragán et al. (2023)
Latin America	0	4	4	Bensusán Areous (2022); Anaya Torres (2019); Walker (2021); Anaya Pedraza (2023)
Total	5	16	21	

Note. Developed in-house based on the corpus (1970-2025).

ANALYSIS OF RESULTS

The comparison of the legal employment relationship shows two different architectures, since in Venezuela the Universities Law organizes entry through competitive examination and the ranking of regular teaching and research staff into the categories of instructor, assistant, aggregate, associate and full professor (Congreso de la República de Venezuela, 1970), and the 2012 decree-law sets the floor of rights for all workers, including salary, working hours and social benefits (Presidencia de la República Bolivariana de Venezuela, 2012); in Colombia, Law 30 of 1992 separates tenured professors, who are public employees, from occasional and hourly-paid professors, with different employment regimes (Congreso de la República de Colombia, 1992). Table 2 summarizes the differences.

Table 2. Comparative matrix of the labor regime of university teachers.

Element	Venezuela	Colombia
Constitutional basis	Arts. 89, 91, 92, 96 and 109 CRBV: primacy of reality, progressiveness, sufficient wage, benefits, collective bargaining and autonomy	Arts. 25, 53 and 69 CP: work as a right, stability, vital and adjustable minimum remuneration, primacy of reality and autonomy
Special law	Universities Law (1970): competitive examination and ranking of regular staff	Law 30 (1992): tenured, occasional and hourly-paid

Element	Venezuela	Colombia
General labor law	2012 labor decree-law, with social benefits and working hours	Public employment regime for tenured staff; special relationship for occasional and hourly-paid staff
Dominant problem	Insufficient salary that reaches regular teachers	Temporariness and fewer benefits for occasional and hourly-paid teachers
Main evidence	Alvarado and Bencomo (2023); Zambrano (2022); García Ortega (2024)	Guevara Florez et al. (2024); Jaramillo García and Vergara Mesa (2025); Chica-Velásquez et al. (2018)

Note. CRBV: Constitution of the Bolivarian Republic of Venezuela; CP: Political Constitution of Colombia. Developed in-house.

Salary and benefits

What remains of Venezuelan Article 91 when a professor's salary does not cover the basic food basket? García Ortega (2024), from the doctoral program in Social Sciences at the Universidad de Carabobo, attributes the country's job precarization to the economic crisis, lack of investment in infrastructure and technology, informality, lack of guarantees for labor rights and the absence of social dialogue between employers, workers and government, and Sosa (2025) identifies four problematic cores in the 2012 law, including a system of retroactive social benefits that he describes as anachronistic and insufficient protection of vulnerable groups. At the institutional level, Tellechea-Acuña et al. (2025) propose for university teachers in Cumaná a four-phase procedure that correlates organizational climate and job satisfaction, a sign that the university seeks management tools when the salary variable is beyond its control.

In Colombia the salary discussion revolves around internal differences, as documented by Chica-Velásquez et al. (2018), who surveyed 143 occasional and hourly-paid teachers from three public universities in Palmira, 48 from the Universidad del Valle, 51 from the Universidad Nacional Abierta y a Distancia and 44 from the Universidad Nacional de Colombia, and found that, although their compensation systems comply with regulations, occasional teachers lack the promotions, calls for tenured positions and incentives reserved for career staff. Báez-Mancera (2025) adds the financial context, since with the 2021 financial statements and data envelopment analysis he found that only 43.5% of public higher education institutions were fully efficient, with an average efficiency of 83.836%, a figure that conditions the capacity to expand tenured staff.

Stability and forms of hiring

Stability clearly separates the two systems, since in Colombia the category of sui generis public servant leaves occasional and hourly-paid teachers in a gray area which, according to Guevara Florez et al. (2024), requires the competent jurisdiction to be determined case by case based on statutory and contractual theory and on organic, formal and functional criteria, and Jaramillo García and Vergara Mesa (2025) respond with the thesis of relative stability. In the private sector, Restrepo Pimienta and Aguilar Avendaño (2021) describe the tensions between the employment contract, collective agreements and faculty regulations as sources that govern teachers at non-state institutions. Table 3 summarizes the problems that the literature associates with each country.

Table 3. Documented labor problems and constitutional principle at stake.

Country	Documented problem	Principle at stake	Source
Venezuela	Teachers' salary below the extreme poverty line	Sufficient wage (Art. 91 CRBV)	Alvarado and Bencomo (2023)
Venezuela	Minimum wage with a subsistence purpose in the face of inflation and devaluation	Progressiveness (Art. 89 CRBV)	Zambrano (2022)
Venezuela	Retroactive social benefits and regulatory rigidity	Social benefits (Art. 92 CRBV)	Sosa (2025)
Colombia	Undefined jurisdiction for occasional and hourly-paid teachers	Access to justice and primacy of reality (Art. 53 CP)	Guevara Florez et al. (2024)
Colombia	Occasional teachers without promotion, tenure or incentives	Equality and stability (Art. 53 CP)	Chica-Velásquez et al. (2018)

Note. The relationship with the constitutional principle corresponds to the author's interpretation. Developed in-house.

Figure 1 places the teaching groups of both countries according to the stability of the employment relationship and the sufficiency of income, and shows that precariousness does not occupy the same quadrant in the two legal systems.

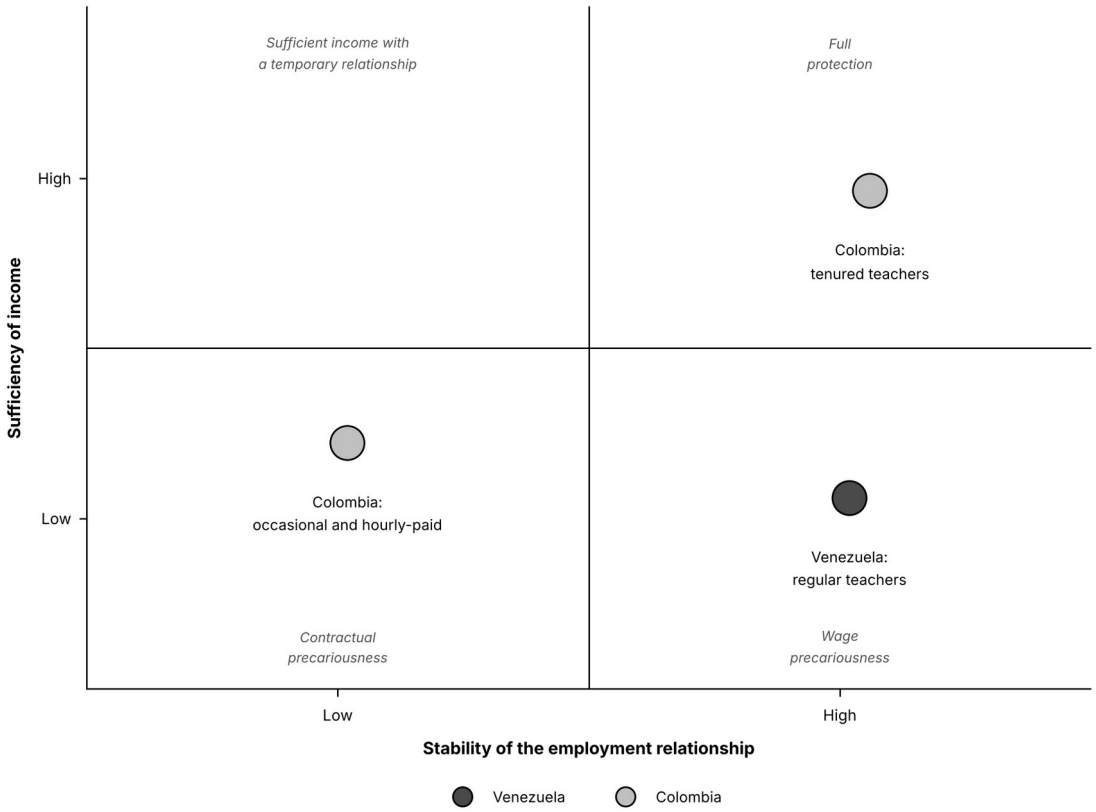

Figure 1. Modes of precarization of university teachers in Venezuela and Colombia.
Note. Qualitative placement prepared by the author based on Tables 2 and 3.

DISCUSSION

The findings make it possible to distinguish two modes of precarization, since in Venezuela regular teachers retain a stable employment relationship, protected by competitive examination and ranking, although their salary no longer fulfills the function assigned to it by Article 91, so that stability without sufficient income becomes, in the terms of Alvarado and Bencomo (2023), an incentive for retirement or emigration; in Colombia, tenured teachers enjoy a salary regime that the reviewed literature does not question to the same extent, while precariousness is concentrated on occasional and hourly-paid professors, whose temporary relationship limits their access to a career. Bensusán Areous (2022) offers a key for reading this difference, since the Colombian case approaches differentiated treatment between workers, and the Venezuelan one a de facto circumvention of the salary guarantee that the rule retains on paper.

Can university autonomy correct these situations? Barragán et al. (2023), after interviews and observation at public and private universities in Bogotá, describe a paradox, since teachers must adapt to institutional conditions to keep their jobs and, at the same time, exercise their autonomy to create knowledge and generate resources that allow them to live with dignity. Cabrales Salazar and Díaz Pérez (2020), with three cohorts of professors from four Colombian cities, found that quality and internationalization policies increased workload and diluted professorial identity. In the author's view, autonomy protects academic freedom but does not replace the State's salary guarantee in Venezuela or the regulation of temporariness in Colombia.

This indicates that the pending reform is different in each country, since in Venezuela the priority is to restore the value of teachers' salaries and review the benefits regime that Sosa (2025) considers anachronistic, through social dialogue, whose absence is pointed out by García Ortega (2024); in Colombia, the priority is to provide occasional and hourly-paid teachers with clear rules on jurisdiction, stability and access to tenured positions, along the lines proposed by Guevara Florez et al. (2024) and Jaramillo García and Vergara Mesa (2025).

CONCLUSIONS

Among the conclusions, the constitutions of Venezuela (1999) and Colombia (1991) share the primacy of reality, wage protection and university autonomy, although the 1970 Universities Law and Law 30 of 1992 organize the teaching employment relationship differently, with a single ranking system for Venezuelan regular staff and a Colombian separation between tenured, occasional and hourly-paid staff.

It was likewise established that in Venezuela wage precariousness prevails and reaches stable teachers, with salaries below the extreme poverty line and a questioned benefits regime, whereas in Colombia contractual precariousness prevails and falls on occasional and hourly-paid teachers, with no defined jurisdiction, merely relative stability and no access to promotions or tenured positions.

Finally, it is concluded that the effective protection of university teachers requires addressing income and employment status at the same time, so that Venezuelan

stability requires a sufficient salary and the Colombian tenured salary needs to extend its guarantees to those who teach on temporary contracts. It remains to contrast this analysis with comparable salary data and with studies on university administrative and manual staff.

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CONFLICT OF INTEREST

The author declares that he has no conflict of interest in relation to this research.

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