

## ARTICLE

**EMPLOYMENT CONTRACTS AND TEACHERS' ILLNESSES: ANALYSIS OF LEAVES FROM THE TEACHERS OF THE PUBLIC EDUCATION SYSTEM OF MINAS GERAIS' STATE****RALF FELIPE MARTINS<sup>1</sup>**ORCID: <https://orcid.org/0000-0002-2102-9596>  
<ralffelipe@hotmail.com>**ANA LUIZA GOMES DE ARAUJO<sup>1</sup>**ORCID: <https://orcid.org/0000-0003-4954-1628>  
<ana.araujo@fjp.mg.gov.br>**MARINA ALVES AMORIM<sup>1</sup>**ORCID: <https://orcid.org/0000-0002-3893-8200>  
<marina.amorim@fjp.mg.gov.br><sup>1</sup> Fundação João Pinheiro (FJP). Belo horizonte, MG, Brasil.

**ABSTRACT:** This article tackles the health leaves from the basic education Teachers of the Public Education System of the State of Minas Gerais according to their legal employment contracts (either permanent or temporary designation), between 2016 and 2018. It is a study case carried out by means of document and quantitative research (descriptive analysis of data), as well as interviews. Curiously, the conclusion is that temporary teachers take fewer leaves than permanent teachers. However, their leaves are substantially longer. A fast analysis of this fact could deduce that, contrary to the early hypothesis of the study, the effective teachers fall ill more than the designated teachers. However, in this article, it is argued that this is, in fact, a strong indication that the designated teachers develop more severe illnesses than the effective teachers. In terms, this collaborates with the initial hypothesis of this study. The results indicate the development of illnesses in teachers performing their jobs and issue an important warning regarding the use of the temporary designation contracts, which was declared partially unconstitutional by the Supreme Court.

**Keywords:** Teachers, State Public Education System, temporary designations, development of illnesses.

**VÍNCULO DE TRABALHO & ADOECIMENTO DOCENTE: ANÁLISE DAS LICENÇAS DOS PROFESSORES DA REDE ESTADUAL DE EDUCAÇÃO DE MINAS GERAIS**

**RESUMO:** Este artigo aborda as licenças para tratamento de saúde dos professores da educação básica da Rede Estadual de Educação de Minas Gerais (REE/MG), por tipo de vínculo jurídico de trabalho (efetivo ou designado), no período compreendido entre 2016 e 2018. Trata-se de um estudo de caso, desenvolvido por meio de pesquisa documental, pesquisa quantitativa (análise descritiva de dados) e realização de entrevistas. Concluiu-se que, curiosamente, os professores designados apresentam um número de licenças menor do que os professores efetivos; entretanto, os seus afastamentos são significativamente mais duradouros. Uma análise apressada desse fato poderia deduzir que, contrariando a hipótese inicial do estudo, os professores efetivos adoecem mais do que os professores designados. Todavia, neste artigo, defende-se que esse é, na verdade, um forte indicativo de que os professores designados padecem de adoecimentos de maior gravidade do que os professores efetivos, o que corrobora a hipótese inicial deste estudo, em termos. Os resultados apontam para o adoecimento no exercício da função de magistério e apresentam um alerta importante a respeito da utilização do vínculo precário da designação, o qual teve recentemente sua inconstitucionalidade parcial declarada pelo Supremo Tribunal Federal.

**Palavras-chave:** Professores, Rede Estadual de Educação, designação, adoecimento.

### **CONTRATOS DE EMPLEO Y ENFERMEDADES DOCENTES: ANÁLISIS DE LAS LICENCIAS DOCENTES DEL SISTEMA DE EDUCACIÓN PÚBLICA DEL ESTADO: MINAS GERAIS**

**RESÚMEN:** Este artículo aborda las licencias para el tratamiento de la salud de los docentes de la Red de Educación del Estado de Minas Gerais, por tipo de relación laboral legal (efectiva o designada), en el período entre 2016 y 2018. Es un estudio de caso, desarrollado a través de investigación documental, investigación cuantitativa (análisis de datos descriptivos) y entrevistas. Se concluyó que, curiosamente, los maestros designados tienen un número menor de licencias que los maestros efectivos. Sin embargo, sus ausencias son significativamente más largas. Un análisis apresurado de este hecho podría deducir que, contrariamente a la hipótesis inicial del estudio, los docentes efectivos enferman más que los docentes designados. Sin embargo, en este artículo se argumenta que esto es, de hecho, un fuerte indicio de que los docentes designados padecen enfermedades más graves que los docentes efectivos, lo que corrobora la hipótesis inicial de este estudio, en términos. Los resultados apuntan a la enfermedad en el ejercicio de la función docente y presentan una alerta importante sobre el uso del vínculo precario de la designación que recientemente tuvo su inconstitucionalidad parcial declarada por el Tribunal Supremo Federal.

**Palabras clave:** Maestros, Red de Educación del Estado, designación, enfermedad.

## INTRODUCTION

This article addresses the relationship between employment and teaching illness. We analyzed the health treatment licenses of teachers from the State Education Network of Minas Gerais (REE/MG) who held effective and designated (temporary) positions between 2016 and 2018.

Entry into the public service, as a rule, must occur through approval in a public contest (BRASIL, 1988), and this is valid for everyone, including teachers from public education networks, such as REE/MG. But there are exceptions to the rule. For example, in Minas Gerais, the designation institute provides that designated professors are hired without civil service examination, temporarily, to replace permanent teachers while they are prevented from occupying the positions (MINAS GERAIS, 1990). The group of designated teachers, therefore, has a precarious employment relationship, unlike the group of permanent teachers.

Over the decades, the designation has been widely used by the State of Minas Gerais, presenting, from a managerial point of view, the advantage of quickly solving problems related to the shortage of manpower, at a cost approximately 35% lower than spending on staff (ARAÚJO et al., 2019). However, in the first place, the designation institute was declared unconstitutional, when directed to meet the need for teachers, resulting from vacant positions, according to a decision of the Federal Supreme Court, in the Direct Action of Unconstitutionality (*ADI- Ação Direta de Inconstitucionalidade*), ADI 5,267 (BRASIL, 2015), persisting only the possibility of designation for transitory and exceptional situations. For vacant positions, the solution would be to fill them through a public contest, or, more recently, to hire them temporarily, under the recently enacted State Law 23,750, of 12.23.2020 (MINAS GERAIS, 2020). In addition, the appointment also compromises the quality of the educational policy (AMORIM et al., 2018), and, as will be shown, constitutes a harmful form of the precariousness of work, since the appointed teachers enjoy fewer benefits than the effective ones, in addition to severely impacting the health of teachers.

Are the absences motivated by health problems of the designated teachers of REE/MG different from those of other teachers, occupying effective positions? How? These are the questions that motivated the development of the research and that will be explored in this article. We worked with the initial hypothesis that, at REE/MG, designated teachers were more susceptible to health care leave than effective teachers, as the precariousness of the bond would contribute to greater illness.

We obtained the quantitative data necessary to understand the phenomenon were obtained from the Center for Statistical Information on People Management of the State Secretariat for Planning and Management of Minas Gerais (Seplag/MG) (MINAS GERAIS, 2019). The analyzed period is from 2016 to 2018, because, from 2015, the release of information is carried out by the Individual Taxpayer Registry (CPF- *Cadastro de Pessoa Física*), which has considerably improved the recording of events and the reliability of the database.

Some semi-structured interviews were also carried out to understand this phenomenon. We interviewed two designated teachers and two permanent teachers from REE/MG (Interviewed Teacher A, 2019; Interviewed Teacher B, 2019; Interviewed Teacher C, 2019; Interviewed Teacher D, 2019), as well as an expert psychologist from the Central Health Superintendence of the Server, organ of Seplag/MG (Psychologist Expert Interviewee, 2019). These interviews helped to critically read the quantitative data, obtained at Seplag/MG after they went through the basic descriptive analysis.

## REE/MG DESIGNATED TEACHERS: “FIFTH CATEGORY” PUBLIC SERVANTS

Di Pietro (2013) defines the public servant as the individual who provides services to the State and the entities of Indirect Administration. Thus, from his point of view, statutory servants, public servants, and temporary servants would be covered by the terminology public servant”. Carvalho Filho (2013) understands that public servants are only statutory servants. In the literature, these are the two definitions for the expression. However, our work adopts the first conceptualization presented, the one proposed by Di Pietro (2013).

Statutory servants are those who are subject to the statutory regime. This regime is established by law, called “statute”, in which all the rules of this legal relationship are disciplined, as well as the rights and duties of civil servants (CARVALHO FILHO, 2013).

Public employees are those hired from the perspective of the labor regime to occupy public jobs. Differently from what occurs in the statutory regime, the relationship of public employees with the Administration is contractual, that is, the State and the server enter into a bilateral contract, in the same manner, adopted in private relations. The norm that regulates this relationship, at all levels of the federation, is the Consolidation of Labor Laws (CLT- *Consolidação das Leis Trabalhistas*) (CARVALHO FILHO, 2013).

Finally, temporary servants are those hired for a fixed period, to meet the temporary need of exceptional public interest, exercising a public function not linked to a position or job (DI PIETRO, 2013). This modality, also known as “special regime”, is provided for in article 37, item IX of the 1988 Constitution (BRASIL, 1988). Carvalho Filho (2013) lists three requirements for the special regime to be used: temporal determinability of the contract, temporary function, and exceptionality of the public interest. The temporal determination of the contract means that the contracts signed under this regime must have a fixed term, unlike what happens in the statutory and labor regimes. The temporary nature of the role means that the need for services must be temporary. If the need was permanent, then the State should not use the special regime for hiring, but the other regimes. In practice, however, it can be seen that this assumption has not been observed, and the Administration has made temporary hires for permanent functions, as we will show below. Finally, the exceptionality of the public interest makes it impossible for common administrative situations to give rise to this type of contracting. Carvalho Filho (2013, p. 611) states: “the exceptionality of the public interest corresponds to the exceptionality of the special regime”.

Article 37, item II, of the 1988 Constitution (BRASIL, 1988) is exhaustive and determines that

Investiture in a public position or job depends on prior approval in a civil service examination of tests or tests and titles, according to the nature and complexity of the position or job, as provided by law, except for appointments to a position in commission declared in the free appointment and dismissal law.

In this way, the civil service examination is a general rule for joining the public service, and its scope must be extended as widely as possible, encompassing Direct and Indirect Administration, legal entities governed by public law, and legal entities governed by private law (CARVALHO FILHO, 2013).

However, article 37, item IX, of the Constitution (BRASIL, 1988) allowed the hiring of “temporary servants”, as mentioned above. Minas Gerais went further: the State, Law number 10,254, of July 20, 1990 (MINAS GERAIS, 1990), expanded the possibility of temporary contracting and created a new modality of temporary contracting, named the designation. This was the legal way for designated teachers to be hired.

Art. 10. To meet the proven need for personnel, there may be a designation for the exercise of a public function, in the cases of:

I - replacement, during the impediment of the holder of the position;

II- vacant position, and exclusively until its definitive filling, provided that there is no candidate approved in a civil service examination for the corresponding class.

§ 1 The appointment to exercise the public position referred to in this article only applies in the event of positions of:

a) Teacher, for class regency, Specialist in Education, and Servant, for exclusive exercise in a state teaching unit;

b) Court clerks and assistants, under article 7, sole paragraph, of Law number 9027, of November 21, 1985, and art. 7, § 1, of Law number 9,726, of December 5, 1988.

§2 In the case of item II, the term of exercise of the public position of Teacher, Specialist in Education, and Servant may not exceed the academic year in which the appointment is made.

§3 The appointment to exercise a public position will be made by a specific act, published in the official body, which determines its term and explains its reason, under penalty of nullity and liability of the agent who has given rise to it.

§4 The candidate approved in a public contest for the position will have priority for the designation mentioned in item I of this article, observing the order of classification.

§5° The dismissal of the occupant of the public position referred to in this article will take place automatically when the term expires or the reason for the appointment, established in the corresponding action, or, at the discretion of the competent authority, by the reasoned act, before the occurrence of these assumptions (MINAS GERAIS, 1990).

REE/MG has a huge number of designated teachers. Amorim et al. (2018) verified the distribution of teaching positions in this education network, demonstrating that, between 2009 and 2014, the number of effective teaching positions decreased from 72,428 to 49,107, while the number of designated ones only increased, jumping from 34,955 to 66,230. The effective teaching positions also suffered a considerable drop over the analyzed period and reduced from 62,766 to 50,471<sup>1</sup>. Amorim and Salej (2019) recently updated this information. According to the authors, in October 2018, the teaching positions at REE/MG were organized as follows: 76,690 effective; 89,447 designated, and 3,213 effective. There was a significant increase in the number of effective positions, but also in the number of designated ones, at the same time that the effective positions practically disappeared.

The situation is such that there is talk of the “over-assignment” of teachers at REE/MG. “It is understood by ‘over-designation’ (...) the massive presence and distant from what is recommended by the National Education Plan (PNE- *Plano Nacional de Educação*) of temporary teacher positions in the composition of the teaching staff of a teaching network” (AMORIM; SALEJ, 2019, p.5). According to the first strategy of Goal 18 of the PNE, the percentage of effective teachers in a public education network should currently be equivalent to at least 90% (BRASIL, 2014). In October 2018, at REE/MG, however, only 45.3% of teaching positions were effective (AMORIM; SALEJ, 2019).

This “over-assignment” generates some distortions. When discussing the designation institute, Maia (2015, p.26) points out that

There is no interstice for the rehiring of a previously admitted temporary employee; there is no requirement such as the specific budget allocation, with prior authorization from the Secretary of State of the contracting entity; nor is a deadline set for civil service exams.

Magalhães (2005) states that, sometimes, the Public Administration employs the designated, instead of nominating successful candidates in a civil service examination – without a doubt, this is an affront to the principles of isonomy and efficiency, since the civil service examinations allows the appointment of the best candidates, chosen by a merit award process. Another dysfunction listed by the author is the hiring, for a determined time, of the servants of the educational area, from February to December.

These distortions can best be verified based on the analysis of the range of rights of effective teachers than those of designated teachers. Analyzing the School Secretary's Manual (MINAS GERAIS, 2014), prepared by the Minas Gerais State Department of Education (SEE/MG), it is possible to observe the guidelines regarding the granting of benefits to teachers. We noticed that the designated ones boast some benefits, however, far short of the benefits boasted by occupants of effective positions. Among the 37 benefits listed in that manual, designated teachers have access to only eight: 1) Family Allowance; 2) Leave for Marriage Reason; 3) Bereavement Leave; 4) Maternity Leave; 5) Leave for Health Treatment; 6) Paternity Leave; 7) Special Education Bonus; and 8) Deputy Director Position Bonus. Table 1 explains the benefits of teachers, which are listed in the School Secretary's Manual.

---

<sup>1</sup> In the study by Amorim et al. (2018), PEB positions are divided into three groups: effective, appointed and effective. The group of permanent employees was made up of those who became permanent in the public service without being approved in civil service examinations, pursuant to Complementary Law 100/2007 (MINAS GERAIS, 2007). This law was considered unconstitutional by the STF in 2015, in the judgment of ADI 4,876 (BRASIL, 2014), precisely because it confers effective positions on people who had not been approved in a civil service examination. For this reason, professors who held permanent positions were dismissed *en masse* from REE/MG, in December 2015. Three years later, in December 2018, there was only a residual number of positions of this nature (78), which tends to vanish. For this reason, effective teachers were not considered in this article.

Q Table 1 – Benefits of Basic Education Teachers (BET) of the State Education Network of Minas Gerais (REE/MG)

<b>Benefit</b>	<b>Effective Teacher</b>	<b>Designated Teacher</b>
Family Allowance	Yes	Yes
Additional Trintenaire (10%)	Yes	No
Adjunction/Disposition	Yes	No
Leave for Teaching	Yes	No
Leave for Election Campaign	Yes	No
Leave for Elective Term	Yes	No
Leave for Union Mandate	Yes	No
Leave for Marriage	Yes	Yes
Bereavement Leave	Yes	Yes
Incentivized Voluntary Leave –IVL	Yes	No
Functional Adjustment	Yes	No
Title Change	Yes	No
Apostille (Declaratory Title)	Yes	No
Authorization to Attend Course	Yes	No
Special Education Bonus	Yes	Yes
Deputy Director Position Bonus	Yes	Yes
Teaching Incentive Bonus - Biennium	Yes	No
Postgraduate Course Reward	Yes	No
Quinquennium (Additions for Length of Service)	Yes	No
Vacation-Award	Yes	No
Maternity Leave	Yes	Yes
Leave to Accompany Sick Person in the Family	Yes	No
Leave for Health Treatment	Yes	Yes
Leave for Deal with Private Interests	Yes	No
Paternity Leave	Yes	Yes
Option for the 40-hour Workweek Scheme	Yes	No
Progression	Yes	No
Promotion to Grade E	Yes	No
Promotion for Additional Education	Yes	No
Reduction of working hours	Yes	No

Source: MINAS GERAIS, 2014

Authors' elaboration.

This discrepancy in the granting of rights truly impacts the public education system. For example, some of the benefits<sup>2</sup> of permanent teachers favor continuous investment in their training, and an increase in teacher education and even participation in open courses tends to ensure a better quality of public education.

Despite the distortions and dysfunctions observed, the designation institute has been widely used in REE/MG, as already demonstrated. Something strange, since it should only be used in exceptional situations. In theory, civil service examination is the rule; in practice, however, when observing reality, it is clear that the examination has become an exception, to the detriment of designation. This is a very worrying situation, considering that, in addition to the harmful effects of the appointment, the STF, in the judgment of ADI 5,267, reaffirmed the jurisprudence that public office must be held by employees approved in civil service examinations, and declared the partial unconstitutionality of article 10 of State Law 10.254/1990. This means that SEE/MG will have to find a solution to the “over-assignment” in the short term.

Amorim et al. (2018) present some explanatory hypotheses for the “over-assignment” situation in REE-MG. First, the authors suggest that the financial issue is a relevant factor, considering that the effective teacher is much more costly to the public coffers than the designated teacher<sup>3</sup>. Given the Fiscal Responsibility Law (LRF- *Lei de Responsabilidade Fiscal*) and the crisis currently faced by the State of Minas Gerais, reversing the situation through the opening of the civil service examination is difficult. Another explanatory hypothesis of the “over-assignment” of teachers at REE/MG, pointed

<sup>2</sup> As an authorization to attend a course and promotion for additional education.

<sup>3</sup> A study by Araújo et al. (2019) showed that the remuneration of appointed teachers is, on average, 34.57% lower than the remuneration of permanent teachers.

out by Amorim et al. (2018), is managerial: it is a phenomenon built over decades, that is, the result of a series of management decisions, instituted over successive governments, and, as it was designed, became more and more definitive. Finally, the authors elaborated a sociological explanatory hypothesis, relating the “over-appointment” of teachers in the REE/MG to a disregard for the education of the lower classes and the right to free, quality public education by our rulers. “Wouldn't the government invest in the constitution of permanent teaching staff taking into account the socioeconomic level of public school students? (...) Would it be possible to think about the existence of a poor school for the poor?” (AMORIM et al., 2018, p. 15).

## **THE ILLNESS OF TEACHERS DESIGNATED AT REE/MG: LOWER NUMBER OF LEAVES, GREATER NUMBER OF DAYS OF LEAVE**

Oliveira (2004) associates the process of the precariousness of teaching work with the process of universalization of education, as it happened. Reducing social inequalities by expanding access to school, was the commitment made at the World Conference on Education for All, held in 1990 in Jomtien. This commitment imposed on developing countries, such as Brazil, the construction of management and financing strategies to increase the number of enrollments, without increasing the volume of resources applied in the same proportion. In this way, when carrying out the expansion of basic education, the teaching work became precarious. This is because it was necessary to restructure it, greatly expanding the responsibilities of teachers, but also making labor legislation more flexible and even deregulating. In fact, “(...) as well as work in general, teaching work has also suffered relative precariousness in aspects concerning employment relationships. The increase in temporary contracts (...), the salary squeeze, the [dis]respect for a national salary floor, the inadequacy or even absence, in some cases, of job and salary plans, the loss of labor and social security guarantees arising from the reform processes of the State Apparatus has made the situation of instability and precarious employment in the public teaching profession increasingly acute” (OLIVEIRA, 2004, 1140).

Cortez et al. (2017) view the health of teachers as a relevant research topic, considering that, on the one hand, there is a growth and aggravation of the illness of teachers related to the activities they perform professionally and, on the other hand, it is also observed the implementation of few actions by the State to promote the health of teachers. When carrying out a literature review, the authors concluded that the intensification of the working day and the disarticulation of public education policies give rise to and sustain a cycle of physical and mental illness of teachers, which causes, above all, suffering, psychic and vocal problems.

The precariousness of teaching work according to Oliveira (2014) includes the precariousness of the teachers' employment relationship and is related to the universalization of teaching in the way it happened, which has negative effects on teacher health. according to Cortez et al. (2017). Universalization of teaching in a certain way, the precariousness of teaching work, and illness of teachers are processes, therefore, that must be thought of together.

The illness of teachers is a recurring subject in the literature and the International Labor Organization (ILO) classifies the teaching profession as one of the most stressful and high risks for physical and mental health, according to Forattini and Lucena (2015). Based on data collected from various civil servant health agencies and medical expertise, Nabuco (2016) identifies that mental and behavioral illnesses are the main reasons for teachers to leave for health care. The author cites stress, Burnout Syndrome<sup>4</sup>, and teacher malaise as predominant diseases; only later, as physical disorders.

---

<sup>4</sup> The term “burnout” is of English origin and represents something that has stopped working due to energy exhaustion. Diehl and Carlotto (2014), when discussing the subject, argue that there are several definitions of Burnout Syndrome, but emphasize that the most used concept in academia is that of Maslach and Jackson (1981). These authors analyze this syndrome based on three dimensions: “1- Emotional Exhaustion, characterized by lack of energy and enthusiasm and feeling of depletion of resources; 2- depersonalization, a situation in which the professional starts to treat clients, colleagues and the organization as objects and in which workers may develop a certain emotional insensitivity; 3- low personal fulfillment, defined as a tendency of the worker to evaluate himself in a negative way, feeling unhappy with himself and dissatisfied with his professional development.” (MASLACH and JACKSON, 1981, p.1).

Among teachers, the most common physical problems are those related to voice and musculoskeletal disorders, related to work.

A study by Campos (2015) – on the illness of professors at the Federal University of Pará (UFPA) – corroborates the results presented by Nabuco (2016). Between 2006 and 2010, 14.13% of requests for teaching leave at UFPA were motivated by mental health problems, as has been observed in other Brazilian universities. This is because the working conditions to which professionals are subject truly contribute to illness - and the more precarious the working conditions, the greater the illness, and basic education usually offers worse conditions for teachers than higher education.

The intensification of the working day is a central element of discussion in several studies on the topic of teachers' illness, such as the one by Nabuco (2016), already mentioned. In this article, the focus is not on the intensification of the working day but on the precariousness of the teaching job and its effects on the health of professionals. It is a less studied association, possibly due to the difficulty of having access to data that makes it possible to investigate it<sup>5</sup>.

The illness of teachers generates leaves for health treatment; this is a fact. But what is the total amount of these leaves among REE/MG teachers, in 2016, 2017, and 2018? Is there variation in the number of leaves, comparing effective and designated teachers? And what is the total number of days of leave for health treatment for teachers, in these three years, at REE/MG? Is there variation in the number of days of leave between effective and designated teachers? These were the questions that guided the development of the research. We worked with the hypothesis that the designated teachers because they had a precarious work relationship, would get sick more than the effective teachers.

In the database of the Center for Statistical Information of Seplag/MG (MINAS GERAIS, 2019), it was possible to extract the number of leaves due to total health and by type of employment relationship of teachers. In 2016, there were 104,355 sick leave in total; in 2017, 110,133; and, in 2018, 109,970. In 2016, 52,270 health leave cases involved permanent teachers, while 52,085 involved designated teachers. In 2017, there were 58,142 occurrences of leave for health treatment, involving permanent teachers, and 51,142 involving designated teachers. Finally, in 2018, 59,547 occurrences of sick leave were related to permanent teachers, and 50,423 to designated teachers (Table 1)<sup>6</sup>.

Table 1 - Number of Health Treatment Leave (HTL) events of teachers from the State Network of Minas Gerais (REE/MG) who occupy effective and designated positions (2016-2018)

Functional Status	HTL events		
	2016	2017	2018
<b>Effective</b>	52,270	58,142	59,547
<b>Designated</b>	52,085	51,991	50,423
<b>Total</b>	104,355	110,133	109,970

Source: MINAS GERAIS, 2019.

Authors' elaboration.

Crossing the information contained in Table 1 with the number of effective and designated professors in 2016, 2017, and 2018<sup>7</sup> since this number was also available in the database of the Statistical Information Center of Seplag/MG (MINAS GERAIS, 2019), it is possible to verify the average number of sick leave events per effective and designated teaching position over these three years. In 2016, each effective teacher left due to illness, on average 0.73. This average remained practically constant in 2017 (0.77) and 2018 (0.76). When verifying the situation of the designated teachers, the average number of leave events for health treatment varied between 0.49, in 2016; and 0.56, in 2018 (Table 2). However, these values are below those of the effective.

<sup>5</sup> On SciELO Platform, the search for the expression “teaching illness” in all indexes leads to 37 articles. Of these, none of them highlight the issue of employment in the title. This survey was carried out in July 2021.

<sup>6</sup> It is important to note that, in this study, in cases where the same professor held, at the same time, an effective position and another designated, the event of leave for health treatment was considered both in the line that represents the number of leave of the effectives and in the line which represents the number of leaves of designated teachers.

<sup>7</sup> Distribution of professor positions at REE/MG, between 2016 and 2018: in December 2016, REE/MG had 71,598 effective professor positions and 106,760 designated professor positions; in December 2017, these numbers fluctuated to 75,175 (effective positions) and 95,159 (designated positions); in December 2018, they fluctuated again to 78,654 (effective positions) and 90,815 (designated positions) (MINAS GERAIS, 2019).



Table 2 - Average of Health Treatment Leave (HTL) events of teachers from the State Education Network of Minas Gerais (REE/MG) by effective and designated employment relationship (2016-2018)

Functional Status	Average HTL Events per Server		
	2016	2017	2018
<b>Effective</b>	0.73	0.77	0.76
<b>Designated</b>	0.49	0.55	0.56

Source: MINAS GERAIS, 2019.

Authors' elaboration.

In the database of the Statistical Information Center of Seplag/MG (MINAS GERAIS, 2019), it was also possible to verify the start date and end date of each leave for health treatment of REE/MG teachers, in 2016, 2017, and 2018, which allows us to state the duration of each of these events and, consequently, the total number of days of leave due to illness. The number of days of leave for health treatment, among effective teachers, in the analyzed period, is equivalent to 1,040,163 in 2016; 1,066,870 in 2017; and 1,106,208 in 2018. The number of days of leave for health treatment among designated teachers in the analyzed period is equivalent to 1,341,143 in 2016; 1,322,729 in 2017; and 1,336,660 in 2018. Finally, the number of days of leave for health treatment among teachers in general, in the analyzed period, is equivalent to 2,381,306 in 2016; 2,389,599 in 2017; and 2,442,868 in 2018 (Table 3).

Table 3 - Number of days of Health Treatment Leave (HTL) of teachers from the State Network of Minas Gerais (REE/MG) who occupy effective and designated positions (2016-2018)

Functional Status	Days of HTL		
	2016	2017	2018
<b>Effective</b>	1,040,163	1,066,870	1,106,208
<b>Designated</b>	1,341,143	1,322,729	1,336,660
<b>Total</b>	2,381,306	2,389,599	2,442,868

Source: MINAS GERAIS, 2019.

Authors' elaboration.

Crossing the information contained in Table 3 with that of Table 1, it is possible to extract the average number of days of sick leave for health treatment of effective and designated teachers at REE/MG. This average, among the effective, is 19.90 in 2016; 18.35 in 2017; and 18.58 in 2018. Among those designated, it is much higher than: 25.75 in 2016; 25.44 in 2017; and 26.51 in 2018 (Table 4).

Table 4 - Average days of leave due to Health Treatment Leave (HTL) of teachers from the State Education Network of Minas Gerais (REE/MG) per effective and designated employment relationship (2016-2018)

Situação Funcional	Average days per HTL		
	2016	2017	2018
<b>Effective</b>	19.90	18.35	18.58
<b>Designated</b>	25.75	25.44	26.51

Source: MINAS GERAIS, 2019.

Authors' elaboration.

Table 1 and Table 2 inform that the effective teachers of REE/MG enjoy more leaves for health treatment than the designated teachers. A hasty analysis of this fact could deduce that, contrary to the initial hypothesis of this study, effective teachers get sick more than designated teachers. But Tables 3 and 4 demonstrate, precisely, that, although the designated teachers of REE/MG use fewer leaves for health treatment than the effective teachers, the number of days for health treatment leaves is higher – in other words, in REE/MG, the health care leaves of designated teachers are longer than those of effective teachers. This is a strong indication that the assigned teachers suffer from more serious illnesses than the effective teachers, which corroborates the initial hypothesis of this study, in terms.

As announced in the introduction of the article, five interviews were carried out with central actors – for a better understanding of the illness between effective and designated teachers of the REE/MG, based on the health treatment leaves two effective teachers of the network (Interviewed Teacher C, 2019; Interviewed Teacher D, 2019) and two designated teachers from the network (Interviewed Teacher A, 2019; Interviewed Teacher B, 2019); and an expert psychologist (Psychologist

Expert Interviewee, 2019), from the Central Superintendence of Server Health, an agency of Seplag/MG. These interviews provided a lot of important information.

Four of the five interviewees, the two assigned teachers, one permanent teacher, and the expert psychologist, stated that those assigned have insecurity arising from the precarious work relationship. For this reason, when sick, they would take longer to resort to sick leave. In the words of Interviewed Teacher B, “taking leave is the last resort” (Interviewed Teacher B, 2019). Two of the teachers interviewed pointed out that they were afraid to take sick leave because, if they did, their appointment contracts might not be renewed. One of these two teachers reported that, at the time of the face-to-face assignment, they insinuated that leave could interfere with a future assignment. And “although no one gives the order to avoid leaves, we know that, between two teachers, the one who takes fewer leaves is more likely to be chosen [in an appointment process]”, says Interviewed Teacher A. According to the designated teachers interviewed, is openly said in informal conversations between designees: leaves must be avoided. As a result, the two designated teachers interviewed admitted to having worked with patients, so as not to hinder or compromise future assignments. According to Interviewed Teacher B, “when I am sick, it is more common for me to go to work than to go to the doctor. Really, I try to avoid some leaves (...)”.

Interviewed Teacher C, who held an effective position, but had already been a designated teacher, was emphatic, given the numbers we present here:

(...) this data [the greater number of leaves for health treatment of effective teachers, about designated ones] should be viewed with care. I have already been assigned and I know the insecurity of this type of bond. After being approved for the civil service examination, I was able to pay more attention to my health. After all, the work of a teacher is very exhausting and we get sick (Interviewed Teacher C, 2019).

In other words, it is not that the designated teacher gets sick less, but that he avoids taking leave for health treatment, despite the need, given the insecurity of the continuity of the working relationship.

It is not by chance, then, that Table 4 indicates that the average number of days away from designated teachers is much higher than that of effective teachers. Two would be the main reasons for this fact. First, it was found that the designated teacher sees the sick leave as a last resort, for fear that it will make it difficult or prevent future designations. Thus, when it does, the disease is more complex and difficult to cure. In the words of the expert psychologist interviewed, “the ones appointed, due to their insecurity, take longer to take leaves, and when they decide to take care of their health, the disease may be more advanced” (Psychologist Expert Interviewee, 2019). Specifically, about psychic illnesses, he argues:

almost every day, expert psychologists have to remove teachers appointed for psychic reasons. Depression and Burnout Syndrome are examples of illnesses that generate huge leaves. The teacher renews the licenses and, at the end of the year, some teachers have been away for 100, 200, or 300 days (Interviewed Psychologist Expert, 2019).

The second main reason – for the average number of days of sick leave to be higher among designated than effective teachers – may be related to the worse working conditions to which they are exposed, compared to effective teachers. The very fear of getting sick and having to leave or, being sick, the fear of not being able to bear it and needing to leave, which plagues only the designated teachers is, according to the expert psychologist interviewed, the result of the psychological violence suffered by these teachers – “Without a doubt, what is happening with the designated teachers is psychological violence” (Interviewed Psychologist Expert, 2019). It is something that concerns the precarious work relationship and that determines not only how to deal with the issue of leaves for health treatment, but the entire life of the subject, including his physical and mental health.

The research corroborates the thesis of other authors, such as those considered by Cortez et. (2017) in their literature review, according to which the precariousness of teaching work has negative impacts on the health of teachers. However, the research analyzed a single facet of this process of precariousness, a facet highlighted by Oliveira (2004): the precariousness of the teaching employment

bond. By opting for such a cut, it demonstrated that the precariousness of the employment relationship has a specific negative impact on the health of teachers. Facing the problem of teacher illness, therefore, also requires finding another management and financial solution to support the universalization of education, which does not involve flexibilization of labor rights.

## FINAL CONSIDERATIONS<sup>8</sup>

This study addressed the relationship between work and teaching illness at REE/MG. By analyzing the quantitative data, we found that the designated teachers, holders of precarious employment, use less leave for health treatment. But when they do, their leaves are more lasting. In this way, the initial hypothesis that leaves for health care would occur in greater numbers among those designated was refuted. But, in a way, the idea that the precariousness of the bond contributes to the teaching illness was confirmed.

Therefore, the study highlights one more harmful effect of the designated teacher. This institute implies a precariousness of work, culminating in payments of lower salary values, compared to the average practiced among the effective teachers, and in the emptying of labor rights and benefits. The study also demonstrates one more nefarious aspect: the designated teachers are afraid of resorting to health care leave and, as a result, not being called in the future. Therefore, the number of leaves among the designated teachers is lower than among the effective ones. As everything indicates, due to the delay in resorting to the leave for health treatment, the clinical picture of the appointed professors worsens. Partly because of this, the number of days of leave among the designated teachers is greater than among the effective ones.

Measures need to be provided to intervene in the framework of “over-assignment” that exists in the REE/MG, to reduce the illness of teachers, and also seek solutions to the need for personnel, among others. This is because the STF, in a recent decision, dated 04.15.2020, in ADI 5267, recognized the unconstitutionality of the use of the designation for vacant positions, and for that, the temporary hiring, regulated by State Law 23.750, of 12.23.2020, as a substitute for the designation in such cases, but with the same precarious content as it.

The translation of this article into English was funded by Coordenação de Aperfeiçoamento de Pessoal de Nível Superior – CAPES-Brasil.

## REFERENCES

AMORIM, Marina Alves; SALEJ, Ana Paula. “Superdesignação” de professores. **Revista Brasileira da Educação Básica**, v. 4, n. 19, jul.-set. 2019. Disponível em:

<http://rbeducacaobasica.com.br/vocabulario-da-educacao-superdesignacao-de-professores/>. Acesso em: 02 abr. 2020.

AMORIM, Marina Alves; SALEJ, Ana Paula; BARREIROS, Brenda Borges Cambraia.

“Superdesignação” de professores na rede estadual de ensino de Minas Gerais. **Revista Brasileira de Educação**, Belo Horizonte, v. 23, p. 1-22, 2018. Disponível em:

<<http://www.scielo.br/pdf/rbedu/v23/1809-449X-rbedu-23-e230053.pdf>>. Acesso em: 29 jul. 2019.

ARAÚJO, Ana Luiza Gomes; OLIVEIRA, Kamila Pagel; SOARES, Leandro Alves; OLIVEIRA, Isabelle Fernandes; CARVALHO, João Victor Teodoro; PONTES, Mauro Fidelis Santana. *Desafios ao Planejamento da Força de Trabalho no Estado de Minas Gerais: o Instituto da Designação no*

---

<sup>8</sup> This article was funded by FAPEMIG (BIP Grant: 00057-18. Received by Marina Alves Amorim).

Recrutamento dos Professores da Educação Básica. **Revista Forum Administrativo**. Belo Horizonte, ano 20, n.229, p. 9-17, mar. 2020.

BRASIL. **Constituição da República Federativa do Brasil de 1988**. Brasília, DF, 1988. Disponível em: [http://www.planalto.gov.br/ccivil\\_03/constituicao/constituicao.htm](http://www.planalto.gov.br/ccivil_03/constituicao/constituicao.htm). Acesso em: 11 abr 2020.

BRASIL. Ministério da Educação. **Planejando a Próxima Década: conhecendo as 20 metas do Plano Nacional de Educação**. Brasília/ DF: Ministério da Educação/ Secretaria de Articulação com os Sistemas de Ensino, 2014. 62p.

BRASIL. Supremo Tribunal Federal. Ação direta de inconstitucionalidade. Artigo 7º da Lei Complementar nº 100/2007 do Estado de Minas Gerais. Norma que tornou titulares de cargos efetivos servidores que ingressaram na administração pública sem concurso público, englobando servidores admitidos antes e depois da Constituição de 1988. Ofensa ao art. 37, inciso II, da Constituição Federal, e ao art. 19 do Ato das Disposições Constitucionais Transitórias. Modulação dos efeitos. Procedência parcial. 1. Desde a Constituição de 1988, por força do seu art. 37, inciso II, a investidura em cargo ou emprego público depende da prévia aprovação em concurso público. As exceções a essa regra estão taxativamente previstas na Constituição. Tratando-se, no entanto, de cargo efetivo, a aprovação em concurso público se impõe. 2. O art. 19 do Ato das Disposições Constitucionais Transitórias tornou estáveis os servidores que estavam em exercício há pelo menos cinco anos na data da promulgação da Constituição de 1988. A estabilidade conferida por essa norma não implica a chamada efetividade, que depende de concurso público, nem com ela se confunde. Tal dispositivo é de observância obrigatória pelos estados. Precedentes: ADI nº 289/CE, Relator o Ministro Sepúlveda Pertence, Tribunal Pleno, DJ de 16/3/07; RE nº 199.293/SP, Relator o Ministro Marco Aurélio, Tribunal Pleno, DJ de 6/8/04; ADI nº 243/RN-MC, Relator o Ministro Maurício Corrêa, Tribunal Pleno, DJ de 24/8/01; RE nº 167635/PA, Relator o Ministro Maurício Corrêa, Segunda Turma, DJ de 7/2/97. 3. Com exceção do inciso III (que faz referência a servidores submetidos a concurso público), os demais incisos do art. 7º da Lei Complementar nº 100, de 2007, do Estado de Minas Gerais tornaram titulares de cargo efetivo servidores que ingressaram na Administração Pública com evidente burla ao princípio do concurso público (art. 37, II, CF/88). 4. Modulação dos efeitos da declaração de inconstitucionalidade, nos termos do art. 27 da Lei nº 9.868/99, para, i) em relação aos cargos para os quais não haja concurso público em andamento ou com prazo de validade em curso, dar efeitos prospectivos à decisão, de modo a somente produzir efeitos a partir de doze meses, contados da data da publicação da ata de julgamento, tempo hábil para a realização de concurso público, a nomeação e a posse de novos servidores, evitando-se, assim, prejuízo à prestação de serviços públicos essenciais à população; ii) quanto aos cargos para os quais exista concurso em andamento ou dentro do prazo de validade, a decisão deve surtir efeitos imediatamente. Ficam, ainda, ressalvados dos efeitos da decisão (a) aqueles que já estejam aposentados e aqueles servidores que, até a data de publicação da ata deste julgamento, tenham preenchido os requisitos para a aposentadoria, exclusivamente para efeitos de aposentadoria, o que não implica efetivação nos cargos ou convalidação da lei inconstitucional para esses servidores, uma vez que a sua permanência no cargo deve, necessariamente, observar os prazos de modulação acima; (b) os que foram nomeados em virtude de aprovação em concurso público, imprescindivelmente, no cargo para o qual foram aprovados; e (c) a estabilidade adquirida pelos servidores que cumpriram os requisitos previstos no art. 19 do ADCT da Constituição Federal. 5. Ação direta julgada parcialmente procedente. Ação Direta de Inconstitucionalidade 4876. Requerente: Ministério Público Federal. Requerido: Governador do Estado de Minas Gerais. Relator: Ministro Dias Toffoli. Acórdão 26 mar. 2014. Disponível em <<http://portal.stf.jus.br/processos/detalhe.asp?incidente=4332889>> Acesso em: 29 jul. 2019.

BRASIL. Supremo Tribunal Federal. Ação direta de inconstitucionalidade. Aditamento da petição inicial para incluir dispositivos que apresentam estreita relação com as normas originalmente impugnadas, integrando o mesmo complexo normativo e sujeitos ao mesmo vício de inconstitucionalidade suscitado. possibilidade. apresentação de novas informações e manifestações. ausência de prejuízo ao contraditório. agravo não provido. 1. O princípio do pedido no processo objetivo da jurisdição constitucional deve ter sua aplicação dimensionada a partir da perspectiva institucional do sistema de controle abstrato de normas, que não se presta à tutela de direitos subjetivos dos atores processuais, mas à salvaguarda da higidez da ordem jurídica. 2. Admite-se o aditamento ao pedido inicial formulado pelo Procurador-Geral da República por ocasião de seu parecer, em casos em que tal aditamento tenha o objetivo de incluir normas que fazem parte do mesmo complexo normativo em que estão inseridas as normas objeto do pedido inicial, desde que lhes seja comum o fundamento jurídico invocado. Precedentes: ADI 2.928-QO, rel. min. Gilmar Mendes, Plenário, DJ de 12/11/2004; ADI 3.660, rel. min. Gilmar Mendes, Plenário, DJe de 9/5/2008; ADI 5.260, rel. min. Alexandre de Moraes, Plenário, DJe de 29/10/2018; ADI 3.434-MC, rel. min. Joaquim Barbosa, Plenário, DJ de 28/9/2007; ADI 4.342-AgR, rel. min. Alexandre de Moraes, Plenário, DJe de 2/2/2018; ADI 4.265-AgR, rel. min. Alexandre de Moraes, Plenário, DJe de 17/5/2018. 3. Os artigos 7º, § 1º, da Lei 9.726/1988 do Estado de Minas Gerais e 289 da Constituição mineira apresentam estreita relação com as normas originalmente impugnadas (artigo 10 da Lei 10.254/1990 do Estado de Minas Gerais), integrando o mesmo complexo normativo e sujeitos ao mesmo vício de inconstitucionalidade suscitado. 4. Ausência de prejuízo ao contraditório, pois foram apresentadas novas informações e manifestações pelas autoridades requeridas, pela Advogada-Geral da União e pela Procuradora-Geral da República após o aditamento da exordial. 5. Agravo não provido. Ação Direta de Inconstitucionalidade 5267. Requerente: Procurador Geral da República. Requerido: Governador do Estado de Minas Gerais. Relator: Ministro Luiz Fux. Disponível em <<http://portal.stf.jus.br/processos/detalhe.asp?incidente=4732504>> Acesso em: 29 jul. 2019.

CAMPOS, Francisco Jadir de Souza. Pesquisa revela alto índice de adoecimento mental entre docentes da UFPA. **Portal ANDES**. Disponível em: < <http://portal.andes.org.br/imprensa/noticias/imp-ult-492400535.pdf> > . Acesso em: 16 out. 2018.

CARVALHO FILHO, José dos Santos. **Manual de Direito Administrativo**. 27ª edição. São Paulo: Atlas, 2013, 1392p.

CORTEZ, Pedro Afonso ; SOUZA, Marcus Vinícius Rodrigues de ; AMARAL, Laura Oliveira; SILVA, Luiz Carlos Avelino da. A saúde docente no trabalho: apontamentos a partir da literatura recente. **Cadernos Saúde Coletiva**. Rio de Janeiro, p.113-122, Mar. 2017, Disponível em: <http://www.scielo.br/pdf/cadsc/v25n1/1414-462X-cadsc-1414-462X201700010001.pdf> Acesso em: 11 abr. 2020.

DI PIETRO, Maria Sylvia Zanella. **Direito Administrativo**. 27.ª edição. São Paulo:Atlas, 2013, 966 p.

DIEHL, Liciane; CARLOTTO, Mary Sandra. Conhecimento de professores sobre a síndrome de burnout: processo, fatores de risco e consequências. **Psicologia em Estudo**. Maringá, v. 19, n.º. 4 p. 741-752, out. 2014. Disponível em: <http://www.scielo.br/pdf/pe/v19n4/1413-7372-pe-19-04-00741.pdf>. Acesso em: 04 abr. 2020.

FORATTINI, Cristina Damm; LUCENA, Carlos. Adoecimento e sofrimento docente na perspectiva da precarização do trabalho. **Laplage em Revista**, Sorocaba, vol.1, n.2, p.32-47, ago. 2015. Disponível em: <<http://oaji.net/articles/2016/2779-1452556088.pdf>>. Acesso em: 16 out. 2018.

MAGALHÃES, Gustavo Alexandre. O desrespeito ao princípio da valorização do trabalho humano por meio da contratação temporária de servidores públicos, **Revista de Direito Administrativo**, v. 239, p.111-118, jan./mar. 2005.

MAIA, Lucas Silqueira Franco. **A contratação precária no estado de Minas Gerais a partir do caso da Lei Complementar N.º 100/2007**. 2015. 58 f. Monografia (Graduação em Administração Pública) – Escola de Governo Professor Paulo Neves de Carvalho, Fundação João Pinheiro, Belo Horizonte, 2015. Disponível em: <<http://monografias.fjp.mg.gov.br/bitstream/123456789/1590/3/A%20contrata%C3%A7%C3%A3o%20prec%C3%A1ria%20no%20estado%20de%20Minas%20Gerais%20a%20partir%20do%20caso%20da%20Lei%20Complementar%20N%C2%BA%201002007.pdf>>. Acesso em: 04 abr 2020.

MASLACH, CHRISTINA, & JACKSON, SUSAN. The measurement of experienced burnout. **Journal of Occupational Behavior**, Briarcliff Manor-NY, 1981. Disponível em: <<https://onlinelibrary.wiley.com/doi/epdf/10.1002/job.4030020205>> Acesso em 01 mai 2019.

MINAS GERAIS. **Lei Complementar n.º 100, de 5 de novembro de 2007**. Institui a Unidade de Gestão Previdenciária Integrada – Ugeprevi – do Regime Próprio de Previdência dos Servidores Públicos do Estado de Minas Gerais e do Regime Próprio de Previdência dos Militares do Estado de Minas Gerais e o Conselho Estadual de Previdência – Ceprev –, altera a Lei Complementar n.º 64, de 25 de março de 2002, e dá outras providências. Belo Horizonte, MG, 2007. Disponível em: <https://www.almg.gov.br/consulte/legislacao/completa/completa.html?tipo=LCP&num=100&comp=&ano=2007>. Acesso em: 11 abr. 2020.

MINAS GERAIS. **Lei Estadual n.º 10.254, de 20 de julho de 1990**. Institui o regime jurídico único do servidor público civil do Estado de Minas Gerais e dá outras providências. Belo Horizonte, MG, 1990. Disponível em: <http://www.almg.gov.br/consulte/legislacao/completa/completa.html?num=10254&ano=1990&tipo=LEI>. Acesso em: 11 abr. 2020.

MINAS GERAIS. **Lei Ordinária n.º 23.750, de 23 de dezembro de 2020**. Estabelece normas para a contratação por tempo determinado para atender a necessidade temporária de excepcional interesse público. Belo Horizonte, MG, 2020. Disponível em: <https://www.almg.gov.br/consulte/legislacao/completa/completa.html?tipo=LEI&num=23750&comp=&ano=2020>. Acesso em: 23 de julho de 2021.

MINAS GERAIS. Secretaria de Estado da Educação. **Manual do Secretário Escolar**. Disponível em <[http://www2.educacao.mg.gov.br/images/stories/publicacoes/MANUAL\\_DO\\_SECRETARIO\\_2014\\_WEB.pdf](http://www2.educacao.mg.gov.br/images/stories/publicacoes/MANUAL_DO_SECRETARIO_2014_WEB.pdf)> Acesso em 14 abr. 2020

NABUCO, Leda Aparecida Vanelli. As condições de trabalho e o adoecimento de professores na agenda de uma entidade sindical. **Saúde Debate**, Rio de Janeiro, v. 40, n. 111, p. 206-219, dez. 2016. Disponível em: <http://www.scielo.br/pdf/sdeb/v40n111/0103-1104-sdeb-40-111-0206.pdf>. Acesso em: 11 abr. 2020.

OLIVEIRA, Dalila Andadre. **A reestruturação do trabalho docente: precarização e flexibilização.** Educação & Sociedade, Campinas, v. 25, n. 89, p. 1127-1144, set./ dez. 2004. Disponível em: <https://www.scielo.br/j/es/a/NM7Gfq9ZpjpVcJnsSFdrM3F/?lang=pt&format=pdf>. Acesso em: 12 jul. 2021.

This article was funded by the Fapemig (Bolsa BIP -00057-18) received by Marina Alves Amorim

**Submitted:** 01/05/2021

**Approved:** 09/14/2021

### **AUTHOR'S CONTRIBUTIONS**

Author 1: Data collection and text writing.

Author 2: Project advisor, with active participation in data analysis and text review.

Author 3: Reviewer of the project, with active participation in the writing of the text.

### **DECLARATION OF CONFLICT OF INTEREST**

The authors declare that there is no conflict of interest with this article.