

Research on the Legal Protection of College Physical Education Teachers in the Perspective of Needs Theory

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Abstract: Based on the perspective of Maslow's hierarchy of needs theory, the problems in the process of legal protection for physical education teachers in China's colleges and universities are studied using literature method and interview method, and reasonable suggestions are put forward. It is found that the existing laws have the problems of insufficient necessary specificity for the protection of physical education teachers, unclear legal status, generally low salary and remuneration, and imperfect policy mechanism of personnel change, etc. The study also puts forward suggestions from five levels: physiological needs, security needs, emotional needs, respect needs and self-needs, and seeks to build a more reasonable and perfect professional protection system for physical education teachers in colleges and universities from the practical point of view. To promote the construction of physical education teachers in colleges and universities and the sustainable and healthy development of school sports.

1. Introduction

At the National Education Conference held in 2018, General Secretary President pointed out that "teachers, as the executors and promoters of China's education development, bear the historical mission of spreading knowledge and truth, and shoulder the heavy responsibility of shaping souls and lives of the times." "Education is the key to a hundred-year plan. Teachers are the key to education." Teachers are the first resource for China's education development and a crucial link in the education chain, and safeguarding teachers' legitimate rights and interests and reasonable demands to meet the needs of teacher construction is the basis for solidly promoting the strategy of strengthening education and implementing the national education policy. The "Strengthening the Professional Security of Teachers" is a key strategy for the development of education, with clear guidelines for reforming the status of teachers, their treatment, and their rights and interests, in order to make teaching a truly enviable profession.

Among the team of teachers, physical education teachers, because of their specialties and the special nature of the teaching content, determine the special nature of the profession of physical education teachers [1]. In the current new era of education development, China takes physical

education teachers as an important concern to deepen school physical education reform and promote the quality of physical education teaching in college schools, and the state has also introduced a series of regulations and policies to guarantee the development of physical education teachers' team [2-4]. However, in the face of the new orientation and mission, the problems of emphasizing hardware over software and extension over connotation have not been solved substantially in some places, the support and guarantee for physical education teachers in colleges and universities have not kept up with the changes of the times, the management mechanism of physical education teachers needs to be improved, and the lack of protection work such as the restriction of physical education teachers' further study and promotion is still common, which makes the current construction of physical education teachers in colleges and universities difficult to adapt to the new era of talents. The current physical education teachers in colleges and universities can hardly meet the needs of the new era. At present, some domestic scholars believe that the protection and incentive for teachers come from the various legal systems formulated by the state [5,6]. The establishment of a sound guarantee system for college physical education teachers from the national legal level is conducive to stimulating the motivation of college physical education teachers to teach and guaranteeing the quality and efficiency of teaching. Based on the real problems of legal security of college physical education teachers and the theory of Maslow's hierarchy of needs, this paper aims to build a reasonable professional security system for college physical education teachers and promote the construction of college physical education teachers and the development of school sports from the practical point of view through the research methods of literature and interview.

2. Problems in the Process of Existing Laws for the Professional Protection of University Physical Education Teachers

2.1. Insufficient Specificity of the Existing Protection System for Physical Education Teachers in Colleges and Universities

The profession of physical education teacher is different from other professional teachers and has certain special characteristics. Physical education teachers spend most of their time teaching outdoors, and the content of their classes is mostly about sports skills. Therefore, compared with other professional teachers, their teaching environment is harsher, and they are vulnerable to occupational diseases such as sports injuries, and it is more difficult to prevent and treat occupational diseases. The Law of the People's Republic of China on Teachers (2009) (hereinafter referred to as the "Teachers Law") does not make specific provisions for teachers' work injuries, and teachers' work injuries can only be recognized according to the national "Regulations on Work Injury Management", although there are clear instructions for teachers' work injury recognition process in the "Regulations on Work Injury Management", it is still difficult for physical education teachers to recognize work injuries, and the procedure of work injury recognition for moderate and minor injuries is too complicated. Therefore, it is urgent for the relevant departments to revise or introduce corresponding policies and regulations to protect the education career of physical education teachers in colleges and universities from the legal level.

2.2. The Legal Status of College Teachers Is Not Clear

Under the current legal environment, although the professional status of teachers has been clarified in the Teachers Law, the appointment relationship between teachers and universities is neither adapted to the National Labor Law nor applicable to the National Civil Servants Law. Although the legal status of public teachers as "national public officials" was clarified in the Central Government's Document No. 4 issued in 2018 [7], there is no relevant law to define the legal status of teachers as

of now, and experts and scholars from all walks of life have proposed defining the profession of teachers as "civil servants" and "ordinary workers" in the jurisprudential debate. In the legal debate, experts and scholars from all walks of life have proposed to define the teaching profession as "civil servants" or "ordinary workers". The lack of clarity in the legal status of the teaching profession has led to a lack of clarity in the laws applicable to its personnel relations, the strength of legal protection, and the scope of protection of rights and interests, as in the case of civil servants, making it more difficult to determine when they are harmed and reducing the social security of the teaching profession [8].

2.3. Salaries of College Teachers Are Generally Low

Some scholars have studied the average salary level of China's education industry and the average salary level of the whole Chinese society, and the research results show that the ratio of the average salary of China's education industry to the average salary of the whole Chinese society is 1, both of them are basically equal, while from a worldwide perspective, the ratio in OECD countries is about 1.33, and the ratio in Japan, Germany and South Korea is significantly higher than 1.33 [9]. This shows that the salary level of university teachers in China still needs to be improved, and when the lower salary level cannot meet the pursuit of teachers, the quality of teaching and a series of other work contents will not be guaranteed. Although the Central Document No. 4 of 2018 clearly points out that "teachers should be made a truly enviable profession by improving wages and benefits", the existing laws and policies such as the Education Law and the Labor Law cannot guarantee the salary level of teachers, so the state needs to introduce corresponding policies and regulations to ensure the salary level of teachers with national compulsory power. Therefore, it is necessary for the state to introduce corresponding policies and regulations to ensure that teachers' salary levels are truly improved [10].

2.4. Inadequate Legal Mechanisms Related to Changes in Teacher Personnel

Central Document No. 4 also makes it clear that there are no unified national standards for the teaching profession at the level of personnel changes in terms of access, recruitment, exchange, withdrawal, further training, and study, and most of them are based on local policies or school policies, lacking a management mechanism controlled by the state, and the management system continues to be rationalized. Personnel changes are completely under the control of local leaders, which is very likely to breed corruption such as nepotism. At present, the state and the government are actively trying to manage the total number of personnel in colleges and universities, striving to strictly control the access from both ideological and political aspects as well as business ability, and promoting the reform of teachers' titles in colleges and universities nationwide, in other aspects, it still needs the research and discussion of many experts and scholars.

3. Maslow's Hierarchy of Needs Theory and Its Application Principles

3.1. Maslow's Hierarchy of Needs Theory

Maslow's Hierarchy of Needs, derived from the scientific theory of humanism in management, is a theory that analyzes the basic meaning of each level for human beings by arranging human values according to the levels of physiology, security, emotion, respect, and self, in order to satisfy their needs and secure and motivate their work.

3.2. Principles of Applying Hierarchy of Needs Theory

To study the legal security of college physical education teachers in the context of hierarchy of needs theory, we have to analyze them in a fixed order, and only after satisfying the lower level needs, we can study the higher level contents. The first level is physiological needs, which are the lowest level needs, including material needs such as food, housing and welfare; the second level is security needs, which are the needs for personal safety and avoiding injuries and diseases under the premise of securing physiological needs; the third level is emotional needs, which are the needs for friendship, love and social relationship; the fourth level is respect needs, which are the needs for their own status, achievement and fame, and also include the recognition and respect of others. The fifth level is the need for self-actualization, which is the highest level in the hierarchy of needs theory, and is a psychological need for self-actualization, progress and ability.

4. The Legal Protection System of College Physical Education Teachers in the Perspective of Maslow's Hierarchy of Needs Theory

4.1. Physiological Needs: Improve the Salary of Physical Education Teachers in Colleges and Universities, and Ensure the Needs of Food, Clothing, Housing and Transportation

Salary is an important measure of the value of the workforce, and at the company management level, it involves wages, benefits, insurance and other levels [11-12], while for the teaching profession, a higher level of salary and wages not only attracts excellent teachers to teach, but also promotes teachers' motivation and guarantees the key factors for teachers to carry out their work. For college physical education teachers, the cost of sports equipment, sports equipment and sports injury treatment and prevention is not a small cost. Therefore, from the perspective of legal protection, the salary level of college physical education teachers should be improved to ensure their reasonable food, clothing, housing and transportation requirements, so that they can teach at ease, thus improving the teaching enthusiasm of college physical education teachers and improving the quality of physical education teaching in schools.

4.2. Safety Needs: Eliminating Threats to the Careers of College Physical Education Teachers and Implementing Occupational Disease Prevention and Control for Physical Education Teachers

Physical education teachers in colleges and universities are more vulnerable to occupational diseases compared to other teachers in the process of daily teaching, training and further training [13]. In the daily teaching work of college physical education teachers, but some schools in the actual operation process, due to the emphasis on hardware rather than software and other issues, lack of attention to physical education teachers, not for physical education teachers to do a good job of the corresponding protection measures, so should be from the national level, the development of appropriate laws and regulations, mandatory schools to the work of physical education teachers for appropriate protection, the establishment of the corresponding protection mechanism, the maximum elimination of sports Injuries to the career of college physical education teachers threat [14]. Once sports injury occurs, since the existing laws and regulations do not have separate instructions for teachers' work injury recognition, and at the same time physical education teachers' work injury recognition from the perspective of the Labor Law also has problems such as time-consuming and difficult recognition or small injuries and illnesses cannot be guaranteed, therefore, the Teachers Law should be improved regarding the prevention and treatment of occupational diseases and work injury recognition of physical education teachers in colleges and universities, and a perfect and rapid

Therefore, we should improve the Law on Teachers regarding the prevention and treatment of occupational diseases and the recognition of occupational injuries of physical education teachers in colleges and universities, and in this process, we should establish a rapid mechanism for complaints, recognition and compensation, and establish the criteria for the recognition of occupational injuries and leave of absence for physical education teachers from the legal level in order to implement the prevention and treatment of occupational diseases of physical education teachers in colleges and universities.

4.3. Emotional Needs: Treat Teachers of Different Religions Equally and Create a United and Harmonious Atmosphere for Teachers' Teams

The author agrees with some scholars that the emotion of physical education teachers is an indispensable part of the physical education process, which directly affects every student in the physical education protocol and can produce a collective emotional cascade [15-17], meeting the emotional needs of physical education teachers is an important factor in safeguarding the emotions of physical education teachers in the physical education process, emotional needs include outside respect for the teachers' own religious beliefs and a harmonious working atmosphere, the Teachers' Law should clearly require universities to treat PE teachers with different religious beliefs equally, and at the same time encourage universities to cultivate a teamwork atmosphere for PE teachers by organizing and opening gates for various collective activities, so as to create a harmonious working environment and campus atmosphere for PE teachers in universities from the concept of people-oriented [18].

4.4. Respect Demand: Clarify the Legal Identity of Physical Education Teachers in Colleges and Universities and Improve the Identity of Physical Education Teachers

Clarifying the legal identity of a profession can only reflect respect for this profession, and only by clarifying the legal identity of the physical education teaching profession can the public and professional nature of this profession be guaranteed [19]. The 2018 Central Government Document No. 4 also clearly points out the need to highlight the public attributes of teachers and place them in an important position in the development of education, while establishing the special legal status of the teaching profession as a national public official, but Due to its special nature, the legal status of the teaching profession has yet to be studied by experts and scholars. At present, experts and scholars in society have discussed the special legal status of teachers as state public officials, mostly at the level of "public officials," "professionals," "special workers," and so on. It is suggested that the legal status of teachers should be stipulated in the Teachers' Law to protect the rights and interests of teachers. At the same time, teachers in colleges and universities are different from teachers in compulsory education, so their legal status should be defined separately to improve the identity of teachers.

4.5. Self-needs: Evaluate the Work Allocation Mechanism in order to Make the Best Use of People's Talents, and Establish an Incentive Mechanism for Teachers to Further Their Education

It is an important motivation to promote the work of teachers by making the best use of their talents. Due to the special nature of physical education teachers and sports items, the evaluation of physical education teachers in colleges and universities should be strengthened, and the jobs should be assigned according to the physical education teachers' own characteristics, specialties and interests as much as possible, while unified regulations should be made on the legal level for the job changes,

conversions and access of teachers, so as to improve the motivation of physical education teachers in colleges and universities to teach and meet their self-fulfillment needs. The fourth document of the central government points out that governments at all levels and the competent departments of colleges and universities should strengthen the investment of funds for the construction of teachers' team and teacher education, require the improvement of the mechanism for guaranteeing teachers' expenses, improve teachers' independent learning ability through multi-channel financial subsidies, and set up corresponding laws and regulations from the national level to compel colleges and universities to build the mechanism for guaranteeing expenses and regulate the regulations of its use, and reasonably establish the corresponding We should set up corresponding laws and regulations at the national level to compel each university to build a mechanism for guaranteeing financial expenditures, and regulate the regulations of its use, and reasonably establish a corresponding work incentive mechanism to promote physical education teachers' independent improvement and finally meet the needs of physical education teachers' self-progress.

5. Conclusion

"A hundred-year plan for education and a great plan for education for teachers" remain the core tenets of President's educational thought in the new era. Since the implementation of the Law of the People's Republic of China on Teachers in 1994, the professional security of teachers has been regulated accordingly, but the world today is in the midst of great development, change and adjustment, and it has been ten years since the last amendment of the Law on Teachers (2019), during which the main contradictions of our society have been transformed and the economy has grown rapidly, so the current legal protection of the teaching profession should be protection should be appropriately adjusted to keep up with the times, to promote the construction of college physical education teachers and the development of school sports from the level of legal system, so as to steadily promote the smooth implementation of the strategy of strengthening the education country.

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