



COMMONWEALTH CODE OF PRACTICE FOR THE INTERNATIONAL RECRUITMENT OF HEALTH WORKERS

INTRODUCTION

Many Commonwealth countries, both developed and developing, are experiencing shortages of skilled health workers. These shortages, which tend to be more severe in small island states, remote and rural areas, and some African countries, reduce countries' capacity to provide good quality health services to their populations.

2. Some countries are responding to the problem by systematically recruiting nurses, midwives, doctors, pharmacists, and other health care workers from other countries, in particular from developing countries. Whilst this is helping some recipient countries to overcome their staff and skills shortages, it deprives source countries of knowledge, skills, and expertise for which large amounts of resources have been expended. Although this type of international recruitment provides many health workers with opportunities to develop their careers, gain valuable experience, and improve living conditions for themselves and their families, it has also resulted in negative experiences for others.

3. Commonwealth Ministers of Health have agreed that, in keeping with Commonwealth values of cooperation, sharing and supporting each other, a consensus approach to dealing with the problem of international recruitment of health workers should be adopted.

4. This Code of Practice for the International Recruitment of Health Workers is intended to provide governments with a framework within which international recruitment should take place. The Code is sensitive to the needs of recipient countries and the migratory rights of individual health professionals. The Code does not propose that governments should limit or hinder the freedom of individuals to choose where they wish to live and work. Commonwealth governments may wish to supplement the Code with additional guidance particular to their own national needs and situations.

5. Commonwealth member states are encouraged to take into account existing arrangements, treaties between countries and within regions in the application of this Code, and any international guidelines relating to the movement of persons across borders.

6. The Commonwealth will seek to encourage the adoption of the Code by countries outside the Commonwealth. International organisations such as the International Labour Organisation (ILO), World Health Organisation (WHO), the International Council of Nurses (ICN), and the International Council of Midwives should be encouraged to promote the Code to their non-Commonwealth members.

PURPOSE

7. The Code provides guidelines for the international recruitment of health workers in a manner that takes into account the potential impact of such recruitment on services in the source country.

8. The Code is intended to discourage the targeted recruitment of health workers from countries which are themselves experiencing shortages.

9. The Code seeks to safeguard the rights of recruits, and the conditions relating to their profession in the recruiting countries.

STATUS

10. The Code is not a legal document. Within the context of Commonwealth principles of co-operation and consensus, it is hoped that governments will subscribe to it.

GUIDING PRINCIPLES

11. This Code applies the principles of transparency, fairness and mutuality of benefits as these relate to relations among Commonwealth countries, and between recruits and recruiters.

Transparency

12. Transparency should characterise any activities to recruit health care workers from one country to another. This would normally involve an agreement between recruiting countries and the source countries.

13. The Code requires recruiters to be transparent about the type of skills, expertise, the number of recruits, and grades being sought.

Fairness

14. Recruiters should not seek to recruit health care workers who have an outstanding obligation to their own country, for example, contract of service agreed to as a condition of training. However, it is the responsibility of recruits to disclose such information, right from the outset of indicating their interest in working outside their country of origin.

15. Fairness requires that recruiters provide full and accurate information to potential recruits on:

- the nature and requirements of the job that recruits are expected to perform
- countries to which they are being recruited
- administrative and contractual requirements
- their rights

16. Fairness also requires that recruiters provide recruits with accurate information about selection procedures.

17. Recruiters should also ensure that, while working abroad, the recruits will be protected by the same employment regulations and have the same rights as equivalent grades of staff in the receiving country, for example rates of pay, professional development and continuing education, and, where possible, access to training.

18. The Code of Practice does not wish to undermine the right of health workers to migrate to countries that wish to admit and employ them. The Code seeks to encourage the establishment of a framework of responsibilities between governments – and the agencies accountable to them – and the recruits. This framework would balance the responsibilities of health workers to the countries in which they were trained – whether of a legal kind, such as fulfilling contractual obligations, or of a moral kind, such as providing service to the country which had provided their training opportunities – and the right of health professionals to seek employment in other countries.

Mutuality of benefits

19. The capacities of countries that need to recruit staff and those which lose their skilled personnel vary significantly. Recruiters may be in a position to consider ways in which they could provide assistance to source countries.

20. The expression of the principle of mutuality of benefits should/could take the form of technical assistance from recruiting countries to those from which countries are recruiting (*'source'* countries).

COMPENSATION / REPARATION / RESTITUTION

21. Governments recruiting from other Commonwealth countries should/[may wish to] consider how to reciprocate for the advantages gained by doing so. This could include:

- programmes to reciprocate for the recruitment of a country's health workers through the transfer of technology, skills and technical and financial assistance to the country concerned;
- training programmes to enable those who return to do so with enriched value
- arrangements to facilitate the return of recruits (subject to application of the non-discrimination principle and to the rights of the workers concerned in accordance with immigration and other laws).

SELECTION PROCEDURES

22. The recruit, prior to signing a contract, should ensure he/she fully understands details therein and is prepared to commit him/herself to honour the contract.

REGISTRATION

23. Registration/licensure to practise is the responsibility of the relevant regulatory body in each country and the specific requirements should be made known to recruits. It is the responsibility of the recruit to understand and comply with the jurisdictional requirements around registration/licensing and education.

WORKFORCE PLANNING

24. In addition to managing migration, Commonwealth member countries should explore and pursue additional strategies for retaining trained personnel.

Adopted at the Pre-WHA Meeting of Commonwealth Health Ministers 2003, Geneva on Sunday 18 May 2003