PUBLIC SERVICES INTERNATIONAL

The global union federation of workers in public services

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EXECUTIVE SUMMARY ENGLISH

Building Resilience Across Borders

A POLICY BRIEF ON HEALTH WORKER MIGRATION

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EXECUTIVE SUMMARY

By Jane Pillinger and Nicola Yeates

The Policy Brief aims to raise awareness and stimulate discussion about migration in the light of recent global policy developments on health worker migration, setting this in the context of the impact of the COVID-19 pandemic. It documents efforts of public service trade unions to promote rights-based and sustainable approaches to migration, ethical recruitment and the role and contribution of public services to positive migration outcomes. Insights are also given into how the global union federation - Public Services International (PSI) – has added a critical voice to the emerging policy of global governance on international migration and the role that public services play in creating a rights-based and sustainable global policy on international migration. Finally, the Policy Brief looks critically at some of the strategies being promoted in achieving global sustainable development goals and sets out the urgent case in a Five-Point Plan for continued and transformational policy and advocacy work in this field.

A FIVE-POINT PLAN

A five-point plan for sustained PSI advocacy and campaigning on health worker migration.

Nurse in a Kenyan hospital © PSI

1) GLOBAL SOCIAL RESPONSIBILITY WITH FUNDING FOR THE LONG-TERM SUSTAINABILITY OF HEALTH CARE SYSTEMS, QUALITY PUBLIC SERVICES AND THE RIGHT TO HEALTH

- PSI affiliates and partners have a key role to play in advocating at national and global levels for global social responsibility and a social justice approach designed to promote a new partnership for global health. This needs to embody the universality of health and social care, equality and social justice, and planning for health systems post-COVID-19 so that they are capable of providing the resources and personnel to meet health care needs during and recovering from the pandemic.

- Implement the recommendations of the PSI's 'No Going Back' Manifesto calling for governments to draw up public health reconstruction plans with nurses and their unions; to remove all obstacles to ensure timely and universal access to medical supplies and vaccines; to support a global COVID-19 commons for all research, data, technology, treatments and vaccines as a non-proprietary shared global resource; to end the policy of neoliberalism and Public-Private Partnerships of the World Bank and International Finance Corporation, and end IMF's policy directing governments to cut public spending and public sector wages.

- Promote a long-term approach to health systems investment, workforce development and capacity, thereby avoiding the problems inherent in short-term development aid and charitable funding programmes, and for-profit privatisation schemes.

- Ensure greater public investment in health care, in line with the PSI's campaign 'Health Care for All[1]."

- Include in the remit of the new partnership for global health the development of rights-based multilateral and bilateral agreements, investment in quality public services, and to challenge the view that universal health coverage (UHC) can only be achieved through investment from commercial health care providers and public-private partnerships.

- Critique the migration-led recruitment strategy being used by high-income countries of destination as a means of solving their health workforce shortages.

- Promote the use of public-public partnerships, sending a strong message of support for shared global social responsibility in achieving UHC so that health systems have the capacity to respond to future pandemics post-COVID-19, and thereby reducing the need for health workers to migrate.

[1] See: https://publicservices.international/resources/page/health--social-care-services?lang=en&id=9507

IDPs camp in Northeast Nigeria 2020 © PSI

2) A STRENGTHENED WHO CODE TO ENSURE THE FULL IMPLEMENTATION AND MONITORING OF THE PRINCIPLES ON ETHICAL RECRUITMENT

- The COVID-19 pandemic has made the need for a strengthened WHO Code on the International Recruitment of Health Personnel all the more urgent. It is imperative that all WHO Member States fully implement the standards set, and fully and regularly report on its implementation.

- Building on the existing strengths of the WHO Global Code, new measures are needed to further strengthen the Code and its implementation in meeting the health and health-related Sustainable Development Goals (SDGs), and in ensuring its effective implementation post-COVID-19.

- Binding measures are needed to mandate governments to take action to ensure ethical recruitment and implement legislation to regulate private recruitment companies and eradicate unethical recruitment practices.

- From a trade union perspective, social dialogue and partnerships with workers' organisations are critical to the implementation and monitoring of the Code. Ensuring that workers' voices are heard will help to give focus to fair recruitment and the protection of health workers rights.

- Greater awareness and visibility is needed to promote the principles contained in the WHO Code and to encourage stakeholder participation in its implementation and monitoring.

- Countries of origin should be supported with adequate resources to implement the WHO Code and ensure that its provisions are included in bilateral labour agreements with the purpose to promote the retention of health workers through investments in the health workforce and in quality public health services in countries with critical and ongoing shortages.

- Continue to lobby for better regulation of and enforcement of international standards in the activities of recruitment companies, including ending the practice of charging health workers recruitment fees.

3) FUNDAMENTAL LABOUR RIGHTS OF MIGRANT WORKERS AND THE FULL IMPLEMENTATION OF GLOBAL GOVERNANCE INSTRUMENTS ON MIGRATION

- Trade unions, along with civil society organisations, have a key role to play in building on the momentum for UHC, strengthening their global campaigns as a matter of priority, and encouraging the engagement of leading public figures and global influencers in this.

- Improvements in ratification and implementation of key ILO and UN instruments on migration and international labour standards will help to strengthen the rights of migrant health workers, and to include the principles contained in these instruments in bi-lateral agreements (BLAs) and social dialogue.

- Investments in health care systems – through national programmes of taxation and global social responsibility – are essential in guaranteeing migrant workers their fundamental rights at work, protection from exploitation, and proper reintegration support when they return to their home countries.

- In line with the recommendations of the UN Migration Network[2], include migrant health workers and their unions in COVID-19 responses, and ensure that migrant health workers are included in professional indemnity schemes for COVID-19 for health workers; that migrant workers are included in policies and protocols on health worker infection, disability, or death and in return-to-work protocols, and are given adequate support with on-the-job training.

- An important opportunity exists through the full implementation of the SDGs and the UN Global Compact on Migration – this must recognise the importance of quality public services in the context of migration.

- Trade unions have an important role to play, with civil society and advocacy organisations, in challenging commercial and private solutions to meeting the SDGs, including the implementation of the UN Global Compact on Migration and the UN Global Compact on Refugees.

[2] UN (2020) Working Better Together. UN Migration Network Working Group on Access to Services. Policy Brief : https://migrationnetwork.un.org/sites/default/files/docs/final_network_wg_policy_brief_covid-19_and_access_to_services_1.pdf

4) BILATERAL LABOUR AGREEMENTS (BLAS) THAT PROMOTE ECONOMIC AND SOCIAL DEVELOPMENT, FAIR AND ETHICAL RECRUITMENT AND INTERNATIONAL LABOUR STANDARDS

- BLAs should be designed and grounded on the main principles and standards set out in ILO and UN instruments, and serve as a tool to promote fair and ethical recruitment that ensure migrant workers' rights.
- Ensure that training and other reciprocal arrangements are designed to mitigate the effects of outward migration in the source country, and that initiatives are grounded in social dialogue.
- A comprehensive database of BLAs should be established and their content should be monitored to ensure they meet the broad objectives to promote economic and social development, ethical recruitment and international labour standards.
- Critique the inclusion of labour mobility and labour migration in trade agreements, on the basis that 'Labour is not a commodity'. Any agreements involving labour mobility and migration must be governed by bilateral and multilateral labour migration agreements grounded on the principles of fair and ethical recruitment, human rights norms and international labour standards.

5) SOCIAL DIALOGUE IN NATIONAL AND GLOBAL MIGRATION GOVERNANCE

- Tri-partite and bi-partite social dialogue should be promoted in all global governance initiatives that impact on migration and the role of public services in meeting human rights needs in the context of migration (for migrant workers, refugees and asylum seekers).
- Social dialogue would also add significant value to the implementation and monitoring of the WHO Code, including the specific inclusion of social dialogue in a future strengthened WHO Code.
- Effective social dialogue should be built into all negotiations for and implementation of BLAs, and all monitoring of BLAs should measure progress in and outcomes of social dialogue, including collective agreements.
- Global migration developments relating to health workforces, such as global skills partnerships (GSPs), should be agreed and implemented through social dialogue. In particular, the full engagement of trade unions will ensure protection of human and labour rights and mutual benefits for both countries of origin and destination.
- Post-COVID-19 policy responses on migration policy and recruitment in the health sector should involve migrant health workers, including in social dialogue initiatives and negotiation, implementation and monitoring of collective agreements. It is important to emphasise that COVID-19 is far from over and may become endemic if not fully vaccinable. Therefore, this will need constant public health efforts and investment in quality public services, which can be reinforced through social dialogue.
- Support worker organising and promote social dialogue in ensuring safe and healthy working conditions. In the context of the pandemic, support the call for the classification of COVID-19 as an occupational disease thereby requiring stronger workplace protections and access to compensation and medical care when workers fall ill. Migrant health workers have the right to remove themselves from unsafe working conditions and must have access to grievance mechanism and redress as well as to labour inspections.

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Health workers in Democratic Republic of Congo fighting against Ebola

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Global Policy and Development Department
Hiroshimastr. 28
10785 Berlin, Germany
www.fes.de/fmi

PUBLIC SERVICES INTERNATIONAL
The global union federation of workers in public services

45 AVENUE VOLTAIRE, BP 9
01211 FERNEY-VOLTAIRE CEDEX
FRANCE

TEL: +33 4 50 40 64 64
E-MAIL: PSI@WORLD-PSI.ORG
WWW.PUBLICSERVICES.INTERNATIONAL

Public Services International is a Global Union Federation of more than 700 trade unions representing 30 million workers in 154 countries. We bring their voices to the UN, ILO, WHO and other regional and global organisations. We defend trade union and workers' rights and fight for universal access to quality public services.