



**COMMONWEALTH**  

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**SECRETARIAT**

Presentation on  
"Ethical Recruitment Standards: the Case of the  
COMMONWEALTH TEACHER RECRUITMENT PROTOCOL"

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to the  
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## INTRODUCTION:

I want to thank Antonia Cortese, David Dorn and Shannon Lederer of the AFTs International Affairs Department for convening this Migration Forum. This is a wonderful opportunity to examine the issue of recruitment and migration of teachers and other professions and its impact on the developing world from an ethical perspective.

## THE COMMONWEALTH:

The topic is all important to the work of Education in the Commonwealth, which is a group of 53 developing and developed countries whose combined populations represent 2 billion people, or, 30% of the world's population. There are shared values, principles, legal structures and a shared language which binds this otherwise very diverse group of nations, from the standpoint of religions, cultures and ethnicities. One unique feature of the Commonwealth is its 32 small states members, 25 of which are small islands such as Grenada in the Caribbean, the Seychelles off Africa's East Coast, Samoa in the Pacific. The Secretariat where I am employed is the headquarters of this organization of member countries.

The significance of this Forum and its gathering of United States and international teacher leaders may not appear initially to be more than a simple discussion of a hot topic of the moment. But for us in the Commonwealth Secretariat, it has a significance that goes far beyond this room and even the shores of the USA.

- Few of you here present would be aware that in July 2002, the education ministers of 8 Caribbean Commonwealth countries convened a meeting in Barbados to discuss the impact and loss of their teachers through recruitment and migration to wealthier countries such as the United States and United Kingdom. At the end of that day, these ministers emerged with an Accord which called on the Commonwealth to address the problem of teacher loss and to develop a Protocol for the recruitment of teachers. A similar call had been made by Health ministers some years before and this had led to the international Health Code for the recruitment of Health Workers.
- Many of you would be aware that one of the last acts of former UN Secretary General Kofi Annan before demitting office in 2006 was to convene a Special General Assembly in New York which called for attention to be paid to Migration and Development which in his words whilst noting the "benefits" for those seeking a better life, identified the "negative effects" when countries lose skilled workers. These negative effects are widely knows as Brain Drain.

- But, no one here present could be unaware of the Millennium Development and EFA Goal which calls for primary education for all by 2015. The importance of that education being of good quality is also embraced by these EFA goals. And I must ask you, how is it that wealthier countries committed at the time of agreement of these goals in 2000 to assist any country which needed their support in their achievement but proved at the same time to be recruiting directly or indirectly the very human capital who would enable education systems of many small, poor and developing countries to achieve those goals. We all know that even if every child in the world is in a school room by 2015, if there is not also a trained teacher in that school room, the objective of UPE will not be achieved.

### THE COMMONWEALTH TEACHER RECRUITMENT PROTOCOL:

The Commonwealth Teacher Recruitment Protocol adopted in 2004 by all 53 Commonwealth Education Ministers is an instrument which seeks to address Brain Drain in education, Migration and Development and achievement of the EFA goals. It is an instrument which seeks to:

*“balance the rights of teachers to migrate internationally, on a temporary or permanent basis, against the need to protect the integrity of national education systems and to prevent the exploitation of scarce human resources of poor countries.”*

This is consistent with the Universal Declaration of Human Rights which provides for the right to education as well as the right to free movement of persons.

The Protocol outlines the rights and responsibilities of source and recruiting countries, recruitment agencies and the recruited teacher. Commonwealth agreements of this nature do not have legal, but do have moral force.

### THE INTERNATIONAL LABOUR ORGANIZATION:

Many of you present and who are seasoned teacher's union leaders would be aware that since 1949, the International Labour Organization (ILO) in the Migration for Employment Convention (Revised) 1949<sup>1</sup> has sought to guide and influence national policies, laws and regulations relating to emigration and immigration. In the 1960's, recognising the impact of migration on "underdevelopment", the ILO noted that there was cognizance of the "stress" that migration can create in developing countries and the need to "encourage the transfer of capital and technology rather than of workers". The ILO actually took a position which may have seemed contrary to the free movement of workers allowed in the International Declaration of Human Rights, in the interests of countering a trend which could lead to the depletion of human capital in developing countries. The articles of the 1949 Convention

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<sup>1</sup> C97 Migration for Employment Convention (Revised) 1949 – International Labour Organization

and several which followed it, addressed the *"regulation of recruitment, introduction and placing of migrant workers, adequate and free services to assist migrants for employment, accurate information to counter misleading propaganda, the right to fair and adequate remuneration, accommodation and membership of trade unions, and the adoption of an active employment policy and international collaboration"* in these matters. You will find many of these issues are addressed in the clauses of the Protocol.

In these latter conventions, in an effort to *"recall the need to protect workers against abuses"*<sup>2</sup> whilst *"recognizing the role which private employment agencies may play in a well-functioning labour market"*,<sup>3</sup> the International Labour Organization (ILO) at its 85<sup>th</sup> session in June 1997 adopted the Private Employment Agencies Convention C181, 1997. Article 5 of this convention addresses the right of the employment agency worker not to suffer discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, age or disability. Articles 8.2 and 10 of the Convention states:

*"Where workers are recruited in one country for work in another, the members concerned shall consider concluding bilateral agreements to prevent abuses and fraudulent practices in recruitment, placement and employment"* (Article 8.2)

and

*"adequate machinery and procedures involving.... the most representative employers and workers organizations (shall) exist for the investigation of complaints, alleged abuses and fraudulent practices concerning the activities of private employment agencies."* (Article 10)

The Commonwealth Protocol has sought to bring together in one instrument a document which reminds our member countries – both source and recruiting countries - recruiters and teachers who have been or wish to be recruited to jobs overseas, that they have rights, but they also have responsibilities, consistent with the efforts of the ILO in protecting migrant workers over the last fifty years. The Commonwealth is pleased to have a document which is in support of these ILO conventions on behalf of the teachers of the Commonwealth, and hopefully beyond.

### The USA AND TEACHER MIGRATION:

Having had the privilege of coordinating the 12-country Working Group on Teacher Recruitment which agreed the document, you will appreciate my personal surprise and that of many of our educators present when in January 2005, just 4 months after its adoption, the international representative of a leading US teacher organization invited to our Headquarters at Marlborough House in London to discuss the issue of the US and

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<sup>2</sup> Preamble to Private Employment Agencies Convention C181, 1997, Bureau for Worker's Activities, publ. International Labour Organization, Geneva.

<sup>3</sup> Preamble to Private Employment Agencies Convention C181, 1997, Bureau for Worker's Activities, publ. International Labour Organization, Geneva.

international teacher recruitment, stated that since hiring was done at the local level, there was unlikely to be much activity and concern about foreign teacher recruitment in the USA. Some concern was also expressed about whether monitoring and scrutinising recruitment agencies and their dealings, might not be seen as an infringement on free enterprise and trade.

This is what makes today's AFT Migration Forum which has brought together from across America and the global leaders of teacher organizations to look at this issue of migration and its impact – positive and negative. It is a clear acknowledgement by one of the United States leading organizations concerned with the rights and the protection of teachers, that teachers issues globally, and not only those of the USA, are also their concern. When countries across the globe cry out because of the impossibility of retaining teachers given the push-pull factors, this is acknowledgement that their cries resonate among education and teachers' leaders in the United States. This is reassuring to say the least, and I know that these sentiments are viewed with empathy by many of my colleagues here present such as Dave Edwards of the National Education Association who along with Shannon Lederer and myself addressed an international conference in New York in March of this year on the very issue.

#### WHAT DOES THE DATA TELL US?

Research data generated within the Commonwealth over the last 7 years has told us a number of things about what is happening internationally in Teacher Recruitment and Migration:

Our 2003 study conducted by Kimberly Ochs of Oxford university reflected that there was a large scale migration merry-go round taking place among our larger member countries such as Australia, New Zealand, Canada, the United Kingdom and South Africa. The draw off of such teachers in wealthier countries was simply accommodated for by the employment of teachers recruited from other countries.

#### SALARY, DEMAND AND SUPPLY:

Now that works very well if there are three constants – salaries and demand and supply. If the salary earned in one country is commensurate with that of another country, and if the demand and supply of these mobile teachers is also sufficient. Some time in the second half of the last decade supply stopped meeting demand, for a number of reasons that we can discuss, and the large and wealthy countries started drawing teachers from small and developing countries at a level not previously experienced. And globally the recruiters and recruitment businesses moved in and started to have a field day.

Within this merry-go-round Commonwealth countries such as South Africa with a population of some 43 million, lost 4,000 teachers between 2001 and 2003 to the UK alone. This meant that South Africa started drawing on qualified teachers in the rest of the African continent. Australia and New Zealand started drawing on teachers from Fiji and Samoa. And a Commonwealth small state like Jamaica in the Caribbean with a population of 2.5 million lost more teachers to the UK alone over the same period than Canada with a population of 30 million.

In 2006, the late General Secretary of the National Union of Teachers of the United Kingdom, stated at a public lecture that he knew of Commonwealth teachers recruited to the United Kingdom who had been lied to by agencies, paid outside of the national pay and conditions framework of the United Kingdom, put into accommodation with homeless people and made redundant when they protested to their recruiting agencies. (Source: Africa Mid-term report, ComSec, 2006)

Meanwhile the USA - not a member of the Commonwealth - was known to be heavily involved in its own teacher recruitment. I learnt from that New York conference earlier this year that it is estimated that the USA will need 2 million teachers in the coming years as like elsewhere the teaching profession is sadly becoming one of last choice for newcomers. Not surprisingly despite many accounts of positive cultural and development experiences for internationally recruited teachers it would seem that some of them have been treated as poorly as some of those in the UK:

- The AFT International Division has unravelled some more recent data, for which I commend their research arm. They have found that international teachers are being recruited to states as far afield as Texas, Florida, South Carolina, California and Maryland. Some of the practices of recruiters of teachers have bordered on illegal trafficking in persons. In one instance, in late February, two Filipino teachers based in Baltimore committed suicide as a result of the circumstances and conditions of their recruitment.
- The New York Board of Education was charged by the United Federation of Teachers with misleading and mistreating its teacher recruits about housing, salary and assignments in December 2001. In that year alone of 730 overseas teachers recruited to New York State, 500 were from the Caribbean. In fact in 2003, New York City was accused by the Ministry of Education, Jamaica, of causing a brain drain in its education system. Over the 4-year period from 2001 -5, 2, 632 teachers were employed. This represents 0.1% of the entire population of that island.

So there is a major role which needs to be undertaken by US unions to protect international teachers from such abuse. There needs to be a close monitoring of the activities and practices of recruiters and recruitment agencies to ensure that these are ethical. In a study which the Secretariat undertook in 2006, of 66 Commonwealth recruited teachers

interviewed in 7 countries including the USA, only the teachers recruited to the US had been required to pay for their recruitment. In 2003, the UK updated its Recruitment and Employment Agency regulations by stipulating that job-seekers should not be the one's charged. That charge should be paid by the school or district in which the teacher will work. Monitoring the internationally recruited teachers in schools is a good way of ascertaining how they are being treated by their recruiters.

The Secretariat's 2006 qualitative and quantitative research among these teachers also revealed:

#### BRAIN DRAIN AND BRAIN WASTE:

- Maths, science, languages and information technology teachers are among the most sought-after and can command higher income than teachers of other subjects.
- Male teachers are considered to be more mobile than females. Male-female teacher's ratios in some source countries are as high as 1 in 9. The growing trend is for male teachers to move out of the teaching profession and they are for the most part being replaced by female teachers. Given the relative absence of males in the teaching profession, it is understandable that they are targeted by recruiters more than female teachers are.
- Teacher qualification recognition is a sore point and difficult problem that the Commonwealth is also looking at. Recognition of teacher qualifications by recruiting countries would prevent teachers having to be paid at a lower level than their local counterparts, only to realise often that the standard of their teaching is as good if not better than the local counterpart who is being paid more than them.
- I have a hypothesis that widespread lack of recognition of teaching qualifications by recruiting countries accounts for the loss of many teachers to the profession, world-wide. We already have evidence of qualified Samoan teachers being recruited to New Zealand as prison warders and bus drivers. Qualified Cameroonian teachers recruited to Canada are obliged to become domestic helpers, and in the United Kingdom, we have documented the fact that teachers from Kenya and Tanzania with Masters level qualifications were recruited by an agency to teach and later were obliged to seek work as care-givers of children in care. This is not just Brain Drain, but Brain Waste.
- Professional registration is another area of real concern. Some countries require their teachers to have professional registration, others do not. There have been a number of instances in which teachers who have been convicted of crimes such as child abuse and molestation, have been struck off the registers of their own

country, but have been able to be recruited in another country particularly if they have desirable skills in science and maths, for example. Some of you may be aware of the case of the Canadian teacher who managed to work in Thailand for some years as a teacher before he re-offended. Only when he was arrested was his conviction in Canada learnt of. There is a need for each country to have its own register for teachers which can be made available internationally.

These are some of the initiatives that the Commonwealth would like to see progressed. We are pleased to work with partners to in protecting the status and quality of the teaching profession so that there are trained teachers of quality retained in education systems and available to not just some but all countries.

#### THE WAY FORWARD - ACTION

And so to the US and the role that teachers' unions and their partners MAY play in the way forward:

- Over the last four years the Protocol has been recognised in different ways by the Commonwealth Heads of Government, the African Union, UNESCO, the ILO and Education International.
- One of the earliest initiatives was taken by Organization of American States Education Ministers who endorsed the Protocol at their meeting in Trinidad and Tobago in August 2005. The US is a member of the OAS, although not a member of the Commonwealth.
- Many of you may HAVE attended the 5<sup>th</sup> Congress of Education International convened in Berlin, Germany, last year. I was so heartened by the Resolution on "Quality Education: Present and Future" which mandated the Executive Board to reduce the effects of Brain Drain in teaching through promotion of the principles of the Protocol to address teacher migration in countries throughout the world.

So if I may propose some actions :

- Engagement and scrutiny of the recruitment and welfare of international teachers in your midst, would be a start
- A "Recruiters Watch" is required to ensure that recruiters are abiding by ethical recruitment practices.
- Help the Commonwealth to disseminate this information widely. We already have a beautiful arrangement with the National Union of Teachers of the UK, whom through their Commonwealth Teachers Group have co-published with us Pocket Protocols especially for recruited teachers.
- We have a brochure specially for recruited teachers which distils the key elements of the Protocol which affect them. I have a lot of copies with me entirely for you,

but we would be pleased to collaborate with any US union in producing more of these to disseminate to international teachers.

- Finally any resolutions and endorsements of the Protocol – and here is where I am really fishing – in the near future would be greatly welcomed.

The Commonwealth Secretariat looks forward to assisting any of you with this initiative to enable all countries to have enough teachers to educate all their children.

Once again thanks so much the AFT for this opportunity to spread the news of the Commonwealth Teacher Protocol.

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