

INTERNATIONAL LABOUR ORGANIZATION (ILO) POLICY DISCUSSION FORUM ON TEACHERS IN SOUTHERN AFRICA

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Focus: “The Commonwealth Teacher Recruitment Protocol”

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Introduction:

It is a pleasure for me to speak to you at this ILO Forum on the work of the Commonwealth in relation to the issues of teachers, their recruitment, development, protection and retention. As you may be aware the work of the Commonwealth Secretariat is driven by the mandates of Heads of Government in their biennial meetings – the Heads of Government meetings such as the most recently concluded in Malta – and for the Education programme – through requests of the triennial conferences of Education Ministers, the next which will be hosted by South Africa in Cape Town in December 2006.

The issue of teacher recruitment and migration contributing to the loss of teaching personnel from the Education systems of Commonwealth member countries, was first raised at the 13CCEM held in Botswana in 1997.

Teacher Migration Today:

There are clearly identifiable reasons why recruitment between Commonwealth member countries is at a considerable level. First, as is true with health workers such as doctors and nurses, teachers are classified among the highly skilled. Any worker speaking a global language such as English is an asset to recruiters in a market where that language is the medium of communication and instruction. In this respect the teacher from the English-speaking Commonwealth can be a particular asset to any of its 53 members who may be seeking to recruit teachers from overseas. Further, Commonwealth teachers have often been educated in a system influenced, if not based on the English Education system. Secondly, as the profession of teaching is sadly becoming in most of our countries a profession of least or last choice, teachers who are nationals of their own countries are not staying in the profession, and in the case of the Commonwealth's large industrialized members, prefer to work outside of the inner-cities where the challenges of teaching may be the greatest. (It is interesting that the converse appears to be the case in South Africa, where it is my understanding that most teachers wish to remain in urban areas rather than move to rural schools.)

There is a third reason for the popularity in recruiting teachers from Africa and the Caribbean, one which is debatable. There is a theory which receives considerable support in the USA and UK which is that in schools where there is a high density of children from various ethnic and multi-cultural backgrounds, it is desirable to recruit teachers of that ethnicity to handle these children, as these children may identify more easily with teachers from their own ethnic backgrounds. This situation has led to Caribbean teachers in New York state teaching classes of East African children and Southern African teachers being recruited to teach in Caribbean communities in the United Kingdom. I ask myself, if this cross-cultural exchange is possible, why is it not also possible for the American-born or English-born teacher to be trained to teach the Caribbean or African child? Let us leave that discussion for another time.

The situation of teachers migrating from their own countries through recruitment, is expected to continue to grow in the future. A Commonwealth-Secretariat-commissioned study by Ochs of Oxford University in 2003 showed that whilst considerable levels of "south-south" and regionally-based recruitment of teachers existed – between South Africa and countries such as Uganda, for example; between Guyana in the Caribbean and Botswana in Africa; between India and the Seychelles – large scale movement tends to be either "south-north" or between countries such as Canada and the UK. It is projected that 2.4 million new teachers will be required in the United States by 2008/9, Australia has projected a national shortfall of 5,000 for this year, 2005, and in the United Kingdom by 2006, the demand for teachers may be as high as 40,000, nationally,¹. So in three industrialized countries an overall total of nearly 2.5 million teachers will be needed by 2009 latest. Yet, Sir John Daniels of the Commonwealth of Learning stated at a recent Education ministers meeting that some 10 million teachers are needed in Africa if it is even to attempt to meet the 2015 Education for All (EFA) goal.

To compound the situation, in a consultation on the Recruitment and Migration of the Highly Skilled hosted recently by the Secretariat, Van der Schaaf of the world-wide association of teachers organizations, Education International, said that in industrialized countries the demographic trends of ageing populations are coinciding with limited inflows of young teachers. Over the next decade, up to 40% of teachers in industrialized countries will retire. Van der Schaaf feels that the industrialized countries have the means to address this impending shortfall, but have planned poorly and are now buying their human resources from overseas.²

¹ Ochs, Kimberly in "A Summary of Teaching at Risk – Teacher Mobility and Loss in Commonwealth member States" publ. Commonwealth Secretariat (September 2003)

² Van der Schaaf, Wouter in report on the "Consultation on the Recruitment and Migration of the Highly Skilled (Nurses and Teachers)" publ. Commonwealth Secretariat, January 25, 2005.

The Commonwealth Teacher Recruitment Protocol:

For the Commonwealth Secretariat, action and ensuing work on the issues of Teacher Migration through recruitment, took centre stage in 2002 when the Jamaican Minister of Education made a formal call on the Secretariat to request assistance with addressing the loss of teachers to his education system through recruitment principally organized by overseas recruitment agencies and businesses. The Commonwealth-commissioned study "Teaching at Risk"³ would later reveal that in this minister's country, Jamaica, a country of 2.5 million people, the UK alone in the period 2001-2003, had recruited more teachers than a country such as Canada with a population of 30 million (Appendix 1)

The visit of the Jamaican Minister led to a meeting of Caribbean Ministers of Education in Barbados from which emerged the Savannah Accord. This document called upon Commonwealth Education Ministers in general and the Ministers of Education of the Commonwealth's 32 Small states in particular to:

- Determine the extent of teacher loss and its impact on education systems through conduct of a Pan-Commonwealth study of the problem and
- develop a Protocol for the recruitment of teachers.

A particular feature of the Savannah Accord was a request for regulatory guidelines and controls for recruiters which would address the standards and quality of the recruitment process. Despite some resistance from the larger recruiting countries, at the 15th Commonwealth Education Ministers meeting in Edinburgh, Scotland in 2003, a discussion on the critical issues of international teacher recruitment were addressed and Ministers called for the establishment of a Working Group on Teacher Recruitment under the chairmanship of Commonwealth Deputy Secretary General Winston Cox. Through two meetings of the Working Group, one in Lesotho in February 2004 and the other in the United Kingdom in August 2004, a draft Protocol was developed which was adopted by Ministers of Education on September 1, 2005 at Stoke Rochford Hall in the United Kingdom.

Item 2.3.1 of the Protocol, the document (of which you have all received copies) aims 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."

³ Ochs, Kimberly in "A Summary of Teaching at Risk – Teacher Mobility and Loss in Commonwealth member States" publ. Commonwealth Secretariat (September 2003)

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 and the recruited teacher. The document also speaks to the monitoring, evaluation and future actions required of member countries and of the Secretariat. Commonwealth agreements of this nature do not have legal, but do have moral force.

There is a deeper significance in speaking to this ILO forum however, as Ministers of Education when adopting the Protocol in September last year specifically requested that

“the Commonwealth shall in collaboration with international organizations such as the ILO and UNESCO seek to promote the Protocol as an international standard of best practice in organized teacher recruitment ” (CTRP para 7.4)

In a recent public lecture presented to a gathering of Ministers of Education of Africa and their senior officials at the third mid-term review of Commonwealth Education held since the 15CCEM in Sierra Leone last month, the convenor of the Commonwealth Teachers Grouping, Steve Sinnott, who is also general secretary of the UK's largest teachers union, told ministers of this continent, that teachers from Africa recruited by agencies to his country, were:

“in instances lied to by agencies, paid outside of the national pay and conditions framework of the United Kingdom, put into accommodation with homeless people and people with mental illnesses, made redundant, and had their confidence and dignity taken from them.”

Mr Sinnott concluded that the Commonwealth Teacher Recruitment Protocol has protected many teachers and needed to extend that protection to more of them.

The International Labour Organization (ILO) has a considerable track record in protecting the rights of workers and migrant workers in particular, the category in which our recruited teachers would fall. A look at the last fifty years reveals that since 1949, the International Labour Organization (ILO) in the **Migration for Employment Convention (Revised) 1949**⁴ has sought to guide and influence national policies, laws and regulations relating to emigration and immigration and:

“specifically migration for employment and the conditions of work and livelihood of migrants for employment.”

The articles of this Convention 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***

⁴ C97 Migration for Employment Convention (Revised) 1949 – International Labour Organization

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.

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" in the "reciprocal interest of the countries of origin and the countries of employment". It is interesting to note that so long ago the ILO was prepared to take 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. In the Employment Policy Convention and Recommendation 1964,⁵ the ILO emphasized the need to avoid "the excessive and uncontrolled or unassisted increase of migratory movements because of their negative and human consequences". Other relevant ILO Conventions include Convention 143 for Migrant Workers 1975 and the more recent and relevant Convention 181 on Private Employment Agencies 1997.

In these latter conventions, in an effort to "*recall the need to protect workers against abuses*"⁶ whilst "*recognizing the role which private employment agencies may play in a well-functioning labour market*",⁷ the International Labour Organization (ILO) at its 85th session in June 1997 adopted the Private Employment Agencies Convention C181, 1997,

In Article 4 of the Convention⁸, which was a revision of the ILO Fee-Charging Employment Agencies Convention (Revised) 1949, the right of workers recruited by private employment agencies to freedom of association and to collective bargaining is stressed as is Article 5, 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 state that:

"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 that

⁵ Employment Policy Convention and Recommendation (1964), - International Labour Organization

⁶ Preamble to Private Employment Agencies Convention C181, 1997, Bureau for Worker's Activities, publ. International Labour Organization, Geneva.

⁷ Preamble to Private Employment Agencies Convention C181, 1997, Bureau for Worker's Activities, publ. International Labour Organization, Geneva.

⁸ Private Employment Agencies Convention C181, 1997, Bureau for Worker's Activities, publ. International Labour Organization, Geneva

"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 is pleased to have a document which is in support of these ILO conventions on behalf of the teachers of the Commonwealth.

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.

There is however, an urgent need to disseminate the information in the Protocol to all to whom it applies:

- Recruiting countries need to be made aware that "it is their responsibility to manage domestic teacher supply and demand in a manner that limits the need for resort to organized recruitment in order to meet the normal demand for teachers".
- Source countries need to know that they have the right to request from the recruiting country "consideration" – not compensation – in the form of technical support for institutional strengthening to increase the output of trained teachers in their countries.
- Recruiters and recruitment agencies need to know that they are obliged to notify a country in advance if they intend to recruit teachers and to receive prior agreement with the government of the country – through the ministry of education - before commencing their recruitment campaigns. And may I stress here that recruitment by Internet - fast becoming a most popular means of recruitment - is NOT exempt from the provisions of the Protocol.

Teachers need to know that they should:

- Be provided with full information regarding their contracts of appointment overseas, before giving up their jobs to migrate. (5.1)
- Give adequate notice to their ministries or departments of Education if they are resigning or requesting long leave, so as not to disrupt the school year. (5.2)
- Enjoy employment conditions not less than those of nationals of similar status and occupying similar positions (3.10)
- Be informed about the details, names and contact details of teachers unions and complaints mechanisms of the countries to which they are recruited by the country to which they are recruited(Para 3.6)

We are now experiencing the halcyon days of this moral instrument – if they may be so called – but as the officer who has had the responsibility for the coordination of the

initiative since its inception in 2002, I wish to assure you that there were many dark days as the force-fields of support and those of resistance to the notion of a Protocol, came into play. I say "halcyon days" as in 2005 alone the Commonwealth Teacher Recruitment Protocol has been endorsed in resolutions at the Organization of American States meeting of Education Ministers held in August, the UNESCO Assembly meetings in Paris in October this year and just last month by 53 heads of government of the Commonwealth at the Heads of Government conference recently concluded in Malta in November. Commonwealth ministers need your support in their effort to obtain ILO endorsement of this document.

The Way Forward: The Protocol and the International Labour Organization:

If we look at the Education Millennium Development Goal and EFA target of "Achieving Universal Primary Education by 2015", some of our industrialized members have been able to provide primary education to all their children since the 1800s (e.g. New Zealand). Others it is projected will certainly not achieve UPE by 2015 or for many years after that. Understandably, industrialized countries wish to sustain the quality of their education systems. Through being able to offer better salaries they justify their action of recruiting teachers from overseas by stating that the source countries from which they attract teaching personnel benefit from the remittances sent back to those countries, which in turn foster development

There are also senior officials and heads of state in some developing countries who welcome the migration of teachers, once it is those who have just graduated with their teaching qualifications, as they perceive the experience of teaching abroad for a time to be value-added for their education systems. They also anticipate the return of the new graduate within a matter of years, and indeed the Commonwealth Business Council based near to the Secretariat in London has launched a programme called **AfricaRecruit** for the purpose of encouraging – not just teachers – but all professionals of African origin to return to work in Africa. Some government officials welcome the in-flow of remittances which the migrated teachers send back to their source countries.

On the other hand, it is also accepted that the loss of teachers – in particular the well qualified and experienced and in large numbers – from the classrooms of many of our developing countries through recruitment by developed countries, coupled with the impact of HIV/AIDS - which has seriously depleted the teaching force in many Southern African countries in particular - can seriously affect the attainment of UPE in these countries. On the one hand industrialized countries state their commitment to supporting all poorer countries wishing to attain the MDGs. At the same time they are perceived as limiting the ability of these countries to attain the Education MDGs through recruiting teachers from poorer countries who may desperately need them.

Commonwealth ministers of education through this Protocol, now have the support of the member countries of the Organization of American States, UNESCO and the

Heads of government of the Commonwealth. They wish this Protocol to be accepted as an international instrument by all countries across the globe who are sources and recruiters of teachers. Commonwealth ministers with the support of Commonwealth teachers unions will be taking this document to the ILO meetings of June 2006.

In conjunction with the policies and recommendations which will ensue from this valuable and important ILO discussion this week, I close by urging all of you here present, representing Southern African Education to invite the support of your Ministers of Labour and Human Resource Development who will represent your countries at the ILO meetings next year, and enable this moral instrument to become an international instrument for the protection and development of the world's teachers

Once again my gratitude to the ILO and to William Ratteree in particular – our close strategic partner - for the opportunity to share the work of the Commonwealth on Teacher Migration and Recruitment with this august body. The Secretariat looks forward to working with the ILO and the ministries and unions present at this forum for a better future for our teachers. I thank you.

APPENDIX 1

Table 1: UK approved work permits where the job includes teacher (Jan 2001–2003)⁹

UK Approved Work Permits where Job Includes Teacher – 01/01/01–31/01/03					
	Total Population	2001	2002	2003	Total
South Africa	43,309,000	2010	2542	150	4702
Australia	19,138,000	1011	1528	140	2679
New Zealand	3,855,400	609	887	52	1548
Jamaica	2,576,000	381	530	63	974
Canada	30,007,094	348	513	37	898
Zimbabwe	12,627,000	194	325	28	547
India	1,008,937,000	130	317	10	457
Ghana	19,306,000	53	123	13	189
Nigeria	113,862,000	60	90	2	152
Kenya	30,669,000	39	77	4	120
Trinidad & Tobago	1,294,000	43	50	4	97
Pakistan	141,256,000	22	43	5	70
Mauritius	1,161,000	19	45	2	66
Uganda	23,300,000	16	22	2	40
Zambia	10,421,000	16	22	–	38
Malaysia	11,308,000	16	17	1	34
Guyana	761,000	8	21	1	30
Sri Lanka	18,924,000	10	16	–	26
Barbados	267,000	15	9	–	24
Singapore	4,405,000	9	10	–	19
Cameroon	14,876,000	10	5	–	15
St. Lucia	148,000	5	10	–	15
Namibia	1,757,000	8	6	–	14
Malawi	11,308,000	3	10	–	13
Malta	390,000	5	8	–	13
Seychelles	80,000	2	10	1	13
Sierra Leone	4,405,000	4	8	1	13
Cyprus	784,000	7	3	–	10
St. Vincent	113,000	2	5	1	8
Bangladesh	137,439,000	1	3	1	5
Tanzania	35,119,000	3	1	1	5
Swaziland	925,000	–	3	–	3
Antigua	65,000	1	1	–	2
Botswana	1,541,000	–	1	–	1
Papua New Guinea	4,809,000	1	–	–	1
Samoa	159,000	1	–	–	1
St. Kitts	38,000	1	–	–	1
Vanuatu	197,000	1	–	–	1
TOTAL		5,064	7,261	519	12,844
<i>Source: Work Permits (UK) section of Home Office</i>					

⁹ from Ochs, K. - "A Summary of Teaching at Risk – Teacher Mobility and Loss in Commonwealth member States" publ. Commonwealth Secretariat (September 2003)

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