

Is the UK recruiting ethically from

The NHS has been accused of unfairly draining much-needed talent from overseas. AMRIT VIRDI assesses how HR

African nursing leaders have expressed concern over what they described as “a new form of colonialism”, where employers in the UK are aggressively recruiting from countries in the global south, to fill skills gaps, *The Guardian* reported in March. One in five NHS staff in England are non-UK nationals, analysis of NHS Digital data by the PA news agency has shown.

Speaking to an audience of healthcare leaders from 40 countries, Pamela Cipriano, president of the International Council of Nurses, said that “international nurse recruitment has spiralled out of control in recent years”. She urged health employers to follow the ethical recruitment guidelines set out by the World Health Organisation (WHO).

Human rights campaigner Gus John expressed a similar concern on 5 April, but focused on the education sector. He claimed that the UK is depriving Caribbean classrooms of teachers. Instead of recruiting Jamaica’s teachers, John called on the UK to offer more financial support to the country, to enable better pay and improved working conditions for Jamaican teachers in Jamaica.

Both of these recent comments raise an important question: how can the UK recruit ethically from less-developed countries?

According to Robert Fuller, managing director of healthcare recruiter Resource Finder UK, “a business can ethically recruit people by taking the time to investigate socioeconomic factors associated with the sourcing countries, referring to existing guidance”. Fuller defined ethical recruitment as a people-focused approach that aims for “outcomes that are of genuine benefit to all parties involved, without detriment towards others”.



Idris Arshad, people and inclusion partner for St Christopher’s Hospice, believes that recruiting ethically involves fair treatment of employees: “It sounds simple, but the first step is to follow the law,” he said. “Treat them as you would if they were recruited from the UK.”

“We need to think beyond recruiting,” he argued. “Don’t offer low salaries, and do give them benefits. The onboarding experience, and developing line managers to manage a diverse group of staff, is paramount.”

For Veronica Fox, HR consultant for the business advisory firm Eclipse HR, ethical recruitment is defined by having transparency and respect at its heart. She said: “We need to discourage active recruitment from countries listed on the WHO’s health workforce support

The health service recruits large numbers of workers from the global south

and safeguards list, which contains countries with critical health workforce shortages.”

The Recruitment and Employment Confederation (REC) has a set of principles for its members to abide by when recruiting internationally. Its members have supported refugees from Ukraine and Afghanistan to find work.

“We know that the UK has severe shortages of healthcare workers, including nurses,” said Kate Shoesmith, deputy CEO of REC. “At the root, we need a better plan for the NHS workforce in the UK, and we need it now.”

“Working towards a better environment to attract and retain staff would help decrease some of the need for overseas workers in the long term. But when it is necessary to recruit from overseas, it can be done

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can ensure recruitment meets moral and legal requirements

the right way, with understanding and compassion for the staffing needs of other healthcare systems around the world,” She continued.

For Kajal Mann, talent acquisition partner for trade events business Easyfairs, ethical recruitment goes beyond mere compliance, it takes into account the broader impact of hiring on both local and global communities. “This may involve ‘giving back’ through various means, such as supporting education or skills development initiatives in the countries you’re recruiting from, contributing to sustainable economic development, or investing in community projects that benefit the regions where the business operates,” Mann added.

As well as ethical imperatives, employers must consider legal obligations. The Home Office changed immigration rules in April, raising the salary threshold for skilled workers to enter the UK from £26,200 to £38,700. As the law continues to change around immigration and recruitment, Kirin Abbas, business immigration solicitor at Paragon Law, urged HR leaders to follow the guidance.

Abbas also advised HR to put themselves in the shoes of the people they are recruiting, and provide support where possible, with visa applications, settling into a new home and integrating into the workplace. “When considering international recruitment, HR leaders should be aware of the government’s code of practice for international recruitment,” she said.

Abbas added: “Have a written policy that incorporates the requirements of this code, and the importance of ethical international recruitment. HR leaders will need to consider which countries they

want to recruit from, avoiding red list countries, and if they are going to work with recruitment agencies that are on the ethical recruiters list. If done correctly, overseas recruitment can be a real asset to your recruitment strategy.”

Antonio Fletcher, head of employment at law firm Whitehead Monckton, added: “The 2016 Immigration Act and 2010 Equality Act need to be complied with. UK equality and discrimination laws apply to overseas workers just as they do to UK nationals.

“Rejecting a candidate based on their nationality could amount to discrimination and may give rise to claims for uncapped damages. This needs to be balanced carefully against the need to not employ individuals illegally, and to ensure that all relevant right to work checks are completed.

“General domestic employment law also needs to be complied with,” Fletcher continued. “This includes issuing clear contracts that outline the role, terms of employment and responsibilities. It is important that employers comply with UK employment laws in regards to pay, holiday and working hours.”

The take-home message is that companies can recruit ethically if the right policies are in place. Fox also recommends that employers diversify the countries that they recruit from, rather than use one source country for talent.

As the discourse around ethical recruitment grows, it’s important that HR leaders incorporate fair strategies in their staff procurement processes. As well as taking legalities and ethics into account, leaders who want to recruit ethically should prioritise transparency and respect, alongside compassion and support. **HR**

UK immigration laws: A timeline

1919

The Aliens Restriction Act is introduced. People who were not classed as British citizens couldn’t work in certain sectors, including within the civil service.



1948

The British Nationality Act grants subjects of the British Empire the right to live and work in the UK.



1953

The Aliens Order allows non-British citizens from outside the UK to be issued with work permits.

1962

The Commonwealth Immigrants Act requires citizens of the Commonwealth to acquire work vouchers before entering the UK.



2016

The Immigration Act introduces new sanctions on ‘illegal workers and rogue employers’.

2021

The UK does not need to follow EU employment laws after Brexit. EU citizens need permission to enter, live and work in the UK. A points-based immigration system is introduced.

