

## **Group Exercise:**

The year is 2021. After years of failed negotiations, a “No Deal Brexit” has just been announced. Even before the announcement, the National Health Service (NHS) had already started reporting severe shortage of health professionals in the UK. The uncertainty created by Brexit talks for many years had forced nurses and other health professionals from Eastern European countries such as Ukraine, Poland, and Moldova to seek greener pastures elsewhere in the United States, Japan, Canada, and other countries.

The UK is now looking into labor markets in Africa to fill in critical labor shortages in the healthcare industry. The Nigerian Ministry of Foreign Affairs has just received a letter from the Foreign and Commonwealth Office in the UK, inviting them to negotiate a Bilateral Labor Agreement for the employment of Nigerian nurses in the UK. The negotiations are supposed to happen in the International Labor Organization (ILO) headquarters in Geneva in two weeks. The Foreign and Commonwealth Office listed the names and affiliation of the delegation to negotiate the agreement and it consists of officials from the National Health Service (NHS), The Home Office, Ministry of Labor, and Homeland Security UK.

The Ministry of Foreign Affairs in Nigeria has agreed to join the negotiations and will send representatives from the Ministry of Labor and Employment, Ministry of Education, Ministry of Health, and the Nigerian Labor Congress to negotiate on their behalf.

The Negotiations will focus on three separate buckets:

### 1. Overall structure

#### *UK delegation*

Your task is to reach agreement on the number of Nigerian health professionals to admit to the UK through the Bilateral Labor Agreement. You should decide the yearly numbers and the duration of the term of the contract. You would prefer flexibility in yearly numbers and not want to set a hard floor as demand may fluctuate with external factors. You will also be mindful of the political narrative that led to Brexit that foreigners are taking jobs in the UK. Your main concern is to fill labor shortages in the health sector while ensuring that the BLA has enough clauses to prevent overstays of visas. You discuss the occupation and skill standards of potential migrants, how they are certified, what quality assurances are already in place before they migrate, pre-departure orientation, language training, skills in ICT, among other things, and negotiate standards to maintain them.

#### *Nigeria delegation*

Demographic pressure and lack of job creation has created serious problems of unemployment in the country. Many reports have highlighted that Nigerian nurses trained in the country have opted for irregular migration and menial jobs in Italy through the Libya route due to lack of regular channels and have faced abuses from the hand of smugglers

along the way. Your task is to ensure as many Nigerian nurses can be placed in jobs in the UK so that they can be gainfully employed and send remittances to boost private consumption and investment in the struggling Nigerian economy.

## 2. Rights and protection

### *UK delegation*

Your task is to reach agreement on the rights of the foreign workers during their time in the UK, and what protections will be in place to ensure these rights. Examples could include: employment conditions and terms of the contract, a minimum wage, unions and collective bargaining rights, provision of housing, eligibility for renewal and return, health insurance, family reunification, complaint mechanisms and access to redress, and monitoring of conditions.

You are in a difficult position: the representatives from the NHS face budget constraints, and with overburdened social services and a large deficit you could face political backlash from offering foreign workers too many protections and benefits. On the other hand, worker abuse comes with political risk too, and there could be public outcry if Nigerian workers are exploited or injured. Your goal is to meet the employment needs of the NHS while minimizing your risk of political backlash from either side.

### *Nigerian Delegation*

Your task is to reach agreement on the rights of your workers during their time abroad, and what protections will be in place to ensure these rights. Examples could include: employment conditions and terms of the contract, a minimum wage, unions and collective bargaining rights, provision of housing, eligibility for renewal and return, health insurance, family reunification, complaint mechanisms and access to redress, and monitoring of conditions.

You are in a difficult position: if any of your workers are exploited or injured, you face severe political backlash in your country. But there is also significant competition from other labor sending countries, and you fight for too high of protections, employers will just hire workers from other countries. Your goal is to protect your workers as much as possible, while still making them competitive candidates for the jobs in the UK.

## 3. Intermediation

The objective of this negotiation is to reach an agreement on how the intermediation is conducted and who pays for the cost of intermediation.

### *UK delegation*

You want to bring in high quality nurses from Nigeria. But you are worried that the quality of nurses coming from abroad are quite low and the NHS will have to spend significant resources

training them. You want to make sure that the nurses are properly selected and screened before they come to the UK. Also, given the scale at which NHS operates, it would make sense to have hire nurses in a large bulk (every year), so negotiating and contracting with one entity would be more efficient.

You are also aware that the costs of recruitment, particularly with the additional tests and screening they will have to go through, are quite high for a country like Nigeria. For the selected nurses, you are okay with paying them the prevailing wages in the UK. However, you are not too keen on paying for intermediation costs up-front as the British taxpayers might not like that.

### *Nigeria delegation*

Finding high quality nurses is inherently difficult and costly. There are several private recruitment companies which are sending workers abroad for work. But their reputation is shady, and there are anecdotes of workers being cheated along several dimensions. One option is that government gets involved in the intermediation. But given the low capacity of the government, can this be feasible? Besides, there may be issues with completing shutting out the private sector in intermediation.

Another thing that worries you is that the cost of recruitment can be very high that most nurses in Nigeria will not be able to afford. Ideally, you want the employers to pay for intermediation so that it is easier on the nurses.