

# Stiftung Liebenau's Code of Ethics for Recruiting Workers from Abroad

## Preamble

In view of demographic developments, Stiftung Liebenau now has to recruit workers from abroad to be able to continue providing its services. We appreciate that we are confronted with various ethical dilemmas, as our new employees have to leave their home countries to work for us here in Germany. There is a risk of them being manipulated for different interests and values. While we concede that ethical dilemmas can never be fully resolved, we have developed this code of ethics to ensure that we can act as responsibly as possible. Everyone involved in the recruitment process can refer to the following principles.

## 1 Mutual responsibility

In accordance with the essential criterion of mutual responsibility, we require mechanisms that allow us to act responsibly. Therefore, we have to consider who is responsible for whom – and for what reasons – when recruiting workers from abroad. If our mutual responsibilities are clear, we can avoid excessive demands.

Stiftung Liebenau wants to take on its share of responsibility. We are willing and able to give workers from abroad the opportunity to earn a living. Stiftung Liebenau helps new employees meet the entry requirements in Germany, such as by helping them to learn the language and look for somewhere to live, and appoints contacts (mentors) for any personal issues that might arise. We should particularly ensure that employees from abroad do not become over-indebted and can cover their personal expenses.

## 2 Self-determination and voluntariness

People from other countries are often highly motivated to get a good education and pursue a professional career in Germany (e.g. in geriatric care). It would also be fair to assume that they are sometimes burdened by the expectations of their families and others.

In accordance with the criterion of self-determination, everyone involved in the recruitment process must check whether the candidates have voluntarily decided to work in Germany. A decision may only be regarded as voluntary if the person...

- ... knows the (probable) consequences of their decision.
- ... welcomes or consciously accepts the consequences of their decision.
- ... can choose between at least two different courses of action that do not violate their human rights.

In concrete terms, this means that...

a) ... employees from abroad must receive as much information as possible about the situation in Germany from their employer (Stiftung Liebenau): What working and living conditions can I expect? What is the social security system like? What freedoms, rights and obligations will I have? Who can I contact if I have any problems? Under what conditions can I return home? Etc.

b) ... employees from abroad must take the opportunity to determine their own values and objectives: Who am I? Who do I want to be? What do I want to achieve in life? Etc.

c) ... employees from abroad should be able to indicate at least two alternatives for their future that do not violate the safeguards for the protection of human beings (right to life, prohibition of slavery and torture, etc.), do not violate classical liberties (freedom of expression, religious freedom, protection of property, freedom of marriage, etc.) and do not violate any other economic, social or cultural rights contained in the Universal Declaration of Human Rights.

### 3 Tolerance and respect

When people from Asia or Eastern Europe come to Germany, they meet people with a different language, culture, values and ideologies. At the same time, the rule of law guarantees them certain basic rights, such as the freedom of expression, the freedom of faith and conscience, and the freedom to develop and express their own personality.

Article 1 of the Declaration of Principles on Tolerance, which was adopted by the member states of UNESCO at the 28th General Conference in 1955, states:

“Tolerance is respect, acceptance and appreciation of the rich diversity of our world’s cultures, our forms of expression and ways of being human. It is fostered by knowledge, openness, communication, and freedom of thought, conscience and belief”.

In accordance with this criterion, we expect everyone involved in the recruitment process to show tolerance towards foreign customs and traditions. Discrimination on the basis of foreign characteristics or behaviour is prohibited (see No. 4). Our prejudices should be broken down by promoting shared encounters. We should foster an understanding of the diversity of human life.

In concrete terms, this means that...

- ... people with racist or other discriminatory views must not be allowed to work for Stiftung Liebenau.
- ... the employees of Stiftung Liebenau must be prepared to work with people from other cultures.
- ... Stiftung Liebenau must promote cultural exchange.

### 4 Justice

Various aspects of justice must be considered when recruiting people from abroad:<sup>1</sup>

- The principle of equal opportunities plays a role when selecting and supporting workers from abroad. This criterion prohibits the discriminatory selection of candidates based on their race, skin colour, gender, religion, political opinions or national / social background.<sup>2</sup> It demands similar starting conditions and development opportunities for all candidates involved in the recruitment process.
- The principle of global justice considers the effects of recruitment on the countries involved. The healthcare systems in the countries of origin and destination should benefit from the recruitment process. The main aim is to prevent “brain drain”, which is where countries of origin lose essential specialists. Stiftung Liebenau’s recruitment policy supports the idea of “brain circulation”, which is where specialists return to their home countries after a certain period to pass on the knowledge they have acquired.
- In accordance with the principles of wage equity and fair access to benefits, employees from abroad must receive adequate remuneration in line with a country’s standard working and living conditions. Employees from abroad must not be paid less than employees from Germany.
- In accordance with the principle of fair distribution, there must be a formula for assigning new employees that is acknowledged by all institutions and service providers concerned. We recommend assigning employees according to current needs while considering the aspect of cultural diversity.

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<sup>1</sup> See Art. 4 and 5 of the WHO Global Code of Practice on the International Recruitment of Health Personnel, Geneva 2010. The views expressed by Stiftung Liebenau in this document are underpinned by the WHO Code of Practice and the associated state control mechanisms.

<sup>2</sup> See Art. 1 of Convention No. 111 on Discrimination in Employment and Occupation, ILO 1958.

## 5 Relationships

As part of our “relationships” criterion, we must check whether any personal relationships and networks might be excessively strained by the effects of recruitment. We must protect and support existing family relationships while facilitating new relationships in Germany.

In concrete terms, this means that...

- ... people with their own family or relatives in need of care must generally be excluded from the recruitment process at Stiftung Liebenau.
- ... our employees must be given the chance to visit their home country on a regular basis; this should also be possible at short notice in an emergency.
- ... our employees must be encouraged to keep in touch with people back home.
- ... we must actively help our employees build new relationships and networks (e.g. through mentors or sponsors).

## 6 Hardship: exit option

An employee’s recruitment and employment in Germany is a process that runs over a long period of time. In serious circumstances, some workers may have to return to their home country and might be unable to fulfil their contractual obligations. If someone has to return home for justified reasons, they should be able to do so without incurring an unbearable financial burden.

This hardship clause is intended to counteract the complex and unpredictable eventualities that we find in the modern world: Even if someone voluntarily commits to training and working with Stiftung Liebenau, the full consequences of their decision can never be foreseen and causes cannot be traced back to individuals.

Any such exceptional situations must be considered with the responsible members of the committee (see No. 9). The criteria stipulated in this code of ethics must be observed.

## 7 Key principle: considering a person’s circumstances and well-being<sup>3</sup>

The criteria specified in this document provide ethical orientation when dealing with employees recruited from abroad for Stiftung Liebenau. The criteria apply *prima facie*, which means they must be applied as a general rule.

We must always check whether the intention of the criteria is appropriate in each case and context. If there are doubts about the appropriateness of the criteria in a specific employee’s personal situation, a committee must be convened to discuss a potential exemption. The committee must consider the overall objective of the criteria, which is to ensure the employee’s well-being. An individual approach must be discussed with the person concerned, minimising any negative consequences that might arise after excluding a particular criterion.<sup>4</sup>

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<sup>3</sup> This critical aspect corresponds to the ethical virtue of equity (see Aristotle, *Nicomachean Ethics*). It is one of the basic building blocks of coherentist (i.e. holistic) ethics (see Preusche, *Sozialstaat im Überlegungsgleichgewicht*, Baden-Baden 2016).

<sup>4</sup> In addition to this clause, further special rules (based on discourse ethics) may be used in the decision-making process, such as those described by Beauchamp and Childress (*Principles of Biomedical Ethics*).

## **8 Verifiability of criteria**

The aim of Stiftung Liebenau's code of ethics is to promote transparency and establish fair standards for the recruitment of employees from abroad. This code of ethics shall therefore be published.

In addition, this document enables us to systematically perform quality controls for all personnel decisions based on ethical criteria. Any violations of the ethical criteria indicated in this code of ethics may be reported to the committee (see No. 9).

## **9 Committee to monitor the implementation of the code of ethics**

We have formed an interdisciplinary committee to monitor the implementation of the criteria specified in this code of ethics and to intervene in cases of hardship.

The committee is composed of the following stakeholders: usually one representative each from the regional and local management, International Training and Recruiting, the Ethics Committee, mentors and lawyers.

The first points of contact are the mentors and representatives from International Training and Recruiting.