

Planning to work in the UK?

A UNISON guide for migrant nurses and midwives

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Preface

This guide is packed with information that is aimed at migrant nurses and midwives who are working or are intending to work in the UK. You will find information about visa requirements, how to register as a nurse or midwife in the UK, settlement and citizenship requirements, rights at work and how to access help at work.

What is UNISON?

UNISON is the UK's largest healthcare union. We negotiate pay and other terms and conditions for our members and negotiate on a range of issues including the future of the NHS and immigration. We have a network of trained local advisors and negotiators who provide you with help at work when you need it most, as well as professional legal advisors and experts when appropriate.

If you're not a member of a trade union, join UNISON and you'll receive our support. Call free on 0800 171 2194 or go to <http://www.joinunison.org/> to join today. Before you get to work, get essential cover.

UK visas and Immigration

Migrants from outside the EU and EEA

The UK Points Based System (PBS) for migration from outside the European Economic Area (EEA) consists of five tiers. The majority of nurses and midwives from outside the EEA will have entered under Tier 2 (general).

Tier 2 applies to two categories of skilled workers:

- those coming to fill jobs that have been advertised under the Relevant Labour Market Test (RLMT)
- those coming to take up jobs on the government's shortage occupation list.

Tier 2 requires that a migrant worker be sponsored by an employer. The employer is required to register as a sponsor with the UK Visas and Immigration. If the employer wants to recruit a migrant worker, they have to apply for a Certificate of Sponsorship (CoS). Once the CoS is issued, the migrant can then apply for a visa.

The RLMT route means an employer can bring in a worker from outside the EEA if there is no suitably qualified worker within the UK or the EEA available to fill the specific skilled vacancy.

Employers can apply to bring in workers from outside the EEA without going through the RLMT if the vacancy is for a job title on the Tier 2 shortage occupation list. This details the occupations and job titles presently held to be experiencing a labour shortage that would be sensibly filled using non-EEA labour. Unfortunately, despite evidence submitted by UNISON to the Migration Advisory Committee (MAC) suggesting a shortage of nurses in the UK, the MAC did not recommend adding nurses to the shortage occupation list.

Link to the Occupational Shortage list:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/423800/shortage_occupation_list_april_2015.pdf

Migrants from within the EU and EEA

Nationals of EU and EEA countries do not require a visa to work in the UK. European nationals may also bring their family with them to live in the UK. However, to exercise the right to live in the UK, nationals of these countries must be able to support themselves and their families without having to rely on public funds.

Anyone working in the UK must register with Her Majesty's Revenue & Customs and are liable to pay income tax and national insurance contributions provided their income exceeds the tax-free minimum.

Legal advice

UNISON provides free immigration telephone advice to UNISON members who have come to work in the UK from countries outside of the European Union. We work with the Joint Council for the Welfare of Immigrants (JCWI) to provide this support.

If you have been a member of UNISON for more than four weeks and need immigration advice and information, please call UNISON Direct at 0845 355 0845. Your contact details will be passed on to a JCWI adviser who will call you on Tuesday, between 10am and 4pm.

Registering as a nurse or midwife in the UK

The NMC introduced a new process for the registration of nurses from overseas in October 2014. There are two different routes for entry onto the NMC register for nurses and midwives who trained outside the United Kingdom. One route is for those who trained within the European Union (EU) and European Economic Area (EEA). The other is for nurses and midwives who trained outside this area and this is known as Non EU and Non EEA applicants.

Applicants trained outside the EU and EEA

Applicants must submit their application to become a registered nurse or midwife on the NMC's website at <http://www.nmc.org.uk/registration/joining-the-register/trained-outside-the-eueea/>

Requirements for applying to join the register

Language

The applicant must achieve a minimum score of at least seven in all areas when completing the International English Language Testing System (IELTS). Even if English is the applicant's first language, they must complete the test. The test results must be under two years old at the time the application is submitted.

Practice

At the time of the application, the applicant must have practiced as a registered nurse or midwife for at least 12 months after qualifying. This experience must be relevant to the field of practice (adult, mental health, learning disabilities or children's nursing) the applicant is applying for.

If the applicant has been qualified for longer than this, they must have also practiced for at least 450 hours in the previous three years.

If the applicant is a midwife but has not practiced for five years prior to their application, then they must complete a return to practice course in their home country before they can register.

Registration

The applicant must hold a current registration or licence without restriction with the licensing authority or registration body in the country in which they qualified and have been practicing.

Education

Applicants must have completed at least 10 years of school education before they began their nursing or midwifery training.

Specific requirements for nurses and midwives

There are requirements specific to nurses based on their field of practice (pages 8-10 of the NMC's 'Registering as a nurse or midwife in the UK: for applicants trained outside the EU and EEA' guide) and midwives (pages 11-12 of the NMC's 'Registering as a nurse or midwife in the UK: for applicants trained outside the EU and EEA' guide).

How to apply for registration as a nurse or midwife

Eligibility

Applicants must complete a self-assessment of their eligibility to apply prior to beginning the application process.

Test of competence – part one

Once the NMC has confirmed an applicant's eligibility, the applicant will be asked to sit the first part of the test of competence. This is a computer based test (CBT) of theoretical practice-based knowledge provided by Pearson VUE at test centres around the world. Applicants have two attempts at the test. If an applicant fails to achieve the required minimum score, they will not be able to take the test for six months.

Assessment

In order for the NMC to complete an assessment, the applicant will need to provide the following evidence:

- A valid passport
- Birth certificate
- A qualification certificate for each qualification being submitted (nursing & or midwifery certificates)
- Registration certificates from each country or state where the applicant has practiced and/or been registered
- Two employment references confirming the applicant's post-registration practice of at least 12 months, their competence and character
- Verifications from all jurisdictions where the applicant practised or where the applicant has been previously registered
- Transcript of training for all relevant nursing or midwifery programmes completed by the applicant
- A good health declaration from the applicant's general practitioner or the occupational health department at their place of work
- A police clearance certificate from all countries where the applicant has lived since the age of 18

All of the relevant forms required can be downloaded from the NMC website once the applicant reaches the assessment stage, but not before. <http://www.nmc.org.uk/registration/joining-the-register/>

Test of competence – part two

The second part of the competency test assesses an applicant's clinical knowledge. The test is an objective-structured clinical examination (OSCE) and can only be

completed in the UK. The test is administered by the University of Northampton who administer their own test fee in agreement with the NMC. Applicants will need to contact the university directly to book and pay for their test.

The OSCE simulates a clinical environment and patient scenarios which registered nurses and midwives are likely to encounter when they assess, plan, implement and evaluate care.

ID Check

After completing part two of the test of competence, the applicant will have a face-to-face ID check. The applicant will be required to bring all the original documents that they have uploaded as supporting evidence for their application. The ID check will take place at the OSCE location.

Final registration

Once the NMC have received notification that an applicant has successfully completed part two of the competency test and the ID check, the applicant will be invited to complete their final declaration and payment for registration online. Once both have been received, the applicant will receive the registration number (Pin).

Cost of registration

There are different fees for different stages of the application process:

Current costs of NMC registration as at 2015

Application for nursing/midwifery	£140
Part 1 test of competence (CBT)	£130
Part 2 test of competence (OSCE)	£992
Admission onto the NMC register	£153
Total	£1,415

Applicants trained within the EU or EEA

Requirements for applying to join the register

Language

Under EU law, the NMC cannot require evidence of your ability to communicate in English for the purposes of registration.

However, under new controls proposed by ministers that may be introduced later this year, if EU or EEA applicants are unable to demonstrate that they understand the English language, they will be required to take a test instead, such as the IELTS.

Routes to registration

Automatic recognition

If an applicant's qualification begun after the date that was established for general nursing (29 June 1979) or midwifery (23 January 1983) or after the reference date for when an applicant's country implemented the EU standards (Directive 2005/36/EC) then the applicant will meet the requirements for automatic recognition of their qualification and will be accepted for registration with the NMC.

The qualifications which meet the standard for automatic recognition and the reference dates for each country can be found on pages 12 to 20 of the NMC's 'Registering as a nurse or midwife in the UK: for applicants trained within the EU or EEA' guide.

Acquired rights

If an applicant's qualification as a general nurse or midwife does not meet the requirements for automatic recognition because they started training for their qualification before their country's reference date or before their country joined the EU, the NMC will still be able to consider their application if:

- The applicant's qualification is not listed in the table on pages 12 to 20 but was granted in an EEA member state following training in that member state
- The applicant can provide evidence of their qualification certified by their home competent authority
- The applicant can provide a certificate from the competent authority of their home member state confirming that they have lawfully and effectively practiced as a general nurse or midwife for at least three consecutive years out of the last five years from the date when the certificate was issued. If an applicant undertook training in Poland or Romania under some circumstances the practice requirement is five consecutive years out of the previous seven.

Individual assessment

If an applicant has trained as a general nurse or a midwife in an EU or EEA member state but their qualification does not meet the requirements for automatic recognition, and they have not undertaken the pre-requisite period of practice to meet the acquired rights, the NMC will still be able to assess their training and experience against the UK standards to practice.

The NMC can also use this process to recognise qualifications other than general nursing and midwifery, depending on the level of qualification. The NMC will use this process to assess applications from:

- Nurses who have undertaken a training leading to a qualification as a children's, mental health or learning disability nurse
- Nurses who have undertaken a two year training leading to a qualification as a second level (enrolled nurse) in general, mental health or learning disability nursing
- Nurses or midwives who have undertaken a training leading to a qualification as a public health nurse.

If there are significant differences between the training the applicant has undertaken and that which is required in the UK, the NMC will detail these and invite the applicant to make up the differences through either a period of adaptation or through an aptitude test.

How to apply for registration as a nurse or midwife

An applicant can get an application form for registration from the EU registration Team at the NMC or an application request form can be accessed on the NMC's website at <http://www.nmc.org.uk/registration/joining-the-register/trained-in-the-eu-or-eea1/>

The applicant should send certified photocopies of all their supporting documents. If any supporting documents are not in English, the applicant will have to have them officially translated, and then supply photocopies of both the original document and translations to the NMC.

The applicant must fill the application form in the application form in English. No one else must fill in the application form for the applicant.

An applicant must return the completed application forms and supporting documents within six months of receiving them.

The NMC will charge a £110 evaluation fee to cover the administration costs of the application process.

Registering as a nurse responsible for general care or midwife

If the applicant meets the requirements for automatic recognition, they will need to provide certified evidence of their qualification as a nurse responsible for general care or midwife.

If the application is being made under acquired rights, the applicant will need to

provide evidence of their qualification certified by their registering body or competent authority. The NMC also require a certificate from them confirming that the applicant has been practicing as a nurse for 3 years out of the five years since the certificate was issued.

In addition to either of the above requirements:

- A certificate of good conduct or police clearance certificate
- A photocopy of their passport or identity card
- A certificate of current professional status.

If the applicant does not meet the requirements for automatic recognition or the applicant cannot meet the practice requirements for acquired rights, the applicant will need to send the NMC the application form with certified photocopies of:

- Evidence of their qualification, certified by their registering body or competent authority
- A transcript of their training
- A certificate of good conduct or police clearance certificate
- A photocopy of their passport or identity card
- A marriage or civil partnership certificate (if applicable)
- A certificate of current professional status.

Registering as a children's, mental health, or learning disabilities nurse

Because the standards to be met for this qualification are not set out in an EU directive, the NMC will compare the applicant's training with that required in the UK. The applicant will need to send the NMC the completed application form with certified copies of the documents listed below:

- Evidence of their qualification which must have been three years in length or its equivalent part-time following secondary education if they only trained as a children's, mental health, or learning disability nurse or no less than 12 months in length if they trained as a children's, mental health, or learning disability nurse after they qualified as a nurse responsible for general care
- A transcript of their training
- A certificate of good conduct or police clearance certificate
- A photocopy of their passport or identity card
- A certificate of current professional status.

Registering as a second level nurse

Because the standards to be met for this qualification are not set out in an EU directive, the NMC will compare the applicant's training with that required in the UK. The applicant will need to send the NMC the completed application form with certified copies of the documents listed below:

- Evidence of their qualification which must have been two years in length
- A transcript of their training
- A certificate of good conduct or police clearance certificate
- A photocopy of their passport or identity card
- A certificate of current professional status.

Temporary registration

If an applicant wishes to work in the UK as a nurse or midwife on a temporary basis, they should contact the EU registrations team at the NMC directly for advice.

Responsibilities as a registered nurse or midwife

Professional indemnity arrangement

All nurses and midwives must hold appropriate cover under an indemnity arrangement in order to practice and provide care. To register with the NMC, nurses and midwives must make a self-declaration that they hold, or will hold when they begin practicing, appropriate cover under an indemnity arrangement.

UNISON provides professional indemnity cover for all its members who work in healthcare as employees regardless of whether they work for the NHS, voluntary organisations, or in the private sector. However, all organisations involved in the provision of health care have a duty of care and are vicariously liable for the actions of all staff who are directly or indirectly under their employment. Therefore, UNISON's cover is for the rare occasions where the employer's cover fails to protect the employee (subject to exemptions).

Requirements for renewing registration

Registration must be renewed annually. Every three years, evidence of continuing professional development must be provided. This standard requires the applicant to demonstrate that they have completed 450 hours of registered practice activity and undertaken a minimum of 35 hours of learning activity relevant to their practice during the three years prior to renewing. This continuing professional development is known as Prep (post-registration education and practice) and is the NMC's professional standard.

From April 2016, Prep will be replaced by revalidation. Revalidation will strengthen the renewal process by introducing new requirements that focus on:

- Up-to-date practice and professional development
- Reflection on the professional standards of practice and behaviour as set out in the Code
- Engagement in professional discussions with other registered nurses or midwives.

Practicing as a midwife

Being on the NMC's register as a midwife only provides evidence of qualification. Therefore, registration alone does not allow midwives to practice. In order to practice, each midwife must have a named supervisor of midwives (SoM) and must notify their local supervising authority (LSA) annually of their intention to practice.

Supervision of midwives

The UK is the only place in the world where supervision of midwives occurs. The function of supervision of midwives is to protect the public by providing professional advice and guidance to practicing midwives and to service providers.

Each midwife has a named SoM who is appointed by the LSA's midwifery officer (LSAMO). The LSAMO can put in place mechanisms to supervise further education and practice developments for a midwife, or suspend a midwife from practice when the safety of women or babies is at risk.

Supervision of midwives is a statutory requirement. However, earlier this year, the NMC accepted a key recommendation of the Kings Fund Review into statutory supervision of midwives. This means that once legislation is changed, the system of statutory supervision of midwives will no longer be part of the framework that regulates midwives. The move does not signal the end of supervision for midwives, but means that the NMC will not be responsible for this. It is expected to take up to two years for the change to become law and the NMC has confirmed that it will carry on with its current supervisory role while a new framework is decided upon.

Requirements for Indefinite Leave to Remain (ILR)

ILR is also commonly referred to as 'Permanent Residence'. If you are a foreign national and you are granted ILR, you will have permission to live and work in the UK without restriction.

Non-EEA migrants that entered the country under Tier 2 (General) can apply for settlement after 5 lawful and continuous years' residence in the UK.

They are also required to meet settlement criteria which include:

- A test of the migrant's knowledge of language and life in the UK
- A requirement to be free of unspent criminal convictions
- Certification from their employer that they continue to be needed for the employment in question.

In addition, Tier 2 (General) migrants who apply for settlement from 6 April 2016 will need to demonstrate that they are being paid a minimum rate for the occupation specified on their Certificate of Sponsorship. The minimum pay requirement will be either £35,000 per annum (gross) or the appropriate rate for the occupation as specified in the Codes of Practice published by UK Border Agency, whichever is higher.

The Codes of Practice are subject to revision from time to time and applicants will need to meet the pay rate applicable at the time of their application for settlement.

Tier 2 (General) migrants who are working in shortage occupations will be exempt from the settlement pay threshold. They will still need to be paid the appropriate rate for their occupation and meet all the other settlement criteria. This exemption will apply to those holding a Certificate of Sponsorship for a job which has appeared on the Shortage Occupation List at any time while they were being sponsored to do that job.

Citizens of EU countries and Switzerland who have lived in the UK continuously for five years may apply for a document certifying permanent residence as confirmation that they have a right of permanent residence in the UK.

Become a British Citizen

There are different ways to become a British citizen. The most common is called 'naturalisation'.

You can apply for British citizenship by naturalisation if:

- you're 18 or over
- you're of good character, e.g. you don't have a serious or recent criminal record
- you'll continue to live in the UK
- you've met the knowledge of English and life in the UK requirements
- you meet the residency requirement

And you must usually have:

- lived in the UK for at least the 5 years before the date of your application
- spent no more than 450 days outside the UK during those 5 years
- spent no more than 90 days outside the UK in the last 12 months
- been granted ILR in the UK (or permanent residence if you're an EEA national) - this means there's no specific date that you have to leave
- had ILR in the UK for the last 12 months (or permanent residence if you're an EEA national)
- not broken any immigration laws while in the UK.

There are different requirements if your spouse or civil partner is a British citizen.

At work

Airfares and registration fees

According to the Department of Health's code of practice for the international recruitment of healthcare professionals in the NHS, an overseas nurse or midwife who is successfully recruited to a position in the UK should not be required to pay the cost of their airfare to the UK. This cost should normally be met by the employing organisation.

Overseas nurses and midwives are not required to pay any fees to any recruitment agency, or other body, in order to gain employment.

Visa costs to exit their home country or enter the UK and any professional registration fees are normally met by the overseas nurse or midwife. However, UNISON recommends that employers should cover the cost of registration for the first year.

However, the code of practice does not apply to the private sector. Therefore, some employers in the private sector have inserted into the contract of employment clauses reclaiming money for training, airfares or registration fees.

Registering for a National Insurance (NI) number

To work legally in the UK all migrant workers, including those from the EU and EEA, must register for a NI number. A migrant worker can start work before they have an NI number, but they will be charged emergency tax until they have one.

Pre-deployment orientation and induction

According to the Department of Health's code of practice for the international recruitment of healthcare professionals in the NHS, each overseas nurse or midwife must be made aware of how to find help and assistance in all aspects of their appointment.

Overseas nurses and midwives should undergo a comprehensive programme of induction to ensure that they are clinically and personally prepared to work safely and effectively within the UK health system. The provision of a mentor may help with this.

Inductions should address aspects of cultural awareness, equal opportunities and diversity. Ongoing support should be culturally sensitive and offer career development and opportunities for progression.

Induction programmes should encompass wider support to settle into working and living in the UK. It should include such matters as initial welcoming of staff,

accommodation, pay, registering with a GP and dentist, information relating to professional organisations, union representation and introduction to social networks.

Your rights at work

Join a union

Trade unions are organised groups of workers who come together to support each other in the workplace, negotiating with employers to improve pay, terms and conditions and ensure fair and equal treatment.

Unions provide members with individual advice and representation, and many also offer their members opportunities for personal and professional development.

You have a legal right to join a union if you wish to do so and you can't be disadvantaged in any way at work just because you are a union member. For more information on joining UNISON go to: <http://www.joinunison.org/>.

Pay rates for migrant workers

As a migrant worker you are protected by the same laws that protect other workers in the UK. You should receive equal pay to British workers doing the same work.

Hours of work

You have the right not to work more than 48 hours a week on average. This is calculated over a 17-week period. You may sign a clause in your contract giving up your right to work a maximum of 48 hours a week, but you can't be pressured into giving up this right. If you change your mind and want to enforce your right to do no more than 48 hours a week you can do so by informing their employer that you no longer wish to opt out of their working time rights.

UNISON does not recommend that health workers waive their rights under the Working Time Directive, we recognise the rights of everyone to work additional shifts but are also mindful of the accumulative impact which long hours can have on individuals and the impact which this can subsequently have on care. If you are experiencing financial hardship you may want to consider seeking advice or support from UNISON's welfare services you can find more information about this service here <https://www.unison.org.uk/get-help/services-support/there-for-you/>

You are entitled to 11 un-interrupted hours away from work during every 24-hour period of work.

If you're employed on night shifts, you should not work more than eight hours at night every 24-hours. This is calculated by working out an average over a 17-week period, or the contract period if it is shorter than this. Workers must be offered a free health assessment before becoming night workers by their employer and on a regular basis after this.

Rest breaks

You have the right to a rest break of 20 minutes where the working day is longer than six hours. If workers are under 18 they are entitled to a 30-minute break after working four and a half hours.

Holiday (annual leave)

You should receive a legal minimum of four weeks' paid leave per annum plus eight days of 'bank holidays' (national holidays). In some workplaces employers allow all staff to take bank holidays off, but in other workplaces staff can take time off instead of bank holidays. You should check your contract of employment, your staff handbook or talk to your trade union representative to find out what you are entitled to.

Deductions

Tax and NI will be taken from your pay. How much is deducted depends on how much you earn.

No other deductions can be taken from your wages, unless they are written in your contract, or you have agreed to them with your employer before they are made. Any agreement must be confirmed in writing.

Even if you have agreed to a deduction, your employer cannot take off money so that you end up being paid less than the minimum wage, except for accommodation. Even for accommodation there is a limit to how much your employer can take from your pay.

If you think your employer is deducting too much for accommodation then call the Pay and Work Rights Helpline on 0800 917 2368 or speak to your UNISON rep.

Withholding documentation

There have been examples of employers in the private sector withholding passport, birth certificates, NMC pin numbers or educational documents, who will only release them upon payment of a fee. This action is illegal and employees may consider reporting their employers to the police in such cases. A nurse or midwife is free to apply for alternative employment and the new employer is then required to apply for another work permit.

Working in the UK

The Trade Union Congress (TUC) has developed an online guide to your rights at work called Working in the UK. The guide can be translated into 13 different languages.

The guide was produced with financial support from the European Commission as part of the project 'Developing information for migrant workers through transnational cooperation' with trade union partners LIGA in Hungary and Cartel-ALFA in Romania.

Where to get advice

As a UNISON member, your personal contact is your local rep. If you have any questions about your membership or conditions in your workplace, your rep can help you. Your rep can be found by contacting your local UNISON branch. If you don't know which branch you are in or how to contact them, you can call UNISONdirect on 0800 0 857 857.

If you're unable to contact your local rep, UNISON offers a direct line for members to get information and advice on all aspects of their employment from pay and conditions, to training opportunities or legal advice. If you have a question, you can call UNISONdirect on 0800 0 857 857.

If you're looking for information on topics such as health and safety, pensions, employment rights, pay, bullying and discrimination or others at work you can find out more in UNISON Knowledge.

Get active

The UNISON workplace rep is the most important link between the union and its members. Workplace representatives play a number of roles. We have 100s of overseas health workers who have become active representatives in UNISON they have been instrumental in helping to shape our policy and the support we can offer members. Come and join them become active in UNISON.

They are organisers who talk to, recruit and organise members around workplace issues, hold meetings, undertake surveys and help run ballots.

They give members information about union issues by publicising UNISON campaigns, distributing leaflets and keeping members informed about and involved in local negotiations.

They are advisers and sounding boards, talking to members about workplace problems and - if they feel confident - giving advice on how to deal with these.

Alternatively, they may arrange for the member to get advice or assistance from elsewhere in the union, or work with them to get the information they need.

They are representatives and spokespersons for members in their workplace.

UNISON has four types of workplace representative, including steward, health and safety rep, union learning rep and workplace contacts.

Where the union has a recognition agreement, stewards, health and safety reps and learning reps have a legal right to 'reasonable' time off for union duties. Support is available for UNISON reps from your branch and region, as well as more experienced colleagues, and every region runs training courses for reps throughout the year.

If you are interested in getting more involved in UNISON's workplace activities, please complete the get active form.

International

UNISON has a long and proud history of international solidarity across the globe. Whether this is in making large donations to organisations in countries suffering disaster or our ongoing work to support others. Working internationally is part of who UNISON is and what we do, our work does not end around the borders of our country.

To find out more about this work

<https://www.unison.org.uk/about/what-we-do/working-internationally/>

More information

For more information, contact the UNISON health team at health@unison.co.uk or the UNISON strategic organising unit at strategicorganising@unison.co.uk or call UNISONdirect on 0800 0 857 857.