

# CODE OF CONDUCT FOR PANEL MEMBERS

*This document outlines the standards of behavior and conduct required by all physicians, radiologists and staff empaneled by Migration 5 countries to perform immigration medical examinations and associated services.*

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## Introduction

### Background and Intent

The Migration 5 Health Working Group (M5HWG) is a collaboration between the Migration 5 countries of Australia (AU), Canada (CA), New Zealand (NZ), the United Kingdom (UK), and the United States of America (US), on issues of shared importance in migration health. Specifically, the M5HWG seeks to enhance the health security of migrants and receiving countries, the health services provided to migrants, the control of communicable diseases globally, and the savings achieved through aligned and combined immigration health processes.

M5HWG countries utilise empanelled physicians and radiologists (Panel Members) to conduct Immigration Medical Examinations (IMEs) for people wanting to visit or migrate to their respective countries. The M5HWG share a collective desire to support Panel Members, enabling them to work to high standards through the provision of processes that will help maintain and raise standards as well as provide quality assurance of, and training and education to, Panel Members. This collective desire aims to ensure consistent and reliable, high-quality IME related services are performed. This extends to the behaviour of Panel Members and the level of service provided to the individuals who undergo an IME. To that end, the M5HWG members have developed the Code of Conduct for Panel Members (the Code) to articulate the required standards of behaviour and conduct of Panel Members and define protocols and procedures if there is a breach of the Code.

It is essential that all Panel members are aware of, and comply with the Code. M5HWG countries expect Panel Members to display high standards of professionalism, probity, ethics and accountability. This will uphold the integrity of the IME process and good reputation of Migration 5 countries.

Panel Members who breach the Code may be subject to action at the discretion of the relevant Migration 5 country.

*This Code of Conduct does not replace nor supersede each M5 country's specific IME requirements and expectations contained within their respective Panel/Technical Instructions and other guidance documents. This Code of Conduct does not imply a contractual or employer-employee relationship between an M5HWG partner and a Panel Member, or affect in any way the designation, relationship or governance of each M5HWG partner's Panel Members. M5 partners will continue to independently manage their respective relationships with their Panel Members.*

## Part 1 - Our Values and mission

### M5HWG values and mission

The M5HWG seeks to enhance:

- the health security of migrants and receiving countries
- the health services provided to migrants
- the control of communicable diseases globally
- the savings achieved through aligned and combined immigration health processes, including monetary, personnel and resource savings.

### Transparency and Accountability

Consistent with the values of Migration 5 countries, Panel Members who perform IMEs should demonstrate the following service behaviours in their dealings with visa applicants:

- commitment to service – to be professional, objective, innovative and efficient, and work collaboratively with Panel Members and M5 countries to which they provide services, to provide a high level of health screening to visa applicants
- accountability – to be open and accountable to applicants and M5 countries to whom we provide service
- respect – to respect all people, including their rights and their culture
- ethics – to demonstrate leadership, be trustworthy, and act with integrity and honesty.

## Part 2 - Overview of the Code

### Commencement of the Code

The Code is in effect from 1 November 2019. All people to which the Code applies must comply with the Code from this date onwards.

### Objective of the Code

The objective of the Code is to articulate the expected behaviours of Panel Members and to define potential outcomes in the event of a failure to adhere to, or breach of, the Code. M5HWG partners may have additional expectations of Panel Members performing IMEs for their applicants, which will be communicated through their own country's technical/panel instructions and guidelines.

### Application of the Code

The Code applies to:

- Panel Members
- Radiologists
- Nursing or other staff of a practice who are delegated to perform aspects of an IME under the guidance of a Panel Member
- All clinic staff involved in the management and administration of IMEs.

## Part 3 - Expected Behaviours under the Code

### Equal Rights for all applicants

Owing to the commitment of M5HWG countries to upholding human rights, a Panel Member shall not discriminate against or deny service to an applicant based on race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

### Conflict of Interest and Ethical Responsibilities

M5HWG countries expect all Panel Members to demonstrate a high standard of ethical and professional practice. As a minimum, Panel Members are expected to:

- possess the relevant practicing certificates to provide medical services in their country, and apply knowledge and skill in the practice of medicine
- observe the professional obligations and codes of practice of the country in which they work, including all relevant legal obligations and requirements towards patients
- be courteous and respectful towards applicants, being mindful of their time, dignity, privacy and cultural practices
- ensure they have the necessary technology in their clinics to provide the relevant IME services as well as maintain accurate records
- ensure that they maintain a productive and professional relationship with all colleagues
- display good conduct, honesty and integrity in professional practice, particularly in relation to conflict of interest and the setting of fees
- have an established process for resolving client complaints that aligns with this Code.

Panel Members must **not** receive or accept services, incentive fees or gratuities of any kind that are intended to influence the impartiality of IME findings, and must report any offerings of such services, incentives and gratuities to the M5HWG country to which they provide services. If Panel Members accept any services, incentive fees or gratuities of this nature, the panel membership may be ceased at the discretion of the M5HWG country.

### What constitutes a conflict of interest

As Panel Members provide a service on behalf of the M5HWG countries, it is important to avoid actual, potential and perceived conflicts of interest. Conflicts of interest have been defined as situations that have the potential to undermine the impartiality of a person because of the possibility of a clash between the person's self-interest and their professional or public interest. Panel Members must disclose all actual, perceived or potential conflicts to the relevant M5HWG countries as soon as they are identified.

Therefore, when conducting IMEs, Panel Members must:

- perform the duties of their practice impartially, uninfluenced by fear or favour
- avoid situations in which their private, financial or other interests conflict or might reasonably be seen to conflict with conducting an IME
- consider if their personal, commercial and professional relationships present an actual or perceived conflict of interest with their associated clinics and other third parties, such as migration agencies, and would impact on the independence and reliability of medical reports provided by the Panel Members

- notify the relevant M5HWG countries of the potential conflict of interest when the interests of their or their staff's immediate family members are involved, as well as when they may be the treating physician of an applicant, or an applicant's family member
- not use information obtained in the course of the IME work to gain, directly or indirectly, financial advantage for themselves or for any other person.

Panel Members must advise the relevant M5HWG countries of any instances of actual, potential or perceived conflicts of interest in performing an IME, utilising the methods articulated in the relevant Panel Member Instructions. M5HWG countries are to manage notifications regarding conflict of interest on a case-by-case basis. In cases where an actual conflict of interest is identified by an M5HWG country, if the Panel Member has not previously disclosed this conflict of interest, it may be considered to be a breach of the Code at the discretion of the M5HWG country.

## Good standing with Local Medical Authorities

Panel Members are required to be appropriately qualified and experienced in their area of practice.

Panel Members must maintain professional registration and unconditional good standing with the medical board and professional college or equivalent certifying body in their country of practice. Any change to registration status must be reported immediately (within 5 business days) to all of the M5HWG countries to which the Panel Member is empanelled.

If a Panel Member is under investigation for any reason or has been reported to their medical registration authority for any reason, they must immediately inform all of the M5HWG countries to which they are empanelled and await further advice from the relevant M5HWG countries.

If a Panel Member becomes de-registered or restricted, including changes to the conditions under which they operate, in their country of practice, they must immediately inform all of the M5HWG countries to which they are empanelled and cease undertaking any M5HWG IMEs.

Failure of Panel Members to notify relevant M5HWG countries within five business days of changes to their standing with local medical authorities will be considered to be a breach of the Code. See Part 4 of this document for further details regarding action following breaches of the Code.

Panel Members are required to provide evidence of their current registration or licence status upon request.

## Accommodating applicant requests

Panel Members should be aware of cultural and gender based expectations in relation to IME and history-taking of applicants. If the applicant does not speak the language of the Panel Member, arrangements are to be made for an interpreter, at the cost of the client, unless other arrangements exist.

All physical examinations must be conducted in a professional manner compatible with good practice and privacy and in line with clinics' local legal and regulatory requirements.

A chaperone must be offered and available during the physical examination for all applicants, regardless of age or gender, and provided at the expense of the Panel Member. In situations where the applicant is of a different sex to the Panel Member, a chaperone should be offered or a staff member of the same sex as the applicant should offer to be present during the physical examination. A parent or guardian must be present when a child under 16 years of age is being examined or x-rayed. If an applicant is an unaccompanied child, a chaperone is required.

## Undergoing continuous training

All Panel Members are expected to maintain currency of knowledge and have ongoing professional development and continuing medical education. At a minimum, this must meet individual country registration requirements, as well as the expectation that Panel Members will avail themselves of opportunities to attend panel-specific training activities where possible, such as regional or global training sessions organized by the M5HWG members and/or the International Panel Physicians Association (IPPA).

## Part 4 - Breaches of the Code

### Managing complaints regarding Panel Members

#### How to manage complaints

In order to resolve any issues that may arise in relation to an IME, Panel Members are to do so in alignment with the following general principles and with the aforementioned expected behaviours of the Code:

- resolve all complaints in good faith
- manage all matters with integrity and honesty
- act respectfully in all dealings with clients.

Panel Members are to refer to the relevant M5HWG country Panel Instructions for detailed steps and suggested approaches on how to manage complaints. Panel Members must also act in awareness of any actions that may be advisable or required for domestic and local regulatory bodies, or other bodies that oversee medical practices or may otherwise need to be involved in a complaint that may be raised.

Panels must have clear and detailed procedures in place to deal with incidents that involve applicants or their representatives. These incidents may range from unruly behaviour to threats or violence. The procedures for dealing with incidents and determining what constitutes an incident should take into account prevailing local laws and provisions. It is important to keep a detailed record of the event and advise the relevant M5HWG country of any incidents related to IMEs performed for their respective clients.

#### Who is responsible for managing the complaint

The relevant M5HWG country will be responsible for taking the appropriate steps to assess a complaint brought to its attention by an applicant or Panel Member and implement any actions warranted.

### Breaches of the Code of Conduct

#### Reporting suspected or actual breaches of the code

The reporting of suspected or actual wrongdoing by those covered by the Code contributes to the integrity of the IME process. Every report of suspected or actual breaches of the Code will be taken seriously and is to be formally assessed, with appropriate action taken if warranted.

#### Investigation into breaches of the code

Confirmed breaches of the Code and allegations that a Panel Member has breached the Code will be assessed by the relevant M5HWG country. Panel Members are expected to fully cooperate in any investigation into alleged breaches of the Code. All investigations will be undertaken ensuring procedural fairness.

#### Managing breaches of the code

M5HWG countries will be responsible for implementing appropriate measures to manage Panel Members' breaches of the Code. Each M5HWG country is to independently determine the appropriate measures to

implement, in line with internal processes and (if applicable) contractual procedures in each M5HWG country's panel agreements, including whether or not to implement corrective or disciplinary measures based on the seriousness of the breach of the Code. Such measures may include action to address the issue, warning, suspension or removal of the panel designation of the concerned Panel Member. If a breach is considered serious enough as to warrant removal of the Panel Member from an M5HWG country's panel, other M5HWG countries may also consider removal of the Panel Member from their respective panels.