

REPORT

for the period 1 June 2018 to 31 May 2022, made by the **Government of Finland**, in accordance with article 22 of the Constitution of the International Labour Organisation, on the measures taken to give effect to the provisions of the

Labour Inspection (Agriculture) Convention, 1969, No. 129 ratification of which was registered on 3 September 1974.

I LEGISLATION AND REGULATIONS

II

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III APPLICATION OF THE ARTICLES

Article 1

In this reply the Standard Industrial Classification TOL 2008 has been used. The industry agriculture, forestry and fishing (TOL A) includes the exploitation of vegetal and animal natural resources, comprising the activities of growing of crops, raising and breeding of animals, harvesting of timber and other plants, animals or animal products from a farm or their natural habitats.

Article 2

There were no changes with regard to Article 2 compared to the previous report.

Article 3

There were no changes with regard to Article 3 compared to the previous report.

Article 4

There were no changes with regard to Article 4 compared to the previous report.

Article 5

Act on the legal status of foreigners picking natural products

The Act on the legal status of foreigners picking natural products (487/2021) applies to foreign nationals collecting natural products under everyman's rights. The Act is completely new and entered into force on 14 June 2021. The objective of the Act is to improve the legal status of foreigners who are in Finland collecting natural products and to equalise the competitive opportunities of companies operating in the natural products sector. The Act also aims to support the growth of the natural products sector and the development of international competitiveness.

In the past, the status of foreign berry pickers has been largely unregulated in legislation, because their position has not been considered that of an employee. Instead, they have been seen as acting as a type of entrepreneur. In 2014-2020, the letter of intent procedure for the picking of natural products applied between the authorities and companies in the natural product collection sector.

Scope of application

The Act applies to foreigners who collect natural products while living in accommodation and eating meals provided by a natural product picking operator. The Act does not apply, for example, to employees of berry farms, when they collect natural products during their free time.

The Act applies to two types of natural product collection sector operators (later in the text "operator"):

- an operator who has invited the picker to Finland
- an operator who arranges accommodation and catering for pickers who are already in Finland with the purpose of purchasing natural products from them.

Article 6

There were no changes with regard to Article 6 compared to the previous report.

Article 7

There were no changes with regard to Article 7 compared to the previous report.

Article 8

There were no changes with regard to Article 8 compared to the previous report.

Article 9

The Occupational Safety and Health Division Training Unit actively develops the training needed to maintain and enhance the skills of occupational safety and health inspectors. Training development has focused especially on improving e-learning environments, making the training flexibly available to inspectors.

Article 10

There were no changes with regard to Article 10 compared to the previous report.

Article 11

There were no changes with regard to Article 11 compared to the previous report.

Article 12

There were no changes with regard to Article 12 compared to the previous report.

Article 13

There were no changes with regard to Article 13 compared to the previous report.

Article 14

See answer for Article 27 d.

The COVID-19 pandemic significantly affected inspections in practice, particularly in 2020. Workplace inspections requiring an immediate response were also conducted at this time, for example

when investigating accidents at work. Inspections were also conducted remotely in other respects where possible.

Article 15

Tools and work facilities of primary production inspectors

Inspectors may work at the offices of the Regional State Administrative Agency. They may also work from home temporarily or continually. While the Agencies switched exclusively to remote work during the COVID-19 pandemic, inspectors have been free to return to the office since conditions have eased. Inspectors may depart for official travel from the office or from home. An official journey may also begin from a holiday home, for example, provided that this incurs no additional expenses.

The right of inspectors to use their own motor vehicles instead of public transport was also enlarged for inspection visits during the COVID-19 pandemic.

Legislation governing remuneration paid to inspectors

Public servants are compensated for travel expenses in accordance with the State Travel Regulations and the travel regulations of Regional State Administrative Agencies. A Regional State Administrative Agency will compensate an inspector for use of a personal motor vehicle according to mileage driven in accordance with the decision of the Tax Authority.

Article 16

There were no changes with regard to Article 16 compared to the previous report.

Article 17

There were no changes with regard to Article 17 compared to the previous report.

Article 18

There were no changes with regard to Article 18 compared to the previous report.

Article 19

There were no changes with regard to Article 19 compared to the previous report.

Article 20

There were no changes with regard to Article 20 compared to the previous report.

Article 21

There were no changes with regard to Article 21 compared to the previous report.

See answer for Article 27 d.

Article 22

There were no changes with regard to Article 22 compared to the previous report.

Article 23

There were no changes with regard to Article 23 compared to the previous report.

Article 24

There were no changes with regard to Article 24 compared to the previous report.

Article 25

There were no changes with regard to Article 25 compared to the previous report.

Article 26

There were no changes with regard to Article 26 compared to the previous report.

Article 27

There were no changes with regard to Article 27 compared to the previous report. Occupational safety and health enforcement in the agriculture sector is reported on as part of general annual reporting of occupational safety and health enforcement.

- a) The general legislation on occupational safety and health also applies to agriculture. See the report on ILO Convention no. 81 for further details.
- b) 195 inspectors conducted inspections of primary production (industrial sector A) during the reporting period. Occupational safety inspectors do not conduct inspections of a single industry only.
- c) This information was not available at the time of reporting.
- d) Inspection volumes

Inspectors from the Occupational Safety and Health Divisions of Regional State Administrative Agencies conducted a total of 2,276 inspections of workplaces in agriculture, forestry and fisheries (industrial sector A) between 1 January 2018 and 31 December 2021. Some 457 of these inspections concerned the use of foreign labour.

No. of inspections	2018	2019	2020	2021
Sector 01	428	362	207	380
Sector 02	309	227	131	197
Sector 03	20	6	2	4

In addition to occupational safety and health inspections, Occupational Safety and Health Divisions arrange webinars and other communications on topical themes. As part of guidance provided for the agriculture and forestry sector, occupational safety and health areas have participated in agriculture and forestry exhibitions and machinery trade fairs at a stand shared with the Finnish Institute of Occupational Health and the Centre for Occupational Safety. The website at www.tyosuojelu.fi is a key communication channel for the Occupational Safety and Health Authority. The website as a whole has also been translated into Swedish and English. The aim is also to provide information in other languages and, for example, the “As a foreign employee in Finland” guide has been translated into fifteen languages. A national telephone helpdesk responds to questions from workplaces.

e) Obligations imposed

Based on the Enforcement Act (Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces 44/2006), an inspector will issue guidelines or an improvement notice on any conditions observed during an inspection that fail to comply with provisions. An improvement notice may be issued in matters referred to in section 13, subsection 3 of the Enforcement Act if the hazard or harm caused by the failure is non-trivial and the employer has not complied with previously issued guidelines. While compliance with improvement notices is ensured by monitoring, compliance with guidelines is not systematically enforced, and there are accordingly no statistics on the impacts of enforcement. A case may be referred for administrative preparation if an employer fails to comply with a request issued.

Operating sector	Obligations imposed	2018	2019	2020	2021
Sector 01	Guideline	991	678	411	654
	Improvement notice	73	57	66	79
	Referral to administrative preparation	17	10	14	19
Sector 02	Guideline	376	310	154	270
	Improvement notice	15	26	25	34
	Referral to administrative preparation	0	7	9	3
Sector 03	Guideline	44	9	3	9
	Improvement notice	11	0	1	1
	Referral to administrative preparation	1	0	0	0

f) and g)

Accidents at work and occupational diseases with compensation paid to employees in the agricultural sector (industrial sector A):

employees / Sector A	2018	2019	2020
Work-related accidents	1,382	1,359	1,343
Commuting accidents	98	100	81
Occupational diseases	15	21	22

The five most common causes of accidents at work in the sector in 2020

1. pathways, platforms, ground, doors and walls, etc. 255
2. materials, items, products and shards 244
3. people, animals, plants 197
4. other unlisted causes 107
5. hand tools 75

Individuals working in industrial sector N (Administrative and support services) in particular (including agency work) and in the local government sector (including the holiday substitute service) also work in agriculture. Compensation was paid as follows for accidents involving workers in the occupational category “Farmers, forestry workers, etc.”:

Employees / Vocational class	2018	2019	2020
Work-related accidents	2,224	2,021	1,857
Commuting accidents	122	122	90

The five most common causes of accidents at work in this occupational category in 2020

1. people, animals, plants 470
2. pathways, platforms, ground, doors and walls, etc. 388
3. materials, items, products and shards 293
4. other unlisted causes 144
5. hand tools 67

Source: Finnish Workers' Compensation Centre, Accident Pack

Compensation for accidents at work and occupational diseases is paid to **self-employed farmers** through the mandatory MATA insurance scheme for working time.

Employees in agriculture	2018	2019	2020	2021
Work-related accidents	4 281	4 076	3 910	3 243
Occupational diseases	85	66	71	49

Source: tilastot.mela.fi

IV

A copy of this report has been sent to the following labour market organisations

1. The Confederation of Finnish Industries (EK)
2. The Central Organization of Finnish Trade Unions (SAK)
3. The Finnish Confederation of Professionals (STTK)
4. The Confederation of Unions for Professional and Managerial Staff in Finland (Akava)
5. The Commission for Local Authority Employers (KT)
6. The State Employer's Office (VTML)
7. The Federation of Finnish enterprises (SY)

Statements of the labour market organisations

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