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Provisions on which the issuing of orders/instructions is based

Target group

Healthcare and social welfare organisers and service providers, supervisory authorities and other actors applying professional legislation

Period of validity

15.2.2023 - until further notice

Recommendations for the international recruitment of healthcare and social welfare personnel

This document contains principles and recommendations for responsible international recruitment. The recommendations are intended for organisers of health and social services as well as public and private service providers and other operators in the health and social sector. The aim of the recommendations is to promote the consideration of responsibility aspects in international recruitment and to prevent labour exploitation. Always consult your organisation's lawyers when making use of these recommendations.

General principles

The high-quality and responsible implementation of international recruitment requires time and investment from both the employer organisation and recruitment partners. Responsible action often means going beyond the statutory minimum requirements. It is based on the equal treatment and non-discrimination of workers, as well as respect for human rights and the fundamental principles of rights at work.

The recruitment of foreign labour must meet a real need and must not be used as a means of replacing existing labour or weakening terms of employment.

When planning and implementing international recruitment, you must be aware of the potential risks of labour exploitation and human trafficking related to recruitment. A transparent, documented and systematic recruitment process reduces the risk of workers experiencing unlawful or unfair treatment at any stage of the recruitment process.

Responsible recruitment aims to enable workers to settle into Finland and to build their lives in Finnish society. It is important that workers are able to obtain qualifications and to be employed in jobs corresponding to their skills and training.

According to the WHO Global Code of Practice on the International Recruitment of Health Personnel, health workers should not be systematically recruited from countries facing shortages of health workers. The list of countries at risk will be updated in 2023: <https://www.who.int/activities/addressing-the-international-migration-of-health-workers>

Legislation to be taken into account

- Regardless of the nationality of the worker, Finnish labour legislation and the collective agreement provisions in force in the field must be observed.
- A foreign worker must have the right to reside and work in Finland. For non-EU workers, the [residence permit for an employed person \(TTOL\)](#) is the most common work permit in the healthcare and social welfare sector.
- The Acts on social and health care professionals regulate work in the healthcare and social welfare sector. The sector employs professionals who are licensed or have the right to use a protected occupational title, as well as other persons. Valvira, the National Supervisory Authority for Health and Welfare, is responsible for granting [professional practice rights](#) in the healthcare sector.
- In Finland, no fees may be charged to private customers for employment services. The prohibition on fees applies, for example, to the provision of information and advice on vacancies and job search, including temporary agency work and registration as a jobseeker. In addition, fees may not be charged to a temporary agency worker who, after the end of the assignment, becomes employed by the client company. Fees are also prohibited by the [International Labour Organisation's Private Employment Agencies Convention](#), which Finland has ratified.
- Employment contracts must always be made in writing and, if necessary, translated into a language that the employee understands.
- All employees and jobseekers must be treated equally and no one must be discriminated against.
- Wellbeing services counties and public service providers must comply with the Act on Public Procurement and Concession Contracts when procuring staffing and recruitment services.
- Public and private purchasers must comply with the Act on the Contractor's Obligations and Liability when Work is Contracted Out when concluding agreements for the procurement of external labour (subcontracting and/or temporary agency work).
- They must also determine whether the legislation of the countries of origin has an impact on the implementation of the procurement.

Select recruitment partners carefully

The worldwide labour recruitment market is massive. Special attention must be paid to the minimum requirements for service providers and their assessment in all procurement procedures.

- Find out more about ethical issues in international recruitment and define the principles of responsibility in your organisation.
- Identify and assess the competence, operating methods and level of responsibility of service providers in different phases of the procurement procedure, such as market dialogue, discussions with service providers and tender documents (taking into account the requirements of the Act on Public Procurement and Concession Contracts).
- Tendering and selection criteria must be comprehensive and carefully defined from the very beginning of the procurement procedure, and the requirements must be recorded in the terms of agreement.
- Compliance with the terms of the agreement must be monitored and penalties must be included in the agreement for any breaches of the agreement.

- The partner must be obliged to provide information about its subcontractors, be responsible for the entire recruitment chain and set the same responsibility terms and obligations for its subcontractors.

Issues to be considered in the preparation of the procurement and in the selection and evaluation of the service provider:

- How transparent is the recruitment process?
 - How does the service provider demonstrate the quality and responsibility of its services? How does the service provider choose its subcontractors and intermediaries?
 - How is recruitment organised in the country of origin? How does the service provider ensure and prove that the workers have not had to pay a recruitment fee to any party?
 - How are the workers informed about the practicalities of work and terms of employment in Finland?
 - How long is the recruitment chain? Do the same terms of agreement apply at all levels of subcontracting? How does the service provider monitor and ensure compliance with the terms of agreement?
- What does the price of the service consist of? It is good practice to request a transparent breakdown of the pricing of the service.
- What kind of understanding does the service provider have of the special characteristics of the healthcare and social welfare sector and of the level of education and job descriptions in the country of origin compared to the job descriptions and requirements of the professional titles in Finland?
- If the service provider offers language training in the country of origin, how does it ensure the quality of language instruction, the pedagogical competence of the teachers and the verification of the skill level and language proficiency achieved?
- You can ask the service provider to provide references for past international recruitments and, where possible, contact previous customers for more information.

Recruitment fees

- The recruitment partner's service is subject to a fee. Although recruitment fees paid by workers are legal and common practice in some countries of origin, international responsibility principles state that the employer must bear the costs of recruitment.
- Make sure that the recruitment partner does not offer workers a loan (e.g. to cover travel or living expenses), as this can indebt them.
- Responsible operators prohibit recruitment fees charged to workers in their agreements throughout the subcontracting chain, and monitor the fulfilment of the condition:
 - Identify any costs that may have been associated with the worker's recruitment and entry process. Fees may be concealed, for example, in excessive training fees. Stipulate in the agreement that the partner or its subcontractors must not charge workers any fees related to employment services.
 - The processing fee for the residence permit is not covered by the prohibition on recruitment fees; the amount of the fee is shown on the [website of the Finnish Immigration Service](#).
- If it turns out that workers have had to pay fees related to employment services in breach of the agreement:
 - Ask the worker for any receipts and vouchers for the fees. The rights of workers must be protected and the payment of fees must not cause further inconvenience to the worker.
 - Request a clarification from your recruitment partner. Demand that the entity that charged the fee reimburse the worker for the money they paid. If the partner does not agree to this, the continuation of the cooperation should be reassessed and sanctions or rescission measures should be taken in accordance with the agreement.
 - A responsible employer can also reimburse the workers itself.

- In the worst case, the company or a subcontractor in the recruitment chain can indebt the workers for recruitment and travel expenses and place them in a position of dependence on work. The collection of recruitment fees could also jeopardise compliance with the wages required by Finnish law and collective agreements. If necessary, obtain [more information](#) about labour exploitation and human trafficking and how to combat it.

Protecting workers' rights

Candidates for employment must already be aware of their job description and rights in Finland in the country of origin before the recruitment decision is made. The recruitment partner must be obliged to inform the workers, but the employer can also share information on the following topics:

- Workers should be made aware that they do not have to pay a fee to the recruitment company or hand over their personal documents to any other party.
- It is good practice to ask workers several times what costs they have paid in connection with recruitment. Workers rarely report any fees immediately, so it is worth asking again, for example, six months and two years after recruitment.
- Employees must be informed in good time of the fees they will have to pay when they enter the country (for example, residence permit, security deposit for rental housing, income for the first months, professional licensing fees).
- Workers must be honestly informed about Finland, the local culture, climate, work in the healthcare and social welfare sector, terms of employment and wages, cost of living and opportunities for family reunification. You can use, for example, the [Welcome to Finland guide](#).
- Workers must have adequate immunisations and receive medical examinations at start of employment (taking into account any infectious diseases and work that poses a special risk of illness).
- Workers must be provided with information about the requirements for working in healthcare and social welfare professions in Finland, including the right to practise a protected profession granted by Valvira and the training that supports it, so that the workers understand the situation and their own opportunities.
- The development of language skills is an important part not only of qualifications, but also of employees' legal protection and patient safety in work tasks in the healthcare and social welfare sector.
- Information on rights and terms of employment in Finland should be provided to workers in their own language. Materials in different languages are available on the websites of [Victim Support Finland](#) and the [Ministry of Economic Affairs and Employment](#).
- The employer may provide employees with complaint channels and other means by which employees can report any misconduct and problems, including breaches of agreement by service providers.

Recommendations for supporting and integrating workers in Finland

- Workers must be supported in finding affordable housing with good transport connections.
- Workers must be familiarised with the work, and their integration into the work community must be supported. The work community and immediate supervisors must also receive orientation on the arrival of new employees.
- Workers must be informed of trade unions and be advised how to join a union.
- Workers should be supported in their integration into Finnish society, for example by supporting opportunities to develop language skills during the working day (such as courses, on-the-job learning, support from colleagues), and by cooperating with the municipality and local actors, such as NGOs.
- Workers must be supported in their qualification in Finland. As a rule, workers should be employed in tasks that correspond to their education and skills

- If necessary, workers should be helped to find out the prerequisites for family reunification and get access to services that support the family's integration.
- Workers should be provided with information on the terms of employment applicable in Finland and whom they can contact in case of problems.

Additional materials on responsible international recruitment

[WHO Global Code of Practice on the International Recruitment of Health Personnel](#)

[ILO Fair Recruitment](#)

[IOM IRIS Ethical recruitment](#)

[Dhaka Principles](#)

[HEUNI Labour Exploitation and Public Procurement. Guide for risk management in national supply chains](#)

[FIPSU:n eettisen rekrytoinnin periaatteet \(Finnish Public Services Unions' International Network FIPSU's ethical principles for the recruitment of foreign employees\)](#)

[Code of Conduct for contracting entities](#)

[The Finnish Institute for Health and Welfare's \(THL\) online course on anti-racism for professionals](#)

[Henkilöstöpalvelualan ulkomaisten työntekijöiden rekrytoinnin pelisäännöt \(Rules of play for recruitment of foreign workers in the staffing services sector\)](#)

[Work Help Finland application](#)