

Article 22 of the Constitution of the ILO

Report for the period from **1 June 2021 to 31 May 2024** made by **the Government of Finland**

on the

Abolition of Forced Labour Convention, 1957 (No. 105)

(ratification registered on 27 May 1960)

a) LEGISLATION AND REGULATIONS

Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006)

Section 50, subsection 1 of the Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces (44/2006) was amended to state that the occupational safety and health authority shall notify the police, in addition to the factors listed earlier in the section, also about suspected trafficking in human beings and aggravated trafficking in human beings, as well as violations of the EU chemical safety regulations relating to the health and safety of workers at work. The amendment entered into force on 15 November 2021.

New legislation concerning assistance to victims of human trafficking
See the first report on Protocol 29 and measures during 1 June June 2021 to 31 May 2024.

b)

A copy of this report has been sent to following labour market organizations:

1. The Confederation of Finnish Industries (EK)
2. The Central Organization of Finnish Trade Unions (SAK)
3. The Finnish Confederation of Salaried Employees (STTK)
4. The Confederation of Unions for Academic Professionals 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:

The central workers organisations (SAK, STTK and Akava) have stated the following: There is much exploitation of workers in Finland, and it manifests itself in many ways ranging from the underpayment of workers to serious labour exploitation and forms of extortionate work discrimination that meet the essential elements of trafficking in human beings. These cases, which differ in severity, are characterised by the pursuit of the employer's financial gain at the expense of the employee.

The special support service for victims of trafficking in human beings of Victim Support Finland annually reaches several hundred victims of trafficking in human beings and related crimes who have been unable or too afraid to seek help from public authorities. The number of customers of the special support service has doubled over the past three years. In 2021, there were about 700 customers, in 2023 almost 1,400. Approximately 300–500 new customers have entered the service annually. Some 80% of the customers have experienced labour exploitation in Finland. In 2023, there were more than 1,100 victims of labour exploitation in the services. Between the beginning of 2024 and mid-May, about 100 new customers who had experienced labour exploitation entered the services of Victim Support Finland.

In 2023, labour exploitation occurred most commonly in the construction, cleaning, berry picking and restaurant sectors. However, there is also labour exploitation in, for example, the beauty industry, warehouse work, car washes and repair shops, and domestic work. Many customers had also been exploited in agriculture and forestry, for example in seasonal work.

Based on the accounts of customers of Victim Support Finland and the number of different employer companies, it seems that in some sectors (such as cleaning, certain restaurants, construction, agricultural/seasonal work), exploitation is prevalent and, in places, even standard practice. The victims of labour exploitation are mainly foreigners, who often have poor Finnish and English language skills. The most common nationalities of foreign victims of labour exploitation are Ukrainian, Thai, Iraqi, Vietnamese, Filipino and Moroccan. These workers from a foreign background most often entered Finland with a residence permit for an employed person or as asylum seekers, but some are also undocumented persons who do not have the right to reside in Finland.

Labour exploitation manifests itself in different ways in the cases of Victim Support Finland's customers. The victims usually had to pay large entry fees for their job and/or residence permit arrangements or they were tricked into becoming, for example, light entrepreneurs. They are rarely in possession of information about their rights as employees in Finland or about their opportunities to get out of the situation.

Customers of Victim Support Finland had also experienced hidden exploitation; for example, the employer recorded shorter hours than worked or did not record the hours worked at all, or the employer paid the wages by bank transfer into the employee's account but forced the employee to return the money to the employer. Increasingly, an employee's employment relationship is disguised as entrepreneurship, and the means to hide exploitation are growing more advanced. Based on the observations of SAK's employment relations counselling service for immigrants, such camouflaging of employment relationships as other legal relationships takes place in sectors such as construction.

It is typical in situations of exploitation that the victim of exploitation does not dare to report the situation to the authorities or even to a trade union because they are afraid of, for example, losing the opportunity to obtain a residence permit for themselves or their family members, of losing their livelihood and of difficulty in finding a new job. The fear of retaliation and exclusion from the community in Finland also raises the threshold for reporting.

According to the [Annual Report on Human Trafficking 2023 \(ihmiskauppa.fi\)](https://ihmiskauppa.fi), the number of victims of trafficking in human beings was still high and forced labour was the most common form of exploitation.

In 2023, the National Assistance System for Victims of Human Trafficking registered 510 new applications. The number has been growing for several years. A total of 326 new victims of trafficking in human beings, slightly over half of whom were women and girls, entered the assistance system.

The majority, or 64% of all cases of exploitation in 2023, occurred in Finland. Forced labour was the most common form of trafficking in human beings. The victims represented 35 nationalities. The industries where forced or compulsory labour occurred included the picking of natural products (32%), berry farms (24%), restaurants and catering (13%), cleaning (11%), well-being (4%) and the horticultural sector (4%).

It is typical in Finland that employees in forced labour do not have the usual rights to refuse tasks and are in a vulnerable position. There may be an obligation of debtor to creditor between the employee and the employer, and the employee may be threatened with violence, deportation or being reported to the authorities. The victim's freedom may also be restricted. The victim has often also been misled about the type of the employment relationship. In addition, the victims are often subjected to psychological and sometimes physical violence by their employers. Due to long working days, victims often have very little free time, and in some cases they have even had to sleep at their workplace.

At the end of 2023, there were a total of 1,563 people in the National Assistance System for Victims of Human Trafficking; 1,287 were identified victims and 276 the underage children of identified victims. Nineteen of the victims were children. About 60% of the victims of trafficking in human beings were women. Almost half (48%) of all customers in the assistance system were victims of forced labour. There were almost as many victims of sexual exploitation (26%) as victims of forced marriage (20%). Other forms of exploitation were identified in smaller numbers.

Regardless of the industry, the victims of labour trafficking consistently work disproportionately long hours for too little or no pay. It is also common that they are not allowed to take proper breaks during long working days.

In Finland, it is typical of cases of trafficking in human beings related to labour exploitation that the employment relationship has been made to look completely legal on paper. Wages and working hours as defined in collective agreements are often recorded in the employment contract but not actually complied with. The employer may also pay the agreed wages by bank transfer into the employee's account but is in possession of the victim's bank card or forces the victim to withdraw the wages from the account and return them to the employer in cash.

There are challenges in the investigation of trafficking in human beings and related offences, such as extortionate work discrimination, and the problem is structural. The challenges include, for example, the long duration of investigations of cases and the interpretation of what constitutes an offence. In terms of crime nomenclature, discrimination is a poor fit for situations where some foreigners are paid proper wages in accordance with the collective agreement and others are not. In practice, the underpayment of wages is sometimes interpreted as a mere wage dispute, which is not even investigated as a crime. In addition to resources and inadequate awareness of what constitutes each offence, in some cases, the problem may also lie in attitudes. These offences are not always considered important; for example, victims' residence problems may automatically be considered a factor that undermines their credibility. Systematic operating models may remain undiscovered when reports are processed separately and the extent of the employer's activities is not investigated. In addition, the means of the occupational safety and health authority to intervene in the labour exploitation are still very limited. Although small improvements have been made to the authorities' operational capabilities, they still seem to have insufficient means to intervene in the continuation of business models based on the labour exploitation in Finland.