

Article 22 of the Constitution of the ILO

Report for the period from 1 June 2014 to 31 May 2017 made by the Government of Finland
on the

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

(ratification registered on 27 May 1960)

I – IV.

Regarding Convention No. 105, the Government refers to the statement given in report C 29.

Otherwise there is nothing new to report.

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

1. The Confederation of Finnish Industries (EK)
2. The Central Organisation 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. Local Government Employers (KT)
6. The Office for the Government as Employer (VTML)
7. The Federation of Finnish Enterprises

Statements of the labour market organisations

The Central Organisation of Finnish Trade Unions (SAK), the Finnish Confederation of Professionals (STTK) and the Confederation of Unions for Professional and Managerial Staff in Finland (Akava) refer to the statement they returned last year for Conventions Nos. 29 and 105 (Expert statement 19 May 2016, HE 69/2016 vp) on the Government proposal concerning ratification of the Protocol to the Forced Labour Convention and enacted the Act on bringing into force the legislative provisions of the Protocol.

”The trade union confederations SAK, Akava and STTK hereby return the following statement regarding the Government proposal:

Labour-based discrimination and trafficking in human beings have increased, and it is probable that forced labour of all kinds will continue to increase, even if the situation in Finland would seem to be better than elsewhere in the world. As mobility increases and the number of refugees grows, the number of undocumented workers will also increase, as some of those arriving in Europe are not granted asylum. The matter should be addressed before the number of cases of forced labour begins to increase substantially. Forced labour is a human rights offence and as such must be addressed effectively. It is important for Finland to have a national action plan concerning national and international measures to be taken to eliminate forced labour effectively and permanently.

The detailed preambles to articles 2 and 5 in the Government proposal contain a fairly general description of measures to be taken to prevent forced labour. Further efforts must be made in combating the black economy in Finland, because it is an effective way of preventing forced labour

and human trafficking. Monitoring of forced labour must be enhanced. It is important to allocate more resources to monitoring of forced labour. The responsibilities of contractors based in Finland must be increased so that employers assume greater responsibility for their subcontractors' employees. It is also important to invest in publicity and training.

Article 2 of the Protocol requires protection against abusive and fraudulent practices. Article 5 requires international cooperation.

Finland has seen berry pickers from Thailand and nurses from the Philippines. Neither of these countries has ratified the ILO Private Employment Agencies Convention (No 181). Finland should require in the future that the Convention must be ratified before cooperation may continue with these or other countries that have not ratified this Convention or other relevant ILO Conventions. On the other hand, Finnish companies are relocating their operations and production to countries which have not ratified all relevant ILO Conventions or which do not comply with the Conventions that they have ratified. This means that Finnish jobs are being lost to countries where employee protection and status do not comply with internationally agreed minimum standards.”

SAK, STTK and Akava also add, that in accordance with section 52d of the Aliens Act, a temporary residence permit may be granted to a person who has worked illegally in Finland only if their labour has involved specific abuse. This allows some victims of forced labour, whose situations do not meet all the essential elements of human trafficking, to gain a residence permit.

In addition, it must be noted that, in the current situation, persons who can be classified as victims of forced labour in accordance with ILO's forced labour indicators, and who are in situations that do not entirely meet the essential elements of human trafficking and where the crime they are victim of is being investigated under another denomination, are also not entitled to assistance from the help system. Such crime denominations may include, for example, extortion-like labour discrimination or aggravated extortion.

The victims' right to access to the help system for victims of human trafficking, and also to protection, should be extended to cover also those whose situation indicates forced labour in accordance with ILO's indicators of forced labour, even when the essential elements of a human trafficking crime are not entirely met. This is also supported by the fact that few instances come to the attention of the authorities, although it is known even at this moment that there may be thousands of people in the country who have been given a negative decision on asylum, who are especially susceptible to abuse.