

Supervision of the use of foreign labour in 2024

Report

Summary

In 2024, the occupational safety and health (OSH) authority continued its active supervision efforts with more than 1,700 inspections of companies using foreign labour. More than half of the inspections were carried out to supervise that employers were complying with Finnish legislation and universally binding collective agreements on the statutory minimum terms of employment for their foreign employees. Inspectors also checked foreign employees' right to work in Finland.

Supervision findings were similar to previous years. There were still many deficiencies in compliance with the minimum terms of employment. Deficiencies in pay were observed in almost half of the inspections where the matter was addressed – the rate of findings is nearly the same as in 2023. A large number of deficiencies were also observed in the record of working hours. If the employer had neglected the record of working hours, it was not always possible to assess the correctness of pay.

The report presents more detailed sector-specific supervision findings for construction, the hotel and restaurant sector and seasonal work.

Inspectors still encounter cases where an employment relationship had been disguised as self-employment, or what is called light entrepreneurship. Occasionally, the employment relationship had been changed into a commission agreement with terms similar to those of an employment contract without the employee understanding the difference. Previously, this phenomenon mainly occurred in the construction and service sectors,

but it has now spread further to other sectors.

Around one-in-ten of the inspections concerning the right to work involved at least one foreign employee who did not have the right to work in Finland. The number of persons without the right to work observed in supervision remained at the same level as in 2023.

For the fourth year now, the scope of supervision in 2024 included the so-called Berry Act (Act on the Legal Status of Foreigners Picking Natural Products 487/2021). However, enforcement of the Berry Act decreased from previous years after the Ministry for Foreign Affairs changed the grounds for issuing visas to pickers. Due to the changes, the number of pickers covered by the Berry Act decreased significantly in Finland.

Cooperation between authorities enhances supervision in many different ways. The number of joint inspections carried out by authorities was 773, which is 246 more than in 2023. In addition, data from other authorities was used in most of the inspections. Although the OSH authority's right of access to information has improved in recent years, there is still room for improvement in this area. This is why it is important to actively promote the Government Programme entry on the development of information exchange between authorities.

In addition to cooperation between authorities, communications and stakeholder cooperation are essential tools for preventing labour exploitation.

Report name: Supervision of the use of foreign labour in 2024

Publisher: Occupational Safety and Health Administration in Finland, 2025

Publications of the Occupational Safety and Health Administration in Finland 3eng/2025

ISBN: 978-952-479-391-9

ISSN: 2737-0879

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1. Overview of supervision in 2024

In 2024, the OSH authority carried out more than 1,700 inspections of companies using foreign labour in Finland. The information in this report was compiled in January and February 2025, while some of the inspections started in 2024 were still unfinished.

In 2024, over 1,700 inspections were carried out in companies using foreign labour in Finland.

The largest number of inspections was carried out in companies that had their domicile in Finland. Supervision was also carried out on foreign companies that were not so-called posting companies but whose employees had been hired in Finland or for which the criteria for posting were not met.

In addition, supervision was aimed at foreign companies that post workers to Finland and at the contractors of these companies. This report does not address the supervision findings related to posting. For that information, see the report titled [Enforcement of the posting of workers and notifications of posting in 2024](#).

The aim of the supervision of the use of foreign labour is to guarantee an equal and fair labour market for all and an even playing field for companies. Depending on the type of inspection, the following are some of the matters checked during inspections:

- whether employers have ensured that their foreign employees have the right to work in Finland
- whether employers have complied with Finland's mandatory labour legislation regarding the minimum terms of employment of foreign workers, i.e. compliance with the provisions on working hours and pay.

The OSH Divisions of the Regional State Administrative Agencies act as occupational safety and health authorities, supervising compliance with occupational safety and health regulations in their respective areas. In this report, the OSH Divisions are referred to as a single entity: the OSH authority.

Supervision additionally covers the arrangement of occupational health care and accident insurance and, if necessary, the contractor's obligations arising from the Aliens Act and the Act on Posting Workers.

At construction sites and shipyards, supervision aims to ensure that the general contractor of a construction site and the employer exercising effective control at a shipyard have ensured the employees' right to work and retained information on foreign employees' right to work. In addition, inspections of construction sites and shipyards supervise the obligations laid down in the Occupational Safety and Health Act concerning the preparation of a worksite list and personal IDs.

There are several types of inspections in the supervision of the use of foreign labour. As in previous years, both limited and extensive inspections were carried out in 2024.

In limited inspections, the focus was primarily on supervising the right to work and collecting comparative data for inspections on the minimum terms of employment. Limited inspections were also carried out for following up individual obligations issued in previous inspections.

Besides supervising the right to work, extensive inspections also addressed the minimum terms of employment, such as pay and matters related to working hours. Pay was supervised in about 44% of the inspections.

The majority of the inspections on the use of foreign labour are carried out without prior notice. Inspections without prior notice are often the only way to get reliable information about a company's employees. Inspections are carried out both on-site at workplaces and on the basis of documents.

1.1 Targeting the supervision

The OSH authority targets supervision with a risk-based approach. The authority has extensive right of access to information, which it uses to target supervision.

Supervision is mainly carried out at sites where deficiencies are likely to be encountered, especially in the minimum terms of employment and ensuring the right to work. This should be taken into account when the results of supervision are examined – inspection findings are unlikely to give an accurate picture of the situation of foreign employees in Finland or the fulfilment of the minimum terms of employment here, as supervision tends to highlight deficiencies.

Tips are important in the targeting of supervision, and most tips are received from the authorities involved in the processing of foreign employees' residence permits. Plenty of tips are also received from other authorities, employee organisations in different sectors, third sector actors and citizens. Inspection targets are also selected by means of the OSH authority's extensive right to access information. In addition, supervision targets are selected in close cooperation with other authorities.

In 2024, the use of foreign labour was most supervised in the hotel and restaurant sector (38%) and the construction sector (18%). Inspections were also carried out on seasonal work (9%) and industry (7%).

Seasonal work sectors

Seasonal work refers to seasonal sectors of agriculture and tourism that fall within the scope of the Seasonal Work Decree ([Government decree on the agriculture and tourism sectors with seasonal activities 966/2017](#), in Finnish).

Breakdown of inspections by sector

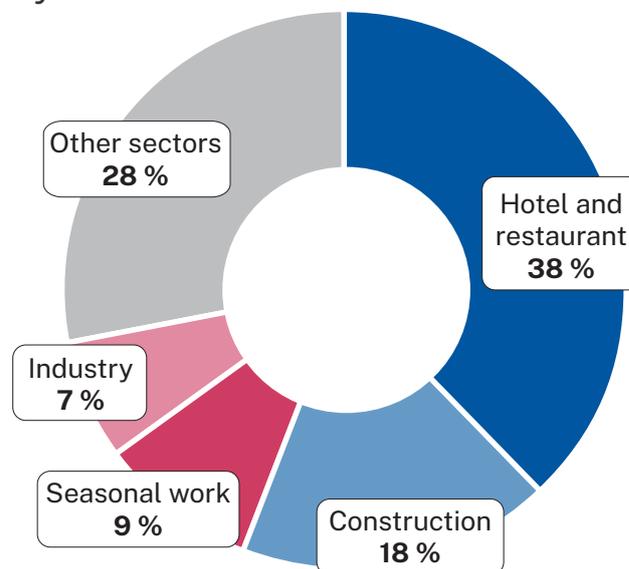


Figure 1. Sectoral distribution of the supervision of the use of foreign labour in 2024.

Of the inspections, 28% were targeted at other sectors, including the cleaning sector, service sector companies – such as stores, car washes, car repair shops, beauty care facilities and massage companies – and the transport sector and temporary work agencies. The share of these other sectors in supervision decreased from 2023.

Compared to 2023, inspections in the hotel and restaurant sector increased nearly 10%, while the share of the inspections targeted at the construction sector decreased slightly. The decrease of supervision in the construction sector has probably been impacted by the fact that construction in general has decreased in recent years due to the downturn in the construction sector.

Seasonal work was targeted with 155 inspections. The most inspections on seasonal work were targeted at agriculture, forestry and seasonal hotel and restaurant activities.

2. Supervision findings

2.1 Minimum terms of employment

The supervision of the minimum terms of employment ensures that employers comply with the mandatory Finnish labour legislation concerning foreign employees' working hours and pay.

Similarly to previous years, inspections revealed a large number of deficiencies in compliance with the minimum terms of employment for foreign employees.

Deficiencies were especially found in pay. Deficiencies in pay were identified in almost half of the inspections where the matter was addressed. Deficiencies ranged from missing evening bonuses to serious labour exploitation. The rate of negligence related to pay remained almost at the same level as in 2023.

Employers belonging to an employers' association are not within the OSH authority's scope of inspections for compliance with the applicable collective agreement. This means that the OSH authority does not supervise the pay of employees employed by companies in an employers' association, except for compliance with the prohibition of discrimination. However, if shortcomings in complying with a collective agreement are observed in the supervision of employers belonging to an employers' association, the deficiencies are notified to the employers' association so that they can, at their discretion, target supervision at their members.

When supervising pay, compliance with the prohibition of discrimination under the Non-Discrimination Act was also addressed. In the

Many deficiencies were discovered in compliance with the minimum terms of employment. Deficiencies were especially found in pay.

supervision of the use of foreign labour, the prohibition of discrimination primarily means that wage-related discrimination on grounds of origin or nationality is prohibited.

An obligation for violating the prohibition of discrimination was imposed in 7.5% of the inspections where the matter was addressed. The number of obligations imposed for violations of the prohibition of discrimination has decreased by 3.5 percentage points compared to 2023.

In other words, not all cases of underpayment constituted discrimination as referred to in the Non-Discrimination Act. In cases where some employees of a certain nationality are paid wages in accordance with the collective agreement and some employees of the same nationality are not, it is difficult to prove that the employer's actions were discriminatory on the basis of nationality or origin.

More detailed observations on the enforcement of the prohibition of discrimination can be read in the OSH authority's report *Enforcement of non-discrimination and prohibition of discrimination in employment in 2024*. (published in June 2025).

2.2 Foreign employees' right to work

About 10% of inspections concerning the verification of the right to work discovered at least one foreign employee who did not have the right to perform the work in question in Finland. Unauthorised work was observed during inspections to the same extent as in 2023.

The OSH authority receives a great deal of information on unauthorised work from other authorities, such as the Finnish Immigration Service and the Finnish Border Guard. Based on this information, it has been possible for several years now to target supervision at workplaces where one or more persons are known to have worked without the right to work. Thus, the fact that 10% of the inspections revealed unauthorised labour force is still more indicative of the successful targeting of supervision than of Finnish employment in general.

Third-country nationals posted to work in Finland are allowed to work in Finland temporarily without a permit granted by a Finnish authority if all the criteria of the so-called exception provision of the Aliens Act are met (Aliens Act 301/2004, section 81b, subsection 1, paragraph 4). This provision is intended for genuinely temporary work.

However, more and more inspections are uncovering situations where a third-country national is presented as a so-called posted worker, although that is not the case. If the inspector considers that the employee's circumstances have not constituted posting at any point, the Act on Posting Workers has not been applicable at all. In this case, the exception provision of the Aliens Act does not apply to the situation, and the labour is unauthorised.

Deficiencies have also been observed in the right to work of third-country nationals who are genuinely posted workers. In their case, the work has been unauthorised because it has lasted longer than the 90 days within 180 days allowed by the exception provision, or because the dura-

Genuine posting or not?

In 2024, inspectors started to collect supervision data on how often it was necessary to determine whether workers were genuinely posted workers or whether they were hired directly to Finland.

During the year, in 13 inspections, it was unclear whether employees were posted workers subject to the Act on Posting Workers. After further clarifications, in seven of these cases, the inspector concluded that the employment relationship did not constitute posting. In four cases, it was a case of genuine posting. Two of the inspections were carried out in the same company, which had both posted workers and employees hired directly to Finland.

The aim of identifying the genuine posting of workers is to prevent abuse. If the workers are not posted workers, Finnish labour legislation will apply to them in full. Whether workers are posted workers or not can also have an impact on taxation and the organisation of the employee's social security.

Circumvention of posting legislation may undermine the conditions for fair and healthy competition. The aim is for only those posted workers within the genuine meaning of the EU directives to work as posted workers. Increasing attention has been given to this issue also among EU Member States.

tion of the contract concluded by the contractor and the posting company has exceeded the six months referred to in the provision. In these cases, the exception provision is not applicable, as the work was not intended to be temporary in the first place.

2.3 Employee or self-employed?

Inspections of foreign labour are discovering more and more cases where it seems that a foreign person has an employment relationship with the employer even though this is not the case according to the business paying for the work.

Traditionally, such situations have been particularly discovered during unannounced inspections of restaurants. In these situations, inspectors have encountered persons at the workplaces who, according to the employer, are not in an employment relationship but have only come to help or to practise working.

As in the previous year, supervision in 2024 revealed even more cases of disguising an employment relationship as self-employment. The employment relationship was often presented as light entrepreneurship. From the perspective of labour legislation, a person doing work in exchange for payment is always either an entrepreneur or an employee, and the position of a so-called light entrepreneur does not differ from that of other kinds of entrepreneur.

The OSH authority only supervises work carried out in an employment relationship, so in unclear cases, the inspector must first assess whether or not there is an employment relationship. In supervision, this is assessed with the characteristics of employment set out in the Employment Contracts Act.

In 2024, the nature of the legal relationship between employment and entrepreneurship was assessed for 185 persons in 44 inspections. Of these persons, 168 were found to have an employment relationship, meaning that, in their case, the inspector assessed that the definition of employment in the Employment Contracts Act was met, making it an employment relationship and not entrepreneurship. In cases that were assessed to be employment relationships in accordance with the Employment Contracts Act, the work had often actually been managed as if it was an employment relationship even though the work was subject to a commission agreement.

Based on the findings, bogus and forced self-employment has become part of labour exploitation.

If the inspector finds that work been carried out in an employment relationship, the employer may be issued an improvement notice, for example on pay, the record of working hours and the provision of pay slips. It is possible to escalate an improvement notice to an obligatory administrative decision, in which case the employer is obliged to comply with the improvement notice with the threat of a conditional fine. The employer has the right to appeal the decision to the Administrative Court.

In the supervision of the use of foreign labour, employment relationships are often either changed into commission agreements – sometimes even without the employee understanding the difference – or agreed directly with the person performing the work as a commission agreement whose terms still seem like terms of employment. This phenomenon has become more widespread and is particularly prevalent in the construction sector, but also in industry, the cleaning sector, car repair shops, car wash shops and seasonal work.

Supervision findings indicate that foreign workers have an increased risk of their employment relationship being disguised as a commission, i.e. self-employment, for example because of poor language skills. In such a situation, the person is excluded from the protection provided by labour legislation not only in terms of pay, but also insurance and the Occupational Safety and Health Act. Based on the findings, bogus and forced self-employment has become part of labour exploitation.

2.4 Other matters included in supervision

As a rule, the organisation of occupational health care is supervised with inspections of the use of foreign labour by ensuring that the employer has a valid occupational health care agreement. In some cases, the occupational health care service providers have informed the inspector that the occupational health care agreement presented by the employer is not valid.

When inspecting work that poses a particular risk of illness, the organisation of occupational health care may have been supervised more extensively as well. In some cases, it has emerged that even though the occupational health care agreement has been valid, the employer has not carried out an occupational health care workplace survey or produced an occupational health care action plan. Negligence related to the workplace survey and action plan often also leads to a situation where employees carrying out work that poses a particular risk of illness are not getting statutory health examinations.

Matters related to occupational health care workplace surveys, action plans and health examinations were not systematically supervised with every inspection of the use of foreign labour. Where these topics were addressed, the results were worrying.

The workplace survey was supervised with 58 inspections, and 59% of those inspections resulted in an obligation imposed on the

Organisation of occupational health care requires continuous measures

Organising occupational health care is not a one-off measure. In other words, it is not enough for the employer to conclude an occupational health care agreement once. The employer must additionally assess the working conditions continuously, prevent health risks caused by the work and take corrective measures if necessary. The employer must also cooperate with the occupational health care provider to assess the need for personnel health examinations. A health examination must be carried out, for example, if an employee is exposed to a factor causing a particular risk of illness in their work.

employer. Health examinations were supervised with 28 inspections, and 79% of those inspections resulted in an imposed obligation.

Six improvement notices concerning workplace surveys and seven improvement notices concerning health examinations were transferred to administrative preparation. The OSH authority will transfer an improvement notice to administrative preparation for issuing a binding decision if the employer has not complied with the improvement notice. A conditional fine is imposed to enforce a binding decision which is to be paid if the employer fails to comply with the binding decision.

Obligations imposed on workplace surveys and health examinations

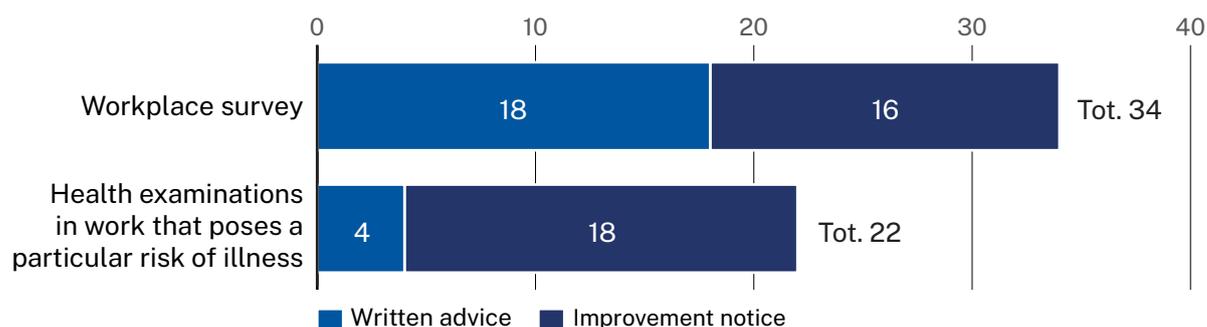


Figure 2. Obligations imposed on workplace surveys and health examinations.

3. Supervision findings by sector

3.1 Construction

In 2024, there were 320 inspections in the construction sector to supervise the use of foreign labour. Inspections of the construction sector are used to supervise the employer and the general contractor of a construction site. The supervision of the obligation to verify a foreign employee's right to work may also be targeted at the contractor if the services of a foreign company are used in subcontracting.

The majority of extensive inspections, meaning inspections supervising the minimum terms of employment, were targeted at small construction companies operating in subcontracting chains that may sometimes be very long.

Inspections at construction sites involve cooperation with inspectors supervising the working conditions in the sector and compliance with the Act on the Contractor's Obligations and Liability when Work is Contracted Out. There is also cooperation between the authorities: in 2024, construction sites were supervised with the police, the Finnish Tax Administration, the Finnish Centre for Pensions and others. More than 20% of inspections in the construction sector in 2024 were carried out in cooperation with various parties.

Of all inspections in the construction sector, 15% uncovered at least one foreign employee who did not have the right to work in Finland. The most common deficiency was that the employee was not working in a sector where they had the right to work. Unauthorised work was also observed in situations where workers had arrived in Finland under the exception provision on posted workers laid down in the Aliens Act (section 81b, subsection 1, paragraph 4) even though the exception was not applicable to them.

According to an amendment to the Aliens Act that entered into force in 2023, the general con-



Janne Varonen

OSH inspector on a joint inspection with the police.

tractor of a construction site must ensure that all foreign workers working on the site have the right to work. Deficiencies were observed in 17% of the inspections where the matter was addressed.

In three cases, the employer had a foreign employee who was residing illegally in the country. In the case of both unlawful employment and illegal residence, it can be notified to the Finnish Immigration Service as well as the police. The Finnish Immigration Service has the discretionary power to impose the penalty payment laid down in the Employment Contracts Act on an employer who recruits an illegally resident employee.

In the construction sector, the minimum terms of employment were also supervised in just over a hundred inspections. A large number of deficiencies were observed in compliance with the minimum terms. Nearly 50% of the inspections that addressed the matter discovered deficiencies in pay.

In terms of the universally binding collective agreement, there were deficiencies in the payment of both the hourly wages and compulsory pay components or overtime and Sunday compensation. This deficiency was found to be greater than minor in 5% of the inspections that addressed the matter. In these cases, the employer was instructed to rectify the non-compliant situation by raising the wages to the level specified in the universally binding collective agreement.

In the construction sector, the most deficiencies were observed in pay and recording working hours.

Deficiencies in the record of working hours were observed in about 65% of the inspections that addressed the matter. The amount of obligations concerning the shift roster is explained by the fact that employers often try to use average working hours in accordance with the collective agreement without, however, taking the measures stipulated in the collective agreement that would allow average working hours to be used at all.

Number of obligations imposed in the construction sector

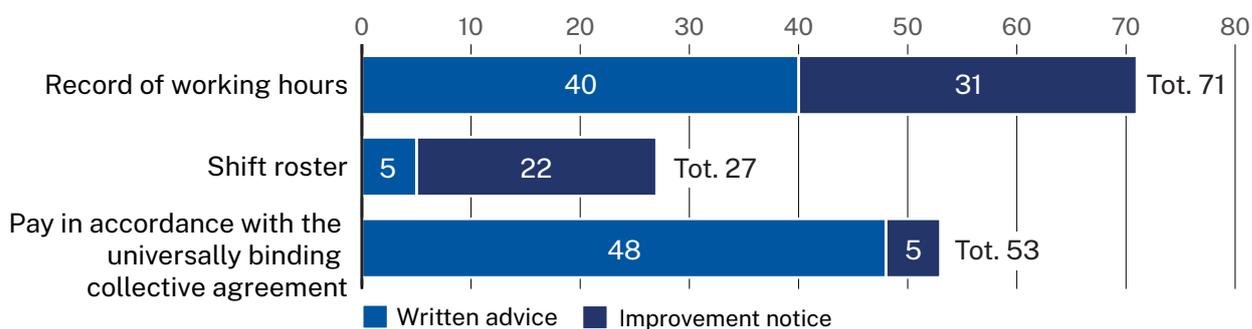


Figure 3. Number of obligations imposed with inspections in the construction sector.

3.2 Hotel and restaurant sector

A total of some 650 inspections were carried out in the hotel and restaurant sector in 2024. About 85% of the inspections were targeted at companies operating as restaurants or café-restaurants. More than 500 sites were inspected.

A special feature of the hotel and restaurant sector is the three-week working hours period agreed in the sector's collective agreement. This means that the shift roster must be drawn up in three-week periods. Supervision has found that the concept of period-based working hours is not always understood, and there are often deficiencies in its practical application. If a shift roster has not been drawn up in three-week periods, it is considered incomplete and an obligation is imposed during the inspection. The three-week periods must also be indicated in the record of working hours. If the periods are not stated clearly in the record of working hours, an obligation is imposed. These deficiencies increase the number of imposed obligations in the hotel and restaurant sector.

The greatest number of obligations were imposed for shift rosters. The shift roster was found to have a greater than minor deficiency in 36% of the inspections that addressed the matter. Similarly, the record of working hours was either completely missing or it was found to have significant deficiencies in 20% of the inspections that addressed the matter.

The greatest deficiencies in wages were observed in the amount of basic pay and in the payment of compulsory pay instalments. In the supervision of overtime compensation, the afore-

Deficiencies in working hours documents in the hotel and restaurant sector make it difficult to supervise pay.

mentioned deficiencies in the record of working hours emerged as frequent challenges. Since the sector uses period-based working hours, it is not possible to determine additional and overtime work if the three-week periods are not indicated in the record of working hours. If the working hours of a workplace have not been arranged as period-based, it is also not possible to monitor whether compensation has been paid correctly.

Wages were found to have a greater than minor deficiencies in 8% of the inspections that addressed the matter, and minor deficiencies in 54% of the inspections. A minor deficiency is, for example, the employer having failed to pay the occasional even shift bonus or Sunday bonus.

In the hotel and restaurant sector, 8% of inspections revealed deficiencies in the right to work of at least one foreign employee. In these cases, the person does not have the right to work in Finland at all, or their right to work applies to some other work than what the person has been doing at the workplace.

In 2024, supervision of the hotel and restaurant sector was carried out in cooperation with the police, the alcohol administration, the Tax Administration, the Finnish Centre for Pensions and fire and rescue services.

Number of obligations imposed in the hotel and restaurant sector

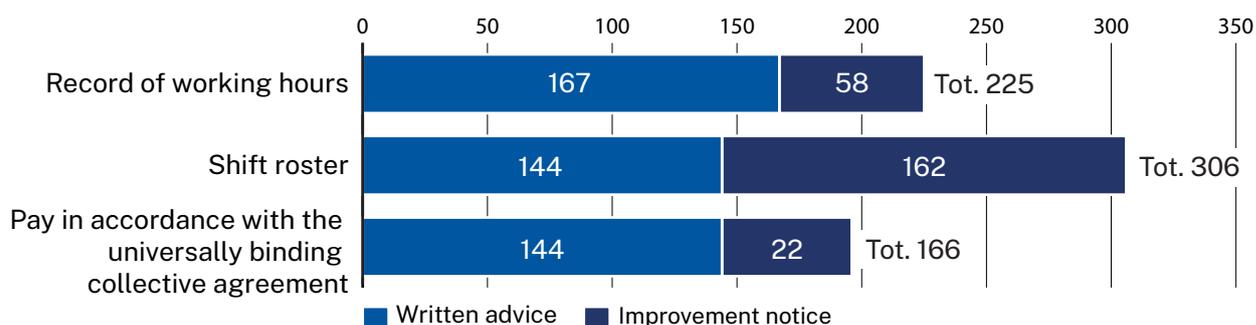


Figure 4. Number of obligations imposed with inspections in the hotel and restaurant sector.

3.3 Seasonal work sectors

A total of 155 seasonal work inspections were carried out in 2024. About half of the inspections on seasonal work targeted agriculture and forestry. Other frequently-inspected sectors were the hotel and restaurant sector and the activities of travel agencies and travel agents.

Inspections of seasonal work have revealed that employers widely neglect their obligation to provide employees with the principal terms of employment as stipulated by the Employment Contracts Act. An obligation was imposed on 55% of the inspections that addressed the matter. An obligation on neglecting the record of working hours was imposed in 45% of the inspections that addressed the matter. On the other hand, deficiencies in pay were discovered in nearly 40% of the inspections that addressed the matter. However, it was not possible to supervise the correctness of pay in all inspections. One reason for this that there were serious deficiencies in workplaces' records of working hours.

In seasonal work, most obligations were imposed on the principal terms of employment, record of working hours and pay.

Permits entitling to seasonal work

Seasonal work refers to work that is only done for part of the year, for example due to weather conditions.

Seasonal work can be done with a seasonal work certificate, a seasonal work visa or a residence permit for seasonal work. Seasonal work certificates are issued to third-country nationals who can travel to Finland without a visa. Seasonal work visas are issued to third-country nationals who cannot travel to Finland without a visa. A seasonal work visa is issued for seasonal work lasting up to 90 days. Residence permits for seasonal work are issued for seasonal work lasting more than 90 days.

In 2024, the Finnish Immigration Service granted permits for seasonal work to more than 3,600 foreign nationals working for nearly 400 different employers. Seasonal work is also performed annually by a large number of EU citizens who do not need a residence permit to work. In addition, seasonal work includes many Ukrainians who have been granted a temporary protection permit in Finland, which is why they do not need a separate seasonal work permit.

Number of obligations imposed in seasonal work

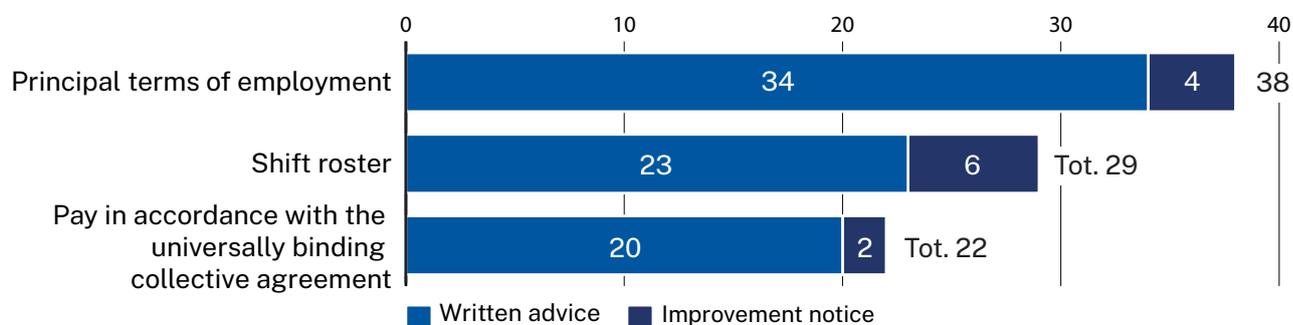


Figure 5. Number of obligations imposed with inspections of seasonal work.

Obligations imposed for the record of working hours do not include deficiencies observed in the forest sector. The Working Hours Act does not apply to clearing and planting work in the forest sector, which is why employers in the forest sector are not obliged to keep a record of working hours. However, shortcomings have been observed in the monitoring of working hours in the sector. The monitoring of working hours is regulated by the generally applicable collective agreement in the forest sector. According to the agreement, employees must submit a notification of working hours as agreed with the employer. At the same time, contract pay is a common basis of payment in forestry work. If there are no notifications of working hours, the correctness of the contract pay cannot be checked either.

Short seasons are a special feature of the supervision of seasonal work. For this reason, enforcing compliance with obligations is often carried over to the next season.



4. Supervision of the natural products sector

The Berry Act on the legal status of foreigners picking natural products, which entered into force in 2021, has now been supervised for four picking seasons.

The Act regulates the legal status of foreign pickers of natural products. It applies to foreign pickers who pick natural products and have their accommodation and meals provided by an operator in the natural product picking sector but who do not have an employment relationship with the operator. However, if it is considered that the characteristics of an employment relationship laid down in the Employment Contracts Act are met for pickers, the applicable law is labour legislation instead of the Berry Act.

The berry industry has been suspected of human trafficking for several years, and very serious shortcomings have been observed in pickers' working and living conditions. For this reason, tourist visas for entry into Finland were no longer issued to Thai pickers of natural berries in 2024. Instead, they arrived in Finland with an employee's residence permit. Consequently, the Berry Act was not applicable to them.

Due to this change, the number of inspections under the Berry Act also decreased significantly from the previous year. In 2024, there were 9 inspections under the Berry Act in Northern Finland, Eastern Finland and Western and Inland Finland, compared to a total of 28 inspections in 2023.

In 2024, there were some 400 pickers covered by the Berry Act in Finland, compared to 2,000 in the previous year. At the same time, the number of pickers' bases reported to the OSH authority was halved to 22. This was already the second consecutive year when the number of bases decreased by half.

Most of the pickers encountered during the inspections came from Ukraine. In addition, there were pickers from Estonia, Germany, Bulgaria,

In 2024, there were some 400 pickers within the scope of the Berry Act in Finland. The number decreased considerably from the previous year because Thai pickers of natural berries arrived in Finland with an employee's residence permit.

This change also resulted in significantly fewer inspections under the Berry Act than in 2023.

Albania, Myanmar, Sri Lanka, Kyrgyzstan, India, Nepal, Pakistan and Spain. Many of them were already living in Finland, but for example some Ukrainians had come to Finland from other European countries for the picking season.

Deficiencies were observed during the inspections, especially in work orientation and in keeping the contact details of the authorities in a place where workers could access them. To correct these deficiencies, companies were issued written advice on more than half of the inspections. Obligations were also imposed on companies in matters such as the provision of picking equipment and gear, the operator's obligation to cooperate and the submission of advance notifications on bases to the OSH authority.

Berry bases usually employ support staff, such as cooks, car mechanics, camp leaders, bookkeepers and location scouts. Some of the inspections concerning the terms of employment of both berry pickers and support staff were still ongoing while this report was drawn up.

5. Reports to the police

Under the Enforcement Act, the OSH authority is obliged to file a report to the police if they suspect that an employer has committed an employment offence punishable under a law supervised by the OSH authority or the Criminal Code (Act on Occupational Safety and Health Enforcement and Cooperation on Occupational Safety and Health at Workplaces 44/2006, section 50). A report need not be filed if the act is insignificant in view of the circumstances, and no public interest requires that a report is filed.

Employment offences include discrimination at work and extortionate discrimination at work. Discrimination at work as an offence always requires an employment relationship, so it cannot be applied to work carried out as an entrepreneur. In cases of discrimination at work, it must be possible to prove the grounds for discrimination and the causal link between the discriminatory act and the grounds for discrimination. In practice, it must be possible to demonstrate that, for example, the employer has paid the employee too low a wage due to their nationality or origin. If some employees of the same nationality receive pay in accordance with the collective agreement and some do not, it is difficult to demonstrate discrimination on the basis of nationality. However, these cases may constitute fraud or extortion.

Based on the observations made in the supervision of the use of foreign labour, the OSH authority filed 24 police reports on discrimination at work and extortionate discrimination at work. A total of 14 reports were filed on extortion.

The OSH authority is aware of many more cases of exploitation than the aforementioned numbers.

Based on observations made on the use of foreign labour, the OSH authority made **251** reports to the police in 2024.

Some of the cases arise when the police request a statement or opinion from the OSH authority on a police report filed directly by the injured party or related pre-trial investigation material. For example, the OSH authority issued nine statements on human trafficking cases in 2024. Some suspected exploitation is detected in joint inspections of the police and OSH authority, in which case the police will launch the pre-trial investigation directly.

Under the Aliens Act, the OSH authority must notify the police if it suspects the use of unauthorised foreign labour or an employer's violation of the Aliens Act. In 2024, the OSH authority filed 213 reports to the police on employers who had used unauthorised foreign labour.

The number of reports has decreased in recent years, as Ukrainian citizens have had the right to work freely in Finland on the basis of temporary protection. One notification can include several employees employed by the same employer.

If unauthorised work is detected during a joint inspection with the police, the OSH authority does not always file a separate report to the police.

6. Cooperation between authorities

The use of foreign labour is supervised extensively in cooperation between authorities. In 2024, 773 inspections were carried out as cooperation between authorities, compared to 527 such inspections in 2023.

Increased cooperation between authorities enables more efficient supervision and exchange of information, which is essential in the prevention of the grey economy, for example. Cooperation enables authorities to more effectively identify the exploitation of foreign labour, undeclared work and other possible abuses. Addressing these issues is also more effective through cooperation.

In most cases, joint supervision was carried out with the police, for example with local police departments and the national human trafficking investigation team.

Joint inspections were also carried out with authorities such as the Border Guard, the Finnish Tax Administration, Finnish Customs, the Finnish Centre for Pensions, alcohol licence inspectors of Regional State Administrative Agencies, fire inspectors and municipal health inspectors.

In April 2024, supervision was carried out at a large industrial site in Southwest Finland. In addition to OSH inspectors, the supervision included representatives of the police, the Border Guard, the Tax Administration and the Finnish Centre for Pensions. The inspection was used to supervise matters such as the right to work and personal IDs. Almost one hundred employees were encountered and interviewed during the inspection.

Seasonal work was targeted with 45 inspections in cooperation with the police in the tourism sector in Lapland. Almost half of these inspections also involved the Finnish Border Guard.

Cooperation also involves international partners. In April 2024, Europol organised an EMPACT supervision week for tackling human trafficking, participated by 14 inspectors of the OSH authority. During the week, 65 inspections were carried out together with the police. In six of these inspections, the inspector suspected serious labour exploitation.

Right to access information is exercised in most inspections

The OSH authority's right to access information is used extensively in the majority of inspections of the use of foreign labour. The most-used source is the Register of Aliens. The Register of Aliens is used to investigate a foreign employee's right to work and find information related to residence permit applications. Another frequently used register is the Incomes Register, which includes information on wages paid by the employer. It is possible to detect potentially undeclared wages by comparing the information of employees met during an inspection with information in the Incomes Register. The Incomes Register can also be used to determine the duration of unauthorised work.

Although the OSH authority's right of access to information has improved in recent years, there is still much room for improvement in this area. For example, there are only very limited situations where the Tax Administration can provide the OSH authority with information on detected abuses that fall within the competence of the OSH authority.

The exchange of information between authorities is also restricted by the confidentiality of informants' information referred to in section 10 of the Enforcement Act. The OSH authority is often notified of shortcomings that do not require OSH enforcement, but the abovementioned confidentiality provision may prevent the OSH authority from passing on the information to the competent authority. That is why it is very important to actively promote the Government Programme entry on the development of information exchange between authorities.

A representative of the OSH authority is a member of a working group of the European Labour Authority (ELA), made up of representatives from Member States' OSH authorities. The working group exchanges information on good enforcement practices and develops joint inspection activities between Member States. As part of the cooperation supported by ELA, a joint inspection with the Lithuanian occupational safety and health authority was carried out in Finland in 2024. The inspection targeted a large industrial site where inspectors from both countries interviewed employees together.

The OSH authority participates in an ELA working group that develops OSH enforcement between Member States.

7. Communications and stakeholder cooperation

The OSH authority also strives to prevent labour exploitation through communication and close stakeholder cooperation.

Our aim is for employers using foreign labour to be familiar with their obligations under Finnish labour legislation and for foreign employees working in Finland to know the rules of work and where to get help when they encounter problems. For example, we can better intervene in labour exploitation when a foreign employee personally brings up the shortcomings they have experienced.

We produced an information leaflet to hand out during inspections of the forest sector, informing employers and employees about pay in accordance with the collective agreement applicable to the forest sector. We updated the workplace bulletin with information on the obligations of forest sector employers in Finland.

When we communicate with employers and employees, cooperation with different stakeholders is essential. Stakeholders help us reach a wider audience. In addition, we can relay information on the employer's obligations and employees' rights as well as the OSH authorities' services to people who encounter foreigners in their work. This way, they can also help people get information and assistance.

In 2024, we participated in a project by the Finnish National Agency for Education and the Finnish Refugee Council that is working to update the learning materials for the civic orientation aimed at immigrants. Civic orientation is training that is

Our goal is that employers and employees know the rules of work in Finland and where to get help if problems arise. We share this information in cooperation with stakeholders.

available in recently immigrated people's own language, supporting the early stages of immigrants' integration. The training will become statutory for municipalities in 2025 as a result of the new Integration Act.

We encountered foreign-language speakers living in Finland both face-to-face and online. During the year, we participated in seven different recruitment and entrepreneurship fairs. In addition, we participated actively in stakeholders' online events aimed at companies using foreign labour, workers moving to Finland from abroad and foreigners already living in Finland. At these events, we shared basic information on Finnish labour legislation. One of the objectives of these encounters is to lower the threshold for asking for help from the authorities when necessary.

We also communicate about foreign labour issues in the media. We published media releases on the topic and gave interviews.

Tyosuojelu.fi

Website of the Occupational Safety
and Health Administration in Finland