

Ethical recruitment and representation in social and health services

Finland needs a skilled international workforce to ensure the continued services of a welfare state. The challenges in attracting and retaining workers in the social and health care sector must be resolved by fixing pay and working conditions. International recruitment alone cannot solve the structural problems in the labour market, such as employees retiring or changing careers. However, it can help ease the effects of the decreasing workforce available in the social and health services, which is why the international recruitment process must be improved and accelerated.

The number of people with an immigrant background in the Finnish labour market has increased, but the proportion of immigrants that are social and health care sector employees remains low. In 2018, 4.9% of the sector's employees were non-Finnish in origin and 2.2% were foreign citizens (source: [THL statistics report 47/2021](#)). According to National Supervisory Authority for Welfare and Health, Valvira's statistics, 22 nurses who had graduated in another EU/EEA country were granted the right to practice a health care profession in Finland in 2022. The number of professional practice rights amongst nurses from outside the EU/EEA was 23.

(Source: [Valvira's annual report 2022](#).)

Employment-based immigration has been proposed by several operators as the only solution to the lack of workforce, and several projects are currently running to recruit immigrants to work in the social and health care sector in Finland. These projects involve source countries such as the Philippines, Zambia, Kenya and India. The public image of international recruitment seems quite positive, but immigrants employed in the social and health care sector have also experienced challenges with both employers and private employment agencies. Furthermore, Finland's complicated and expensive permit process and official procedures also present challenges.

The following aspects must be considered to ensure sufficient social and health care staff numbers:

- Enhancing the sector's attractiveness and ability to retain workers, i.e. improving pay and working conditions, are key to ensuring the adequacy and accessibility of staff in the sector.
- Training migrant workers who are already in Finland and facilitating their employment in the social and health services.
- Helping Finnish health care professionals living abroad move back to Finland, for example through qualification recognition and further training.
- Improving the international recruitment process by creating a fixed procedure for recognising qualifications and including extensive language education in it.

Ethical recruitment

As the amount of foreign labour has risen, abuse and human trafficking have also increased in Finland. Recruitment must comply with ethical rules, signed by bodies such as the [WHO](#), the European social and health care labour union [EPSU](#), and the Finnish Public Services Unions' International Network FIPSU. [The Ministry of Social Affairs and Health, the Ministry of Economic Affairs and Employment and HEUNI](#) (in Finnish) have also published their own recruitment responsibility guidelines as part of the Sufficiency and Availability of Health Care and Social Welfare Personnel programme. Furthermore, the employer and industry association Employment Industry Finland [HELA](#) (in Finnish) has its own ethical recruitment guidelines.

Finland must not shift responsibility for its lack of workforce to developing countries or recruit people from countries that are suffering from their own shortage of health care personnel. Similarly, the emigration of skilled labour must not cause basic services in the source countries to deteriorate or their education systems to be skewed into generating professionals for the needs of other countries. Moreover, Finland should not recruit people from countries that are on WHO's regularly updated [safeguards list](#). The health care services in these countries are at a critical level and cannot cope with extensive recruitment of professionals to other countries.

Recruitment must not cause the formation of two labour markets; people with an immigrant background must have the same rights and obligations as those with a Finnish background, including the right to the same pay, employment conditions and right to organize.

According to the principles of ethical recruitment, health care professionals can only be recruited from abroad for roles that they have the training and qualifications for. In other words, nurses must be recruited as nurses, not as practical nurses or care assistants. Hiring nurses as care assistants can lead to a professional dead end, making it difficult or even impossible to progress to a nurse's profession and is a significant waste of education.

The rules of working life must be fair to everyone, and workplaces must be equal and safe for everyone. Moreover, every employee is responsible for building an equal work community and taking active action against racism.

The prevention and monitoring of employment-based abuse must be improved so that employees receive better protection. The abuse and human trafficking of employees must be better identified, with criminal actions having more severe consequences. Additionally, adequate resources must be allocated to monitoring compliance with the employment conditions of foreign workers.

In March 2023, the Finnish Government adopted [a decision in principle as a strategy](#) (in Finnish) for preventing and combating employment-based abuse. The document aims to

enable more effective intervention in cases of worker abuse and ensure that foreign workers do not become victims of abuse.

Professional practice rights and qualification recognition

Employers are obligated to verify whether a health care worker has the right to practise their profession. The National Supervisory Authority for Welfare and Health, Valvira, grants rights to practice health care professions based on applications. This applies to health care professionals trained either in Finland or abroad.

The procedure for recognising qualifications is different for those trained in an EU/EEA country versus those trained outside of the EU/EEA. The recognition of the qualifications of individuals from inside of the EU/EEA is governed by the EU Professional Qualifications Directive. For example, nurses' and midwives' qualifications have been harmonised across the EU. However, not all professions have been harmonised this way, which is why Valvira cannot automatically grant an individual the right to practise their profession if they have been trained in another EU/EEA country. If an individual has been trained outside of the EU/EEA, Valvira will assess whether their training qualifies them for the same profession as the Finnish counterpart. Valvira may require that a person applying for recognition of their qualifications take an aptitude test or undergo an adaptation period. The purpose of the test is to evaluate the applicant's professional competence and ability to practise the profession in question in Finland. During an adaptation period, the applicants will practise their profession under the guidance and supervision of another professional, or the period may involve further training. Applicants themselves must find an appropriate workplace for the duration of their adaptation period. Finding a job and a provider of further training for the adaptation period, as well as having the necessary funding for qualification training, may prove to be too challenging. In the social and health care sector, foreign qualifications must usually be complemented with training in drug treatment, social and health care legislation, knowledge of the service system in the sector and clinical care work. Additionally, employees must be able to use either Finnish or Swedish.

The biggest obstacle in recruiting foreign social and health care workers is the lack of a permanent pathway to recognising qualifications. Therefore, the promotion of international recruitment of social and health care staff cannot be based on individual projects; instead, a permanent solution is necessary to accelerate the recognition of qualifications, making it more straightforward.

Language skills

A health care professional must have adequate written and oral language skills to carry out their work (Section 18 a of the Act on Health Care Professionals). Valvira will verify the language skills of applicants who must demonstrate their language skills in either Finnish or Swedish.

Employers must ensure that the language skills of health care professionals are sufficient for their roles. However, the law does not specify what this 'sufficient level' is, different duties require different levels of general and professional language skills. Sufficient

language skills must be understood to mean that neither the patients' or clients' safety and wellbeing nor the occupational safety of the workers is ever at risk. To that end this requires that employees have good oral and written language skills.

Because language is a tool, the employers must ensure that adequate language instruction is provided. They must allocate sufficient resources to the induction and language training of immigrant employees and these must take place during working hours.

Poor language skills must not result in a situation where health care employees must serve as interpreters, in addition to their actual duties, and do the paperwork for those whose language skills are insufficient. This will have an impact on their coping ability, as those with language skills will be forced to do more of the work.

Furthermore, poor language skills can also lead to various forms of abuse and discrimination in a work community. Good language skills will help an immigrant understand their rights, leaving no room for abuse.

Skilled social and health care staff can find employment anywhere in the world. There is a danger that English-language training programmes in social and health care will turn Finland into a transit country to the global labour market. Therefore, induction, further training and education must be provided in Finnish or Swedish, if we want immigrants to find employment in Finland and commit to the Finnish labour market.

Rules for international recruitment

Recruitment agencies are insufficiently controlled when it comes to international recruitment, and the resources for monitoring them are inadequate. Moreover, some of these companies have no experience in the care sector, and nor do they know its qualification and language skill requirements. All parties involved in a recruitment process must agree to comply with the ethical recruitment guidelines when recruitment takes place abroad.

During recruitment, an immigrant must be provided with accurate information before they leave their home country. This should include information about the employer, the job and duties on offer, the employment terms and conditions, the differences between fixed-term and permanent jobs, the probation period, the qualification recognition process, the required qualifications and language skills, language tests, pay, prices and taxation in Finland, housing, trade unions, Finnish society, working life and legislation. Furthermore, it is important for the employees to understand what their status will be if their employment contract ends.

Employment contracts must always be in a written format. Additionally, their content must be explained to the employees to ensure that they are familiar with their rights and obligations.

Employees must have a clear understanding of the distribution of costs – which elements lie with the recruiting company, which ones with the employer and which ones with the

employee. Foreign employees should not be charged a commission or other recruitment-related fees. (For example: The Act on Public Employment and Business Service, ILO's Private Employment Agencies Convention No. 181 and the EU Directive on Temporary Agency Work.) This rule may not be bypassed by charging new employees fees connected to language training, integration or finding accommodation. The Act on Public Employment and Business Service includes a clause on gratuitousness, the violation of which is sanctioned according to the Criminal Code (Chapter 47, Section 6).

If local companies are used for recruitment in a country of origin, they must also comply with the same ethical principles. Employment service providers may not charge any employment service related fees to an employee, even if these fees are legal in the country of origin. Corruption must also not be accepted.

Integration and family reunification

Work communities and customers are rapidly becoming more multicultural so Finnish work communities must be provided with training on multiculturalism, and they must be educated on the multiculturalism of both patients and staff members. Two-way integration must be promoted at workplaces, and supervisors must be trained on diversity management.

Employees arriving in Finland must be able to participate in integration programmes, which will help them develop both their general and professional language skills and learn about local working life. The current Act on the Promotion of Immigrant Integration does not stop operators from offering integration services to employment-based immigrants, but in practice they have few of these services available due to a lack of resources. Therefore, the recruitment process must include a plan for bespoke induction and integration support, with which an employee can acquire the necessary knowledge and skills to live in Finnish society.

Finland's increasingly strict policies on family reunification have been identified as a hindrance to the immigration of social and health care professionals into the country. The difficulty of family reunification is not helping immigrants integrate or commit to their workplaces. Therefore, family reunification must be made easier as part of the goals of promoting immigration in the social and health care sector.

Minimum employment terms

Employers must comply with the labour laws and the applicable collective agreements in all employment relationships.

A recruiting employer of a temporary agency worker must, at a minimum, comply with the requirements of the collective agreement that binds the service recipient company, if the recruiting employer is not bound by a collective agreement based on its normal or universal applicability (Chapter 2, Section 9 of the Employment Contracts Act).

Temporary agency workers are paid by the recruiting employers, who are also responsible for the minimum conditions that apply to the employment relationship. In addition to that, an employer must always make sure that its employees have adequate professional skills and experience for their roles. Sufficient language skills are described in Section 18a of the Act on Health Care Professionals.

The service recipient employer has a right to manage and monitor the work carried out by temporary agency workers and are responsible for those obligations that are directly linked to working (Chapter 1, Section 7(3) of the Employment Contracts Act) They are also responsible for providing employees with appropriate induction to their duties.

Contractor's verification obligation

The Act on the Contractor's Obligations and Liability When Work Is Contracted Out governs the contractors' obligation to check certain things.

According to the Act, a contractor must verify that their agreement partners comply with their statutory obligations as agreement parties and employers.

A contractor refers to any employer that uses a temporary agency worker. According to law, a contractor, for example a company or a municipality, is obligated to check that its agreement partners adhere to certain legal requirements. For example, employers must arrange occupational health care for their immigrant workers and ensure their occupational health and safety. Contractors must also identify the collective agreement that applies to the work or the key terms and conditions of an employment relationship (Section 5 of the Act on the Contractor's Obligations and Liability when Work is Contracted Out).

Pay

Immigrants must be paid the same amount as the other individuals working for the same employer. Pay may not be reduced due to a lack of language skills.

Furthermore, an employee may not be hired for a lower ranking role due to their lack of language skills. An employer is responsible for ensuring that the staff members have sufficient language skills, and that patient safety is not put at risk.

Public sector

The basic rates paid in the public sector have been agreed in the social and health care sector's collective agreement, and the rates may not be reduced.

If an employee does not have the training for a specific task and does, therefore, not carry out the same work as others, the employee's pay may be reduced by up to 10% (Chapter 2, Section 9(2) of the social and health care sector's collective agreement and Chapter 9, Section 9(2) of KVTES).

A lack of language skills does not provide grounds for reducing an employee's pay. Employers are obligated to verify that their employees have the necessary language skills.

Private sector

Health care services

Private health care services must comply with the universally binding collective agreement for private health care services. According to Section 8 of the collective agreement's terms on pay, the pay of an employee who does not have the necessary training for a role may be up to 10% lower than the minimum pay rate of the difficulty category in question.

Social welfare services

Private social welfare services must comply with the collective agreement for private social welfare services. According to Section 4(1) of the collective agreement's terms on pay, an internship may be agreed with a student of this field, during which their pay may be no less than 90% of the minimum pay rate of their role.

Employer's obligations

Hiring a foreign workforce means new obligations for an employer. Work carried out in Finland must always adhere to Finnish laws and international agreements that bind Finland. An employer is responsible for ensuring that the employees have the necessary permits to reside, work and practise their profession in Finland. Employers must also make sure that the employees have sufficient language skills for their work tasks. Moreover, employers must ensure that the working conditions comply with Finland's occupational health and safety regulations.

An employer is obligated to retain information at the workplace about the foreign workers it has hired and the grounds for their work permits in a way that allows workers protection authorities to inspect them easily. For this reason, an employer has a right to take copies of an employee's residence permit, for example.

Based on the legal reporting obligation, an employer must report the name of an individual recruited from outside the EU/EEA and the applicable collective agreement to the TE Employment Services, the elected employee representative and the occupational safety representative at the workplace.

(Source: [Occupational Safety and Health Administration in Finland](#))

In addition to the statutory obligations, a good employer will also arrange induction, integration, multicultural supervisory work, language training and all the resources required for these.

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