



**ROYAL THAI EMBASSY
HELSINKI.**

No. 61001/39

The Royal Thai Embassy presents its compliments to the Ministry of Economic Affairs and Employment of the Republic of Finland and, with reference to **the draft Act on the Legal Status of Foreigners Harvesting Natural Products under the Freedom to Roam** by the Finnish side, has the honour to inform the latter that the Embassy has received comments on the draft Act from the Ministry of Foreign Affairs and the Ministry of Labour of the Kingdom of Thailand as follows:

1. the gist of the draft Act mainly focuses on the determination of the harvesters' rights, requirements for the buyers inviting harvesters to Finland, responsibilities of the buyers, income payment method of the buyers and prohibition of charging on employment service fee to harvesters, and the imposition of penalties to coordinators or representatives of buyers if they fail to comply with legal obligations. Although the main substance of the draft Act covers problems which happen to Thai workers who annually travel to harvest natural products in Finland, the draft Act neither sets status of Thai pickers as seasonal workers or employees of the buyer companies nor clarifies status of coordinators as employees of the buyer companies. The obligations to the buyer companies regarding conditions of work and accommodation are unclear. Besides, insurance buying and minimum income guarantee for Thai harvesters are not specified in the draft Act as they have been mentioned in the "Letter of Intent on Policies Related to Wild-Product Picking by Citizens of Countries Subject to and Exempted from Visa Requirements - LOI".

2. The status of coordinators in Thailand as the buyer companies' employees remains unclear in the draft Act but the draft Act has imposed penalties to the coordinators who fail to comply with its obligations. These penalties may also be severe according to the Finnish Criminal Law such as fraud, extortion, and human trafficking. Considering the fact that there are Thai coordinators appointed by the Finnish buyer companies to facilitate and organize the annual trips for Thai workers to

pick wild berries in Finland, such coordinators' behaviors might be in the scope of committing an offence according to the Article 30 in charge of "recruiting job seekers to work abroad without a license from the Central Employment Registrar" under the Job Placement and Job Seekers' Protection Act B.E. 2528 of the Kingdom of Thailand.

3. Proposed modifications in the following sections:

Section 6 (3) – (5) These sections should specify the obligations of the buyers to inform the harvesters of the exact expenses regarding accommodation, vehicles to be used for harvesting natural products as well as collecting tools and equipment.

Section 6 (6) Even though the section 6 (6) determines the notification of the purchasing prices to the harvesters, it does not state that the harvesters shall be informed of the purchasing prices before they travel to Finland.

Section 7 This section should clearly identify "compensation" according to market prices instead of "unreasonable compensation".

4. The Thai side certainly realizes the Finnish attempts to promote more job seekers to travel to harvest natural products in Finland. However, the draft Act is still missing some significant contents as mentioned above and the effective date of the draft Act has not been identified. Apart from the aforementioned comments, due to the widespread of the COVID-19, the Thai side has decided to apply "**Travel Measures for Thai Workers to Pick wild berries in Finland, Season 2021**" as attached herewith, together with the code of conduct established in the LOI and the law that imposes punishment to the buyers and coordinators who do not comply with its provisions. In addition, the Thai workers must obtain permission from the Ministry of Labour of Thailand before traveling to Finland for the purpose of avoiding and protecting the problem of human trafficking.

The Royal Thai Embassy avails itself of this opportunity to renew to the Ministry of Economic Affairs and Employment of the Republic of Finland the assurances of its highest consideration.



Royal Thai Embassy,
Helsinki.

15 February B.E. 2564 (2021)

Ministry of Economic Affairs and Employment of the Republic of Finland,
HELSINKI.

(unofficial translation)

Travel measures for Thai Workers to pick wild berries in Finland, Season 2021

1. The Finnish wild berry buying companies must provide health insurances for Thai workers, who travel to work in Finland, with no upper limit on its coverage of medical expenses in case of infecting the COVID-19 both domestically and internationally.
2. The Finnish wild berry buying companies must be responsible for the Thai workers' accommodation expenses regarding the Alternative State Quarantine package (ASQ) for 14 days upon their arrival in Thailand. Towards that end, the companies must place a bank guarantee for the said expenses as specified by the Department of Employment.
3. At the end of the season 2021, the Finnish wild berry buying companies must ensure Thai workers' income after deducting expenses, by placing a bank guarantee as specified by the Department of Employment.
4. The Finnish wild berry buying company must pay compensation to Thai workers in case of death from the COVID-19 at the amount equivalent to THB 1,000,000.
5. The Finnish wild berry buying companies must be responsible for the cost of the COVID-19 testing for Thai workers both before traveling to Finland and before returning to Thailand.
6. The Finnish wild berry buying companies must pay compensation for Thai workers due to their lack of income during the 14-day quarantine period in Finland.
7. All expenses for Thai workers incur before traveling to collect wild berries in Finland must be only the actual expenses such as airplane tickets, visa fees and health examination fees. All expense documents/evidence need to be presented to the Department of Employment.
8. The Finnish wild berry buying companies must be responsible for all expenses incurred while Thai workers are waiting to return to Thailand, including fees for changing flights.
9. The Finnish wild berry buying companies must arrange round-trip charter flights for Thai workers, who will travel to work in Finland, and provide them with transportation between the airport and the campsites.
10. The Finnish wild berry buying companies must provide Thai workers' (1) accommodation with maximum of four persons in one bedroom with a bathroom and a toilet (2) common dining room with 1-2 meters for social distancing (3) personal use items for every Thai worker, and (4) preventive equipment for COVID-19 such as alcohol gel and face masks.
11. The Finnish wild berry buying companies must prepare a vehicle for Thai workers to travel to pick wild berries. Not more than six workers are allowed in one vehicle. All passengers in each car are required to sit in the same vehicle every day.

12. The Finnish wild berry buying companies must be a visa operator for Thai workers in case that Thai workers' visas are overdue/expired while waiting to return to Thailand. Therefore, the companies will pay all costs and expenses incurred.

13. All Thai workers, who travel to pick wild berries in Finland, Season 2021, must attend an orientation session before traveling to Finland, and have to sign a letter of acknowledgment and consent to comply with the COVID-19 preventive measures.

14. The Department of Employment requires the Finnish wild berry buying companies to prepare an authorization letter of representatives for taking care of and protecting Thai workers, who travel to pick wild berries in Finland, Season 2021 during the spread of the COVID-19 in the English language. The letter is to be signed by a designated/responsible person from the companies, and certified by a Notary Public and the Royal Thai Embassy in Helsinki.

* * * * *