

# Challenges for the Host Society—Human Trafficking, Slavery and Abuse in the Work Context

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## 1. Introduction

The United Nations Sustainable Development Goal 8 (SDG 8)—decent work and economic growth—is central to the human rights and wellbeing of individuals who are at the productive age. In the globalized world, the mobile labor force has become an issue beyond being an economic production factor. At the same time, this mobility of people has introduced new challenges in host societies in developed and developing countries that are receiving migrants. Emphasis on the social and economic integration of migrants has dominated discussions about the implications of human mobility. Yet, these discussions have remained too simplistic to address the multifaceted nature of the phenomenon. It seems that civil society in the host countries and institutions does not adequately understand and discuss the challenging implications of migration. Components of decent work—employment, social protection, workers’ rights, and social dialogue—may be lacking (Ghai 2008). For example, regarding ethnic businesses and possible side-effects such as human trafficking, slavery, or work-related abuse, those tend to remain in the shadows. Even though the host society as a whole has possibly dealt with these problems historically, and enjoys a high level of development, the modern civil society and its institutions do not necessarily perceive the existence of these challenges re-entering the local context.

Partly due to the limited research and the novelty of the phenomenon, there is little awareness and few systemic competencies to effectively address the challenges of human trafficking and work-related abuse in host societies once the problems begin to emerge. The learning that needs to happen for such systemic improvements has been discussed in sociology, but less so with regard to managing the updates in institutional structures and processes (e.g., Potrafke 2016). However, preventive, rather than reactive, governance is considered more efficient to tackle the challenges. Preventive governance *ex ante* hinders the emergence of an illicit practice, like abusive labor practices, as it has created effective procedures to recognize and correct problems,

if or when they arise. Reactive governance is acting *ex post* on an illicit practice that has already started its rooting process.

We use the term foreign worker to describe immigrants, asylum seekers, and migrant workers in this article. This is because work is the focal concern in terms of regulation, and it is used to determine categorization for the type of migrant; work differentiates, for example, categories such as marriage or student migrants who do not enter the host country with the sole purpose of work (e.g., Heikkilä and Rauhut 2015). The “foreign” refers to the migrant origin and status of the worker. Foreign workers here are interchangeably referred to as migrant workers or migrants.<sup>1</sup> The term migrant is often mixed with other terms or used interchangeably (e.g., Vore 2015); migrant is a more inclusive term that includes e.g., refugees, temporary workers, marriage migrants, and those moving for economic reasons. Vore (2015) highlights the term migrant when referring to people who are still on the move or may wish to return home one day, i.e., are perhaps not permanently immigrating. The term “immigrant” typically refers to migrants who have moved to a foreign country with the intention of settling there—with a permanent residence. Following the newest definition by the International Organization for Migration, we use the term migrant as “a person who moves away from his or her place of usual residence, whether within a country or across an international border, temporarily or permanently, and for a variety of reasons” (IOM 2019, p. 130), since this is well in line with the need to address migration in the country of origin and start the preventive and protective measures regarding exploitation already there.

Newly arrived foreign workers are most often not knowledgeable about the host society and its institutional system and unaware of the rights and obligations they have regarding employment. Similarly, as with other entrants (such as firms and entrepreneurs) coming to a new context, they are liable not only for being foreign but also due to their newness in the context and their lack of connectedness (e.g., Johanson and Vahlne 2009). These liabilities translate into vulnerability and hazards for the entrant (Denk et al. 2012).

Those foreign workers who migrate following their family, relatives, or friends receive information that is not necessarily correct or adequate; it may offer a very informal and limited view of the host country’s labor system. Typically, the highly

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<sup>1</sup> The person is a migrant because of having crossed a border, but their work status differs; hence, in some phases, we only refer to the person as a migrant for reasons of simplicity.

skilled corporate expatriates receive formal onboarding and information on the destination, but this is less so for those arriving via social connections.

Migrants and foreign workers bring with them different practices and behaviors related to work and these often blend in with the existing practices of the host society. This may happen irrespective of whether or not these practices are legal in the host country. As a result, illicit labor-related practices diffuse into the host country context. This is partly because the migrant workers do not always know what is illegal or because they are dependent on their employers and, thus, cannot protect themselves, and partly because the employers may not know or care if they are using illegal or abusive labor practices (Martin 2012). The ethnic enclaves and business networks may not operate in a legitimate manner for diverse reasons, such as previously dominant practices, profit making, or crime. Furthermore, the idea of a “safe corridor” of entry into a new country’s labor market by following co-ethnics<sup>2</sup> or relatives abroad and working in their businesses is alluring and social tie-driven for new immigrants dreaming of a better future without poverty. This safe corridor mechanism provides a socially connected and often even dependent human resource base. Social ties in ethnic economies are central and their meaning in employment and business is notable (Wahlbeck 2007). Ethnic economies describe migrant businesses with co-ethnic employees, pointing out a migrant minority business and employment sector that coexists with the general economy (see more in Light et al. 1994). It is argued that the entrepreneurs in the ethnic enclave economy earn higher returns while their employees earn lower returns than they would in the general labor market (Sanders and Nee 1987). Ethnic enclave economies represent a part of a dual labor market, a labor market with inferior/secondary status (Light et al. 1994). Such ethnocultural settings can develop shadow economies (Grzymała-Kazłowska 2005) as their social and ethnocultural systems and norms continue to exist in the host economy and do not necessarily integrate into the host society.

As a result, this context in the host country can be deceptive for the newcomers as they do not speak the language well, or not at all. Migrant workers often do not understand the host country’s legal system or do not know the labor market practices

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<sup>2</sup> Co-ethnics are people who share common features of ethnic heritage; they may or may not have the same citizenship, but they do share other features, e.g., ancestors/family in the same country, language, religion, racial as well as other diasporic characteristics. Typically, we refer to co-ethnics when the people are abroad (e.g., in labor diaspora) and share important features with their co-ethnics that they do not share with the local people or other migrant populations.

(cf. Light et al. 1994), and lack access to formal work-related information, especially if they enter the host country mainly through informal ethnic channels. Ethnic channels of entry refer to an entry with the help of family, relatives, and other weak tie-connections and other relational networks that do not involve labor organizations and other labor authorities (Wilson 1998). This makes them vulnerable to exploitation by co-ethnics or others who sense their vulnerability, which is an under-researched concern and a loophole in many governance systems (Li 2017). There may be intentional economic strategies by e.g., a criminal network providing cheap labor to a sweatshop (e.g., Lan 2015), but there may also be partly unintentionally illicit strategies linked to employers' lack of knowledge on the labor market regulation and conditions, especially if the employer himself is from a different country of origin and faces numerous liabilities of foreignness as an entrepreneur (cf. Denk et al. 2012). Davitti (2010, p. 42) claimed that "Conflict-related child trafficking is particularly fluid in nature as it follows patterns of insecurity, instability and the collapse of law and order, which are characteristics of conflict and post-conflict countries." However, human trafficking is also a concern in Europe that is well documented. In both the Prato area of Italy, textile production, and in the ethnic food market of Finland, exploitative and abusive practices were found where non-European exploitative labor practices developed in an ethnic cluster despite the European institutional setting (Lan 2015; Teittinen 2020); such cases were found where cultural distance<sup>3</sup> was notable, e.g., in the Nepalese ethnic restaurant business (Teittinen 2020). Regardless of the etiology or origin of these practices, they need to be addressed efficiently and in the early stages, as they undermine governance and its legitimacy in a particular enclave (e.g., Sanders and Nee 1987; Chen and Liukkunen 2019). So far, sociologists and migration scholars highlight the importance of turnaround management that addresses these negative formations, especially to restrict such institutions from developing and becoming deeply rooted in their contexts (Shihadeh and Barranco 2010; Bell and Machin 2013).

The purpose of this paper is to increase the understanding of decent work in the context of integrating migrants as employees and entrepreneurs while maintaining societal harmony. Empirically, this paper illustrates what kind of abusive practices around vulnerable migrants have emerged in a highly developed Nordic country and how institutions tackle them. We focus on Finland, which is a theoretically interesting context having one of the lowest corruption indexes in the world (Transparency International 2018) and a highly regulated labor market (ILO 2019). Finland is also

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<sup>3</sup> See more on cultural distance in (Triandis et al. 1988).

a country with a long tradition of decent work and societal awareness of human rights. It serves well to explain the appearance of abusive labor market practices related to foreign workers as the country has a relatively young history in terms of receiving migrant workers (e.g., Elo 2017). This era started only when the first Somalian refugees arrived in Finland in the 1990s, making Finland young in the receiving country context (e.g., Heikkilä 2017). Today, the country hosts migrant populations from diverse backgrounds. It is one of the European Union countries that received notable inflows of migrants from Syria, Iraq, and other countries during the so-called refugee crises in 2015. As this is a recent phenomenon, it means that there are no dominant practices or established governance traditions in the Finnish labor market regarding labor migrants. Mechanisms to effectively monitor large or unexpected immigration flows are first being created facing the new pressures on the EU external borders. This is a reason why the governance system went through a real-life stress-test during the migration crises and faced suboptimal conditions. The systemic resources of the state were consumed mainly to cope with the inflow of migrants, and not to govern or to develop entrepreneurial or business practices or guidance for ethnic labor markets.

The recent developments underline the importance of the topic. The increasing cases of intra-ethnic exploitation bring up the need to re-address the concern that decent work conditions, ethics, and laws apply to everyone, including newcomers (Teittinen 2020). This negative development, i.e., diffusion of foreign illicit and abusive practices, needs the attention of the civil society and Finnish formal institutions, because it is a societal caveat influencing all (Kolodziej 1992). Local labor, labor protection, and work conditions have been central to governance concerns from very early on in Finland and the role of labor unions has traditionally been important in co-developing labor market regulations. Despite that, in the developed Nordic societies, the reintroduction of such “historical” or “foreign” issues has been happening under the radar. These practices have emerged within minority populations that remain out of sight. Furthermore, it is a window of opportunity and a profitable strategy for those ethnic entrepreneurs to abuse co-ethnics, other migrants or relatives, since the entrepreneurs have enjoyed the fruits of that labor without paying the respective contributions and tariffs. Lack of attention and loopholes in legislation and regulation have left newcomers partly unprotected.

This paper addresses the need to develop societal, multi-level mechanisms for increasing awareness and formal institutional systems that may reduce and terminate these negative developments that have shaken the idea of worker protection and inclusion in the host society. The focus is on the migrant newcomers, e.g., foreign

workers, as this is the most vulnerable group, but we recognize that such practices may influence any worker. This phenomenon of abuse is not a problem of developing countries or countries with weak institutions, as dramatic evidence from domestic workers' abuse has suggested (Chin 2003); it is a global challenge, shifting and changing its nature according to its context.

This discussion contributes to decent work on three levels: first, on the level of formal governance and institutional response; second, on the level of civil society acceptance vs. disapproval of the illegal, foreign practices<sup>4</sup>; thirdly, on the level of shutting down illicit and exploitative entrepreneurial opportunities. The paper is organized as a conceptual discussion; it starts with a review, presents findings related to the case of Finland and ends with a discussion and conclusion.

## **2. Reviewing the Phenomenon and Its Landscape**

### *2.1. Background and Challenges in Finland*

The number of migrants and refugees has grown due to diverse global conflicts and threats. These are caused, e.g., by terrorism, such as ISIS in the Middle East, natural disasters, like earthquakes, tsunamis and hurricanes, or political turmoil and uncertainty, such as that in different Latin American countries or on the continent of Africa. These developments have introduced new challenges inside the host societies. There is a great urge to develop formal policies and suitable solutions to cope with global migration flows (Barnard et al. 2019).<sup>5</sup> The recent migratory waves put pressure on countries receiving migrants and their institutional systems to absorb this additional labor force. Civil society and the already existing, established migrant populations and diasporas face challenges in absorbing the newcomers (Daley 2007; Kupferberg 2003). Extant diasporas often become scapegoats and feel threatened by the newcomers; hence, it is important to capture the micro-foundations of diaspora politics when making assumptions for related governance dynamics (Délano Alonso and Mylonas 2019).

Countries lacking experience in receiving migrants suffer from limited capability in governing the new migration-driven challenges in labor markets as they are

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<sup>4</sup> Foreign practices refer here to practices that are not known/habitual in the local population and society and have a foreign origin, i.e., are arriving to the context with and practiced by foreigners.

<sup>5</sup> See e.g., the Special Issue "Migrants, Migration Policies, and International Business Research: Current Trends and New Directions" of the *Journal of International Business Policy*, Volume 2, Issue 4, December 2019 by Guest Editors: Helena Barnard, David Deeds, Ram Mudambi, and Paul M. Vaaler: this should be included in the reference list.

different from local governing challenges (see e.g., Heikkilä 2017). Finland also lacks adequate resources in terms of personnel that understand the ethnic backgrounds, and have foreign language competencies and the cultural understanding that is needed to tackle the issues (Finnish Border Guard 2014). This suggests that Finnish institutions face several challenges due to such developments.

However, the main challenge relates to the victims of these practices and the prevention thereof. The global elite migrants represent the most privileged entrant type, while asylum seekers and so-called “economic refugees” form the most vulnerable group of migrants needing protection. In this vulnerable group, those who do not qualify under formal refugee criteria or are paperless tend to seek work and livelihood from alternative sources, below the radar. The low-skilled migrants seeking a better life in foreign countries’ labor markets have remained a heavily debated category of migrants, especially, regarding the formal entry pre-requisites, permit processes, length of stay, illicit entry practices, and the impact on the host society (e.g., Rivera-Batiz 1999). For example, in 2015, the flow of irregular migrants, particularly from Africa, the Middle East, and Asia, entering the EU reached unprecedented levels and has remained high after 2015, which has raised questions of governance.<sup>6</sup>

There are limited formal options for low-skilled migrants to enter the labor market beyond temporary project work or seasonal work visas in areas such as agriculture. On the other hand, the growing number of new immigrants, particularly asylum seekers and refugees, has challenged many host countries and their administrations in terms of monitoring, assessing, and integrating these incoming people. There are numerous institutions responsible for the post-entry processing of vulnerable migrants, addressing their role and place in the host society, which creates administrative difficulties. The placement after entry is particularly problematic for paperless migrants as they typically enter shadow labor markets (e.g., Hughes 2000). However, it is also a systemic issue and many shadow labor markets are largely socially accepted phenomena, for example, minor household work. Such dual economies are usually found in developing country contexts (Callebert 2014).

The limited resources of governance systems have partly allowed the emergence of illicit practices, the criminal exploitation of migrants, and irregular entrepreneurial

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<sup>6</sup> See more in [https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy\\_en](https://ec.europa.eu/home-affairs/what-we-do/policies/irregular-migration-return-policy_en) (accessed on 12 April 2020).

activities, which are not contributing as they should to the host economy (e.g., Vero 2018b). The inadequate capacity of governance to address the in-depth nature behind such foreign practices that are “imported”,<sup>7</sup> mainly by ethnic populations into the country and not affecting the mainstream Finnish people directly, is a fundamental and complicated problem (Callebert 2014). It is less perceived due to its “invisible” features (Haynes 2009).

These negative developments in labor-related practices particularly include human trafficking, slavery, and abuse, all of which generate profits and benefits illicitly. These are categories of practices that are clearly illegal and not in line with SDG 8. Hence, the problem does not arise from the lack of laws and regulations (e.g., Finlex 1959), but more from inadequate attention, a lack of competences, and missing resources to tackle such practices. As these hazards are of international and transnational nature, not inherently local, they are less perceived. Both the governance system and the civil society in Finland face a form of liability of foreignness, but from the receiving side, in addressing these concerns (Johanson and Vahlne 2009). It is institutionally challenging to adapt the governance (e.g., Teittinen 2020).

In prior research, the problems of irregular and illicit activities in ethnic enclaves and migrant networks have been thematized, and there is a danger of the emergence of subcultures that do not follow the host society’s laws and the rules of the game (cf. North 1990; Ojo et al. 2013). It is apparent that without proper governance processes in place and a well-functioning support network, the vulnerable new migrants and refugees might face the risk of being mistreated, abused, and becoming victims or even criminals themselves (e.g., Kelly et al. 2005). Depending on the ratio of risk and profit received from such practices, it might also become a strategic option for entrepreneurs to continue such practices. If the host country is unable to govern them and maintain locally legitimate and acceptable practices in the overall society, these loopholes are soon identified, as the experiences from Italy indicate (Dugan and Edelstein 2013).

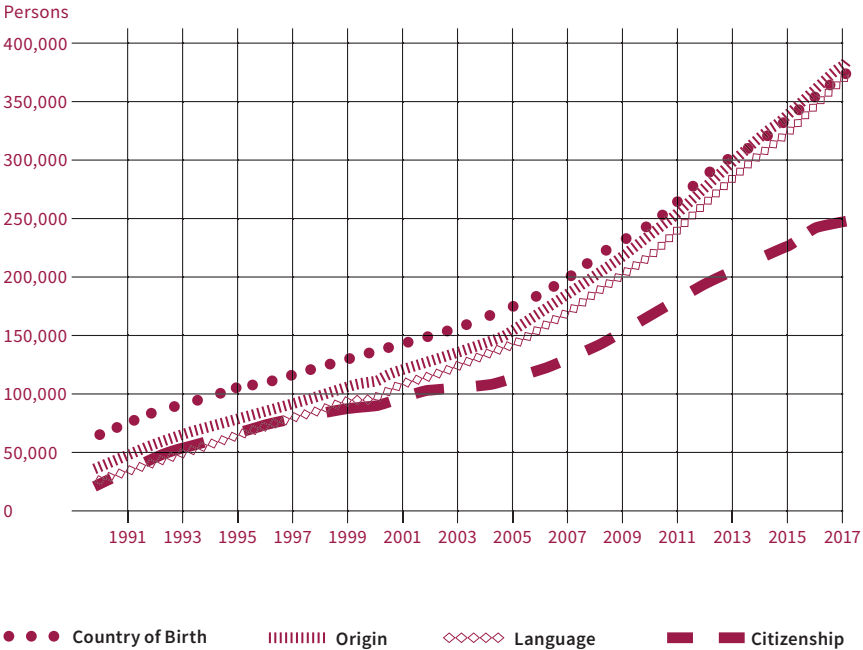
Increasing migration and globalization has challenged the functions and balances in the Finnish institutions and society. It is important to notice that it is the responsibility of the Finnish state to govern its territory and the practices within that

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<sup>7</sup> With “imported”, we mean that these practices do not typically pre-exist as Finnish labor market practices; they are transplanted in Finland as foreign practices that are brought in and take place in ethnic populations. Hence, they are not transplanted in the visible mainstream society. Naturally, there are also classic forms of exploitation, such as prostitution-related human trafficking, that are not new, foreign, or transnational and take place in Finland among mainstream Finns. However, this study is focusing on the host country challenges and respective “imported”/transplanted developments.



territory, regardless of the status of the people residing in Finland. Laws protecting workers are non-negotiable and apply to all members of the society. During recent decades, Finland has internationalized in terms of its population (see Figure 1). The refugee crisis in Europe during 2014–2015 brought 32,476 refugees from the Middle East to Finland according to the Immigration Department of the Ministry of the Interior (2016). This number is ten times more than the number of refugees in 2014 when just 3651 refugees arrived from the same area. Such notable developments in the society create pressures and demand administrative agility.



**Figure 1.** The development of foreign-origin people in Finland—foreign citizens, persons with foreign background, foreign-language speakers and persons born abroad, 1990–2017. Source: Statistics Finland/Population structure, (Statistics Finland 2019).

According to Statistics Finland, since the 1990s, the number of foreign-born residents has grown ten times, from 0.5% to, in 2017, 5%, largely due to the sudden immigration flow from Syria through Europe to Finland. The number of refugees in the European Union increased ten-fold during the years 2014–2015, during the so-called refugee crisis, without respective resource increases. In parallel, Finland

is attracting qualified labor from abroad for various industries, e.g., construction and shipbuilding. Many labor migrants have a permanent residence in Finland, but temporary labor migrants also enter Finland for diverse occupations in agriculture and the service business. During recent decades, the Finnish labor market has also been able to attract highly skilled migrants from developed countries, e.g., for tech and other knowledge-based industries. These migrants are typically well informed and less vulnerable to abusive practices. The statistics show that most of the incoming flow settles to the southern part of Finland, where the capital and the largest cities in Finland are, causing the most pressure in this area (Heikkilä and Pikkarainen 2010).

The sudden increase in refugees stretched the capabilities of the Finnish administration, laws, and processes, and thus, spurred action and changes that were reported in the recent Ministry of the Interior's report (See Ministry of the Interior 2018). According to a recent Ministry of the Interior report (2018, p. 18), the "Immigration Unit" tripled during the year, from just over 70 to approximately 250 employees. The Finnish Immigration Service opened nine service points for the reception of applications and other customer services. Meanwhile, the number of personnel at the Asylum Unit decreased when the fixed-term employment contracts of the employees hired in 2016 to handle applications for asylum ended. However, the total number of personnel at the agency was on the rise again in 2017: it grew from 800 to 900 during the year and the upward trend continues. It has become evident that the institutional sector needs more agile resources to proactively and reactively respond to the challenges.

Moreover, the role of the Finnish Immigration Service as the authority responsible for asylum matters was strengthened by concentrating all permit matters in this office, including innovating new types of residence permits for seasonal workers, and growth and start-up entrepreneurs. In addition, the asylum procedure and other processes were updated, including the background information search from social networks. Processes relating to the integration of immigrants were also developed because the local communities had never seen a large number of foreigners enter in such a short period. Just the number has been a challenge, but also the different backgrounds, languages, religions, and traditions caused integration and interaction problems with local communities.

## *2.2. Terms and Cases of Human Trafficking and Modern-Day Slavery in Finland*

It is important to discuss the nature of the terms related to the abuse of migrant workers in more detail and broaden the perspective that is needed to perceive and tackle the phenomenon. We start by presenting views from the extant literature that

explain what these forms of illicit practices can be and how they are conceptualized. In statistics, they are not represented as clear-cut categories.<sup>8</sup>

Slavery is not only some colonial-era phenomenon; actually, it is a concern in many Western and emerging economy societies. This “modern slavery” can be defined as “a servitude broadly defined in a new study as forced and state-imposed labor, sexual servitude and forced marriage” and “it is a complex and often hidden crime that crosses borders, sectors, and jurisdictions” (Walk Free Foundation 2018). Slavery or its forms are almost commonly accepted practices in many countries, where labor regulations do not protect vulnerable groups, such as migrant women who are housekeepers, nannies, or other domestic workers. Several studies have pointed out the complicated nature of the responsibilities in governing, especially the transnational labor and the internationally active agencies and their practices (e.g., Hepple 2005, see also the International Labor Organization (ILO) website<sup>9</sup>). Hence, it is obvious that once the phenomenon of silently accepting slavery-like practices becomes systemic and part of everyday life, there is less interest in the society to govern it according to international laws and ethics (e.g., Jureidini 2010).

In Finland, slavery has traditionally represented a thing of the past, a historical practice that has happened in far-away countries. The first law against slavery in Finland was introduced in 1335. Finland joined the 1926 Slavery Convention in 1959 (Finlex 1959). Moreover, in Finnish criminal law codes, the exploitation of migrant labor refers to any form of illegal acts against persons of foreign origin who are working in Finland. These can be, for example, paying less than minimum wage to a migrant worker (Turtola 2018).

The Finnish civil society has not considered slavery or the peril of it as a possibility, and therefore, different forms of slavery have not been given serious attention. The Finnish labor unions, the employers, and the state have a long tradition of trade and work negotiations that form a specific governance style for addressing the labor markets and forming the respective regulations. These negotiations have generally covered diverse categories of workers, but not the slavery theme. The Finnish labor markets as formal institutions have not been discriminative in their nature due to the egalitarian culture and the Nordic approach, and this has

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<sup>8</sup> See more in [http://www.stat.fi/til/rpk/2018/13/rpk\\_2018\\_13\\_2019-05-16\\_tie\\_001\\_en.html](http://www.stat.fi/til/rpk/2018/13/rpk_2018_13_2019-05-16_tie_001_en.html) (accessed on 14 April 2020).

<sup>9</sup> Specific publications are found here: <https://www.ilo.org/global/publications/lang--en/index.htm> (accessed on 14 April 2020).

protected migrant workers in the eyes of the law before this recent migration wave (e.g., Ristikari 2011).

However, despite the governance and institutional structures that have long been functioning well, slavery has arrived in Finland. Vaarakallio (2013) interviewed Professor Kevin Bales about modern-day slavery and concluded in his article that “slaves in Finland have to work, for example, as sex slaves or slaves for domestic and agricultural work”. In popular discussions and media, cases from very specific industries have been pointed out. For example, a slave-like status of the berry pickers arriving from southern East Asia has been pointed out. These migrants have a temporal work visa, but they bear the financial risk of profitability of their berry picking trip to Finland as their work is not compensated per hour but per result. They do not have an employment contract and they are seen as self-employed (e.g., Richards and Saastamoinen 2010).

It is difficult to draw clear boundaries based on the criteria that are used to describe different terms on exploitation. Human trafficking is a term that is rather inclusive and incorporates multiple activities. In the majority of OECD countries, there is a variety of terms used to describe human trafficking, including trafficking in persons and contemporary or modern-day slavery. The different terminology makes comparisons challenging. For streamlining and harmonizing legitimate practices across cultures and host countries, some generally accepted terms and clarity in the criteria are necessary. Similarly, research comparisons are needed. We found out that it is difficult to compare statistics of the work-based slavery or slavery in Finnish crime statistics because there is no umbrella term in the Finnish law for statistical purposes for all the different crimes related to modern-day slavery. In Finland, there are different criminal codes to tackle human trafficking and work-based slavery.

We present some cases of work-based slavery as a part of human trafficking and abuse to illustrate the diversity within the terms. The empirical materials in this study consist of cases that have been through the justice system in Finland under the label of human trafficking or abuse at work among migrant workers. The crime of extortionate work discrimination (Finlex Work-based discrimination code 47 (3)) refers to the exploitation of migrant workers due to their vulnerable situation, their dependence on the employer, or their lack of Finnish language or understanding of rights in Finland. The exploitation can include threats against migrant workers and even human trafficking (Crimes against Freedom 25 (3), 25 (3a)). The elements of codes 47 and 25 partially overlap with the criminal provision on human trafficking depending on the seriousness of the crime.

Additionally, the industry context affects the interpretation and, in Finland, the restaurant sector has been one of the main areas of legal cases. Heima (2019) reported on workers' abuse in Nepalese restaurants: these workers were requested to work 16-h days and the labor law regulations were not obeyed. Another abuse case of restaurant workers was in the city of Kuopio: Hamalainen (2018) wrote that the owner of two ethnic restaurants was sentenced to three cases of human trafficking. Recently, Finland has experienced its first "pizza-gate" of illicit business practices.<sup>10</sup> The police generated a campaign to increase Finnish consumer awareness on pricing, work and tax-related practices, suggesting that in the independent fast food sector, especially the pizza business, if the price is lower than that what is considered appropriate for a business to operate on profit, then consumers should question the legitimacy of that price and offering and report it to police officials. This was the first formal campaign to raise awareness and to educate civil society on gray economy practices and increase broader societal audiences' awareness to combat practices that do not follow the appropriate schemes. This campaign received a lot of attention and was discussed from various perspectives, including multiple case calculations showing how the pricing is constructed when minimum salaries and all taxes are included. The counterargument took place mainly from the perspectives of migrant business owners who, as entrepreneurs, could not calculate a tariff salary for their work time to remain competitive in the food sector, and also from the new entrepreneur point of view, of offering special pricing to attract customers.

Typically, the HORECA (Hotel, Restaurant, Catering) business has a high degree of manual labor and is among the key employer categories of migrants. In addition, there are increasing numbers of ethnic restaurants and bars owned by migrants in Finland. Several prior studies pointed out that service businesses, like restaurants and bars, are typical entry-level businesses for migrant entrepreneurs (see, e.g., Waldinger et al. 1990 on ethnic restaurant businesses; Altinay and Altinay 2006 on catering). The type of work in this sector is often a subject of debates regarding the salaries and duties, and the respective criteria for assessing those regarding the work of less-vulnerable non-migrant employees. Hence, this sector is sensitive to exploitative practices due to its specific nature and characteristics of work.

Beyond HORECA businesses, various service businesses employ large numbers of migrants. For example, cleaning, building and maintenance, and other household

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<sup>10</sup> See more in <https://www.bbc.com/news/blogs-news-from-elsewhere-34515639> (accessed on 1 December 2019).

services do not necessarily require notable language skills and act often as the entry-level jobs for migrants. Pajunen (2014) reported that cleaning services are among the jobs where migrant workers have been abused by being offered “a full-time job” and given only part-time work. Additionally, there have been cases where workers have not been paid according to the collective bargain made between the employer’s union. However, the migrant workers do not usually know about the unions and whom to contact.

The building sector has been at the epicenter of media attention. The foreignness of many of the companies, resulting in questionable employment and work practices, might be either unintentional ignorance or intent. There are numerous cases of exploitative or illicit practices in employing or compensating migrant or foreign workers in the construction business. “In Finland, the union representative of the Construction Union goes around the capital city to check out the construction sites for worker violations and abuse. He visits twenty construction sites per month. He finds about 30 work violations in a year.” (Pajunen 2014), which means there were about 12.5% violations of all the sites visited.

Additionally, seasonal businesses in Finland, like berry picking, have had some work abuse or work violations reported. However, not all these cases are found legitimate. In 2014, Thai berry pickers went on strike and filed a lawsuit against their employer. They also involved the local embassy and the Thai diaspora in the discussion in Finland. The case was reviewed and the court decided they were incorrect in their claims (Rönty 2014; Karjalainen 2014). The Thai pickers had arrived on their own to be seasonal pickers; they were not hired or invited by the company involved. Due to bad weather, there were not enough berries to be picked, thus they did not get paid. The court decided that they were not eligible for wages or vacation pay (Rönty 2014). This case shows that migrant workers are becoming more aware of their rights when they are employed and are ready to fight for them.

Beyond formal legitimate work, there is the illegitimate side of work that concentrates on businesses mainly under the radar of the governance systems. Prostitution and dealing forbidden substances like drugs and prescription medication represent some such businesses. Prostitution is a highly profitable field of human trafficking and according to the Finnish Police and Statistics Finland, this is about a EUR 100 million business every year (Santtu 2019). Previously, the exploited workers were mainly vulnerable migrants from Eastern European or African countries. Prostitution has been typically linked to international or transnational organized crime and their networks. Moreover, unraveling these cases of international or transnational human trafficking cases can take years. A recent case of sex workers,

human trafficking, and money laundering took place in several European Union countries. The investigation started in 2016 and ended with the capture of three Finnish suspects in Spain in 2019 (STT et al. 2019). The leaders of this prostitution and human trafficking ring lured young women into the world of prostitution by promising them a good income, whereas the reality was that the leaders pocketed most of the money themselves. This highlights that the victims are not necessarily from a developing country or particularly disadvantaged; instead, there is an increasing danger of transnational and smartly organized crime that builds on the resources of the developed countries. This same article suggests that online prostitution services seem to be easier to create and manage by the criminals, but harder to monitor, control, and takedown by the authorities. These technological resources and the transnational nature of the new exploitation and crime also highlights the danger of illicit practices diffusing and directly affecting the local non-migrant population. Besides the prostitution and the service business-related slavery, news reports show that there are also drug users that are forced to commit human trafficking crimes (Hannus 2018). These crimes can include organ or drug trafficking (Hannus 2018), which highlights the need to address these increasing dangers prudently and effectively. These practices need to be tackled to hinder their shift and influence from the criminal subcircles to the everyday civil society.

### *2.3. Challenges of Governance and Civil Society in Finnish Business*

Another concern for governance is related to time and resources, not just the effectiveness of the governance per se. Lan (2015) points out that legislation alone is not efficient for de-rooting such phenomena. Governance needs to be linked to the time windows of the phenomenon. For example, solving a human trafficking case can take years. A recent conviction of a human trafficking case that started in 2013 and ended in 2016 involved an Indian pizzeria owner in the city of Vantaa and showed the length of the process.

The novel types of illicit practices are challenging on many levels; they generate additional needs for governance structures that monitor and also control the field of such practices more preventively. Illicit actions challenge the views and absorptive capacity of the civil society to deal with such practices and avoid societal divides, especially when they are perceived as being late. Such practices influence the overall perceptions of migrant workers, ethnic businesses, and ethnic enclaves (e.g., Dana 2007). Furthermore, the bad reputation that results from these cases easily transfers to other ethnic and migrant entrepreneurs who have nothing to do with

such illicit practices. Legitimate entrepreneurs who follow laws and regulations have started to feel the negative implications in their businesses.

The negative brand transfer may take place without any actual reason or fact, just building in terms and categories such as “ethnic” or “restaurant” in the minds of consumers. As a result, the economic success and profitability of these businesses is negatively influenced. This may increase the pressure to develop new means for increasing profitability and further push illicit practices, even if they were previously not considered (e.g., Rath 2000). It is important to notice that many migrant businesses are the primary/sole livelihood generators for the migrant families, and, in several migrant communities and extended families, the responsibilities are far-reaching (Heinonen 2010). This suggests that the semantics employed in combating illicit practices and abuse are very sensitive and may turn against the legitimate migrant entrepreneurs if not carefully considered in communication and public debates. The official communication and related “grey economy” campaigns are also subject to be misused in the political discourse as they may fit various agendas that do not represent the formal governance views.

In addition to the fragile economic–entrepreneurial dynamics and political sensitivity that influence the balances in local civil society, there is a challenge related to the resource implications of governance that has both direct and indirect dimensions. Directly, if just one human trafficking case in Finland takes years to process, it will tie up resources from many officials, including police investigators and criminal prosecutors. Government resources are limited, hence, only those resources that are available will be allocated to these activities. Meanwhile, if the exploitative and illicit practices grow faster, the governance institutions will not be able to control the phenomenon and it will continue to diffuse. Indirectly, if the governance institutions do not succeed in curbing negative developments and the civil society begins to perceive and sense the implications of abusive practices more, the legitimacy of the institutions’ actions will be questioned and the taxpayers will be less likely to have a constructive attitude towards increasing funds for something that does not seem to work. The ethnic and migrant entrepreneurs who follow good practices will face further pressures, and the public opinion will become more negatively loaded. This vicious circle is difficult to stop if it starts (Porter and Kramer 2019).

Simply the magnitude and pace of recent changes have set new demands for all layers of institutions in host countries in responding to the vulnerabilities. Many newcomers are not a priori trained and educated to know about the laws of the host country and its institutions. This creates a window of opportunity for illicit action. In the entry and integration process, there are transitions and liminal spaces of



diverse vulnerabilities (e.g., Craig et al. 2015). These represent a potential disconnect between governance and practice and there is only limited experiential knowledge on closing this gap. However, such governance expertise and knowledge is essential for a sustainable integration and settlement process.

In international business and entrepreneurship, this home–host country discrepancy related to knowledge, experience, and resources has been addressed through several concepts and terms (e.g., Johanson and Vahlne 2009), but mainly from the firm or entrepreneurial perspective. Just like new firm entrants, new migrants face an unknown territory of work-life and business operations with hazards. The entry can be approached as a processual setting: pre-entry-, entry-, integration-, and further development/settlement phase. The receiving host societies need to take care that they update their administrative resources to address these new demands and developments before illicit practices start to emerge into a problem in all phases. Migrants are often conceptualized as the actors producing the crime, but in these areas of illicit practices, like abuse, human trafficking, and slavery, they are typically the unknowledgeable victims (e.g., Elo and Juntunen 2015). Those who act illicitly are often co-ethnics or other migrants, but also local, non-ethnic businesses, and this may build on proactive transnational mechanisms (e.g., Shelley 2010).

Examples from other countries, like Germany, suggest that due to the impermeable boundaries of some ethnic enclaves, clans, or even locational aspects, many of these practices do not appear on the labor markets or formal economy, but remain unseen, below the level of governance or civil society awareness for too long.<sup>11</sup> This refers to the development of a parallel society. The reasons for such developments are manifold. One reason, on the institutional side, is the lack of competences and cultural insights, even language skills, to examine and govern enclave structures and economic functions. Lots of these crimes might go undetected due to the delimited official resources, and the resources are mainly not adequately “ethnic” to tackle these issues without extra effort (Peterson and Uhnoo 2012).

Another problem is the underdeveloped but necessary institutional capacity and holistic coordination, especially in new receiving countries or peripheral areas. As human trafficking can have many faces, it is sometimes difficult to identify and see it. In Finland, few agencies are involved, usually one at a time, in identifying and detecting human trafficking, and this has not been a noticeable phenomenon like in

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<sup>11</sup> See more in <https://www.cicero.de/innenpolitik/brutale-familienbande/41463> (accessed on 2 December 2019).

some other countries. According to Hannus (2018), the increasing total number of human trafficking has also led the Finnish Government, namely the police and border control, to update their system and train their employees on how to recognize victims of human trafficking. This training also includes cooperation between different officials and victim support groups.

It is vital to address the potential victims a priori and educate them before they become lured into exploitation. For example, U.S. embassies already give information against exploitative practices and abuse during the visa application process and the United States has diverse hotlines and non-governmental agencies to support victims of human trafficking. In new receiving countries like Finland, there are multiple institutions and government agencies involved in increasing awareness of work conditions and support systems. However, the victims usually lack language skills and do not have a support network (STT et al. 2019), the financial resources, or the travel documents to leave their situation. These victims and their family members in the country of origin could also be threatened with violence if the victim does not cooperate. Addressing this problem is a major challenge as the solution cannot be resolved by just one country. Transnational and collaborative governance is the key to solving such forms of organized crime that span country borders.

In recent years, the number of attempts of organized illegal immigration (including aggravated assault) has increased in Finland, which highlights the need for advanced responses. According to Laitinen et al. (2016, p. 25) “the suspects’ nationality is usually from Iraq, Sweden, Syria, Somalia or Russia”. The numbers have increased; in 2014 there were 385 and in 2015 2355 people illegally trafficked to Finland (Ibid.). Ucnikova (2014, p. 4) reported that “an estimate of USD 124 million is spent each year on modern slavery in the OECD countries”. However, she also argues that there is no common terminology, and thus, it is difficult to obtain exact figures. All these aspects indicate how multifaceted and difficult a phenomenon this is to tackle. A combination of formal institutional attention with support from civil society and its “preventive” awareness may diminish the negative pattern building and create more visibility on the potential gaps.

### **3. Findings**

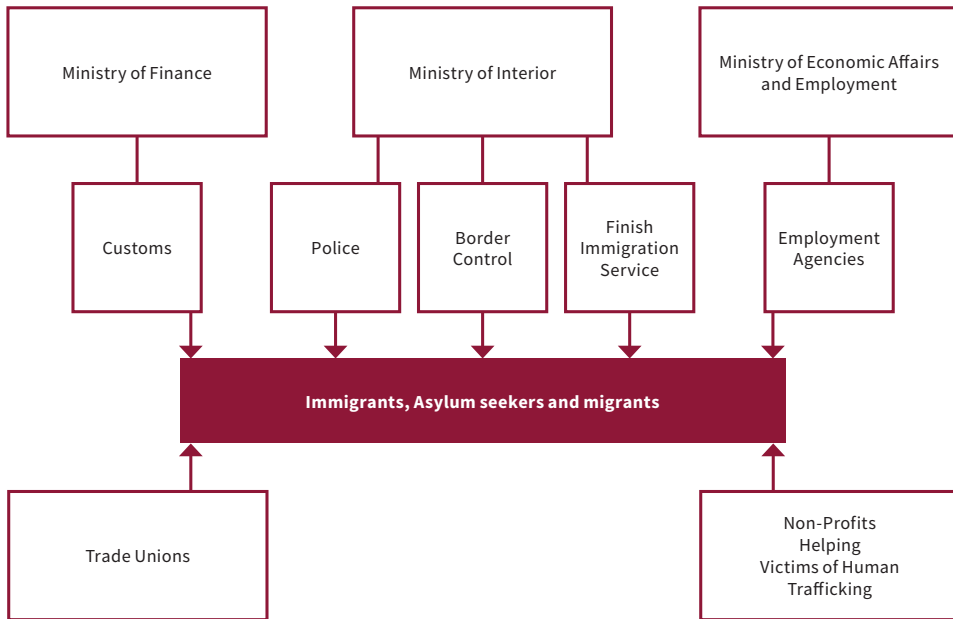
Despite extant laws and regulations, there is still a fraction of businesses that have paperless and illegal workers or have abused foreign workers or commit other foreign worker-related financial crimes. Instead of casting shadows on legitimate businesses, effective governance practices and employment guidelines are needed. However, due to the limited number of officials and their investigative resources,

their total number in Finland is unknown. Only the reported and solved crimes are in official statistics, although not all the reported crimes result in any convictions.

Recent findings trigger concerns on the application of regulation and laws for all. The key concern lies on the governance system that has not closed illicit windows of opportunity. In 2018, there were twelve cases involving a sort of modern-day slavery work in the hotel and restaurant industry in Finland, and eleven cases in other industries, where the employer had told the officials that the worker did not work in that location, but the parameters of the employment were fulfilled. In 2018, the challenges relating the foreign workers are still the hours that the workers actually work compared to the payment of work done (Vero 2018a). In 2018, tax officials found 1100 illegal workers, but the officials agree that they cannot identify all the illegal workers (Vero 2018b). In the era of transformation of work, where work becomes more fragmented and virtual, also more entrepreneurial and flexible, there will be an increasing demand for governance to catch up and address loopholes for exploitation (e.g., Rubery 2015).

We found dual-multiple layers in economic structures—with and without governance—like in Callebert’s work (2014). Furthermore, according to the Central Organization of Finnish Trade Unions (SAK), there already existed a risk of a two-layer system in the capital city area in 2014, because of the difficulty of controlling immigrant employment, and the employers have, e.g., required their immigrant employees to sign unusual work contracts with requirements for “loyalty to the employer”, not usually used in Finland, that can require excessive working hours (Pajunen 2014). One of these reported restaurant employers is a trendy restaurant Vapiano, which had not paid the Estonian workers according to the Finnish work laws (Pajunen 2014).

We identified key governance actors and the landscape of potential protection against abuse. As a result, we draw an illustration of the actors. Figure 2 presents a summary of organizations in Finland that deal with migrant workers: the police, the border control, and the customs are usually the first contact point when dealing with asylum seekers and immigrants. Then later on, when they have entered the country, trade unions or local employment offices are the next points of contact and they can check if the work conditions and salaries are paid according to the Finnish laws and regulations. If any of these previously mentioned officials find out that there is a victim or suspected victim of human trafficking, they can start the investigation process and different non-profit organizations can then step in and help the victims.



**Figure 2.** The Finnish organizations in contact with foreign workers and asylum seekers. Source: Authors.

#### 4. Discussion

The methods that the government officials use to tackle the work violations among migrant workers and human trafficking are discussed next. First of all, there is cross-organizational training to recognize human trafficking and its victims, and to offer help via support organizations for the victims. Secondly, the unions work with the employers and officials tackle these problems. They investigate and report work violations and other crimes to the officials. However, the host societies have limited resources in unions and also within the police and tax administration to proceed more effectively. In addition, it takes time from the initial findings to prosecution and sentencing. It can take several years, and during this time, the employer can be involved in other crimes.

The unions and the officials offer online training and reports to educate the public as well as migrant workers and employers. The police also had a “grey economy” marketing campaign to fight financial crimes in businesses. These also made the civil society and consumers more aware of the abusive practices and financial crimes that can happen, especially in small businesses under the radar. We argue that the processes around illicit practices have their own distinct dynamics.

Hence, conceptual clarity on such practices is a starting point. We reviewed the current features on two main types (see Figure 3 that presents the differences and similarities of human trafficking and abuse at work).

Human trafficking	Abuse at work
<ul style="list-style-type: none"> <li>• Legal or fraudulent documents</li> <li>• Documents taken (controlling the victims)</li> <li>• Legal or illegal border crossing within one country or across international borders</li> <li>• Coercion</li> <li>• Exploitation of the victims</li> <li>• Individual as commodity</li> <li>• Crime against the individual</li> <li>• Crime against the host country if fraudulent documents were used or if the border crossing was illegal</li> <li>• Purpose: commercial sex trafficking or labor/ services trafficking</li> </ul>	<ul style="list-style-type: none"> <li>• Legal or fraudulent documents</li> <li>• Documents taken (controlling the victims)</li> <li>• Legal or illegal border crossing</li> <li>• Coercion</li> <li>• Exploitation of the victims</li> <li>• Individual as commodity</li> <li>• Crime against the individual rights</li> <li>• Crime against the labor laws of the host society</li> <li>• Purpose: low-cost worker/slavery</li> </ul>

**Figure 3.** Summary of the differences and similarities in human trafficking and abuse at work. Source: Authors.

## 5. Conclusions

Theoretically, we suggest that there are distinct situations (e.g., pathways) and cases of illicit practices related to abuse, human trafficking, and slavery that need to be addressed carefully and specifically. The study underlines that this illicit and abusive behavior in business is by no means some historical phenomenon or triviality; it is also not something that is confined to poor developing countries. On the contrary, we claim that institutional “ignorance” in developed countries may serve such behavior by not closing loopholes or taking governance needs seriously, and thus letting abusive profit-making happen under illegal conditions.

For policymakers, the growth and maintenance of such abusive practices with financial implications reduces tax income, increases the divides, and creates social problems and negative traditions, undermining the legitimacy of the state. A cost–benefit analysis of regulating abuse could be an approach for the government officials to start with, as this has worked well in several advanced economies. Competitiveness of a country is linked to well-functioning institutions and a healthy economy that supports positive innovation and internationalization (Tung 2008; Kumar et al. 2013). Hence, the calls for less government to generate higher competitiveness and entrepreneurial energy can be seen as rather welcoming for

abusive practices too, given that “gray economies” and illicit practices mushroom and grow faster as they do not pay the contributions that others pay.

Entrepreneurially, it is highly significant to avoid wrongdoing in the sense of negative brand image that could transfer to small- and medium-sized enterprises and family and ethnic businesses that are acting legitimately, trying to remain competitive following the laws and regulations. Managers and owners of these companies need support measures to differentiate between appropriate and illicit in the eyes of their customers and markets. Participation in UN SDG 8 campaigns and other identifications with legitimacy is suggested. Policies and programs educating foreign-born entrepreneurs on how to apply local laws and regulations can be improved to reduce possibilities of misunderstanding and institutional illiteracy. Simplified processual “driving licenses” for Finnish employment’s rules of the game targeting employers and employees could foster a learning process, especially when available in English and other needed languages.

This paper is limited to a discussion on one country only, with a rather limited percentage of foreign-born people. It is also debating data from the legal system and statistics. Future research avenues could explore the establishment and profit-making mechanisms of abuse for a more detailed understanding of these practices. Longitudinal processual studies are needed that cover viewpoints from diverse stakeholders as efficient governance of work practices is difficult without the involvement of stakeholders. The emergence of non-governmental organizations and other civil society actors also deserves research attention, replacing some of the state’s tasks in many contexts.

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