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Foreigners picking wild berries and other natural products in Finland

Foreigners picking wild berries and other natural products in Finland

- Wild berry picking is a significant industry for Finnish national economy and financially measured it forms biggest portion of the natural product industry in Finland.
- Finland welcomes every year approximately 2500–4000 foreign natural product pickers who almost solely pick wild berries. The vast majority of the foreign pickers come from Thailand (2500-3000).
- Foreign pickers come to Finland also from i.a. Ukraine, Russia, Belarus and from the Baltic countries.
- Usually, the foreign pickers are not employed to the companies that have expressed their visa invitations nor are seen as entrepreneurs.
- Almost 85 % of the wild berries picked in Finland in 2021 was picked by foreign pickers.

Natural product industry in Finland

- Foreigners pick wild berries all over the Finland, except in Southwest Finland and in the most populated parts of the Uusimaa region. Berry crop varies every year and this affects where the berry picking is done.
- Wild berry season in Finland begins with cloudberry season approximately in early July and in the mid-July bilberry picking begins. Lingonberry season lasts usually from the end of August to early November. Cranberry, black crowberry and mushrooms are also picked for the needs of the industry, but in a much lesser quantity than the before the referred most common natural products.
- Yearly variation of the berry crop is significant and Natural Resource Institute Finland (LUKE) offers guidance to find the best berry picking locations.
- Berry picking companies are located across Finland and they also have berry purchase points all over Finland where they buy berries from the pickers.

Act on the legal status of foreigners picking natural products

- [Act on the legal status of foreigners picking natural products](#) came into force on 14th of June 2021 and legislates the pickers rights, natural product industry operator's obligations and the supervision of obeying them and the sanctions of neglecting them.
- Act is applied to those foreigners who pick natural products by virtue of everyman's right and are under natural product picking industry operator's accommodation and food supply.
- In this Act, a natural product picking industry operator shall mean a person who, when a visa is requested, invites a picker to Finland, and a person who has not invited a picker to Finland but who, either in person or on behalf of some other party, arranges accommodation, picking tools and equipment or vehicles for a picker with the principal purpose of enabling a purchase of natural products from the picker.

Natural product picking on the grounds of everyman's right

- The Act applies to natural products referred to in section 89 of the Income Tax Act, the picking of which is permitted under everyman's rights without the consent of the landowner:
 - ✓ Wild berries and mushrooms,
 - ✓ Cones, as well as wild plants or parts thereof collected for human consumption, medicine or the manufacture of a medicinal product.
 - ✓ The income earned by the picker handing over these products is not taxable income, unless the income is considered a salary.
- On the grounds of [everyman's right](#) you can roam freely in the forest, pick berries and mushrooms and camp out temporarily a reasonable distance from homes without the consent of the landowner.
- However, you are not allowed to make an open fire, hunt, cut down trees or damage the land by any other means without the consent of the landowner.

Tasks of the Northern Ostrobothnia Employment and Economic Development Office

- Natural product picking industry operator must fulfill the requirements of the act's chapter 5 and must have a Northern Ostrobothnia Employment and Economic Development Office's decision about the natural product picking industry operator's reliability.
- Natural product picking industry operator must pay all the picking earnings to the picker before the picker leaves Finland and the natural product picking industry operator must arrange up-to-date picking earnings follow-up.
- An operator in the natural product picking industry is prohibited to charge the picker:
 - ✓ any payment for recruitment or for services related to travel to or from Finland;
 - ✓ any fee for familiarizing the picker and monitoring the crop situation
 - ✓ interest on any financing of picker's travel costs or an unreasonable fee for accommodation, food, vehicles or gathering tools



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Northern Ostrobothnia Employment and Economic Development
Office contact information:

berrypicking.northern-ostrobothnia@te-office.fi

<https://toimistot.te-palvelut.fi/foreigners-picking-wild-berries-and-other-natural-products-in-finland>

Occupational Safety and Health Authority's supervision

Picking of natural products



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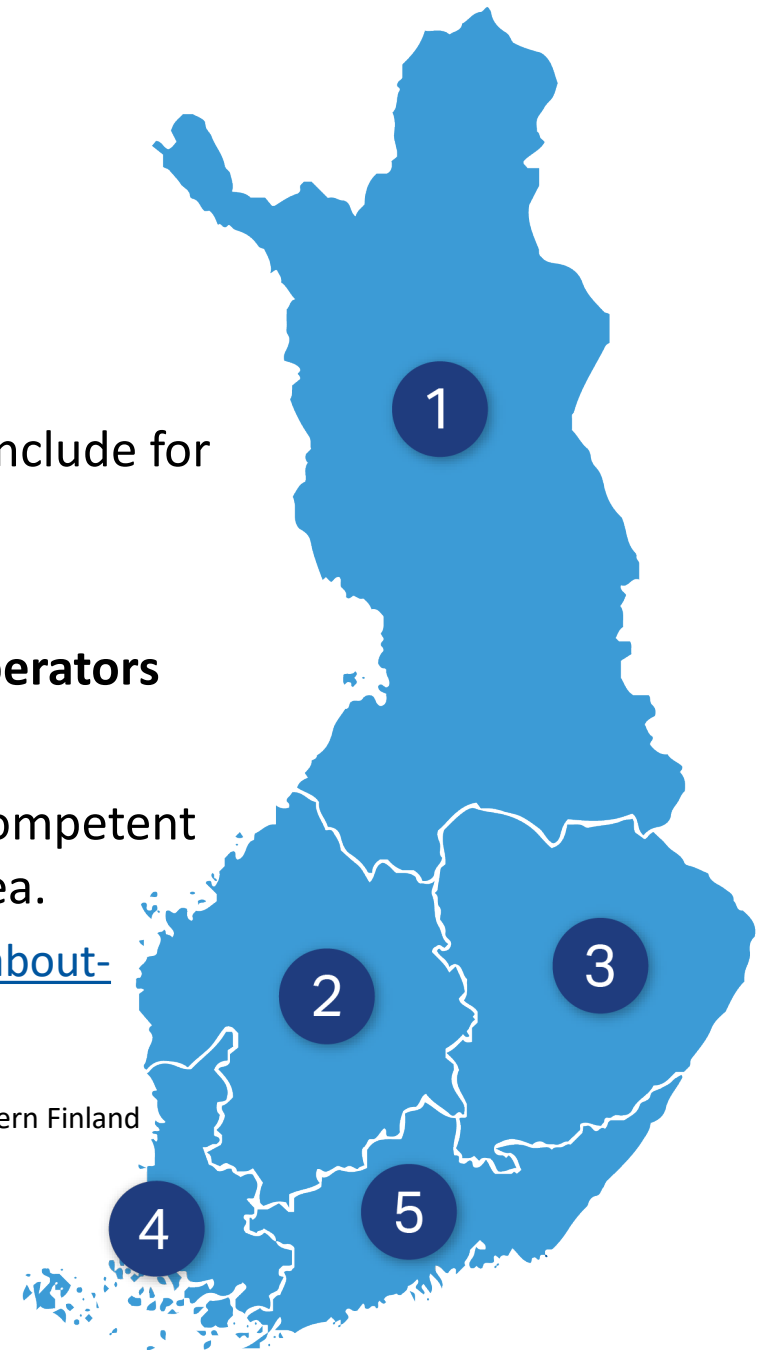


Regional State Administrative Agencies five responsibility areas of Occupational Safety and Health Authorities

- Occupational Safety and Health authority responsibility areas task include for ex. to take care of customer and authorities initiative supervising occupational safety and health.
- **2021 a new task to ensure and inspect that the natural product operators comply with the obligations of the Berry Act**
- Occupational Safety and Health authority responsibility areas are competent occupational safety and health authorities in their responsibility area.
 - Responsibility areas contact information: www.tyosuojelu.fi/web/en/about-us/contact

Occupational Safety and Health authorities responsibility areas:

1 Northern Finland | **2** Western and Inland Finland | **3** Eastern Finland | **4** Southwestern Finland | **5** Southern Finland



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Picker's rights according to Berry Law chapter 4

- The picker has a right to:

- 1) sell the natural products that they have picked to the party of their choice,
- 2) move from accommodation and a food supply service arranged by the natural product picking sector operator to another accommodation and food supply service of their own choosing if there is no change in the purpose of entry into Finland;
- 3) decide the time of their own entry into and exit from Finland;
- 4) decide the timetable of their own picking.



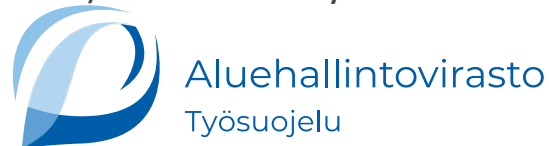
Most crucial duties of a natural product picking sector operator according to Berry Law chapter 6, 1/2

Operator is required to:

1) familiarise a picker with:

- a) the gathering of natural products, and conditions in Finland;
- b) the legal relationship between the natural product gathering industry operator and the gatherer;
- c) the rights and duties of a gatherer in Finland;
- d) the everyman's rights;
- e) parties providing advice and legal safeguards;
- f) matters relevant to gathering other than those referred to in paragraphs (a) to (e);

2) monitor the yield situation and cooperate in picking to enable pickers to maximise their earnings;



Most crucial duties of a natural product picking sector operator according to Berry Law chapter 6, 2/2

- 3) provide accommodation to gatherers that satisfies the requirements laid down in the Health Protection Act ([763/1994](#)), and an appropriate food supply service,
- 4) make vehicles with valid certificates of roadworthiness available to pickers for the purpose of accessing collection sites and transporting the natural products picked;
- 5) make picking tools and equipment available to pickers
- 6) ensure that the current minimum purchase prices of the natural product picking sector operator for natural products and the costs charged to the picker are known to the picker, and even before the picker arrives in Finland in the case of an operator who invites the picker to Finland when a visa is requested;
- 7) ensure that the contact details of public authorities remain available to pickers for the purpose of providing feedback concerning the natural product picking sector operator;
- 8) notify the locations of pickers base camps in advance to an address publicly announced by the Occupational Safety and Health Authority.



Supervision

- Occupational Safety and Health Authority supervises the law, except in these matters:
 - Matters related to accommodation is supervised by local health and welfare public officer
 - Matters related to building safety is supervised by local building control public officer
 - Matters related to fire safety is supervised by local fire safety public officer
 - Matters related to vehicles and roadworthiness are supervised by the police



Inspections

- Occupational Safety and Health Authority makes inspections at bases mainly without prior notice
 - Occupational Safety and Health Authority is initiative in inspections and also makes inspections based on notifications
- Inspections can be made in cooperation with other supervision authorities
- On inspection, inspector observes conditions of the base, interviews the pickers and discusses with the representatives of the operator
- If any grievances are noticed in the inspection, Operator in given an obligation to fix them
 - In the event that operator will not fix the grievances, regardless the obligation, Occupational Safety and Health Authority



can report it to the police

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Occupational Safety and Health Authority's contact information

- www.tyosuojelu.fi/web/en/working-conditions/picking-of-natural-products
- luonnontuotteidenkeruu@avi.fi
- General telephone service in number +358 295 016 620
 - Mon-Fri 9.00–15.00 hours
 - Tue-Thu 9.00-12.00 hours service in English



Other parties providing guidance

- Victim Support Finland (RIKU)
 - www.riku.fi/en/
 - help@riku.fi
 - Telephone service +358 40 664 1707
 - mon-fri 11 am–13 pm ja 15 pm–18 pm
 - Service in confidential and no information is forwarded without caller's permission



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