

The future of work

Threat to Norway's migrant workers after new law faces challenge

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After many years, migrant workers won legal protection from exploitative agencies - but now an Efta surveillance authority decision puts progress in peril

On a cloudy September afternoon, a string quartet plays the protest song Bella Ciao outside Oslo's parliament as a trade union demonstration gets under way. Protesters brandish placards reading: "Defend permanent employment" – a reference to a recent European Free Trade Association (Efta) surveillance authority decision that has put a question mark over a recent union victory.

It is a small gathering to mark a seemingly obscure piece of legislation, but one with serious ramifications for the country's migrant workforce. For years, Norwegian trade unions lobbied the government to limit the exploitative potential of hiring agencies. Once rare in the country, these proliferated with the influx of eastern European immigrants in the past couple of decades.

This year, the Labour government obliged, introducing a law that prohibits the use of hiring agencies by construction businesses in Oslo and the surrounding regions of Viken and Vestfold, and significantly limits the ability of all employers to use such agencies. But the Efta surveillance authority – an association between Norway, Lichenstein, Switzerland and Iceland, which operates parallel to the European Union – [has said the law](#) breaches the EEA agreement in place to create homogeneity with the EU.

Efta's response has the potential to undermine the new law, which migrant workers say has already drastically improved their life.

Jacek Pazdur first arrived in Oslo in 2003 after being told he could earn six times what he was earning in construction in Germany. He didn't even realise he was working for an agency until he found that the money arriving in his account was less than what was declared on his payslip.

Sometimes he had to go for weeks without work or pay as there were no available projects. When he was hospitalised for 10 days with Covid in 2021, the agency refused to pay sick leave. "I lost about 13,000 kroner [£975] in missing wages for each year I worked," he says.

"The whole system of agency employment is designed to take away the rights of migrant workers," says Joachim Espe, the leader of Norway's Construction Workers Union. "It has driven large-scale exploitation and pushed them into precarity."

Three months ago, Pazdur received his first permanent contract as a direct result of the new law. "It's completely different now. I have stable hours and pay. I earn more. I can make plans for the future," he says.

"If I was still working at an agency, I would not be able to come here [to the protest]. I would have to work until much later. Besides, when the agency would find out that we had union meetings or protests, they would move us to remote projects so we wouldn't be able to attend."

"It's common for employers to pay workers less than minimum wage. We see migrant workers who are not being paid at all"

— Lars Mamen, Fair Play Bygg

Oslo's population boom – the city [has grown by 40%](#) since the beginning of the century – sustains a healthy construction industry. [Nearly 5% of people in Norway](#) have found employment building the skyscrapers and family-friendly housing blocks that have sprung up over the past 20 years. In 2008, Norway's construction sector received another boost when [Oslo authorities kicked off a regeneration project](#) to transform the city's rundown waterfront into a sleek culture district, home to the marble opera house and the [recently opened Munch Museum](#).

Much of Oslo's new infrastructure was built by precariously employed migrants. Data suggests that [more than a third of workers](#) on Oslo's perpetually sprouting building sites were employed by agencies or subcontractors. Construction is the [main employer](#) among Poles, the country's largest migrant group.

The new law is an attempt to curb exploitative practices within the industry and "[strengthen serious and ordered working life](#)", according to the labour and inclusion minister, Marte Mjøs Persen. But labour rights advocates are sceptical that the law alone will be effective in improving migrant workers' quality of life.

"This law is good, but it doesn't help with working conditions for those workers who are already employed by a company with criminal intent," says Lars Mamen from Fair Play Bygg, an organisation advocating for the rights of construction workers. Employers routinely ignore the legal protections of workers already in place, he says. "It's common for employers to pay workers less than minimum wage. We come into contact with migrant workers who are not being paid at all."

The protest at Oslo's parliament is not only about protecting this new law but also about many other ways in which the Norwegian state fails to protect the migrants who are constructing its capital city. EU workers were found to be at a higher risk of [work-related death](#), [homelessness and poverty](#), but simultaneously more likely to be [denied state support to which they are entitled](#). A recent report by Kirkens Bymisjon, a charity fighting homelessness, found that most of Oslo's [rough sleepers were EU migrants](#).

However, union leaders worry that the Efta surveillance authority decision will act as a "wet towel" and discourage government from passing the expanded restrictions. "I don't think this law is the solution to stopping the massive scale of work-related crime and worker exploitation," says Mamen, who would like to see more robust prosecution of employers found in breach of labour law. He also points to the lack of social security available to migrant workers.

"If a migrant is judged to not have 'fixed domicile' in Norway – and there is no strict definition of what this means – they have no right to social support, temporary housing, or even a night shelter," says Mari Seilskjær, a Kirkens Bymisjon researcher.

"In Norway, Polish migrants are often not seen as residents entitled to protection but transient workers who are here to do a job and return to their home country," says Katrine Mayora Synnes, a sociologist at the University of Agder. In her research, she found that Polish workers struggled to access the benefits and protections to which they are legally entitled, and encountered hostility in

the offices of the Norwegian Labour and Welfare Administration.

At the recent protest, there was talk of how much more the state can do to help migrant workers. “First, we take Manhattan, then we take Berlin,” says Atle Rostad, a union representative of energy industry workers. “There’s already a [draft bill submitted](#) to parliament to expand the current restrictions on Oslo building sites to other areas and industries.”

“It’s about showing solidarity,” says Ragnhild Nyegger, a builder who came to the union protest. “Because in Norway builders and migrants are not valued.”

*This article was amended on 16 October 2023. The correct translation of the placard slogan referenced in the first paragraph is “Defend permanent employment”, not “Demand permanent employment” as an earlier version said. Also an earlier version omitted surveillance authority from the name of the European Free Trade Association surveillance authority, and mistakenly referred to the decision as a ruling. This has been corrected.

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