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Polish workers on short-term contracts and  
in low-paying jobs in Sør-Trøndelag, Norway:  
A study of the unmet need for legal aid

ADA I. ENGEBRIGTSEN,  
MONIKA STĄPOR & KRISTIAN ANDENÆS



NOVA

Norwegian Social Research

OSLO AND AKERSHUS  
UNIVERSITY COLLEGE  
OF APPLIED SCIENCES

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NOVA, the Norwegian Social Research, is a research institute at the Centre for Welfare and Labour Research (SVA) at the Oslo and Akershus University College of Applied Sciences (HiOA).

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# Preface

This report is the result of a study financed by EEA Grants and commissioned by the National Courts Administration (Domstolsadministrasjonen) in Norway and the Polish Ministry of Justice. The study explores the need for legal aid as experienced among Polish workers with short term contract and in low-paying jobs in Sør-Trøndelag, Norway. The study is based on qualitative interviews with 15 Polish workers, men and women, and with 10 representatives for organizations, public and private, and recruitment agencies. The project implied 2,2 person months for the main researcher Ada I. Engebrigtsen, 2 person months for the research assistant Monica Stapor and ½ person month for the legal consultant Prof. Kristian Andenæs. The study was initiated in September 2016 and finalized the 15<sup>th</sup> of January 2017. The report has been quality assured by senior researcher Kirsten Danielsen and by research director Tonje Gundersen.



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## Summary

The need for legal aid among Polish workers on short-term contracts and in low-paying jobs in Sør-Trøndelag

This study was financed by EEA Grants and was commissioned by the National Courts Administration (Domstolsadministrasjonen) in Norway and the Polish Ministry of Justice.

The objective of the study, carried out between 1 September and 31 December 2016, was to assess the extent and nature of unmet need for legal aid as experienced by Polish workers with short-term contracts and in low-paying positions in Sør-Trøndelag. The study focuses on both perceived and unperceived unmet need for legal aid among Polish workers. This report is based on qualitative interviews with 15 Polish workers, both men and women, 10 representatives for organisations working with the legal rights of workers and two current and one former employees of recruitment agencies. The report is also based on documents/surveys of Polish workers in Norway. The informants were not chosen randomly as we wanted to interview workers who had experienced 'work trouble'. The study is therefore not representative, but exemplary as it presents the problems perceived by some workers and discusses how they represent unmet needs for legal aid. In order to obtain the workers unperceived need for legal aid we interviewed representatives for private and public bodies that work with workers' rights.

All our informants except one had short-time contracts and relatively low pay. The majority had, at some point during their work life in Norway, experienced major breaches of their rights as EEA citizens and workers in Norway. The breaches ranged from minor problems obtaining refunds for travel expenses to major infringements of the Working Environment Act. There was an awareness among our informants that they were treated unequally in Norway, but few had actually reported the breaches they experienced. Only two were members of a labour union. There are multiple reasons for this. Some did not believe it was worthwhile because they had no confidence in and/or little knowledge of the system, while some had no explicit reason. Based on discussions with legal bodies and union representatives, we assert that many workers fail to report legal breaches out of fear of losing their



jobs or not being prioritised for jobs. Informants complained about short-term contracts causing economic and social insecurity.

Our interviews with organisations and institutions that work with legal aid or workers' legal rights revealed that these experiences are only the tip of the iceberg when it comes to legal breaches concerning this category of Polish workers in Sør-Trøndelag. These findings are consistent with what was found in the Oslo region in 2007 and 2010 (Friberg og Tyldum 2007; Friberg og Eldring 2011).

Legal aid in Sør-Trøndelag is centred in Trondheim represented by the labour unions Arbeidstilsynet, Jusshjelpa and the private lawyer market, Husleietvistutvalget and Senter for utenlandsk arbeidskraft, SUA. All these institutions provide legal aid outreach to employees and employers, informing them about rights and duties in the workplace. All have homepages on the Net and at least the large organisations have Polish language as an option. Much material is also translated into Polish and English. According to informants, NAV and Jusshjelpa present their services primarily in Norwegian and English and not in Polish, although both use Polish interpreters. Despite information about rights and legal aid being relatively accessible for Polish-speaking people, very few in our sample seem to have taken advantage of these resources. Many did not know that they could get a translator. We believe short-term contracts lead to the vicious circle of economic and social insecurity, difficult access and low motivation for language learning resulting in weak integration and limited understanding of Norwegian work life. This in turn creates scepticism among migrant workers towards what legal aid can do for them, keeping them in a vulnerable position. But here we must add that the demand for temporary and cheap labour in society, establishes a situation in which low pay and short contracts constitute the bargaining power of migrant workers like Poles.

Based on this study we will claim that there seems to be an unknown but considerable amount of unmet need for legal aid among Polish workers with short-term contracts and low pay in Sør-Trøndelag.

# 1 Introduction: Background for this study, assignment and limitations

This study is the outcome of a call for a research report on the extent of the unmet need for legal aid among Polish migrant workers in Sør-Trøndelag with short term contracts and in low-paying jobs. This study was commissioned by the National Courts Administration (Domstolsadministrasjonen, DA) in Norway and the Polish ministry of Justice as part of the EEA/Norway Grant-financed programme Judicial capacity building/improvement of the efficiency of justice in Poland, where DA is a donor partner. One of the programme's main goal was to improve the access to the court of justice for persons who for different reasons are in vulnerable positions in society. The EEA Grants and Norway Grants represent the contribution of Iceland, Liechtenstein and Norway to reducing economic and social disparities and to strengthening bilateral relations with 16 EU countries in Central and Southern Europe and the Baltics (<http://eeagrants.org/>).

The call was interpreted as follows:

*The main goal of this study is to uncover the perceived and unperceived unmet need for legal aid among Polish workers, what this need consists of, why they have this need and how this need can be met.*

*Research questions are:*

- 1. What are the workers' subjective perceptions of their unmet need for legal aid and of whether this need is being met?*
- 2. Why is the need for legal aid not being met?*
- 3. What is the workers' unmet need for legal aid?*
- 4. What are the workers and other informants' views on what can be done to meet the workers' perceived and unperceived unmet legal aid needs?*
- 5. The call specifies four domains to be investigated:*
  - The importance of mainstream<sup>1</sup> versus outreaching legal<sup>2</sup> aid*
  - The importance of different methods for communicating legal information*
  - The importance of short-term contracts*
  - The importance of integration into Norwegian society*

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<sup>1</sup> The client has to take initiative and visit the place where legal aid is given.

<sup>2</sup> The client is visited where he/she lives or places he/she frequents, like for instance a café/meeting places.

*The research shall be based on interviews, statistical material and other relevant documents on this category of migrant workers* (Extract from the application).

The study was implemented from 1 September 2016 to 31 December 2016

#### RESEARCH STAFF

The research staff consists of the project coordinator, Research Professor Ada I. Engebrigtsen, (NOVA/HIOA), the main interviewer master student Monika Stapor (HIOA) and legal advisor Professor Kristian Andenæs (Law Faculty, UIO).

#### WHAT IS THE UNPERCEIVED NEED FOR LEGAL AID?

We define a legal problem as a problem that can be reduced by legal aid in the framework of current law [*innenfor rammen av gjeldende rett*]<sup>3</sup>. (Johnsen 1987:260, my translation) (see also Hasle og Jordal 2013).

The workers in our sample all had complaints about what they described as problems at work, mostly concerning low, delayed or no pay, and inequality between Norwegian and foreign workers. Only a few had sought legal aid, and although the majority did not present their problems as legal problems, we interpret them to be at least partly perceived as such. When they were not presented as legal problems, we believe the reason had to do with the inaccessibility of legal aid to most of our informants. Their complaints were not explicitly about their need for legal aid, but for fairness in the workplace. The line between perceived and unperceived need for legal aid is not always clear.

To explore what may be regarded as Polish migrant workers' unperceived need for legal aid, we interviewed representatives for public institutions, private organisations, workers' unions and employers about their views on this issue.

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<sup>3</sup> The law as it is interpreted according to acknowledged judicial interpretation (prof. Kristian Andenæs, my translation)

## 2 Methods

### THE *EXTENT* OF UNMET NEED FOR LEGAL AID

The call asked for *an assessment of the extent* of the need for legal aid among Polish migrant workers in Sør-Trøndelag. To assess the extent, we would have had to develop a questionnaire in Polish and distribute or send it to all firms with Polish workers, whether men or women, in the category we wished to target in the region. This would not have been possible given the rather complex topic and time limit of this project. To answer a questionnaire about problems and the need for legal aid presupposes a certain knowledge about the legal system or rights in Norway. This knowledge is not widespread among Norwegians and certainly not among this category of migrants. The topic is sensitive and may endanger work relations (Friberg og Tyldum 2007), and the time limit of the call did not allow for an extensive interview study that would be representative of the experiences of Polish workers in Sør-Trøndelag.

In spite of these limitations we believe this study provides a meaningful insight into the legal problems experienced by Polish workers in Sør-Trøndelag.

### WHY A QUALITATIVE RESEARCH DESIGN?

The present report is based on qualitative interviews with a limited number of Polish migrant workers in the target category and on interviews with representatives of institutions and organisations concerned with legal issues for workers. Interviews were based on guides inspired by the survey by Hasle and Jordal (2013 ), and took the form of a conversation more than a survey interview. This study is not representative but it exemplifies the problems that some categories of Polish workers encounter in Sør-Trøndelag, and their perceived need for legal aid concerning work, housing and social services. The study also explores how they deal with these problems and what they believe is needed to solve them. A third planned approach was to get access to court cases through Jusshjelpa (Legal Aid) in Trondheim and Arbeidstilsynet, the Norwegian Labour Inspection Authority (NLIA). Unfortunately, this was not possible as it proved too difficult to get permission from the clients, much due to the short time available.

## HOW TO REACH OUR TARGET GROUP?

The target category for this study was Polish workers on short-term contracts with low-paying jobs in Sør Trøndelag. There have been two major surveys of Polish migrant workers in Norway: the Sintef report from 2011 and the Fafo report from 2007. Both note that their informants were among the relatively successful immigrants who were relatively well integrated in the Norwegian workforce. The Sintef study was based on a questionnaire in Polish distributed in places where Poles meet in Trondheim. The Fafo study was based on so-called Respondent Driven Sampling (RDS), which is supposed to give a more representative sample than the snowball method. Informants were interviewed face-to-face by Polish-speaking assistants. Both studies also concluded that it was difficult to access the category at the bottom of the work hierarchy, namely people with short-term contracts or no contracts and low pay.

## OUR INFORMANTS

The current study has a limited scope and aims to explore some of the problems not-so-successful Polish workers experience and their perceived need for legal aid. Polish workers were recruited by the Polish assistant through Arbeids-tilsynet, the Norwegian Labour Inspection Authority (NLIA) and Polonia in Trondheim. From there we used the snowball method, asking informants to ask their friends or acquaintances who had problems at work to be interviewed. Recruitment went well in the beginning, but it proved more and more difficult to find persons willing to be interviewed and who did not cancel the appointment at the last minute. Our aim was to interview 20 Polish workers, but as time was limited, we only managed to interview 15 – nine men and six women.

Our Polish assistant interviewed nine men and six women between the ages of 28 and 51, the majority around 30. Five men and three women were living with a partner and or family, three had bought their own houses. Four women were working as cleaners, one was a student and cleaner and one worked as an assistant in a kindergarten. Four men were in construction, five in other low-pay occupations. Three of the women and five of the men had university degrees in different subjects, but none had work that matched their educational level. Thirteen of our informants had short-term contracts or oral contracts; only one man had a permanent contract in a construction company after six years there. Two were members of a labour union.

In order to explore unperceived need for legal aid among Polish workers, or how others regarded their need for legal aid, we interviewed representatives from Arbeidstilsynet (NLIA) in Trondheim, Arbeidsmannsforbundet, Fellesforbundet, Jusshjelpa in Trondheim, Husleietvistutvalget, SUA Senter for Utenlandsk Arbeidskraft, the leader of Polonia w Trondheim, two administrators at NAV/EURES Trondheim, and the largest recruitment agency in Trondheim. The legal director of the employer's union NHO in Oslo cancelled our interview appointment. All Polish workers were promised anonymity and representatives of organisations are presented without names, but may be recognized by their positions.

All interviews with Polish workers were conducted in Polish and transcribed into English by our Polish research assistant. We have kept the translation as it was done, in a slightly Polish 'accent', to keep the orality and expressiveness of the interview extracts. All interviews were conducted in or around Trondheim; informants were mostly living in Trondheim, but also in other parts of Sør-Trøndelag.<sup>4</sup>

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<sup>4</sup> Interview guide for workers is in the attachment. Interview guides for organizations differed according to organization and are not attached.

### 3 Legal aid research

#### LEGAL AID RESEARCH IN NORWAY

Legal aid research has been an important part of Norwegian sociology of law research, and a number of research projects since around 1970 until today (Eskeland/Finne 1973, Eidesen/Eskeland/Mathiesen 1975) have documented that the unmet need for legal aid is great. The main emphasis has been on the need for legal aid among disadvantaged or marginalised groups, among them immigrants. In addition, there has been an emphasis on the organisational structure of legal aid and the distribution of legal aid in the population. A project on the application of the Free Legal Aid Act has also been carried out (Bentsen/Rønning 2008). In this chapter, we briefly present some of the research projects that are of special interest for our present project.

Eskeland and Finne conducted a pioneering project in research in 1973, about the need for legal aid. A group of people living in a part of Oslo where a majority of the inhabitants were in low-paid work or out of work got a letter offering them legal aid from lawyers who would visit them at home. A similar control group also got a letter from the project, but this group was offered legal aid at a temporary law centre in the area where they lived.

The group that was visited at home had a great number of legal problems, but to a large extent they were unaware of having legal problems and having rights that could be fulfilled. During the interviews, these problems were discovered, and many of the cases were followed up. In 91 households, 230 problems were found, and the result of following up the cases was that a great majority of the cases were successfully resolved, resulting in social benefits, pensions, reduced taxes and so on. For instance, 20 of 22 cases against the tax authorities were successful for the clients.

In the control group, which had to visit a law centre nearby, the results were extremely different. Only four persons visited the centre. The conclusion is that these groups of people have limited knowledge about their rights and about how to access rights that they have. The traditional way of giving legal aid, based on the notion that people are aware of their rights, and that they are able to make use of existing opportunities to get legal aid, is not sufficient for these groups. Active and ambulatory legal aid must be offered.

Many of the research projects that have been done have interviewed individuals and households about their economic and social situation and their legal problems. The legal problems that have been discovered have been followed up by the research projects; those interviewed who want legal aid to try to solve their problems, have been given it. A majority of households in the projects have an unmet need for legal aid, up to more than three cases per household/person (we are talking about problems of some importance, economically, socially or personally). Studies have also documented that the unmet need rose for groups with small income and little education. Various disadvantaged groups have a great need for legal aid to be able to claim their rights. An investigation into the need for legal aid among the Sami population in Norway, the only aboriginal group in Norway, concluded:

The cases demonstrate a considerable lack of competence to make use of the rights given them in the Norwegian legislation. This is the same situation you find in large parts of the Norwegian population. But one may raise the question whether their problem is greater because of their ethnicity, and that we may talk about structural discrimination.

To be able to claim and achieve your rights, you have to take initiative by applying, you need knowledge of the Norwegian language, ability to present your needs and knowledge about the rules. Those who do not live up to these standards, have a risk of not getting what they are entitled to according to the law. (Johnsen 1997)

Similar results have been found in investigations concerning the need for legal aid among immigrants (Graver 2002, Hasle/Jordal 2013). Graver, Skaug, Strålberg and Tangen, with background from legal advisors in Juss-Buss, interviewed and provided legal aid to a group of immigrant women in Oslo. The background for the study was the fact that few immigrant women came to Juss-Buss for legal aid, in contrast to the high number of male immigrants, and those who came were, in most cases, escorted by male relatives. Thus, the knowledge about immigrant women's need for legal aid was minimal. The project wanted to meet the women in a setting where they felt free to talk about their problems, and this method led to quite another picture of the women's need for legal aid.

The women had a great need for legal aid, and their problems involved a mixture of legal, economic and social or health-related issues. The majority of the legal problems were in the fields of immigration law, social security law



and social welfare law. On this background, the majority of adversaries in the cases, 70%, were public institutions. It was estimated that 80 % of the claims were legally justified. The percentage is higher than in other investigations, and it was concluded that this group of women had a higher risk of not being able to claim and fulfil their rights than other groups (Graver 2002).

Hasle/Jordal interviewed 103 households with a total of 275 persons in a medium sized town outside Oslo. The population in the area where the households were located had a majority of immigrants, and 75% of the households in the investigation were immigrants, with a majority of nearly 75% from Pakistan and Turkey. The project was looking at the areas of immigration law and welfare law in particular. In addition, they were interested in the application of the citizens' right to guidance from public authorities and their knowledge about legal aid (Hasle/Jordal 2013).

They found a greater unmet need for legal aid concerning immigration law and welfare law than in any other legal aid projects in Norway. Of the more than 100 problems that were found, legal aid had been used in 10%. More than 50% of the problems were not acknowledged, and most of the participants who did acknowledge problems did not try to contact legal aid institutions because they thought it would not help them. Other factors contributing to workers' problems were poor communication because of insufficient understanding of the Norwegian language and insufficient knowledge of how the welfare system and public authorities function.

In nearly 50% of the cases, respondents reported that they had received little benefit from the guidance they had received from the public authorities. The local communities provided the most guidance, while the immigration authorities and NAV offered the least adequate guidance. The guidance was least useful at the administrative review level (klagebehandlingsnivå), although the need for guidance may be very important at this stage of the process. Insufficient information was an especially great problem for people with dyslexia and those with little or no knowledge of the Norwegian language.

In the cases in question, the respondents benefitted from guidance; they had received practical aid in writing applications and good explanations about the cases they were involved in, and interpretation of what they did not understand.

Knut Papendorf has written a book about marginalised groups' ability to access and mobilise their rights. His conclusion is that those offering legal aid

must be active and meet the clients where they are (oppsøkende rettshjelp), in addition to offering legal aid in more traditional ways (Papendorf 2012).

In general, groups with special needs and problems – people who are handicapped or ill, often combined with low income and low education – are in need of legal aid to claim and fulfil their rights. What research tells us is that the Norwegian legal aid system is not able to cover these needs. One of the major obstacles is that in general, one is not entitled to free legal aid when public authorities are the opposite part.

#### LEGAL EMPOWERMENT

Legal empowerment is a concept used on research on the connection between knowledge about rights and the ability and possibility to make use of one's rights. A common definition is that legal empowerment is understood to be: a process of systemic change through which the poor and excluded become able to use the *law, the legal system, and legal services to protect and advance their rights and interests as citizens and economic actors. (UN Commission 2008)*

In general, one may say that without knowledge about rights, those possessing the rights are not able to make use of them, if there is not a system of outreaching legal aid. Thus, we may conclude that there is a close connection between legal information and legal aid. The connection between legal information and legal aid is described in detail by Tina S. Nordstrøm (Nordstrøm 2009).

Nordstrøm proves that legal aid research has focused very little on legal information. She also documents that the Norwegian legal system, including how the legislation is applied in practice, is not living up to our international obligations. In her thesis, she is presenting the CEDAW (The Convention on the Elimination of all forms of Discrimination against Women), the ICCPR (The International Covenant on Civil and Political Rights) and the ICESCR (The International Covenant on Social, Economic and Cultural Rights). She is also presenting the CMW (The International Covenant on the Protection of the Rights of all Migrant Workers and Members of their Families), and she is wondering why this convention has not been ratified by Norway.

Her main conclusion is that Norwegian legislation has to be improved to live up to our international obligations. In our context, it is also an important conclusion that if we want to improve our legal aid system, we must also have in mind the importance of legal information.

## 4 Polish workers in Norway: A literature review

The literature on Polish workers in Norway has increased substantially since the first migration when Poland became an EEA member in 2004. Here we will present some of the recent work that is relevant to our study.

**J. Horgen Friberg og G. Tyldum** (red) 2007. *Polonia i Oslo. En studie av arbeids- og levekår blant polakker i hovedstadsområdet. FAFO-rapport 2007:27*

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This is a broad study, by FAFO (a central research institute in Oslo) of the living conditions of Polish migrant workers in Oslo. The method used was so-called respondent-driven sampling (RDS), wherein each recruited respondent is asked to recruit two or more new ones. The survey covered many subjects and we will only summarize the main conclusions relevant to the present study. In 2006, when the survey was implemented, Poles worked in a limited range of industries in which language knowledge is less important. In 2006, the transition period<sup>5</sup> was still applied and only Poles with legal full-time contracts with Norwegian salaries benefited from these regulations. In spite of the principle of general application of collective wage agreements in the construction industry, which demand equal pay for foreign workers in cases where the firm has a wage agreement, the survey showed that Polish workers had significantly lower salaries and worse working conditions than native Norwegians'. The survey also revealed a considerable amount of illegal work among Poles in Oslo. Without legal employment, one cannot obtain a residence permit, and without a residence permit, one does not have the right to welfare services. Women working in the private sector are often in this category. According to this survey, about half of the Poles in Oslo work in the illegal labour market. The report sums up four types of Polish workers in the Oslo region

**The integrated Pole**, who represents a success story. He/she has been in Norway some time, knows the language and is often living with their family. He/she has access to Norwegian welfare services and, most importantly, he/she

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<sup>5</sup> From 2004 -2009 new EU members like Poland had special restrictions for access to the Norwegian labour market. They will be explained later.

has a Norwegian job with Norwegian pay conditions and normal working hours.

**The legal guest worker** is the most common type. This migrant works in the construction industry and is in Norway to make money, while their family remains in Poland. They often work for recruitment agencies and live in crowded environments, often with friends. They know little about the Norwegian language or their rights as workers. They plan to go back to Poland as soon as they have made enough money. They are very dependent on their employer.

**The illegally employed** have no rights relative to his/her employer or the state. Many are exploited and swindled by their employers. They earn far below the wage agreement or minimum wages, are expected to work long hours and may be fired without warning. They do not receive sick pay, child allowance or a pension.

**The casual worker** represents a significant category of Polish migrant workers. They have no formal employer, but generally work for households and sometimes firms and sell their services directly. The majority of cleaners are in this category. With decreases in job offers the vulnerability of these workers increases.

In their survey the mobility between these positions also seems rather limited especially, between the legal guest worker and the integrated Pole.

The report concludes that Polish migrant workers in Oslo generally have much poorer working and wage conditions than their Norwegian counterparts and that lacking language proficiency and knowledge of their rights as employees in Norway makes it difficult for them to better their position. Still, the data show an emergent A and B team among Polish workers, with the A team consisting of migrant workers in Norwegian firms protected by the transition rules and Norwegian work agreements – although under the level of their Norwegian colleagues. The authors argue that the transition rules function as a gate-keeping device to employment, as only migrants with full-time employment are covered by them. Thus, extensive use of casual workers used in more or less illegal working contracts has developed a labour force that the authorities have little ability to control. Thus, the only way to secure workers' rights is by developing laws, regulations and agreements for working life that cover all kinds of employment, and are enforced, together with cooperation between authorities, industries and the bargaining partners.

**J. Horgen Friberg og L. Eldring 2011:** *Polonia i Oslo 2010. Mobilitet, arbeid og levekår blant polakker i hovedstaden*. FAFO-rapport 2011:27.

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In 2010, the Polonia study was repeated as part of the larger international research and method development project *Mobility and migrations at the time of transformation –methodological challenges*, led by the Centre of Migration Research at the University of Warsaw and financed by the EES. The 2010 study covered a wide range of topics, most of which had also been covered in the 2007 study, and the results are discussed in comparison with the earlier study to analyse changes and developments in the situation of Polish migrants in Norway. In this review we will only refer to the conclusions in the 2010 report.

One main conclusion is that the Polish migration represents the largest wave of migration from one single country to Norway ever, and that the Poles now make up the largest immigrant population in Norway. The study further assess that this migration has been successful, both for Norwegian trade and industry and for the majority of Polish migrants. Seventy-five per cent of the respondents to the 2010 survey agreed with the statement: ‘My life is better since I started working in Norway’ (Friberg og Eldring 2011:99), which is a slightly higher percentage than in the 2007 survey. There is an increase in trade Union membership compared to the 2007 survey, but, 55% did agree with the statement that Poles are expected to work harder than Norwegians. The conclusion points to three worrying developments concerning Polish migration to Norway.

New segments have developed in the Norwegian labour market characterized by low wages, bad working environments, limited autonomy, illegal working conditions, and poor job security. Relatively many among migrant workers are subject to being cheated, and to messy conditions and breaches of labour regulations. This segmentation is primarily an effect of structural conditions in the labour market and the industries and not of the migrants themselves. Due to the recession and to structural features of the construction and cleaning industries in particular, where most Poles are employed, flexibilisation through temporal employment, hired labour and casual workers with more or less legal working conditions at the bottom of long chains of sub-contractors is not unusual.

The second problem is that Polish workers very seldom experience social mobility in terms of gaining assured steady ordinary employment, even after

many years of employment. This was a tendency from the 2007 survey that was confirmed in 2010. Although Polish workers in other branches may achieve some upward mobility, this is not the case in construction and cleaning, where only a very limited number have ordinary permanent positions. This does not seem to change with the duration of stay in Norway and affects the possibilities for language learning and integration into Norwegian society.

The third worry concerns the finding that Polish migrant workers are especially vulnerable to unemployment and exclusion from the labour market in times of recession. This is obvious from official statistics, but the 2010 survey shows that the real unemployment is much higher than statistics show, as workers without rights to unemployment benefits are not registered with NAV. Workers in the construction industry have been particularly struck by the recession, and the 2010 survey shows that there is a strong relation between the weak position of Polish workers on the labour market and the risk of exclusion in times of recession. The slacker the relationship to the labour market, the less probability of accessing unemployment benefits. Among the few with permanent positions, few are made redundant, but those who are, generally have access to social security. The authors underline that the 2010 survey was implemented in the first quarter of 2010 when the construction branch was still marked by the recession and that one should be wary of drawing strong conclusions based on these data. They note that in the economically exposed construction branch with its requirements for a flexible workforce, one must count on the possibility of temporary unemployment. The problem concerning Polish workers is that the majority do not have the safety net that is guaranteed workers in Norway because only a few have had the time or the possibility to earn these rights. Poverty and social destitution may be a worrying outcome of these structural problems.

**Jon Horgen Friberg** 2011: Culture at work: Polish migrants in the ethnic division of labour on Norwegian construction sites. *Ethnic and Racial Studies*, 35:11.

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This article discusses the cultural divisions on Norwegian construction sites and the strategic use of cultural differences both by employers and Polish employees. Cultural division refers to the empirical fact that Poles are mostly engaged in the secondary work sector, on short-term contracts in low-skilled

manual work, with little opportunity for advancement, while ethnic Norwegians are dominant in the primary sector with higher wages, relative job security and advancement possibilities. This is supported by the outcome of two surveys on Polish workers in Norway. Friberg also finds that the cultural stereotypes of Poles as hard workers who do not fuss is strategically used by both Poles – as a bargaining power or cultural asset to compete in a competitive labour market – and by employers – as a legitimate argument for employing Poles in the second sector where their ‘cultural qualities’ are seen to be needed.

**J. H. Friberg** et al. 2014. Nordic labour market institutions and new migrant workers: Polish migrants in Oslo, Copenhagen and Reykjavik. *European Journal of Industrial Relations* 2014 20:37.

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This is a comparison of the ability of three Scandinavian cities to incorporate Polish migrant workers into existing labour market structures and to protect them from exploitative working conditions. The analysis is based on 500 interviews with Poles in each of the three cities. The authors conclude that all three capitals face problems regarding the institutional ability to incorporate migrant workers into the workforce. Although there are some individual characteristics, such as educational level, that may contribute to this fact, they hold that the most salient explanation concerns their structural position in the host country’s labour market. In Oslo and Copenhagen, the labour market is ethnically segmented and casual employment relations, temporary staffing, transnational subcontracting and household service provision function as drivers of low-wage competition and precarious working conditions. In Copenhagen, having a trade union representative at the workplace has a stronger bearing on equal working conditions than in Oslo, while those outside the trade union are much more exposed in Copenhagen. Polish migrant workers in Reykjavik are more uniformly placed at bottom of the wage scale, but with far better protection against exploitative regimes. Oslo is simultaneously the most rewarding place in monetary terms and the place where migrant workers are most at risk of exploitation and illegal treatment.

**Baba, Mariette and Dahl-Jørgensen, Carla.** (2010) Work Migration from Poland to Norway: A New Institutional Approach. *Intergraph: Journal of Dialogic Anthropology*. vol.2(2).

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The two following articles, based on a study by NTNU (The Norwegian University for Science and Technology in Trondheim), discuss how new forms of institutional arrangements develop among Polish migrants that allow them to counteract the regulations adopted by the government. It is based on a pilot study of 11 Polish workers, with different educational backgrounds and trainings in a town in Norway. Examples are unemployed workers that, instead of returning to Poland, stay and take on irregular temporal employment, and others that live with friends and work as casual workers unregistered with the government. These examples are illustrations of the problem cases discussed in the 2010 study.

**Saksvik P. Ø., C. Dahl-Jørgensen, S. Danielsen Tvedt** (2013): Migrant Labour in the Workforce. *Journal of Identity and Migration Studies*. Vol / n.1.

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This article concerns the mental health and perceived work burden and well-being of Polish workers in a city in Norway. The data rest on a questionnaire survey of 125 Polish workers in the construction and cleaning industry. The findings closely match those of Friberg on cultural divisions in the workforce. The survey found a high level of over-commitment among Polish workers, interpreted as ambition by the researchers, paired with a strong commitment to the firm where they were working. The researchers' conclusion is that although Polish workers are over-committed in their work, their commitment seems to help to limit mental health problems.

**Torvatn, H. og M. Pettersen Buvik.** 2011. PolTrond. Arbeidsvilkår og arbeidsmiljø blant polske arbeidere i Trondheimsregionen, SINTEF Teknologi og ledelse 2011-06-10.

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The report is part of a research project entitled *Work Unlimited: Identity construction in a global context* (2008–2011), by SINTEF a research institute situated in Trondheim. It focuses on the working life, work relations and working environment of Polish migrant workers in the Trondheim region. The report is based on a questionnaire survey of 125 Polish workers, 38% women. Respondents were seen to be relatively well-integrated in the labour force, and the majority of the men were in the construction industry while women worked



in cleaning. The Sintef report concludes that the Polish workers that responded to their survey are among those that have managed to enter the labour market with the same rights and duties as native Norwegians, at least in principle. The majority did not experience harassment at work, they had work contracts, good collegial support, could stay home when they were ill and were to a greater degree than in Poland members of a union. But they also reported that the physical work environment is harder, they received less support from leaders, and the challenges to health and stress were greater than among Norwegian workers. SINTEF also saw the signs of ethnic discrimination at the workplace that were discussed in the FAFO research. The report points to the necessity of promoting more Polish leaders; in their survey only 5% had a leadership position. The survey found that Poles generally regarded their oral and written Norwegian as weak and that language proficiency was important, not only for advancement, but for work security. The results of the SINTEF study correspond strongly with the results of the two surveys in Oslo by FAFO. The report concludes that the Poles in these surveys are not completely integrated into Norwegian work life, possibly partly because the majority only have worked in the country for a short time.

## Summary

Although these studies are rather different regarding topic and scope, they conclude in different ways that Polish workers in the Norwegian construction and cleaning industries are generally treated worse than Norwegian citizens. Even if they earn a lot more working in Norway than in Poland, their rights as workers are not secured in the same ways as for Norwegians.

## 5 Polish workers in Sør-Trøndelag: regional features

Sør-Trøndelag is a county in the middle of Norway with a population of 313,000 and an economy based primarily today on information technology, gas and oil as the most important industries, followed by fish farming and agriculture, then by industries such as construction and service industries. Sør-Trøndelag has an estimated 4000–5000 Polish migrants<sup>6</sup>, but only 1500-2000 are in the popular register (this information was provided by Mr. Orleański, the leader of the Polonia w Trondheim). Norway's third largest town, Trondheim, is situated here, as is Norway's technical university, NTNU.

Since Poland became an EU member in 2004, labour migration from Poland is the largest migration ever to Norway from a single country (Friberg og Eldring 2011). Although there has been substantial emigration back to Poland from Norway, Poles are still by far the largest migrant group in Norway (SSB). By 2016 there were 96,000 Poles registered in Norway, while the real number is estimated to be somewhere between 150,000–200,000. (Only persons with a legal permit to stay in Norway and with the intention to stay more than 6 months are part of the statistics. <http://www.ssb.no/sosiale-forhold-og-kriminalitet/artikler-og-publikasjoner/stadig-mest-innvandring-fra-polen>).

Polish workers are engaged in several trades and industries in Sør-Trøndelag, but a survey from 2011 (Torvatn and Pettersen Buvik 2011) found that the majority of Polish men in the Trondheim region work in the construction industry while most women work in cleaning and serving in the private sector, as is the case in the Oslo region as well.

### CONSTRUCTION AND CLEANING/SERVING – LAWS AND REGULATIONS

As in the Oslo region, most Poles in Trondheim are engaged in the construction industry and in the cleaning and serving businesses. One important difference between these industries is of course that they are respectively male- and female-dominated, but the organisation of work and the legal status of the workers also differs substantially. The cleaners are often employed in private households with only oral contracts and no legal rights to sick money, paid

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<sup>6</sup> The majority of Poles work and live in Oslo.

holidays or rights to a pension. Many are on short term contracts in hotels and restaurants without wage agreements, and many are without a work permits and work long hours for low pay. When cleaners are employed by a registered company as employees, they do, however, have rights to paid sick leave, holidays and so forth according to the Working Environment Act (Arbeidsmiljøloven). Cleaners that are self-employed are not covered by this act (Alsos og Eldring 2010). In their discussion on the work conditions of Polish cleaners in 2011, Alsos and Eldring conclude that regulations are lacking, that these workers are only partly covered by the Working Environment Act and that there is no minimum wage rate for these workers. The irregular status of these workers renders many of them especially vulnerable and cut off from basic rights and welfare benefits (Ibid;388). Since then, a law on general application of collective wage agreements has been implemented in most sectors, and in 2011 parts of the Cleaning Agreement (Renholdsoverenskomsten) were made general for the whole country. Minimum wages and the right to overtime payment for employees in cleaning firms were, however, not established until 2014 (Reholdsnytt.no 04.12.14).

After the enlargement of the EU to the east, the working conditions for migrant workers and the consequences for Norwegian work life have gained much attention in the media and in political discourse. Social dumping<sup>7</sup> has been a salient theme and the rapid increase in migrant workers to Norway has revealed shortcomings in the work regulation regime (Friberg and Eldring 2010). Friberg and Eldring (Ibid) note that the same regulations apply in principle for EEA migrants as for other workers in the Norwegian labour market, but new regulations have been established to counteract social dumping and to protect Norwegian workers' access to employment. From 2004, Norway (like most countries in Europe) implemented a transition period for migrant workers from the new EEA member states. In Norway, residence permits had to be provided before immigration and the applicant should have a contract for full time employment and guaranteed wages in line with the current wage agreement. The transition period was implemented both to restrain migration, to protect workers from social dumping and to protect the

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<sup>7</sup> Social dumping refers to a situation where foreign workers in Norway work for substantially lower pay and worse work conditions than Norwegian employees. (Arbeidstilsynet, 20141)

Norwegian welfare system. (Arbeidstilsynet, 2014, in Næss 2015). According to Norwegian tradition, wages are set in wage agreements negotiated between labour unions and employers' organisations. This is the rule for the public sector but in the private sector, only around half of the employees are covered by such agreements (Horgen and Eldring 2011). When the transition regulations for Polish migrants were abolished in 2009, the public worry about increased migration with low-wage competition and social dumping resulted in the (so far unused) law from 1994 on 'general application of collective wage agreements' being implemented in more and more sectors. The law of general application of collective wage agreements makes it possible to decide that a country-wide agreement on wages shall apply to all employees who do the work that the agreement covers. In 2007, this law was applied to the construction industry throughout the country.

## 6 Results: The legal situation among Polish workers in Sør-Trøndelag

### WHAT IS A LEGAL PROBLEM?

As presented in the introduction, a legal problem in this study is defined as a problem that can be solved or reduced by legal aid within the framework of current law<sup>8</sup>.

### REPORTED BREACHES OF LAWS AND REGULATIONS CONCERNING WORK, HOUSING AND SOCIAL BENEFITS. ACCORDING TO WORKERS THEMSELVES

The problems that the workers in this study have are not expressed as legal problems, but as ‘problems at work’. Only a few have actually sought legal aid for these problems. According to statistics, the majority of Polish workers work in construction firms if they are men and as cleaners if they are women. In our sample, five men worked in construction, one as a security guard, one as a baker (work he is qualified for), one as a shop assistant and one for a painting company. Four of the women worked as cleaners in private homes and hotels, one worked as a pre-school assistant (she has a Master’s degree from Poland in pre-school teaching) and one was a student. All our informants had experienced illegal or unfair working conditions during their stay in Norway. The duration of their stay ranged from 15 years (one man) to a couple of months (one man) with an average around five to six years.

### WORK CONTRACTS

The general problem concerning contracts was that all workers, save one man, had short-term contracts. A woman living in Norway with her husband and children explained:

In Poland I was working as a cook. In Norway I’m cleaning. Every six months I’m signing a new contract, so I actually only know I will be working for half the year ... and later I am always stressed, because I don’t know what will happen. ....But those contracts are very special, even if I have a contract, still I cannot be ill, because I’m not getting any money. So if I have a contract or not it’s pretty much the same. I don’t have any rights.

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<sup>8</sup> The law as it is interpreted according to acknowledged judicial interpretation (prof. Kristian Andenæs, my translation).

A man with a Master's degree, living with his wife and children said:

In Trondheim, I started with construction company, I had a friend who worked there and he was taking care of me at work, telling me what to do. After four months I got my first contract. Now every single 6 months my boss is giving me another contract, but no more than half a year.

And when we ask what we should know about his work, if we were to start working there, he explained:

Actually I cannot complain on my workplace. I have nice group of people there. The only thing which is a little bit not comfortable there are contracts. For some reasons I just get contracts for 6 months, never longer. My boss is telling me that he doesn't know how long the company will receive projects. But it's only my case... others have permanent contracts. At least all Norwegians. Foreigners have short term contracts. Some of foreigners have a lot of documents and experience, so I don't understand why it's like that. Of course my case it's different – I'm historian and I learned everything in Norway in different companies. But still I think it's not fair.

These two extracts represent very well the experience of most workers in this study, which is very similar to what Friberg and Eldring (2011) found in 2007 and 2010 in the Oslo region. Apart from a few workers who had short-term contracts, most of our workers told us that they had worked without a contract or with only an oral contract in several companies and workplaces. As stated, only one construction worker had obtained a full-time permanent contract after six years in the firm. None of the women had permanent full-time contracts.

SICKNESS ALLOWANCE, OVERTIME PAYMENTS AND HOLIDAY MONEY ETC.

For the workers without contracts, or even those with contracts, there were problems getting holiday money, overtime pay and sick pay. One construction worker told us that his company always paid sick pay, except on Mondays, because the bosses suspected hangovers from weekend partying. The cleaners had great problems being paid when they were ill and went to work anyway. Several also complained that they worked overtime without being paid. One man, who had lived in Norway for five years with his girlfriend, told about an experience with a former employer:

I remember also one story... one day my boss from plumber company explained to all his foreign workers, that in Norway they have a

tradition called , ‘dugnad’ that people are obligated to do something as volunteers. So our boss came with idea, that also we will do ‘dugnad’ at work and on some free weekend Polish workers will go to his private ‘hytta’ and they will renovate it. I was doing this two times and we didn’t even get a good dinner. We were working 10 hours there, both Saturday and Sunday, and we just got some ‘pølser and lomper’. Boss was so satisfied with our work, that he promised us to pay us money if we come next time. We came three times and we never saw the money. When we talked about this with him he was just saying that he forgot and he will pay us money soon. After third time when I asked, I got 1000 NOK. He never said even thank you. But Norwegian bosses never do it.

At the time of the interview he was working at Securitas ( a private security agency) and was very satisfied.

#### RESPECT FROM BOSSES AND COLLEAGUES

There was a general complaint that Polish workers were not treated with respect at work by either Polish or Norwegian bosses and colleague. Many told stories of bullying; one man even worked in a firm where the Polish bosses beat the workers while the Norwegian boss looked the other way. They also complained about doing all the heavy, dirty work without being promoted or getting salary rise. This discontent is not a general finding, in the Polonia study 2010, where as many as 75% of the respondents agreed with the statement ‘My life has improved since I started working in Norway’. This is, however, a rather general statement that can refer to economic improvements and may not contradict a feeling of not being respected (Friberg and Eldrid 2011:99). Our informants explained that they wanted to be treated fairly and as Norwegian workers.

#### RELATIONS WITH NORWEGIANS – INEQUALITY

The same study finds that as many as 55% of the respondents claim they have to work harder than Norwegians (Ibid: 100). This claim is represented in this study also; the majority of our workers state that they work harder, are paid less and must work longer hours than Norwegians. A cleaner with six years’ work experience in Norway living with her husband and two children complained:

In all those jobs I was receiving 140 NOK per hour. I know that all Norwegian girls were receiving 170 NOK, they never got some hard tasks... always they were counting on a help of other girl. Polish had to work more, alone and much faster to be on time.

A man with a Master's degree, working in construction since 2013 explained:

It's quite significant inequality in my work place. Norwegians are always better treating their own people. They make big class hierarchy at work. Everyone has to know their place. Even if Latvian guy is the best from the team, he will never get promoted, because his place will be taken by average worker – but Norwegian. We could notice this issue when it comes to payment. Norwegians – for working much less and slower – were getting 220 NOK per hour. The rest of team – 160 NOK. Norwegian people always have less complicated tasks to do, and slower tempo of work.

And worse still, from a woman working in a care institution:

I just feel really unappreciated. Leaders at work never give me some important task to do, even though they know that I have studies, master degree and practise. They treat me like not equal person. Basically, my work place is divided in two groups: Norwegians and the others.

From a cleaner with six years of work in Norway:

In my opinion the biggest problem which I'm noticing in my work place is racism. Polish, Lithuanians are being misused. Always they have to work in extreme tempo, without any help, all the time boss is threaten that if they wouldn't listen to him, they will lose their jobs. Of course all of them have families and children, so they are scared and they are working under big pressure. Also 'dagleders' are using the same techniques.

These experiences may be exceptions, but they turn up so often in some form in our material that we believe they represent a serious problem in Norwegian work life.

## HOUSING

There has been a high incidence of reports in the media about Polish workers stuffed together in small apartments or installed in houses without proper sanitary conditions or proper heating. Serious and even lethal accidents have also been reported from fires in cases where many Polish workers lived together in the employers' accommodation. Hence we expected accommodation to be one of the problems mentioned by our informants. This was not the case, however; the majority was satisfied with their current accommodation. Three families had bought their own house, and the other family lived



in rented apartments; the single workers either rented apartments alone or lived with friends in rented apartments or houses. Some families had great difficulties finding places for rent and suspected that being foreigners was one of the reasons. The majority were, however, very satisfied with their current accommodation, but several told about terrible living conditions their first years in Norway, in barracks or in overcrowded houses, and one had to live in his employer's caravan during his first year in Norway.

The Husleietvistutvalget (The Rent Disputes Tribunal (HTU)) in Trondheim makes decisions in cases of conflict concerning renting before the District Court. The tribunal handles complaints from both owners and tenants. The caseworker we interviewed referred to only 10 cases in 2015 and 2016 concerning Poles. Poles actually made up the majority of foreign clients. All these cases concerned Norwegian owners complaining about bad cleaning, damage or missing rent from Polish tenants.

Our study shows that the housing situation for Polish workers in Sør-Trøndelag seems to have improved over the years; either, it is better in general, including for newcomers or it improves with the length of stay in Norway. Some of our informants did, however, complain that they had problems renting apartments and suspected that their problems were due to the bad reputation of Poles in Norway.

#### NAV – SOCIAL SECURITY

The majority of workers in our study had received services from NAV (local office for welfare and work administration), but generally only sickness benefits and information. There were general complaints, especially among the women, of being treated without respect, about not being informed and about generally unforthcoming attitudes among NAV employees. Several of our respondents did not know about their rights; to our question whether she knew her rights in NAV one woman responded:

Not really, luckily I never had to go there. If I had some questions I was asking my friends from work. A lot of foreigners are complaining at them. If you don't speak Norwegian – forget that they will help you. Often they are giving you also different answers...and on their web sites later again you are reading something different.

The NAV representative in Trondheim explained that Poles have the same requests as clients in general when they call on NAV. An EEA citizen has the

right to stay in Norway for three months, or six months if he or she is seeking work. To obtain unemployment benefits a person must have earned more than about 140,000 NOK in the last calendar year. Clients without rights to unemployment benefits can apply for social security benefits. As long as people have legal residence and work, they have rights to social assistance through NAV. People without a residence permit or permanent residence have only the right to information and advice. A person who has just registered as unemployed will be offered assistance in Polish or English –and he or she will be offered work-training courses in Polish. The case worker explained that a general problem for many employees with ‘unserious’ employers is that they have problems obtaining the necessary papers needed for applying for benefits such as contracts, payslips, references etc.

The newly established Centre for Foreign Workers in Trondheim (SUA) will take over much of the responsibility for foreign workers from NAV. SUA has two employees from Arbeidstilsynet (NLIA) two from the police force and two from the Norwegian Tax Administration. As SUA is recently established they have no experience so far working with Polish clients. They explained their task as primarily distributing information and educating foreign workers about Norwegian trades and industry and about relevant laws and regulations.

To sum up, for some reason, there seem to be some negative experiences and attitudes among some Polish workers towards NAV. This has also been reported in earlier studies on legal aid in Norway as documented by Hasle and Jordal 2013:120. One reason for this may be a general lack of knowledge and misconceptions about the rights to welfare benefits among EEA workers in Norway. But no matter the reason, this communication problem may be an obstacle for Polish workers trying to get their welfare rights and should be given serious consideration by the local NAV offices.

TO SUM UP: HOW DO POLISH WORKERS REGARD THEIR NEED FOR LEGAL AID?  
Only six of our 15 informants actually sought legal assistance from Jusshjelpa, Arbeidstilsynet, or a private lawyer, and only four of these for breaches concerning legal rights at work. All workers we interviewed had, however, experienced breaches of laws and regulations at work, mostly concerning lack of contracts, unpaid overtime, no sick pay, unpaid holiday pay and difficulty obtaining references from their employer. Some had also experienced problems with accommodation in the past, but at the time of the interview there

were no complaints concerning this issue. Several complained about their access to welfare benefits, but it is not clear whether this was due to a lack of legal rights to such benefits or if it represents a breach in legal rights. The main complaint here was, however, not getting information and advice from NAV concerning their rights, which is a right of all EEA citizens in Norway.

It is important to stress here that our interview questions did not ask whether workers had experienced breaches of their legal rights or not, but whether they had experienced troubles at work, related to housing or to social welfare. When they had, we asked them if they had sought legal aid, and if not, why. This was a deliberate strategy to avoid that employees would have to define their problems as legal aid problems before answering, and hence give only limited accounts of their experiences. The informants' experiences were thus expressed in line with our questioning as troubles at work, and it is up to us as researchers to interpret them as legal problems. This is in line with earlier studies of legal need among vulnerable groups (see chapter 3). Our interpretation is, however, that according to the workers own stories, they do experience an unmet need for legal aid. Although their problems were presented as 'troubles at work', and although only a minority actively sought legal aid for these problems, we interpret these problems as mostly legal problems, either as breaches of legal rights or as lack of information on legal rights.

#### GENDER DIFFERENCES

All the women in this study were working under very uncertain working conditions, often without contracts and with limited rights. All except one worked in the cleaning or serving industry, some in private homes where the Norwegian Labour Inspection Authority has little or no access. This renders these women especially vulnerable for exploitation by employers and with few means to better their situation. All the women we interviewed were angry and dissatisfied with their conditions in Norway.

#### 'FLEXICURITY'

We did not received good answers as to why so few workers sought legal aid for their problems. We do, however, know that 'troublemakers' are unpopular and that the uncertainty created by short-term contracts may cause workers not to report trouble, and limit their chances of getting a new contract. There seems also to be a lack of available information on legal rights and duties for Poles

without proficiency in English or Norwegian. This, together with the ‘social dumping syndrome’, where a willingness to accept low wages while working hard is a bargaining tool for EEA workers in a competitive labour market, is a gift to exploitative employers. The social and economic uncertainty that comes with short-term contracts also limits the time and motivation these workers have to learn the language and integrate into Norwegian society, and to thereby increase their chances of social mobility.

## 7 How do public and private bodies regard the need for legal aid among Polish workers?

### UNIONS

We interviewed representatives of two of the labour unions that organize construction and service/cleaning workers: Arbeidsmandsforbundet and Fellesforbundet.

**Arbeidsmandsforbundet** Sør-Trøndelag has 1524 members and three employees. The district secretary works with the education of employees in the organisation and case work for members. There is a majority of women in the union and cleaning is the most problematic industry. The district secretary told us that there are fewer legal cases now than earlier years, perhaps 15-20 during a year, but that there are more small companies and more irregularities than before. He added that as they were only three employees for the union, they could only manage to ‘put out fires’ (brannslukking). The small companies he mentioned are not organised and quite invisible. The legal cases they have had concern illegal dismissals and layoffs, and misinterpretations caused by language problems are common. The union informs workers about legal rights by educating union representatives (tillitsvalgte) and/or by holding meetings at workplaces, generally with workplace interpreters. The district secretary assured us that in his union and in the firms where they had members, Poles and Norwegians are treated like equals. Arbeidsmandsforbundet’s web page is in Polish.

**Fellesforbundet** Sør-Trøndelag section 765 has 1268 members in the construction industry. We interviewed the Polish general manager and organisation worker. She works with information, recruiting members, taking care of members, organisation of members and case work. Before working in Fellesforbundet, she worked for one of the large recruitment agencies in Norway. The typical cases Fellesforbundet deals with concerning Polish workers are cases about work and NAV including sick pay that employers will not pay, and pensions from NAV. The union has argued that Polish workers have the right to a specific Norwegian arrangement: AFP contractual early retirement pension, but many requirements must be met. In principle, only members

receive legal aid from Fellesforbundet. There have been instances where people become members when they have a problem and when the problem is solved they quit the union. Fellesforbundet's web page has also information in Polish.

There has been neither an increase nor a decrease in cases in the last four years, but many workers seek private legal aid, which is their only option if they complain about a job they no longer have.

The general manager stated that the language is the largest problem for union members – the majority of those that experience legal problems at work do not speak or understand Norwegian or English – they also experience problems reporting and following-up their case.

A case reported to Fellesforbundet, for instance by the union representative, is first dealt with directly at the workplace; if it is not resolved, it is dealt with by the district level of Fellesforbundet, and finally, if it is still not resolved, it is passed on to the Norwegian Confederation of Trade Unions's legal department.

#### JUSSHJELPA

Jusshjelpa<sup>9</sup> (Legal Aid) in Sør-Trøndelag is one of five national legal aid enterprises operated by law students. They offer free legal advice and information to all in residents in Norway. Legal Aid may also represent clients to a counterpart outside court proceedings or participate in negotiations with a counterpart, primarily in cases concerning work and accommodation. Only very few of our Polish informants knew about Jusshjelpa and only two had actually presented their cases there. We had a meeting with two of the case workers who could confirm that they had few Polish clients and explained this by lack of knowledge about Jusshjelpa, and that many clients complain after dismissal and are referred to private lawyers (Privatrettslig). Jusshjelpa does not have Polish-speaking case workers but develops information material in Polish, including, for instance, a legal guide for immigrants in Norway [*Juridisk handbook for innvandrere i Norge*], with all relevant information on rights and duties in different aspects of life in Norway, and the brochure *Minimum rights for immigrant workers*. Jusshjelpa also provides information outreach about legal rights.

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<sup>9</sup> An NGO of law students offering free legal guidance and aid.

## ARBEIDSTILSYNET

The Norwegian Labour Inspection Authority is a government agency. The agency's main task is to supervise enterprises and control that they adhere to the demands of the Working Environment Act. We interviewed the Polish senior inspector, who has held the post since 2008. At that time, there was a great demand for inspectors that spoke Russian and Polish. When she started working with counselling and inspection at workplaces, there was an enormous demand from all sections, including cleaning, construction, restaurants. There were six or seven people at the agency who worked with social dumping.

Today inspection is carried out without permission in all work conditions, everywhere except in private homes. The typical cases involve a lack of contracts or illegal wages in agriculture, transport and in restaurants.

We check that correct wages are paid, that workers have HMS documents, that they are paid for over-time, that accommodation is according to laws and regulations; we see illegal accommodation, liable to catch fire because of irregular electric installations, too many tenants in one place for instance in cellars without a wc. We found one like that without emergency exit for 3 Polish worker.

She stated that, according to her, it is 'rubbish' to claim that Norwegians and foreigners are treated the same way; foreigners are placed in barracks, something Norwegians will not accept' all firms '*take it out on foreigners*' she said, and '*foreigners are treated far worse than Norwegians*'.

She explained that many foreign workers complain to them that they are not helped much by the unions; *it is expensive to be a member and one does not get much back*. The Norwegian Labour Inspection Authority helps everybody, whether or not they are union members. She explained the procedure as follows: She receives a hint from somewhere, like Fellesforbundet, or a construction firm, often about a competitor. She then goes to do an inspection, generally without warning and writes a report. If necessary, she demands that the employer send wage slips, contracts, time sheets and proof of costs and lodging. She checks the documentation and (if necessary) sends a warning. If that is not followed up, then they are warned of a coercive fine that may be transformed into an order to shut down, or a halt of the business. Every worker must also have a so-called HMS certificate (HSE) in Norway.

The institution also provides counselling to individual workers about their rights, and NLIA representatives provide information about workplace rights

and duties when they are out on inspection. They have developed information material in Polish and their website is in Polish. They also give basic instruction to supervisors and inform and counsel employers on rights and duties related to working life.

#### EMPLOYERS

We interviewed representatives from the largest recruitment agency in Sør-Trøndelag, as well as one former employee at an recruitment agency.

We had an interview meeting with two of the firm's current employees. One actually answered the questions from the interview guide, while the other added some information now and then. The main interviewee was the leader of the construction sector. The sector has 160 workers, 150 of them Polish, 50 of these workers have permanent positions with a guaranteed salary, while 100 have only temporary contracts and are not paid between jobs. The firm has a collective wage agreement and cooperates with Fellesforbundet and the Norwegian Labour Inspection Authority. Our informant, who has worked in an recruitment agency for 14 years, explained whereas before there were only permanent contracts, today only the best performing workers who are willing to integrate into Norwegian society and who have families and residence in Norway may get permanent positions. He explained that he is a middle manager and knows a lot about Polish culture. When we asked him what he thought about temporary contracts he explained that:

... the market decides how working-life should be organized and when commissions are irregularly distributed it is not possible to have a permanent staff; before all workers had 'garantilønn' [guaranteed salary], but that is not possible when the markets are as today.

He further argued that temporal positions are good because workers can take on work in other firms when they do not have assignments with the agency, and the workers that go back and forth between Norway and Poland are not fit for permanent contracts; only workers who will be integrated are. He then spoke about sick leave and how it is necessary for management to verify that sick leave is real. When a worker exploits his rights, the management calls a meeting at the workplace, if it is not solved there the case goes to the conciliation board (Forlikrådet) and possibly to the District Court.

The leader of the construction sector explained that there are three wage levels: minimum or contractual wage for workers without documented work



experience; another level for workers with documented work experience, but without a vocational certificate, and the highest level for those with experience and a Norwegian vocational certificate. The leader explained that Polish vocational certificates are generally not valid in Norway, but he underlined, however, that it is the actual employer that decides the wages, which may create large wage differences between workers at the same level.

He also explained that there are significant cultural differences between Polish and Norwegian workers. He explained that all Poles believe they are very good workers and they all believe that they are being fooled by Norwegians. Many cases end up in court and even when dismissed most appeal because they are sure they were ill-treated, he explained: *In my opinion they believe that they are fooled from the day they are born and they do not believe a word we say.* He further argued that there are many sly advisers, Poles and Norwegians, who give the Poles false advice “promising them the moon” if they take their case to court. We asked him about work accidents among Polish workers and he explained that one reason Poles have been accident-prone is that they refuse to write reports about dangers and failings at the workplace, because they see it as whistle blowing. He cited culture as a general cause for several aspects of negligence at work among Poles. This is very much in line with the Friberg’s (2011) findings in Oslo where ideas about cultural traits of Poles turned out to be a vicious circle that kept them in temporary, low skilled work.

Both interviewees argued that the legal protection of Poles is strong in Norway – as strong as for Norwegians – at least for those with permanent contracts. Those with temporary contracts, they added, are also as well protected as Norwegians: *Poles must integrate and learn Norwegian to understand the system, neither their advisors understand the Norwegian work-life.* The other representative concluded by saying that Norway is dependent on foreign manpower but has not established a system to accommodate labour migration. Norway is not adapted to its new mobile workforce; everything is set up for workers who live in Norway, which leads to a lot of loopholes that are exploited.

**The former recruitment agency employee** had a different perspective on the situation of Polish workers. She had worked as a permanently employed executive officer and her role was to follow up Polish workers, visit construction sites, see what they needed, take care of employee issues, reveal and

handle conflicts and work with recruitment. She explained that in 2007, although all workers had permanent contracts with guaranteed minimum wages, it was not clear who should be regarded as a skilled craftsman. Those without a Norwegian vocational certificate were not regarded as skilled craftsmen and did not receive the same wages. This was a grey area. After the transition period for EEA workers, the firm changed the rules for permanent contracts and started contracting workers on a temporary basis, without payment between commissions and with no guarantee of new commissions. Permanent contracts were only given to workers they wanted to keep.

She underlined that with a temporary contract it is difficult to plan ahead and she added. *This change (temporal contracts) ruined the working milieu in the firm; we had for instance many employees that always worked elsewhere.*

She remembers that in hard periods, during winter, for instance, with many temporary dismissals, she and her colleagues talked with each and every worker, asking them if they would take unpaid holiday if the firm covered their flight to Poland, and wrote a volunteer agreement. Those who refused would possibly not be prioritised for the next assignment. Those that were temporarily dismissed risked going long periods without work. When workers were sent on jobs away from Trondheim on short notice, it was difficult to reject: if they did, the management used the rules for work refusal (*arbeidsnekt*), and workers were without pay while waiting for their next job, with no guarantee of new assignments. She also told how executive officers were sent to control workers on sick leave, visiting them at home to ascertain that they were really sick.

A practice that she really thought ruined the working environment is the bonus system:

The recruitment business prioritize to make money, all leaders and permanent employees are concerned about acquiring a best possible bonus. At first you receive low wages with a bonus if you work well; that means reducing costs. The whole unit had to have good results; gains during the year with different sums at different offices. Bonus systems destroy the working environment; workers are seen as sources of income, not as humans.

#### POLONIA W TRONDHEIM

Polonia in Trondheim is an association with the aim of being at once a social club and an information centre, providing information and knowledge about both Norway and Poland and the relations between them. The association has

1000 members and its leader is Mr. Krzysztof Orleański of NTNU who has lived in Trondheim since 1983. Polonia w Trondheim offers Norwegian courses for Poles in Sør-Trøndelag.

Mr. Orleański stated that the most pressing question is how to integrate Poles in Norway, insisting that '*they must learn the language and about the society*'. He explained that Polonia offers courses in language and society and invites lecturers from different public services. Orleański pointed to three fields where Poles encounter legal problems: child care services, housing and NAV. Concerning child care services, conflicts are largely due to communication problems, but it is a major concern to Poles in Norway. Concerning accommodation, there are problems with deposits that are not refunded, and he stated that no-one dares to complain for fear of losing their job and/or their house. Poles experience several problems in relation to NAV related to, for instance, their right to unemployment benefits and their right to be treated in hospitals. Many of these problems are due to lack of knowledge about their rights and duties in Norway.

Orleański further explained that Norwegians, such as NAV employees, identify too strongly with their workplace and tend, for instance, to cut back on the use of interpreters to save money for the enterprise. He sees the same problem with employees at the Norwegian Labour Inspection Authority. Although he admitted that they do good work, he held that they were too vigilant and controlled too much, thus harassing enterprises unnecessarily. He told us about a Polish acquaintance of his who runs his business according to law, but is driven mad by constantly being controlled.

#### EURES/NAV

Our interview with a NAV caseworker is included in chapter 7. Here we will give some brief information about the European Employment Service in Trondheim. This is a professional network attached to the EEA with 100 counsellors all over Europe. We interviewed one of these counsellors by phone. The centre in Trondheim is a national service centre working with employers, that announce positions through national information gateways. The EURES counsellor informs employers about wage conditions and Norwegian agreements and laws. Some recruitment agencies, use EURES as their recruitment agency. Through her contact with employers, the NAV caseworker receives information about their practice and that of other firms', and she has reported

several grave cases to Arbeidstilsynet. She told us about one case where an employee was going back to Poland and asked his employer for a certificate of work. This is the necessary basis for obtaining unemployment and social security benefits in Poland. The employer refused saying he had no time for such trifles. She had several other examples of employers not fulfilling their legal obligations. According to her workers with low pay and without qualifications often had to deal with ‘filth’ like this.

She stated that the problem is that the market wants cheap labour and *‘it is easy to hire a bunch of Polish asphalters on the lowest possible wages for your drive ...and then complain about the work afterwards’*.

She claimed to lack support from the Norwegian Labour Inspection Authority when trying to exclude actors that she suspects are unreliable; due to the small staff at the Norwegian Labour Inspection Authority, they tend to prioritize big firms and comprehensive cases.

#### TO SUM UP: HOW DO ORGANISATIONS SEE THE UNMET NEED FOR LEGAL AID AMONG POLISH WORKERS?

The majority of the public and private bodies we interviewed, Arbeidstilsynet (NLIA), Arbeidsmannsforbundet, Fellesforbundet, Jusshjelpa, Husleietvistutvalget, SUA Senter for Utenlandsk Arbeidskraft, NAV/EURES Trondheim, are bodies set up for the protection of workers, both Norwegian and immigrants. Only the recruitment agency represents the employer side of work life. We tried to arrange for an interview with representatives of the employer organisation in Norway, NHO, but our agreements were broken at the last minute without notice. The recruitment agency representatives rejected any claim about Polish workers not being treated according to their legal rights in their firm and claimed that:

... the legal protection of Poles is strong in Norway – as strong as for Norwegians – at least for those with permanent contracts, and those with temporary contracts, Norwegians and Poles are treated as equals.

The representative for Arbeidsmandsforbundet, which counts few Poles among their members, claimed much the same about the union and the firms they work with.

All the other bodies we interviewed in this study have experienced all sorts of breaches of Polish workers’ legal rights and confirmed the accusation from several of our Polish informants that Norwegians and Poles are not

treated equally in Norwegian work life. The conclusion of this study, confirmed by similar studies, is that the perceived need for legal aid among our Polish informants, especially concerning their rights as workers and their right to social benefits, was confirmed and even strengthened by all public and private bodies working with the rights of workers. The representatives for employers were the only exceptions.

## 8 Access to information about laws, regulations, rights and duties

The language barrier is, as explained by most workers themselves, a major obstacle for upward mobility in Norway (see Hasle and Jordal 2013:208). Communication between Norwegian work and welfare institutions and Polish workers seems to affect many workers' knowledge of and access to their rights as workers and rightful benefits as EEA citizens. There seem to be several structural causes for these communication problems. We will discuss these interwoven problems based on our interviews with both Polish employees, employers and Norwegian institutions.

### LANGUAGE

The non-existent or poor Norwegian among our informants has structural causes as well as psychological and social causes, which create a vicious circle. Only a couple of our informants said they spoke Norwegian above a very basic level; some had taken Norwegian courses and some had not. Some explained that they only spoke Polish at work and the majority explained that they worked such long hours that they had no energy to learn Norwegian; all complained about the cost of Norwegian courses. Short-term contracts must take much of the blame for this lack of interest in and means for learning Norwegian. When one's economic situation is unstable and one does not have the energy to learn the language, one does not communicate with Norwegians and sticks to one's Polish network. This only cements one's lack of interest in learning Norwegian and one's ability to adapt to and appreciate Norwegian society. The fact that EEA citizens must pay for language courses themselves, while asylum seekers and refugees were given free language courses, was also a source of irritation among some. All commented, however, that with an uncertain work situation they did not prioritise learning Norwegian. This attitude both hinders participation in Norwegian society and justifies this choice.

Employers have the obligation to educate their employees, but this obligation is seldom fulfilled, according to our labour union and authority informants. Some employers and contracting firms, offer Norwegian courses to their workers, but we know little about the quality and nature of these

courses. NAV can offer language courses for unemployed EEA citizens. Polonia in Trondheim has Norwegian courses that are much cheaper than the private and public courses. NTNU offers Norwegian courses for foreigners; one only needs to register as a student.

#### HOW IS INFORMATION COMMUNICATED?

**The Working Environment Act** has been translated into Polish, but few of our respondents were aware of this, and on the NLIA's internet site it is only available in English. It was a general complaint among our informants that much information is only in Norwegian and/or English, while the spoken language in most places of work is Polish. As one man commented: *I guess that there is something about this in my contract, but I didn't read it, it was in Norwegian.*

**Jusshjelpa, Legal Aid (NGO) in Trondheim**, does not have any Polish-speaking case workers and often does not have the financial means to hire an interpreter. As we have seen, the complaint about NAV are also partly because of their alleged demand for 'perfect Norwegian'. The NAV representative himself explained that workers communicated with Poles in English. The NLIA has a Polish case worker who handles most of the Polish clients; this is also the case in one of the labour unions, something that was much appreciated by the workers that had had cases there. **Jusshjelpa has developed much information material in Polish, as for instance *Legal handbook for foreigners in Norway.***

SUA Centre for Foreign workers are planning to establish outreach services both to employers and to employees about Norwegian work-life.

**The internet** is a primary source of information. English-speaking informants told us they found the information they needed on the Net.

**Little information was provided at work.** There was a general complaint that little information about rights was communicated at the workplace. Most workers said they got information from friends and colleagues. This apparent lack of access to basic information about rights and duties seems to be a major problem when it comes to foreign workers' access to legal treatment in Norway. Some were guided to the Norwegian Tax Administration where they allegedly got all the information they needed.

NAV has, as discussed in the previous section, a rather bad reputation among Polish workers as a place where you don't get information or get confusing and contradictory information, and where the information is not in Polish.

**Friends and colleagues** are major sources of information about conditions in Norway for most Polish migrants. They may be a good source, but because of language problems, misunderstandings may also add up and create new problems.

**The Norwegian Labour Inspection Authority** informs about rights and duties in Norwegian work life at work sites when they are doing inspections – because one of their employees speaks Polish one may expect some of this information to be in Polish.

**Labour unions** are not mentioned as sources of information as only two workers hold a membership.

#### HOW DOES INTEGRATION INTO NORWEGIAN SOCIETY INFLUENCE ACCESS TO LEGAL AID?

Integration is a concept with many meanings, most of them implicit. The kinds of integration we are talking about here are political and social integration. Political integration concerns migrants' adaptation to democratic processes and bureaucratic arrangements (Takle forthcoming; Joppke 2009) and social integration refers to migrants' participation in the social life of the majority population. Both these forms of integration/adaptation are dependent on the ability to communicate, usually by speaking the majority language. Without Norwegian friends and acquaintances or Norwegian colleagues at work one does not learn Norwegian, and without Norwegian, access to Norwegian institutions, such as workers unions, welfare institutions, legal aid, the media, and information sources, such as political discourse and general information, is severely limited.

#### HOW DO SHORT-TERM CONTRACTS INFLUENCE ACCESS TO INFORMATION?

Most of our informants did not speak Norwegian or English, and information about workers' and welfare rights, is primarily available in those two languages. These were workers on short-term contracts with low wages who explained that they had neither the time nor the money to pay for language training. Thus much of the information was unavailable to them.

#### HOW DO SHORT-TERM CONTRACTS INFLUENCE ACCESS TO LEGAL AID?

Besides being an obstacle to language acquisition, social security and integration into Norwegian society – and thereby to information and access to legal aid – short-term contracts also foster insecurity and subordination vis-à-



vis employers. One of the problems reported by our Polish informants, a former recruitment-firm employee, labour unions and the Norwegian Labour Inspection Authority, was the dependence of workers with short-term contracts on their employers. Because these workers are not guaranteed a new contract, and because the employer may choose the workers he or she prefers for next assignment, they are generally afraid to complain or make trouble at work, even if they are treated illegally. No matter if this fear is realistic or not, it is a rational interpretation of the relationship inherent in short-term contracts without a work guarantee.

## Summary

Language is a barrier to information about citizens' rights, which seems to be a major problem for access to information and rights at NAV. Jusshjelpa has much information on legal rights for workers I Polish, but only few of our informants new about this. Both Unions, Jusshjelpa and NLIA provide outreaching information about legal aid, but do not seem to reach the workplaces where our informants worked. Our informants generally use friends, colleges, and the internet to obtain information about their rights.

## 9 Summary of perceived and unperceived unmet need for legal aid among Polish workers in Sør-Trøndelag

### PERCEIVED NEED FOR LEGAL ASSISTANCE

All our informants except one in this study had short-time contracts and relatively low pay at the time of the interview. The majority have, at some point during their work life in Norway, experienced major breaches of their rights as EEA citizens and workers. The breaches range from minor problems obtaining refunds for travel expenses to major breaches of the Working Environment Act. This is consistent with findings from the Oslo area studied by Friberg et al. in 2007 and 2010 and by similar studies from Trondheim. There was an awareness among our informants that they are treated unequally in Norway, but only few had actually reported the breaches they experienced and even fewer are members of a labour union. There are multiple reasons for this. Some did not believe it was worthwhile, as they have no confidence in the system; others had no explicit reason. Based on discussions with legal bodies and union representatives we assert that many workers fail to report legal breaches out of fear of losing their jobs or not being prioritised for jobs. Informants complained about short-term contracts causing economic and social insecurity and permanent jobs not being given to Poles. The recruitment agency we interviewed, explained that they only give permanent positions to workers who learn the language, have permanent residence and want to integrate into Norwegian society. Arbeidstilsynet claimed that language problems are a major cause of many of the problems workers experience, and this was, to a large degree, confirmed by the workers. Norwegian courses are not free for EEA migrants, but low-cost language courses are offered at NTNU, at Polonia w Trondheim and at some workplaces. Employers are obliged to offer necessary training for their employees, but according to Arbeidstilsynet, this obligation is seldom fulfilled, with few consequences for employers.

### NEEDS THAT ARE NOT PERCEIVED BY THE WORKERS THEMSELVES

According to the organisations that work with workers' legal rights for Polish workers, those on short-term contracts are in an especially vulnerable position and are treated in ways Norwegians would not accept. The problem seems to be most serious in small firms, whether Norwegian- or immigrant-run, and

firms without a wage agreement, to which the legal organisations have little access and from which they get few reports. According to the former recruitment agency employee, there are even problems in what are termed ‘serious firms’ like the one she worked in, where workers on short term contracts accepted semi-legal practices in order to get new assignments.

#### INTEGRATION

Integration was seldom thematised among the workers we interviewed, as it was not a topic in our interview guide. All workers, however, were preoccupied with the necessity of learning Norwegian and the difficulty of doing so due to the cost and their work burden. However, one man underlined that without speaking Norwegian well you cannot ‘go forward’ in the Norwegian society. As discussed at several points in this report, integration is a difficult process for workers at the bottom of the work hierarchy, both because of uncertainty and long working hours. We can add that many have little schooling from home and this makes it especially difficult to learn a new different language, it takes strong motivation, and as already discussed, short-term work is not a motivating factor for integration to a new culture. However, the only employer representative we interviewed underscored the importance of integration for receiving permanent employment.

#### MAINSTREAM OR OUTREACHING LEGAL AID IN THE TRONDHEIM AREA

The institutions that provide legal aid for workers in Sør-Trøndelag consist primarily of labour unions, Jusshjelpa, the Norwegian Labour Inspection Authority and private lawyers. Fellesforbundet and NLIA have Polish-speaking employers and the recruitment agency has a Polish employee representative in Fellesforbundet. All these institutions provide legal aid outreach by informing employees and employers about their rights and duties directly at their workplaces. All have homepages on the Net and at least the large organisations have Polish language as an option. Much material is also translated into Polish and English. According to our informants, NAV and Jusshjelpa present their services primarily in Norwegian and English and not in Polish, but both sometimes use Polish interpreters.

#### CULTURE AT STAKE?

In his article from 2011, based on a 2010 survey, Horgen Friberg writes about the concept of culture as it is used by employers to explain the work hierarchy between Norwegian and Polish workers. Cultural stereotypes of Poles as hard

workers that who do not fuss are used strategically by both Poles – as a bargaining power or cultural asset to compete in a competitive labour market – and by employers – as a legitimate argument for employing Poles in the second sector where their ‘cultural qualities’ are seen to be needed. Several of our informants complained about inequality in the workplace, where Norwegians were bosses with permanent contracts while Poles were on short-term contracts, but they saw it as an example of structural unfairness. The representatives, from the recruitment agency, however, mentioned cultural traits as a way of explaining differences between Norwegians and Poles as workers. Poles were said to show more respect towards leaders, to have an exaggerated view of their own capacities, and to be suspicious by nature:

My opinion is that they feel they have been fooled from the day they were born, they do not trust us. Poles do not report accidents and failures at work because they don’t want to be whistle-blowers.

These are of course stereotypes, but may well describe how many Poles actually act at work. Such cultural explanations overlook or blur structural explanations such as work insecurity, language problems and Poles’ position at the bottom of the work hierarchy.

#### LOW POSITION AS BARGAINING POWER

We have mentioned very superficially that low pay and short-term contracts may be the only bargaining power many of these workers without qualification have. The question is whether it is in their interest that their working conditions be equal to Norwegians as they would probably then be out of work. There are several clashes of interest here, where enterprises want cheap, flexible workers, authorities want enterprises to make money, labour unions want equal conditions for workers to protect against social dumping, and unskilled workers want to keep their jobs and experience social mobility. If Polish workers cannot achieve social mobility in Norway by advancing to permanent contracts, they will try to get ahead in Poland, and will stay with short-term contracts and work in Norway while living in Poland.

This field is saturated with vicious circles, which may be part of the explanation why so few workers on short-term contracts are members of labour unions or report their need for legal aid.

# 10 Recommendations

## **Legal rights at work**

The following points were presented by workers and representatives for public and private bodies as possible strategies to support legal rights for foreign workers in Norway:

- To establish a position as ombudsman for foreign workers
- To establish regional safety delegates (verneombud) to strengthen the contact between labour unions and enterprises and thus broaden the reach of the Working Environment Act.
- To strengthen Arbeidstilsynet, the Norwegian Labour Inspection Authority, with more inspectors.
- Jusshjelpa should be extended and be established as a public legal aid body with multilingual competence. Jusshjelpa should at least be properly funded so as to be able to use interpreters in relevant languages.
- Penalties for breaching the Working Environment Act should be stricter.
- Labour unions should promote membership among workers with short-term contracts.

## **Housing conditions**

- Husleietvistutvalget (the office for settling disputes concerning rent) should provide more outreach including counselling at workplaces.

## **Legal Aid**

- As a part of the reform work with the Legal Aid Legislation, there should be special emphasis on the special needs for foreign workers and other groups without knowledge about the Norwegian language and Norwegian legislation.

## **Legal Information**

- To strengthen outreaching legal aid information and assistance to the public, especially to vulnerable groups such as short-term foreign workers.

## **Language**

- To make Norwegian courses free and mandatory for foreign workers. All parties seem to agree that proficiency in Norwegian is seen to be the key to legal rights, social mobility and integration in Norway.
- The obligation of employers to train their employees in relevant skills must be enforced and there should be some penalty for breaking this obligation. Mr. Orleński of Polonia w Trondheim argued that it should be mandatory for employers to provide free Norwegian courses for all workers.

## Sammendrag

Målet for denne studien var å vurdere det udekkede behovet for rettshjelp blant polske arbeidsmigranter i Sør-Trøndelag med korttidskontrakter og lav lønn. Studien fokuserer både på det erkjente og uerkjente behovet for rettshjelp, og er basert på kvalitative intervjuer med 15 arbeidere, menn og kvinner, med 10 representanter for private og offentlige instanser og for rekrutteringsfirma. Studien er videre basert på tidligere forskning og relevante dokumenter. Informantene ble ikke valgt tilfeldig, men rekruttert blant arbeidere som ønsket å fortelle om sine erfaringer med norsk arbeidsliv. Studien er ikke representativ, men eksemplarisk ved å presentere problemer erfart av noen arbeidere og diskuterer hvordan disse representerer udekkede behov for rettshjelp. Intervju med representantene for private og offentlige instanser som arbeider for rettighetene til arbeidere, og med rekrutteringsfirma ga oss tilgang til arbeidernes eventuelle uerkjente behov for rettshjelp. Basert på disse kildene kan vi slå fast at det ser ut til å være et ukjent, men betydelig omfang av udekket behov for rettshjelp blant denne kategorien polske arbeidere i Sør-Trøndelag.



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# Attachment

## Interview guide Polish workers

### Fortelle om undersøkelsen:

Hvem er oppdragsgiver

Om juridiske problemer = problemer der en jurist kan hjelpe. På boligmarkedet, i arbeidet og med sosiale rettigheter på NAV .

Ca 20 informanter – blant menn og kvinner – arbeidstakere i Sør Trøndelag

Anonymitet (ingen navn, ingen arbeidsplass, bånd slettes når se er skrevet ut.

Taushetsplikt-

Frivillig - De kan trekke seg når som helst.

Hensikten med undersøkelsen er å finne ut hva polske arbeidsfolk trenger juridisk hjelp til-om de får slik hjelp – hvorfor ikke og hvordan den kan organiseres bedre, mer tilgjengelig.

Publisering: rapport offentlig på engelsk

Samtykkeerklæring

Spørsmål?

Avklare forventninger.... Ingen juridisk hjelp bare en avdekking av erfaringer og behovet - Denne undersøkelsen skal bedre situasjonen for andre polakker i Norge.

Fortelle om hva vi spør om: litt generelt om alder, kjønn og borid i Norge – så mer direkte om hva slags problemer du kan ha møtt i arbeidslivet, med bolig eller sosiale tjenester der du har trengt eller ville trengt juridisk hjelp.

### Bakgrunn

*Alder og kjønn - utdanning - hvor lenge i Norge- enslig eller familie- her eller i Polen? Hvor mange i husstanden og hvem?*

Hva slags arbeid har du i Norge, hor lenge av gangen, hva slags kontrakter? Hva slags arbeid i Polen? Andre steder?

Hvor lenge i Norge- hvor ofte?

Har du gått på norsk-kurs? Hvorfor ikke?

Lærte du norsk? Hvorfor ikke

Statsborgerskap?

### Arbeid

Fortell om arbeidet ditt? Hva gjør du?

Hvis jeg skulle ta din jobb fra i morgen – hva burde jeg vite?

Er du organisert?

Har du kolleger? Norske?

Hvilket språk bruker du på jobben?

Har du eller har hatt problemer på jobben? Vet du om noen som har hatt? Hva handlet det om?

Hva gjorde du/de?

Hva ville du gjort i Polen?

Hva tenker du om saken? Er du fornøyd? Hvorfor/hvorfor ikke?

Hvis du ikke søkte hjelp hvorfor ikke? J

Jobber kona/mannen din, med hva? Utdanning?

Ønsker hun/han å jobbe/ utdanne seg?

Hvorfor gjør han/hun det ikke?

Mottar hun/han trygdeytelser?

## **Bolig**

Hvor og hvordan bor du/dere? Er du fornøyd? Har du en bolig som tilsvarer det du ble lovet? Har du kontrakt?

Har du familie her? Hvem – hvor mange – er de fornøyd med bosituasjonen?

Hva har dere gjort med eventuelle boligproblemer?

Har dere fått hjelp? Fortell om det... var du fornøyd – hvorfor/ikke?

Hvorfor ikke?

## **Sosiale rettigheter**

Kjenner du rettighetene dine i NAV. Hvordan?

Har du vært syk i Norge?

Hva gjør du når du er syk?

Får du sykepenger når du er syk?

Har noen i husstanden din vært syke

Går barna dine i Norge på barnehage- skole?

Får kona/ mannen din sosial støtte

Har du blitt informert om dine rettigheter i NAV?

## **Andre problemer**

Har du/dere økonomiske problemer?

Problemer med å dekke utgifter til bolig, klær, mat barnas aktiviteter etc

Hvorfor?'

## **Utlendingssaker**

Har du hatt problemer med utlendingsmyndigheter?

Hva slag? Hva ble gjort?

Fikk du juridisk hjelp? Hvorfor ikke?

## **Uavklarte rettigheter- ikke erkjente problemer**

## **Nettverk**

Hvem er du sammen med i Norge? Arbeidskamerater, polske venner, norske venner, andre arbeidsmigranter?

Har du noen du kan gå til ... som hjelper deg i Norge?

## **Informasjon**

Har du erfaring med rettshjelp fra hjemlandet?

Visste du noe om Norge da du reiste? Hvordan fikk du vite om det?

Kjenner du til Jusshjelpa i Trondheim?

Andre rettshjelpsinstanser?

Har du arbeidsmiljøloven på polsk? Har noen lest den for deg på ditt språk?

Vet du hvilke rettigheter du har som arbeidstaker i Norge? Hvordan vet du det?

Fikk du info på jobben? Av ledelsen? Av kolleger? Forstår du den infoen? Hvorfor ikke?

Har du forsøkt å finne ut om dine rettigheter selv? Hvorfor/ikke?

Trenger du å vite mer om noe?

## **Egne vurderinger om god rettshjelp**

Hva tenker du skal til for å ha et godt rettshjelpstilbud?

Hva kunne du ønske annerledes med hensyn til bolig, arbeid og sosiale/helserettigheter?

Hva bør en som hjelper være klar over?

## **Minn om taushetsplikten og personvernet igjen!**