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BELGIUM

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Answer to Supplementary Request for Information concerning restrictions on the use of temporary agency workers in Norway

The Ministry of Labour and Social Inclusion (“the Ministry”) refers to the letter 4 November 2025 where the EFTA Surveillance Authority (“the Authority”) requests supplementary information concerning restrictions on the use of temporary agency workers in Norway.

The Authority has requested that the Norwegian Government submits the information by 15 December 2025. At the request of the Ministry, the Authority has granted an extension of the deadline to 15 January 2026.

Please find enclosed the Governments answer to the Supplementary Request for Information.

Yours sincerely

Ragnhild Nordaas
Director General

Mona Næss
Deputy Director General

This document is signed electronically and has therefore no handwritten signature

1 Answers to questions 1-8 (“The effects of the Norwegian restrictions on temporary agency work”)

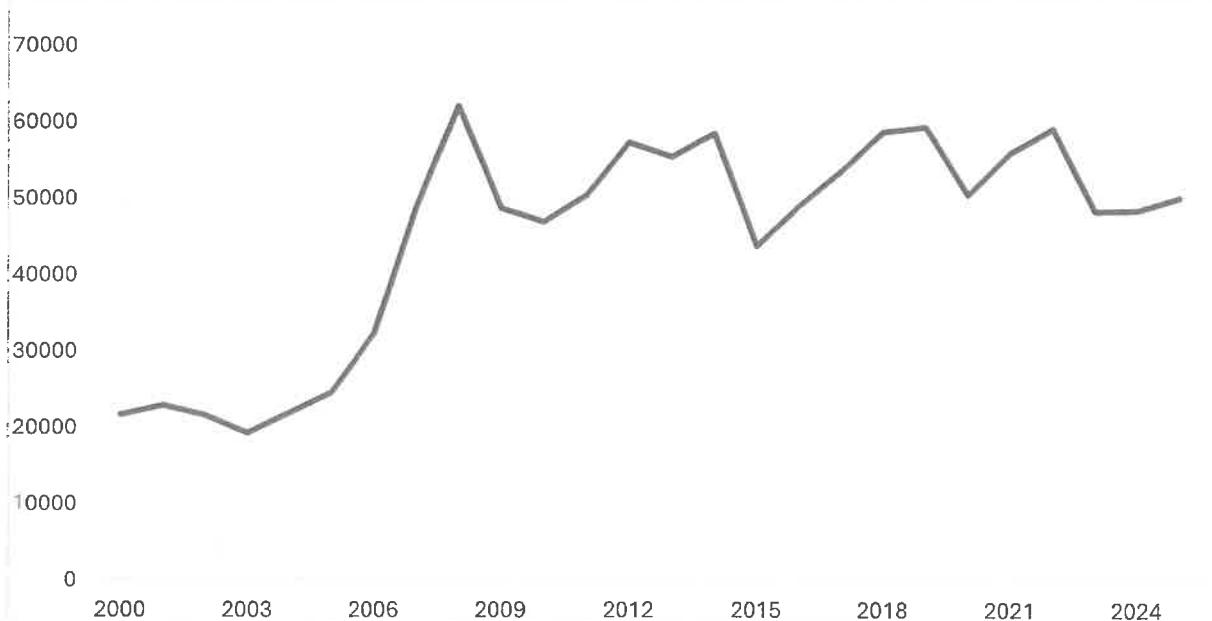
1.1 The decrease in the use of hiring-in from temporary work agencies since the adoption of the contested measures (question 1)

It is important to note that in general, temporary work agencies activities fluctuate with the situation in the economy and the labour market, cf. [Figure 1](#). The long-range development has been increased activity, with periods of decline after the financial crisis (2008-2009), the fall in oil prices (2014) and the pandemic (2020-2021). After the pandemic, the demand for temporary agency work increased, reaching almost 60 000 employees in the industry in 2022. However, a reduction in activity started already in the last half-year of 2022, in connection with a cyclical downturn in the construction industry related to higher interest rates, inflation, a weak exchange rate and generally increasing uncertainty.

There was a further reduction in activity for temporary work agencies during 2023, partly in connection with the new regulations. According to Statistics Norway, the number of wage-earners in the industry was 7,800 lower in 2025 Q3 compared to 2022 Q3. Christoffer Berge in Statistics Norway states:

«We cannot determine how much of the changes are due to the regulatory changes or economic cycles.»¹²

Figure 1: Wage-earners in temporary work agencies 2000-2025



Source: Fafo-notat 2024:22 and updated. Registered wage-earners with their main job in NACE 78.2 (temporary work agency industry). The statistics also include all employees in temporary work agencies, included persons who are not hired out, e.g. administrative staff. Numbers from Statistics Norway.

¹ Statistics Norway 28 November 2025 – Mer stabil utvikling i uteleie av arbeidskraft.

² The English translations of the various quotations in the document are mostly unofficial. All tables referenced in the document are contained in the appendix

On assignment from the Ministry, Statistics Norway has commenced quarterly statistics on employment in the temporary work agency industry, and has from 2023 published annual analysis of the development in employment, turn-over and transitions of workers from temporary work agencies to other industries. The available data, updated until the third quarter of 2025, is based on the employers' (the temporary work agencies) registration of employees in the «a-melding».³ The user companies have no obligations to report their use of hiring-in temporary agency workers, and the temporary work agencies have no obligations to report who their customers are.

Employment in temporary work agencies has been flattening out during 2024 and 2025, with some quarterly variations (highest activity in summer, lowest in winter), cf. figure 2.⁴

In general, turn-over is high among temporary agency workers. According to the industry organisation in NHO Service & Handel, the average tenure is just one year for employees in the temporary work agencies.⁵ Researchers identify a stable pattern in the statistics which shows that about 20 percent of employees in temporary work agencies are not registered as wage earners in Norway one year later. Many of those are probably non-resident workers.⁶

In 2024 and 2025 two thirds of the employees in the industry remained in the industry as workers from the first quarter to the third quarter. In 2023 a higher proportion of the workers switched to another industry, e.g. to employment in production companies in construction. The number of new employees entering temporary work agency activities between the first and third quarter in a year, has been around 20,000 people all years since 2023. To compare, in 2022 the number of new employees entering the industry was nearly 26,000 people. This reduction in the number of new employees represent an important reason for the decreased level of employment in temporary work agencies.

The industry organisation for temporary work agencies in NHO Service & Handel provide quarterly reports about development in sale from their member companies to other industries. The two statistics (Statistics Norway and NHO Service & Handel) are not fully comparable since they are based on different types of data: Billed hours (NHO Service & Handel) and number of employees (Statistics Norway). NHO Service & Handel reports the number of hours billed by member companies, but not the number of employees. To visualize the impact of this type of work in Figure 2, Fafo has calculated man-years by dividing the number of billed hours with an estimate of the number of hours in a man-year (actual worked hours over a year for a fulltime employee). The figure used (1670 hours per man-year), was originally based on data from the National Accounts (Statistics Norway).

The two data sources show how employment has developed over time in member companies in NHO Service & Handel compared to the sector at large (Statistics Norway - NACE 78.2).

The reduction in activity from 2022 until today has been almost doubled for the member companies in NHO Service & Handel, with a 25,5 percent decline, compared to about 13 percent for the industry in total, cf. Figure 2.

According to Fafo, a possible explanation could be that the member companies in NHO Service & Handel, which represent most of the traditional temporary work agency industry,

³ The Norwegian Tax Administation: <https://www.skatteetaten.no/en/business-and-organisation/employer/the-a-melding/>

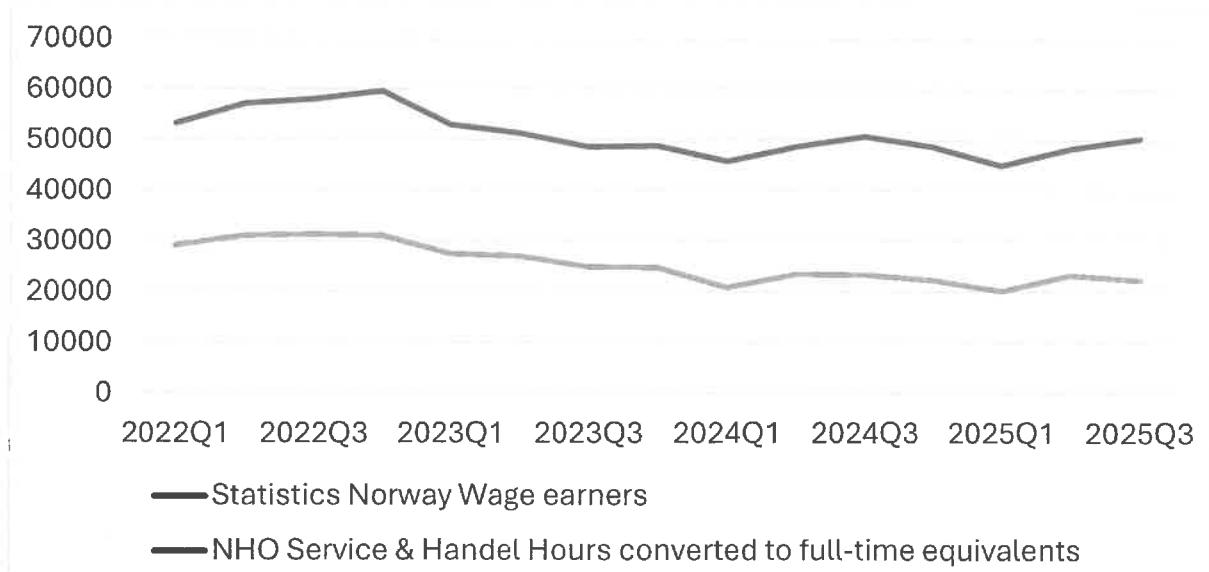
⁴ Statistics Norway Antall arbeidsforhold og lønn. Statistikkbanken. Table No. 13978

⁵ NHO Service & Handel (2025). Ansatt i bemanningsbransjen. Medarbeiderundersøkelsen 2024/25, p. 17.

⁶ Fafo-notat 2024:22, p. 51.

has been more affected by the new regulation. The numbers from Statistics Norway also include other kinds of temporary work agencies, for instance reshaped manufacturing or construction companies, service providers in shipping and others.

Figure 2: Employment in temporary work agencies 2022 Q1-2025 Q3



Source: Fafo-notat 2024:22 and updated. Registered wage-earners, quarterly statistics from Statistics Norway. Quarterly information about billed hours from member companies in NHO Service & Handel-Bemanningsbarometeret.

1.2 The current use of hiring-in from temporary work agencies – compared to the situation prior to the contested measures (question 2)

According to statistics for 2025 Q3, about 50,000 persons are currently employed in temporary work agencies, cf. figure 2. This is about the same level as in 2024 Q3, and about 1,500 over the level in 2023 Q3.⁷ NHO Service & Handel report a minor increase for their member companies from 2024 Q3 to 2025 Q3.⁸ As mentioned in the answer to question no. 1, activity is lower than in 2022, however, employment in temporary work agencies in 2024-2025 is comparable to the level in for example 2016, cf. figure 1. Employment in this industry has always been fluctuating.

There are significant differences in how the use of temporary agency work has developed in different sectors and industries.

In *the construction sector*, there has been a significant decline in employment and sold hours from the temporary work agencies. This development corresponds with a general decline in the construction industry. Rising interest rates have resulted in stagnated house building and employment. According to Statistics Norway, employment in the construction industry peaked in 2022 Q4. From the peak and until 2025 Q3, the number of employees in the industry has decreased by 6 percent, or 16,000 persons. The member companies in NHO

⁷ Statistics Norway. Antall arbeidsforhold og lønn. Statistikkbanken. Table No. 13978.

⁸ NHO Service & Handel. Bemanningsbarometeret 2025 Q3.

Service & Handel report that hiring-out to construction now make a total of 14,9 percent of total billed hours, while it was 31 percent of billed hours in 2019. However, for 2025 Q3 they report a minor increase in hiring out to user companies in construction.⁹

The numbers from NHO Service & Handel also show a decline in hiring-out from temporary work agencies among persons hired-out to *service industry (wholesale and retail trade, HORECA), office work, customer service and warehousing work, transport and logistics work.*

For hiring-out to *manufacturing industry, as shipbuilding and offshore supplier industry*, there has been increased activity, particularly from member companies in NHO Service & Handel. The manufacturing industry has been in a period of economic expansion. Economic incentives for activity in this industry has been strengthen, partly due to tax reductions for the oil & gas sector. According to NHO Service & Handel hiring out to these industries to a large degree depends on agreements with workers' representatives.

There has also been an increase in hiring-out temporary agency workers with professions in engineering, probably to a large degree driven by demand from oil & gas-related user companies.

Recently, the NHO Service & Handel has reported an increase in hiring-out to *companies in wholesale and retail trade and hotels and restaurants*. The hospitality industry has experienced an economic upswing lately.

Before and during the pandemic, hiring out to *the health care sectors* increased. However, after 2023 there has been a decline. The member companies in NHO Service & Handel have reported a 29,6 percent decrease in billed hours to health care from 2024 Q3 to 2025 Q3. Different efforts have been made for reducing hiring-in staff to hospitals. In this regard, several management requirements have been placed on regional health authorities regarding the use of temporary agency work. We further refer to the answers to the questions no. 13-15. According to information provided by NHO Service & Handel, hiring-in staff to health and care service in the municipality sector also seems to be reduced the last years, both to care for the elderly, and to kindergarten and after-school programmes (SFO).

The available statistics and data regarding hire, do not differentiate by applicable legal basis. However, surveys can give some indications about which motivation the enterprises have for using temporary agency work. In general, the provision for hiring-in for temporary replacement for another person (substitutes) seems to be the most frequently used legal base.

The Institute for Social Research has analysed a survey to member companies in NHO carried out in 2024, answering questions about their motivation for hiring-in temporary agency workers.¹⁰ A majority, 63 percent, stated that they hire-in to fill the need for additional capacity. Other motivations mentioned are: «Because we are unable to recruit qualified labour for permanent positions», followed by «to fill the need for specialized expertise for a limited period».

Fafo has carried out surveys to companies in construction and warehousing/logistics before the new regulation and a year after (and will follow up with a new survey in 2026). Questions about motivation for hiring-in from temporary work agencies were answered by companies using workers and craftsmen. As for the NHO members, a majority emphasize a temporary

⁹ Ibid.

¹⁰ Institute for Social Research (2025). Follow-up evaluation of the rule change for hiring from staffing agencies, p. 18-20.

need for employment (75-79 percent), followed by difficulties in recruitment and a need for more flexibility and capacity. About 20 percent also mention the need to fill temporary positions.

Fafo has also carried out surveys to union representatives in the LO, working in companies in construction, shipbuilding, warehouse & logistics. The union representatives have been asked about the use of temporary agency work in the companies where they work. The survey was first conducted in the spring of 2023, and then repeated in the autumn of 2025. The responses show few changes during the period. The companies in which the union representatives work, appear to be using the same strategies as before to supplement their permanent staffing. Temporary agency work is most frequently mentioned: 45 percent (46 percent in 2023) of the union representatives state that the company they work for uses temporary agency work.¹¹

1.3 The current use of hiring-in from production companies, compared to the situation prior to the adoption of the contested measures (question 3)

There are no statistical sources for information about hiring of labour between production companies, cf. Section 14-13 WEA. In 2025 a new obligation for employers to report whether an employee is hired out was introduced. According to Statistics Norway this information is currently not valid for producing statistics. However, some surveys have been carried out which indicate an increased use of hiring of workers between production companies.

In a Fafo survey, construction companies that operates in the Oslo area were asked how they would meet their labour needs in situations where they had previously relied on temporary agency work. In the spring of 2023, prior to the entry into force of the new regulations, 35 percent of the companies indicated that they intended to increase hiring-in from other production companies. Following the implementation of the new regulations, 41 percent of the companies reported that they had in fact increased such hiring-in.¹²

As mentioned, Fafo has also carried out surveys to union representatives in LO, working in construction, shipbuilding, warehouse & logistics companies. Thirty two percent reported that their company had hired-in workers from other production companies (30 percent in 2023). In the construction sector, a majority of 52 percent of the union representatives reported that their company had used hiring-in from other production companies. According to this survey, the union representatives indicate that use of hiring-in from production companies has increased as an alternative to use of hiring-in from temporary work agencies, particularly in the construction sector.¹³

The Institute for Social Research refers to a survey to member companies in NHO which conclude with an increased use of hiring-in from production companies. Among companies answering that they have increased their production in the past twelve months, there is a particularly large increase in the use of hiring-in from other production companies.¹⁴

¹¹ Fafo 2025. https://www.fafo.no/images/pub/2025/Faktaflak_innleie.pdf

¹² Fafo-notat 2024:22, p. 24.

¹³ Fafo 2025. https://www.fafo.no/images/pub/2025/Faktaflak_innleie.pdf

¹⁴ Institute for Social Research, p. 40.

1.4 Effects on permanent employment, temporary employment and the use of overtime (question 4)

According to Statistics Norway, the total share of workers with permanent employment and temporary employment has been stable. Statistics based on reports from employers through the «a-melding» show a stable and high level of workers with permanent positions, constituting around 84 percent of the total employed labour force.¹⁵

The share of workers with a temporary position is stable, measured to around 12 percent of the total employed labour force according to register data. The interview based Labour Force Study is also showing a stable pattern, however measuring a level of temporary employed persons at around 9 percent of the employed work force.¹⁶

An increasing share of the employees in temporary work agencies are registered as permanent employed, from 71,9 percent in 2021 Q3 to 77,9 percent in 2025 Q3. However, the proportion of permanent employees is still somewhat lower than the average for working life, and the proportion of temporary employees in temporary work agencies is higher, cf. Annex, Table 1.

There are considerable differences between temporary agency workers, depending on their profession. While 90 percent of the electricians and plumbers employed in temporary work agencies have a permanent position, over 50 percent of the engineers are temporary employed in temporary work agencies, cf. Annex, Table 2. According to data from Statistics Norway there has been an increased share of temporary agency workers obtaining employment in companies in other industries in the period following the new regulation. Workers in construction, as craftsmen, plumbers and electricians, are among the occupations where transition rates from positions in temporary work agencies to employment in companies in the construction industry increased significantly. The great majority of these workers obtained permanent full-time positions in production companies, between 83 and 93 percent, according to calculations made by Fafo, based on data from Statistics Norway.¹⁷ The number of temporary employees in the overall construction industry has remained approximately at the same level from 2016 to 2024, with quarterly variations. According to Statistics Norway's Labour Force Study, it seems to have decreased somewhat over the past year.¹⁸ The effects for construction workers, going from employment in temporary work agencies to permanent employment in production companies in the construction sector is also confirmed by an analysis from the Institute for Social Research, concluding that 1,500 construction workers in the Oslo area changed job from a temporary work agency to a permanent position in a construction company in 2023, while it was 800 persons in 2022. In the corresponding period, 350 construction workers changed job from a temporary work agency to a temporary job in a construction company, while it was 100 persons the previous year.¹⁹

These effects corresponds well with the principal objectives of the new regulation, promoting permanent and direct employment, cf. Prop. 131 L (2022-2023), chapter 5-6.

During the period from 2023 to 2025, the composition of employees in temporary work agencies changed. There has been a reduction of workers with occupations in the construction sector, while the share of workers with occupations in the manufacturing industry as well as

¹⁵ Statistics Norway. Antall arbeidsforhold og lønn – Register-based statistics.

¹⁶ Statistics Norway, Arbeidskraftundersøkelsen – Labour Force Study.

¹⁷ Fafo-notat 2024:22, p. 50-54.

¹⁸ Statistics Norway. Labour Force Study – Table 07205.

¹⁹ Institute for Social Research, p. 79.

nursery- and kindergarten assistants have increased. For those who changed from working in temporary work agencies to another employer in the period Q1 to Q3 in 2025, it was most common to have an occupation in nursing and care. Kindergarten and after-school assistants were the largest single occupation in this group. While in 2023, occupations in the construction sector were most common for those who changed from temporary agency work to job for other companies. According to Statistics Norway workers with occupations in the construction sector still largely obtain permanent employment with their new employer, while there is a high proportion of kindergarten and after-school assistants who obtain a temporary employment with their new employer.²⁰

When it comes to use of overtime, some analysis and surveys indicate that this to a certain extent is used as an alternative to hiring-in temporary agency workers, cf. the answer to question no. 8. However, the level of overtime work in the labour market is stable, the available statistics is showing a minor decline both in 2023 and 2024.²¹

1.5 Effects on part-time and full-time employment within temporary work agencies and the average across all occupations (question 5)

The available statistics give no details regarding any effects from the new regulation on temporary agency work on the development on full-time and part-time work.

Numbers from the «a-melding» show that the share of full-time workers has been increasing, both in the labour market as a whole, and among employees in temporary work agencies from 2021 to 2025. In the labour market, 72,7 percent are registered with a full-time job in 2025 Q3, while it was 71,6 percent in 2021 Q3. In temporary work agencies, 67,9 percent of the employees are reported with a full-time job in 2025 Q3, while the share was 64,5 percent in 2021 Q3.

There are, however, considerable differences between occupational groups employed in temporary work agencies when it comes to part-time and full-time work. While the share of employees with construction occupations (e.g. craftsmen) obtaining a full-time position increased from 62 percent in 2022 to 74 percent in 2024, the share of full-time workers with service professions was reduced from 46 percent to 35 percent in the same period.²²

A survey NHO Service & Handel has carried out among temporary agency workers indicates an increased share of full-time workers in the industry. However, there are no more than 45 percent stating that a temporary work agency is their main employer, 24 percent are students and 15 percent are temporary agency workers beside their main job.²³

A survey carried out by the Norwegian trade union Fellesforbundet (the United Federation of Trade Unions) among members working in temporary work agencies and production companies in construction and manufacturing industry shows that 90 percent of the last-mentioned have a full-time position, while 77 percent of the members in temporary work agencies have a full-time position.²⁴

²⁰ Statistics Norway 25 November 2025 – Mer stabil utvikling i utleie av arbeidskraft.

²¹ Ibid.

²² Fafo-notat 2024:22, p. 45.

²³ NHO Service & Handel, 2025. Ansatt i bemanningsbransjen, Medarbeiderundersøkelsen 2024/25, p. 15-16.

²⁴ Fellesforbundet (2024). Survey to members in temporary work agencies and production companies in construction and manufacturing industry.

We also refer to information provided in earlier letters to the Authority about the contracting practice in temporary work agencies. Analysis from Institute for Social Research showed an increase in contracts for temporary agency workers with agreed working hours below 10 percent and between 10 and 20 percent of a full-time position after the new regulation went into force in 2019. According to their analysis of register data, employees in temporary work agencies had an average of just six months of the year with pay from their employer.²⁵

1.6 Statistical data on how the contested measures have influenced the number of workers coming from other EEA States to Norway (question 6)

It is not possible to draw conclusions on any causal relationship between the regulation for temporary agency work and the development in the number of workers coming to Norway from other EEA States.

Following the enlargements of EU/the EEA area, a considerable number of workers from other EEA States came to Norway. Many have settled as immigrants and become resident workers in Norway. It is also a substantial group of workers who have kept their residence in the home country and «commuted» to Norway for work. Overall, there has been a steady increase in both groups during the two last decades, even if there have been some fluctuations from year to year. In Annex, Table 3, we present detailed statistics on the number of non-residents from other European countries coming to Norway from 2015 to 2024. The majority of those who «commute» to Norway for work live in EU-member states in Central- and Eastern Europe. During the pandemic there was a reduction, but the number increased afterwards, even though not reaching the same level as in 2019.

As a recent development, Statistics Norway has registered a reduction in the number of non-residents coming to Norway from Poland and Lithuania in 2024 and 2025. There has also been a reduction in resident workers from these countries the last year.²⁶

According to an analysis from Fafo, a main impression is that labour migration from east in Europe to west is steadily decreasing. One reason is that differences in salaries amongst workers between «old» and «new» member states have been reduced. Also, newer EU-member states are affected by low birth rates and increasing life expectancy. In addition, economic growth, increased wage levels and lower unemployment in several of the sending countries in Central and Eastern Europe have made it less attractive to travel abroad, for example to Norway.²⁷

Despite these trends, the number of non-residents from other European countries working in temporary work agencies in Norway is relative stable, cf. Annex, Table 4. Proportionally, the number of non-residents working in temporary work agencies in Norway is unaltered after the new regulation. They make a total of about 30 percent of all temporary agency workers at any time.²⁸

There has been some reduction in the share of resident immigrants working in temporary work agency the last years. According to Fafo, the proportion of immigrants with a residence

²⁵ Institute for Social Research. Report 5:22.

²⁶ Christoffer Berge, Statistics Norway. Presentation for Fafo Østforum 25 November 2025: <https://www.fafoestforum.no/images/Lysark/251126-christoffer-berge.pdf>

²⁷ Fafo-notat 2024:15, p. 3.

²⁸ Ibid.

period of five to nine years have decreased (from 15 to 11 percent of total workers), which could imply that workers in this group have left Norway to a greater extent than others.²⁹

1.7 How the contested measures have affected temporary work agencies from other EEA countries seeking to offer their service in Norway, including the impact of registration or authorisation requirements (question 7)

There are no sources of information providing exact knowledge about business activities in Norway carried out by temporary work agencies from other EEA states. We have examined the possibilities for obtaining information about these companies from the Assignment and Employee Register, managed by the Norwegian Tax Administration. This register provides information about contractors from other countries performing assignments in Norway, but the reporting does not ask whether the entity is a temporary work agency. Neither does the Norwegian Labour Inspection Authority's authorisation scheme for temporary work agencies provide detailed information about enterprises from other countries. We refer to the answer to question no. 19 when it comes to general information about the impact of the previous registration scheme and the new authorisation scheme for temporary work agencies.

Accordingly, it is not possible to assess the possible effects of new regulation on their activity in the labour market. As mentioned in the answer to question no. 1-6, the economic situation and cyclical fluctuations in industries are of decisive importance for the demand for services from temporary work agencies.

1.8 How enterprises are currently fulfilling their temporary staffing needs under the new rules, and whether there has been a shift toward alternative arrangements such as posting of workers or subcontracting (question 8)

Statistics on the use of temporary agency work, survey data and analysis of registerdata from some user companies can indicate how the user companies have adapted to the situation after the implementation of new regulation. A general impression is that the consequences have been moderate.

In a report made on commission for the industry organisation for temporary work agencies in NHO Service & Handel, Menon Economics conclude that the user companies seem to have resolved the situation and found different solutions to meet their needs for temporary labour.³⁰

As mentioned in the answer to question no. 4, companies in the construction sector have recruited employees from temporary work agencies, primarily to permanent positions. Fafo has carried out a survey to construction companies, asking them how they planned to solve (2023) and how they have solved (2024) their need for labour in cases where they otherwise would have hired-in temporary agency workers.³¹ Companies in the Oslo area have used a number of strategies. The most mentioned are:

- Increased use of hiring-in from other production companies
- Reduced number of assignments they bid on

²⁹ Fafo-notat 2024:22, p. 38-40.

³⁰ Menon Economics (2025). Regulering av bemanningsbransjen. Effekter og konsekvenser av arbeidsmiljølovens innstramminger på innleie, p. 5 & 50 (in Norwegian).

³¹ Fafo-notat 2024:22, p. 24-31.

- Increased use of subcontractors
- Increased use of overtime for their own employees
- Permanent and direct employment
- Temporary and direct employment

It is important to be aware of the context: The economic downturn in the construction sector has led to a general decline in assignments for many companies. However, according to the survey, more firms have expanded their workforce than those that have resorted to layoffs or staff reductions. In fact, 21 percent of the construction companies in the Oslo area reported that they have hired additional permanent employees to compensate for the loss of temporary hiring opportunities. Before the new regulation, 26 percent of companies stated that they intended to increase their use of temporary employees. One year after the regulation was introduced, 18 percent of companies reported that they had in fact made greater use of temporary employment.

A Fafo-survey to union representatives in the autumn of 2025 included a question about which alternatives to temporary agency work, the companies in which the union representatives work, actually have used. The alternatives to temporary agency work most frequently mentioned, were increased permanent and direct employment and use of hiring-in from other production companies. The survey also indicates increased use of agreements between the company and workers' representatives on the use of temporary agency work. About a quarter of the union representatives believed that the new regulation had not affected their company to any great extent, cf. Annex, Table 5.

The Institute for Social Research has analysed results from a survey to the member companies in NHO from 2024. The companies have reduced temporary agency work and increased their use of other solutions, including hiring-in from production companies, consultancy work, subcontracting, temporary and permanent direct employment and different kinds of supporting measures.³²

The Institute for Social Research has also analyzed register data from 2023 to examine how certain user companies adapted after the new regulation came into effect. The study found that these companies reduced their spending on temporary agency work, while their wage costs for direct employees increased disproportionately to the growth in employee numbers. This suggests that direct employees worked more hours than before, indicating longer working hours and greater reliance on overtime.

In addition, these companies reported higher use of temporary employees in 2023 compared to 2022, although the level had been even higher in 2021. As the Institute for Social Research points out, it is important to note potential skewness in the sample: The companies studied represent 1,6 percent of all undertakings, and they have an average of 297 employees compared to an overall market average of 15 employees.³³ In the manufacturing industry, including sectors such as shipbuilding and offshore-related activities, there has been an economic upswing in recent years, accompanied by increased use of temporary agency work. The industry organisation for temporary work agencies in NHO Service & Handel report a 26,7 percent increase in sold hours from 2024 Q3 to 2025 Q3. Hiring-out to industry and production have been the largest segment within their member companies since 2023 Q3. NHO Service & Handel highlights increased activity among user companies, linked to factors

³² Institute for Social Research (2025), p. 39-41.

such as the exchange rate of the Norwegian krone and the oil tax package, which has triggered extensive maintenance projects and thereby created a temporary need for additional capacity. They also emphasize that user companies have high collective bargaining coverage, and that nearly all hiring of temporary agency workers is based on local agreements negotiated with employee representatives.³⁴ Institute for Social Research and NHO Service & Handel indicate that the extraordinary situation during the pandemic increased the total activity in industries like wholesale and retail trade and warehouse, transport and logistics, which could explain a subsequent reduction in demand for temporary agency work in recent years. In general, it is important to take into account the overall economic situation, as well as conditions within specific industries, when considering a company's need for temporary staffing—whether through the use of temporary agency workers or alternative measures. Development in health care and use of alternative arrangements to temporary agency work in this sector will be described in the comments to question no. 13-15.

Posting of workers

The number of posted workers registered in Norway is quite stable, and has varied between 16,000 to 18,400 annually from 2020. Statistics Norway has analysed the statistics on commission from the Ministry.³⁵ It has been a stable pattern that almost 80 percent of the posted workers are employed in the sectors of business services, construction, and manufacturing. Business services include, among other things, the hiring out of labour, and temporary work agencies are dominant among posted workers.

In 2024, the main distribution of posted workers was as follows:

- 30 percent in business services (5,382 persons)
- 30 percent in construction (5,395 persons)
- 19 percent in manufacturing industry (3,541 persons)

According to Statistics Norway, the number of posted workers in business services, including temporary work agencies, has been reduced in 2023 and 2024.

Subcontracting

As mentioned earlier, according to surveys some construction companies will increase their use of subcontracting as an alternative to temporary agency work. A third of the construction companies in the Oslo area have stated that they use more subcontracting (multiple answers are possible in this survey).³⁶ Use of subcontracting is a common practice in construction, partly to cover expertise or tasks that the companies themselves do not possess, and partly in situations where there is need for labour. Use of subcontracting is also mentioned in the survey among member companies in NHO, even though hiring from other production companies is a more common alternative to hiring-in from temporary work agencies.

In general, the developments following the new regulation are well aligned with the considerations set out in the preparatory work regarding the consequences for undertakings and alternative staffing options, cf. Prop. 131 L (2022–2023), chapter 13. An important aspect of the new regulation is the clarification of borderline cases between temporary agency work

³⁴ NHO Service & Handel. Bemanningsbarometeret 2025 Q3.

³⁵ Statistics Norway 31 March 2025: Flere utstasjonerte arbeidstakere i Norge i 2024 – SSB

³⁶ Fafo-notat 2024:22, p. 24.

and subcontracting in Section 14-12 (4) of the WEA. Subcontracting must not be used to circumvent the rules governing temporary agency work. The amendment clarifies that particular emphasis shall be placed on whether the contracting authority exercises management over the work and bears responsibility for the outcome.

2 Answers to questions 9-12 (“Legitimate objectives – permanent and direct employment”)

According to Norwegian labour law, the main principle for employment consists of two important elements: Permanent and direct employment in two party relationships. The Government has therefore, through the contested measures, sought to regulate the labour market with the aim of promoting permanent and direct employment. This form of employment, to a greater extent than agency work, safeguards workers' rights, health and safety, and functioning of the Norwegian labour market model. In the Government's view, in general, temporary agency work may challenge several important labour law conditions and standards in the Norwegian working life – which the said main principle seeks to safeguard. These considerations are also set out in the preparatory works, particularly in Prop. 131 L (2021-2022), Chapters 5 and 6.

In the following, we will refer to which labour law conditions and standards that is being challenged, and which sources and studies we base this on. This will also explain why the Government believes that permanent employment in a two-party relationship is preferable to permanent employment in an agency, cf. question 12.

Since 2021, employers have been required to report in the «a-melding» whether their employees are permanently or temporarily employed. Across the labour market as a whole, the share of permanently employed workers has remained stable at 84–85 percent. According to this statistical source, temporary employment accounts for around 14 percent of the workforce, which also includes short-term assignments.

Temporary work agencies have reported an increased level of permanent employed from 2021 until today, cf. Annex, Table 1.

As mentioned in the answer to question no. 1, there are no obligation to report which sectors, industries or companies the temporary agency workers are hired in to. The reports in the «a-melding» include information about occupation. Fafo has analysed the statistics and presented data for the most common occupations for workers employed in temporary work agencies.³⁷

«The share of workers with a low percentage of full-time positions is highest among workers in service and care professions, while the share of temporary employees is highest among engineers and lowest among electricians and plumbers. For most groups, the share of temporary employees is between 20 and 30 percent, which is clearly higher than for the labour market as a whole. There have been some changes from autumn 2022 to spring 2024. A larger share of workers in construction professions work full-time (an increase from 62 to 74 percent), but there is also a somewhat larger share in temporary jobs (from 21 to 25 percent). A possible explanation is that the share of non-residents constitutes a somewhat larger share of the workers. This is a group with a high percentage of full-time positions, but where the share of temporary employees is above average. There are no changes among electricians and plumbers, while a somewhat higher share of workers in other

³⁷ Fafo-notat 2024:20, p. 44-45. Unofficial translation from Norwegian.

occupations in industry and crafts, are registered with a full-time job. Other changes include a decrease in the proportion of temporary employees among workers in care professions, while the very high proportion of temporary employees among workers in engineering positions has increased from 48 to 56 percent. Several larger companies have reported that all or the vast majority of their employees are in temporary positions.»

Fafo has presented detailed data for some occupations, showing variance between groups of workers, cf. Annex, Table 2.

In the Government's view, even if the employment relationship with the agency is permanent, the employee's employment relationship is still not as protective as a permanent position in a two-party relationship.

We refer to the Norwegian Labour Inspection Authority's consultative statement 19 April 2022 concerning differences between temporary agency work and direct employment on health and safety, cf. the Ministry's letter to ESA 19 October 2023, ch. 4.2.3 & 5.1.1.

Available research, both international and national, shows significant differences between holding a permanent position in a temporary work agency and being permanently and directly employed in a company in another industry. These differences concern the employment relationship itself, as well as the working environment, opportunities for participation and involvement in the workplace, and access to training.³⁸

Main points briefly summarized:

- Duration of employment. The average employment period in Norwegian temporary work agencies is one year, while for employment as a whole it is estimated that about 17 percent of employees change jobs within one year.
- Job percentage. Hired employees work in periods, and may be employed in partly low job percentages.
- Duration of assignments. The jobs offered by the temporary work agencies will depend on the availability of assignments and their duration. The industry organisation in NHO Service & Handel has previously stated that the average duration of assignments is four weeks.
- Predictability of work. Before amendments in the WEA in 2019, it was a common practice that a permanent contract with a temporary agency did not include pay between assignments. After the change in regulations, it became more common for temporary work agencies to offer permanent employment with a lower full-time equivalent.
- Job security. Temporary agency workers more frequently perceive their job security as poor compared to directly employed staff. Dissatisfaction with job security is also a factor contributing to lower satisfaction with other aspects of the employment relationship.
- Pay and remuneration. Surveys based on register data show that employees in temporary work agencies have lower income and lower hourly wages compared to permanent, direct employees and receive fewer employee benefits at the workplace.

³⁸ Fafo Working paper (2024). A review of the research literature examining working conditions for employees in temporary work agencies. Other studies are referred to in Prop. 131 L (2022-2023) and in previous letters from the Ministry to ESA.

- Working hours. Employees in temporary work agencies experience less control over their own working hours and face a higher risk of long workdays and irregular schedules. Several surveys also show that they are more likely to experience inadequate or missing time-sheet recording.
- Safety, injuries and accidents. Employees in temporary work agencies are overrepresented in occupations with a higher risk of injuries and accidents. The perception of job insecurity leads to hired employees being less likely to report working environment risks at the workplace. Data from the Norwegian Ocean Industry Authority indicate inadequate mapping and risk assessment of the working environment of temporary agency workers. Data from the Norwegian Labour Inspection Authority indicate that foreign workers, of whom there are many in temporary work agencies, have a significantly higher risk of being exposed to injuries and accidents. Non-standard forms of work are connected to increased risk for incidents at the workplace.
- Working environment and health. Temporary agency workers have a higher level of mental health challenges and experience a poorer psychosocial working environment, more stress and a lower tendency to report stress at work. The findings related to the psychosocial working environment also apply in cases where the workers have permanent contracts with the temporary employment agency, which is often explained by the nature of the temporary work agency industry and the short-term horizon of the assignments.
- Working environment and well-being. Compared to persons with a permanent, direct employment, temporary agency workers score lower on the perception of job belonging and job satisfaction, on opportunities for variation in work tasks and the perception of autonomy in performing work tasks.
- Access to training. Temporary agency workers participate to a lesser extent in training measures financed by the employer at the workplace. Employees in temporary work agencies also report reduced opportunities to participate in skills-developing tasks. This is linked to aspects of the triangular employment relationship, the short-term character of the assignments and that the tasks are often described as low-skilled.
- Organisation, participation and co-determination at the workplace. Employees in temporary work agencies have a significant lower degree of union membership than permanent, direct employees. Compared to permanent and direct employed, fewer of the hired in workers are familiar with arrangements such as safety representatives and workplace environment committees.

In the studies that have been conducted, temporary employees are mainly compared with permanent and direct employees. Some studies also look at differences between temporary employees and temporary direct employees.

The challenges seem to vary depending on the industries to which the employees are hired, and are increased in cross-border situations.

In an EU-study regarding the Posting Directive from 2023, several challenges for cross-border temporary agency workers are highlighted:³⁹

³⁹ EU (2023) Study supporting the Monitoring of the Posting of Workers Directive and of the Enforcement Directive: The situation of temporary cross-borders mobile workers and workers in subcontracting chains, p. 135.

«Problematic aspects related to temporary work involving temporary work agencies and other labour market intermediaries (in posting and non-posting situations) that are usually reported in the literature or through labour inspections are related to:

- Low wages or non-payment of hours worked, failure to respect minimum wage levels and maximum working hours, poor/unhygienic accommodation (for which workers may be paying excessive rents), falsified timesheets, inadequate health and safety conditions, failure to pay social security contributions, and falsified A1 Portable Documents.
- Violations of working conditions also occur in situations where workers voluntarily agree to a wage that is below the minimum wage with their employer; employees assert, for fear of losing their job, that they are paid certain wages although they are in fact paid less; concealment of the scope of application of the relevant collective agreements in order to circumvent sector-specific minimum wages; bogus self-employment; or excessive salary deductions for accommodation, transport and meals.
- One of the key types of problematic situations is related to the non-payment of actual time worked. In many cases, these situations go unreported and/or unsolved,

The study identifies enforcement challenges connected to the complex employment relationships that are usually formed when temporary work agencies and labour market intermediaries are involved, often as part of chains of subcontracting networks where responsibility and liability are blurred.

In a study for the European Parliament from 2017⁴⁰, temporary agency work is characterized by a rather high risk of precariousness. The main risks identified are low pay, labour rights, career development and training and low level of collective rights.

Furthermore, the Norwegian trade union Fellesforbundet, carried out a survey among their members working in temporary work agencies and production companies in the construction and manufacturing industry that shows considerable differences.⁴¹

- Twice as many of those working in temporary work agencies had a temporary position (20 percent vs 10 percent for those employed in a production company).
- 47 percent of the employees in temporary work agencies had a period of notice below one month, while it was 20 percent of the employees in production companies.
- 56 percent of the employees in temporary work agencies stated that they would continue working for their present employer next twelve months, while it was 81 percent of the employees in production companies.
- Two thirds of the employees in production companies stated that their job would ensure a predictable and good income, while half of the employees in the temporary work agencies stated this.

In the Government's view, the above findings show how the tripartite relationship challenges key values and rights in the labour market, and that restrictions on temporary agency work

⁴⁰ European Parliament, Eichorst, W. & Tobsch, V. (2017). Risk of precariousness: Results from European Working Conditions Survey 2010 and 2015. In-depth analysis for the EMPL Committee.

⁴¹ Fellesforbundet (2024). Survey to trade union members in temporary work agencies and production companies in construction and manufacturing industry.

therefore aim at fulfilling objectives such as employee protection, protection of the labour market, etc.

Regulating legal exceptions to the main principles of permanent and direct employment (such as regulating temporary agency work), rests on a political assessment of the balance between safeguarding these principles and the need for flexibility. This balance is also evident in the Temporary Agency Work-directive, which is based on the principle that permanent and direct employment in a two-party relationship is favourable, cf. E-2/24 paragraph 129.

3 Answers to questions 13-15 («Suitability and consistency») – temporary agency work in the health care sector

3.1 The current degree of hiring-in from temporary work agencies based on Section 3(1) (a) of the Temporary Agency Work Regulation in the health care sector, compared to the situation prior to the adoption of the contested measures (question 13)

As mentioned above, the available statistics and data, do not differentiate by applicable legal basis. Thus, there is no statistics showing the legal bases when hiring-in from temporary work agencies to the health care service. Consequently, it is not possible to provide information about the specific degree of hiring-in from temporary work agencies based on Section 3(1) (a) of the Temporary Agency Work Regulation.

In meetings held by the Ministry of Labour and Social Inclusion and the Ministry of Health and Care Services with the social partners in 2024, it was expressed that the hiring for health care is largely based on the “substitute alternative”, cf. WEA Section 14-12 (1), cf. WEA Section 14-9 (2) letter b. Hiring in based on agreement with union representatives, cf. WEA Section 14-12 (2), does not seem to be used to a great extent.

Data from different sources indicate that there was an increased use of hiring-in from temporary work agencies to the health care sector during the years prior to the pandemic, during the pandemic and the following year. Based on data from 2021, Fafo has estimated that the total volume of hiring-in from temporary work agencies accounted for 1,8 percent of the total costs for ordinary and temporary employed in the health and care services within the municipalities, and a corresponding share of 1,7 percent in the hospital sector.⁴² Norwegian Nurses Organisation has carried out a mapping of the municipalities' hiring of nurses from temporary work agencies.⁴³ Adjusted for inflation, an increase in the costs of hiring-in nurses of 4,8 percent has been registered in the period 2012-2023. The pandemic caused several municipalities to start hiring-in from temporary work agencies, and several have continued such practice. A smaller increase in the use of hiring-in nurses was also registered from 2022 to 2023. When measured as cost per capita, the use of hiring-in was highest in small, remote municipalities.

However, the trend has changed in the recent years, and the use of hiring-in is now reduced. Member companies in NHO Service & Handel report a 29 percent reduction in sold hours to

⁴² Fafo-rapport 2023:17. Vikarbruk i sykehus og kommunale helse- og omsorgstjenester.

⁴³ Norwegian Nurses Organisation & Burson (2024). Innleie av sykepleievikarer fra private vikarbyråer.

the health care sector from 2024 Q3 to 2025 Q3. In the hospitals, there has been a reduction in hiring-in from 2023 and further on.

The Ministry of Health and Care Services has on several occasions imposed management requirements on regional health authorities to reduce the scope of temporary agency work.

In 2024, the regional health authorities spent a total of 1,5 billion kroner on hiring health personnel from temporary work agencies. The scope of hiring varies between regions, and has also varied over time. For Helse Nord (the Northern Norway Regional Health Authority), the costs for hiring-in health personnel accounted for 3 percent of total salary and personnel costs (including expenditures for hiring-in, but excluding pension costs). The proportion has decreased since 2022, when it was up to 4.5 percent. In the other regions, the share is around 1 percent.⁴⁴ The hospitals in the south-eastern region (Helse Sør-Øst HF), reduced expenditures on hiring-in from temporary work agencies with 42 percent from 2023 to 2024. In this region, the increased need for medical specialists in psychiatry has created a particular need for hiring-in from temporary work agencies.⁴⁵

According to information from the Ministry of Health and Care Services, the reduction in hiring-in from temporary work agencies to hospital work continued in 2025, but with local and seasonal variations. Statistics Norway report that an increased share of workers with occupations in health and social services changed their employment relations, from being employed by temporary work agencies to direct employment in health care and social services from 2025 Q1 to 2025 Q3. 21 percent of those who quit from their positions in temporary work agencies and continued to be a wage-earner started in a job in the health care and social services.⁴⁶

Thus, it seems that the exemption clause in the health care sector have not been followed by any increase in the use of temporary agency work. On the contrary, the use of temporary agency work has been reduced in this sector during the years following the introduction of new regulation. The rationale for this is likely linked to several factors, including economy. According to Fafo, the costs for employers in the health care sector of hiring workers from a temporary agency are approximately 2.5 times higher than the costs of using permanent and direct employees.⁴⁷ Several measures have also been implemented in the sector to stimulate direct employment in full-time positions. The Ministry of Health and Care Services has on several occasions demanded that the state-owned regional health authorities critically review the needs for, and reduce the use of temporary agency work. All four health regions have implemented a number of measures to follow up. Alternative measures for staffing and ensuring a legally required and responsible service include reduction of part-time work, increased use of divergent working time arrangements, establishing internal staffing units, efforts to reduce sickness absence and long-term projects for organisational development, training and skills development.

⁴⁴ Report from the Technical Calculation Committee for the Specialist Health Service's Finances, ch. 6.5. Publisert i desember 2025: [Rapport fra Det tekniske beregningssutvalg for spesialisthelsetjenestens økonomi - regjeringen.no](#)

⁴⁵ Information provided by the South-Eastern Norway Regional Health Authority 10 March 2025: [Kraftig nedgang i innleid helsepersonell - Helse Sør-Øst RHF](#)

⁴⁶ Statistics Norway 28 November 2025: [Mer stabil utvikling i uteleie av arbeidskraft – SSB](#)

⁴⁷ Fafo-rapport 2023:17. [Vikarbruk i sykehus og kommunale helse- og omsorgstjenester.](#)

3.2 Whether such hiring-in, de facto, is used in order to satisfy permanent staffing needs (question 14)

To our knowledge, employers in the health care sector make use of all available legal provisions for hiring-in from temporary agencies, i.a. to temporary fill vacant positions and shifts as a result of recruitment problems, sick leave or other absences.

Hiring-in from temporary work agencies may also be used when it is necessary to maintain a legally required and responsible service to patients, cf. Section 3(1) (a) of the Temporary Agency Work Regulation. The statutory basis for requiring a responsible health care service is the Health and Care Services Act, Section 4-1, and the Specialist Health Services Act, Section 2-2. The requirement includes, among other things, that specialist health services and municipal health and care services shall arrange the service so that personnel who perform the services are able to comply with their statutory duties. An important aspect of this is related to necessary staffing and competence.

According to the Norwegian Association of Local and Regional Authorities (KS), hiring-in from temporary work agencies in the municipalities' health care service is most often used to temporary fill vacant positions and shifts as a result of recruitment problems, sick leave/other absences and rotation arrangements for weekend staffing leading to increased need for temporary workers.

Geographically, it appears that the need for hiring-in is relatively highest in the northernmost counties and in a number of smaller municipalities, but the needs are also evident in the other health regions, as well as in other municipalities.

3.3 Explain how the condition “exceptional circumstances where an unexpected staffing need occurs” differ from the criterion “when the work is of a temporary nature”, and, moreover, how it is established concretely and in practice that the former condition is satisfied (question 15)

In question 15, with reference to a paragraph from the Oslo District Court's judgment, the Authority ask the Government to explain "how the condition “exceptional circumstances where an unexpected staffing need occurs” differ from the criterion “when the work is of a temporary nature”".

The regulation reads as follows⁴⁸:

Hiring from temporary work agencies is permitted regardless of the conditions in Section 14-12 of the Working Environment Act when it comes to:

- a. Hiring of health personnel to ensure proper operation of health and care services. Such hiring is permitted to the same extent as temporary employment can be agreed pursuant to Section 14-9 second paragraph (a) of the Working Environment Act. Before a decision is made on hiring in accordance with the provision, the employer must consult the need for hiring with the employee representatives.

There are thus two key conditions for hiring under this provision; 1) The work must be of a temporary nature (cf. the reference to section 14-9 second paragraph (a)), and 2) the hiring must be necessary to ensure proper operation of health and care services.

⁴⁸ Regulations on hiring from temporary work agencies Section § 3.

In the Government's view, the second condition highlights the purpose behind the legal exemption for hiring of health personnel. In the preparatory works⁴⁹ it is stated that:

In the Ministry's view, health personnel should, as a clear general rule, also be employed directly in the enterprise that is to have the work performed. The Ministry nevertheless sees that there may be special considerations that indicate that in some situations there may be a need to hire health personnel to ensure proper operation, including to maintain the capacity and quality of the health services for the population. In the Ministry's opinion, it is crucial that enterprises in the health and care sector have access to sufficiently qualified labour.

In this area, the assessment has concluded that the protection of the population's lives and health must take precedence over other considerations underlying the general tightening, including employee protections.

In our opinion, a "special situation where an unexpected staffing need occurs" would be covered by the condition of "work of a temporary nature". However, the condition of "work of a temporary nature", cf. Section 14-9 (2) (a) of the WEA, also covers several other situations, e.g. seasonal work (e.g. flu season) and the need for specialist expertise.

Compared to section 14-9 (2) (a), there is an additional condition; the hiring must be justified "to ensure proper operation of health and care services". You cannot hire in if the staffing need can be met in a proper manner using other employment strategies. This is explained in the Government's guidelines, which also states that "This will be the case, for example, if a department at a hospital can meet staffing needs by increasing the number of permanent full-time or part-time positions, using temporary/fixed term contracts or rearrange personnel», cf. point 2.4.5. This was not a condition for hiring in due to section 14-9 (2) (a).

As follows from the provision, the employer must, before a decision on hiring is made, consult the employee representatives about the need for hiring. In the guidelines, this condition is commented as follows:⁵⁰

The condition means, among other things, that it must be discussed/consulted whether the staffing need can justifiably be solved in other ways than using temporary agency work. The categories of health personnel and the number of employees that may be relevant to hire, as well as how long there is a need for hiring, should also be discussed with the employee representatives. The consultation should be recorded in writing.

The regulation does not explicitly say anything about the time and frequency of the consultations. The purpose of the consultations is to give the employee representatives the opportunity to give an opinion before the employer decides on hiring. The consultations must therefore take place before the final decision on hiring has been made.

It is the employer who makes the final decision on whether there is a need for hiring, and whether the conditions for hiring are met.

It is mandatory for the user undertaking to "document the basis for hiring in accordance with this provision when requested by the employee representative", cf. section 3 third paragraph. In the guidelines, this provision is commented as follows (Chapter 2.5.7):

⁴⁹ Prop. 131 L (2021-2022) page 34.

⁵⁰ The Government's Guidelines, chapter 2.4.7. Veileder: Innleie av arbeidskraft - regjeringen.no

The obligation to document has been adopted to ensure satisfactory processes for assessing whether the conditions for hiring pursuant to the provision are met, as well as a good dialogue between the employer and the employee representatives.

4 Answers to questions 16-19 (“The continuous obligation to justify restrictions”)

4.1 New assessments etc. (question 16 and 17)

When it comes to assessing the justification, the Government has from the outset wanted to monitor the effects of the measures closely. This has been necessary to investigate whether the measures have the intended effects. The Government maintains that the measures can be justified, also in light of the preliminary findings. This is an ongoing assessment.

The development in the construction sector, is given particular attention in the ongoing evaluation project. This applies both for the situation for the affected workers, and for analysing possible effects for the activity in the industry. We refer to the answer to question 2 about the effects of the general economic decline in the construction sector in recent years. In the Government's view, it is appropriate to assess the impact of the measures in conjunction with the final report from the evaluation project in the end of 2026.

4.2 Alternative measures (question 18)

In question 18 the Authority asks for information regarding alternative measures considered.

In the Ministry's consultation document of 19.1.2022⁵¹ prior to the amendments, it was stated the following in chapter 1:

"The Ministry of Labour and Social Inclusion hereby presents a proposal for amendments to the regulations for hiring in and out from temporary work agencies.

In the Ministry's opinion, there is a need for clear tightening of the regulations on hiring to avoid undermining the Working Environment Act's main rule on permanent employment. The Ministry believes that there is a need for several measures that can work together, including both a targeted measure towards hiring in the construction sector in the Oslo area, as well as several more general measures and tightening measures.

The Ministry recommends that, pursuant to Section 14-12, fifth paragraph, of the Working Environment Act, a prohibition to be laid down against hiring from temporary work agencies for construction work on construction sites in Oslo, Viken and the former Vestfold. The Ministry asks for the consultative bodies' input on this, as well as on alternative measures that may be suitable for overcoming unwanted hiring to the construction sector in the Oslo area.

The Ministry also welcomes the consultative bodies' views on a possible repeal of the general right to hire workers when the work is of a temporary nature. It is also invited to consider alternative measures that are suitable to limit the use of temporary agency work in general."

The Ministry thus invited the consultative bodies to provide input on alternative measures.

⁵¹ <https://www.regjeringen.no/contentassets/f38a3d1610c5476b8dab9dbadccc2c17/horingsnotat-190122.pdf>

In the preparatory works the Government concluded that there were no alternative measures that were equally effective in achieving the goals.⁵²

When it comes to alternatives to a prohibition in the construction sector, the preparatory work states on page 29:

In the consultation, the Ministry also asked for the consultative bodies' input on alternative measures that may be suitable for overcoming unwanted hiring to the construction sector in the Oslo area.

*NHO*⁵³ is of the opinion that it should be considered a solution where the right to hire from agencies can be limited to those cases where either the user undertaking or the agency is bound by a collective agreement entered into with a trade union with the right to make recommendations, perhaps in combination with requirements for employment percentage. *NHO* is also of the opinion that there is reason to, together with the social partners, consider the possibility of a quota. *NHO* also points out that one possibility may be that the principal or main contractor is required to provide information and obligation to ensure compliance related to the hiring regulations, and that the principal in public contracts requires legal hiring, and that it must be documented on request that the conditions are met.

The Ministry has considered these inputs, but is of the opinion that the suggestions will not be sufficient to solve the problem of extensive and persistent use of temporary agency work instead of permanent employment in the undertakings. In the Ministry's opinion, the need for measures, cf. above, also applies to undertakings bound by collective agreements. Having a regulation where temporary agency work is permitted from agencies with a collective agreement will mean that all construction companies can still hire in, but presumptively only from a few large agencies that have a collective agreement. That the right to hire in requires a collective agreement at a certain level for the user undertaking or the agency therefore does not appear to be a suitable alternative. Regarding quotas, the Ministry points out that this has also been considered and consulted before. The proposal was met with resistance in the consultation, from organizations on both the employer and employee sides. Prop. 73 L (2017–2018) point 8.3.1 states that:

"Several [consultative bodies] is of the opinion that a quota could be understood as a norm and lead to more hiring. Furthermore, challenges regarding the practice of a quota rule have been pointed out, and several is of the opinion that a regulation must take place at the workplace level instead of the enterprise level. Others have pointed out that a quota would be complicated, and several have pointed out challenges with enforcement and sanctioning."

The Ministry is of the opinion that these are still relevant factors to consider, and that such regulation will not be sufficient to solve the challenge of persistently high use of temporary agency work for the construction industry in the Oslo area.

Regarding the possible repeal of the right to hire workers for work of a temporary nature, the preparatory work states on page 33:

In the consultation, the Ministry asked for suggestions for alternative measures that can help limit the use of temporary agency work. Several consultative bodies have proposed increased supervision to defeat unserious actors. The Ministry shares the view that supervision is an important measure for defeating illegal hiring, and points out that from 1

⁵² Prop. 131 L (2021-2022) chapter 6 and 14.

⁵³ Næringslivets Hovedorganisasjon – Confederation of Norwegian Enterprise.

July 2020, the Labour Inspection Authority was given the authority to supervise the conditions for hiring, cf. Prop.61 LS (2019–2020). The Ministry has also proposed to introduce an authorisation scheme for temporary work agencies, and also to strengthen the Labour Inspection Authority's supervisory competence in this regard. This proposal entails, among other things, that the Labour Inspection Authority is given the authority to supervise and sanction breaches of the duty for agencies to be authorized, and that the Labour Inspection Authority's sanctions shall also include infringement fines, cf. Chapter 9. In order to strengthen compliance with the hiring regulations, the Government has also reintroduced the right of collective action, so that trade unions that have members in an undertaking that has hired workers from agencies can bring a lawsuit in their own name about the legality of such hiring. Overall, this must be assumed to contribute to reducing the proportion of illegal hiring.

In any case, the Ministry is of the view that measures related to enforcement are not sufficient to reduce the use of temporary agency work that displaces permanent and direct employment, and to limit the negative aspects hiring implies for the agency workers, the user undertaking's own employees, and the labour market. In the Ministry's view, there is a need for measures to limit the right to hire-in as such, and not only to defeat illegal hiring.

Some consultative bodies have suggested that, as an alternative to repeal the right to hire-in pursuant to section 14-12 first paragraph, cf. section 14-9 second paragraph (a), it should be stated in the Act or a separate guideline what is meant by work of a temporary nature. In principle, the Ministry agrees that such measures could make it easier for users of the law to understand what work of a temporary nature means. In the Ministry's view, however, the provision nevertheless allows for a far-reaching use of hiring-in, cf. above, even if the provision is practised according to its wording and is neither misunderstood nor circumvented. In the Ministry's opinion, a clarification is therefore not sufficient to limit the use of temporary agency work. As mentioned above, the Ministry will nevertheless, in consultation with the social partners, prepare guidelines on the topic.

The Norwegian Oil and Gas Association has suggested that hiring in for work of a temporary nature should be permitted for companies that are bound by a collective agreement entered into with a trade union with the right to make recommendations, without requiring a local agreement on hiring. According to *the Norwegian Oil and Gas Association*, another alternative may be to establish an exemption scheme based on the model of the Labour Lease Committee, which in the 1990s had the opportunity to grant exemptions from the regulations in force at the time; cf. the Blaalid Commission's report (NOU 1998:15), Chapters 5 and 6. The Ministry points out that there is already a requirement that the hiring must be limited in time, to enter into contracts pursuant to section 14-12, second paragraph, and that introducing a requirement for temporariness and at the same time removing the requirement for a local agreement will probably not result in a reduction in the use of temporary agency work. Regarding a exemption scheme, this would, in the Ministry's view, be both time-consuming and resource-demanding. It will also be challenging for the body that may grant such exemptions to obtain a sufficient overview of the enterprise's organisation to assess whether there is a basis for exemption. The Ministry considers that these measures are not appropriate to achieve the objective of the proposals.

The Ministry has also considered other measures, including whether a quota system should be introduced. The Ministry points out that this was considered in Prop. 73 L (2017–2018), and that the same objections still apply today, cf. section 6.4.2 above.

In the Government's view, it is also important to view the recent amendments in a historical context as amendments on the regulation on hiring have been considered or introduced several times. When the Government has assessed which measures should be introduced, this must also be viewed in light of what has been tried previously and with what effect. In the following we give an overview of the development in the regulation on temporary agency work in Norway.

- From the year **1971 to 2000**, hiring from temporary work agencies was, with certain exceptions, prohibited in Norway.⁵⁴
- From **2000**, new rules were issued, which made it legal to use temporary agency work under certain conditions. It was permitted to hire on the same terms as agreements on fixed term/temporary employment could be entered into. In addition, the user undertaking could, under certain conditions, enter into an agreement with the employee representatives on hiring. In the preparatory works for the legislative amendments at that time, the following was stated in NOU 1998:15⁵⁵ point 10.3.1:

“The limitation for the user undertaking that lies in the link to Section 58A of the Working Environment Act and the right to enter into agreements will, in the Commission's opinion, prevent that using agency work develops into an extensive market where a large proportion of the employees do not have a permanent job, but are temporary workers. In addition, purely business economic conditions will have a limiting effect on the use of temporary staff.”

The Ministry further wrote in Ot.prp.nr.70 (1998–1999) point 6.3.1.1:

“The proposal for restrictions on the right to hire workers is mainly based on the legislator's premise that permanent employment in a two-party relationship should be the norm. These are assessments that the ministries endorse.”

- The Temporary Agency Work Directive was implemented in **2013**.⁵⁶
- In **2014**, two measures were introduced.⁵⁷ One provision was introduced stating that trade unions that have members in an enterprise that has hired workers from temporary work agencies can bring a lawsuit in their own name about the legality of such hiring. The purpose was to contribute to better compliance with the hiring rules.⁵⁸ At the same time, the Labour Inspection Authority was provided with a certain supervisory competence with the provision that regulates the right to enter into agreements on temporary agency work (Section 14-12 (2)). The rule implied that the user company must, at the request of the Labour Inspection Authority, provide documentation that it is bound by a collective agreement and that an agreement has been entered into with the employee representatives.
- In **2019**, even more measures were introduced.⁵⁹ First, a definition of what is meant by “permanent employment” was introduced. The definition applies in general, but the

⁵⁴ Ot.prp. nr. 53 (1970-1971).

⁵⁵ A Committee appointed by the Government to assess the regulations for employment services and hiring-out of labour.

⁵⁶ Prop. 74 L (2011-2012).

⁵⁷ Prop. 83 L (2012-2013).

⁵⁸ The regulation was repealed in 2015, cf. Prop. 48 L (2014-2015), and then reintroduced in 2022, cf. Prop. 54 L (2021-2022).

⁵⁹ Prop. 73 L (2017-2018).

practice in the temporary agency-industry was an important backdrop/reason. It is stated in the proposition Chapter 1 that:

“A practice has developed with increased use of contract forms that do not provide predictability for work and thus wage income. This applies particularly in the staffing industry with agreements on "permanent employment without guaranteed pay", but also in other industries. There has been disagreement as to whether these types of agreements are legal permanent employment, or whether they are in fact temporary employment that are not always in line with the conditions for temporary employment. In order to create greater predictability and clarity, the Ministry believes that the term "permanent employment" should be specified in the Working Environment Act. The proposed definition is based on the Ministry's understanding of current law and clarifies and complements the various elements in more detail. Particularly important is the requirement on predictability regarding the amount of work, in addition to true employment protection. The proposal is initially intended to ensure predictability and clearer frameworks in the staffing industry, but the rule will apply to all permanent employment relationships and thus also have an impact outside the staffing industry.

At the same time, an amendment was made to section 14-12 (2); User undertakings that are to enter into an agreement on hiring must be "bound by a collective agreement concluded with trade unions with the right of nomination pursuant to the Labour Disputes Act". This provision is explained in more detail in Chapter 5 below.

- From 2020, further measures were taken. The Labour Inspection Authority was given supervisory competence regarding both the regulations on using agency work and the equal treatment regulations.⁶⁰ In the preparatory works, it was stated in chapter 1:

“The Ministry is of the opinion that the increase in the use of temporary agency work that have been seen over time, combined with the fact that there may be violations that are not followed up by the employee, indicates that there is a need to strengthen the enforcement of the hiring regulations. Violations of the hiring and equal treatment regulations are not only unfortunate for the individual employee, but can also have social consequences and affect the competitive conditions for serious businesses that follow the rules. The Ministry will therefore propose strengthened, public enforcement of the rules. The proposal also includes supervision of the user undertaking's duty to provide information to the agency in order to ensure compliance with the equal treatment regulation. In the proposition, the Ministry also proposes an amendment to the Civil Service Act to give the Labour Inspection Authority similar authority to supervise the hiring regulations in the central government.”

In other words, there have been debates and assessments related to the regulations on hiring for a long time, and various measures have been introduced.

In the preparatory works for the latest legislative amendments from 2023, the Ministry, including reference to previous preparatory work statements and subsequent developments, states the following:⁶¹

The development in the use of temporary agency work in recent decades, particularly in the construction industry, but also in other industries, is in the Ministry's opinion not

⁶⁰ Prop. 61 LS (2019-2020).

⁶¹ Prop. 131 L (2021-2022) Chapter 5 page 20-21.

compatible with the overarching considerations outlined above, nor with the objectives when temporary agency work was generally permitted from 2000. The Ministry refers, inter alia, to NOU 1998:15, point 10.3.1, which states that:

"The limitation for the user undertaking that lies in the link to Section 58A of the Working Environment Act and the right to enter into agreements will, in the Commission's opinion, prevent that using agency work develops into an extensive market where a large proportion of the employees do not have a permanent job, but are temporary workers. In addition, purely business economic conditions will have a limiting effect on the use of temporary staff."

In the Ministry's view, the current description of the situation shows that use of hiring has developed into a substantial market, particularly in certain industries, where hiring of labour has become a permanent part of enterprises' staffing strategy. In the Ministry's opinion, this is an unfortunate development that shows that it is possible to practice the current hiring rules in an undesirable manner. The Government's goal is for as many people as possible to have permanent, secure and predictable employment conditions in the Norwegian working life.

As discussed in section 3.6, few temporary agency workers are organised, they have lower job satisfaction compared to permanent employees and have an increased risk of being exposed to injuries and accidents. The use of temporary agency work can also have negative consequences for the working environment and organisation in the user undertakings. In the construction industry, where there has been a particularly high use of temporary hiring, the degree of union membership among employees and the coverage of collective agreements have fallen significantly over the past 15-20 years.

Against this background, the Ministry believes that fundamental changes are needed to reverse a negative trend.

In the period 1971-2000, hiring was prohibited with certain exceptions. A prohibition on all forms of hiring from temporary agencies is in the Ministry's view out of the question. The Ministry nevertheless believes that there is a need for general tightening, and also significant measures in the industries where the proportion of temporary agency workers is largest. In this way, the measures also contribute to strengthening a serious and orderly working life and to facilitating increased recruitment of skilled labour to those parts of working life where there is a great need in the future.

In other words, the Government believed it was now time for even clearer measures. Given that a number of less intrusive measures had previously been attempted, it was particularly the newly introduced measures that stood out.

4.3 The authorisation scheme (question 19)

The authorisation scheme applies for the temporary work agencies (not the user undertakings). In the preparatory works, the Ministry describes the purpose of the scheme as follows:⁶²

"In making a working life characterised by secure, permanent employment, which builds on the two-party relationship, it is in the Ministry's view important to focus not only on the conditions for using agency work, but also on the regulations and requirements that apply to the agencies that hire out labour. In order to ensure compliance with the hiring regulations,

⁶² Prop. 131 L (2021-2022) 9.4.1.

avoid circumvention and build up good conditions in the industry, the Ministry believes it is important that requirements are also set, and control is carried out on the enterprises that hires out labour. The Regulation on temporary agency work currently primarily requires that certain formal conditions must be met in order to hire out labour. The scheme is only a registration scheme, which does not involve a qualitative assessment of the enterprises. In the Ministry's view, there is a need for stricter requirements for, and control of, the temporary work agencies. In the Ministry's opinion, an approval scheme and a register of who has been approved will give users of the services the opportunity to identify serious actors in the market, while at the same time providing public authorities with better tools to be able to carry out effective supervision. The Ministry will therefore introduce an approval scheme for temporary work agencies."

The authorisation scheme is regulated in Regulation on authorization of temporary work agencies.⁶³ The conditions for being approved as a temporary work agency are set out in Section 4. The agency must present documentation showing that the company meets the conditions for registration and guarantee, meets the requirements for safety representatives, has written employment contracts, has procedures to ensure equal treatment, and occupational injury schemes. The enterprise must also ensure that the enterprise is registered in required public registers, and that the enterprise fulfils the duty of disclosure pursuant to the Tax Administration Act.

In short, the authorisation scheme entails a verification/check that the agencies fulfil some of their statutory obligations, including fundamental employment rights for employees working in the agencies.

In the Government's view, the authorisation scheme is not suitable to achieve the objectives pursued. The authorisation scheme is intended to ensure serious agencies, including safeguarding employee rights in the agencies – but does not impose any regulations/restrictions on the use of temporary agency work.

In Norway, the regulations and conditions on using agency work are directed at the user undertakings, and not the temporary work agencies. The challenges associated with hiring are therefore related to the user undertakings' practices. These challenges must thus be solved with measures directed at the user undertakings.

The Norwegian Labour Inspection Authority currently maintains a public register, which provides information about authorised agencies, companies that have applications for authorisation pending, and companies that have been rejected. Hiring-in is only permitted from authorised temporary work agencies. They must submit an annual notification confirming that the conditions for authorisation are still met, and every three years they must submit full documentation again. Changes in the business that may affect the basis for authorisation must be reported to the Norwegian Labour Inspection Authority without undue delay.

According to information from the Norwegian Labour Inspection Authority, 2,681 authorised temporary work agencies are now registered (statistics from 10 December 2025). The number has been reduced by approximately 11 percent compared to registrations in the former notification scheme by the end of 2023. During the same period, the number of registered temporary work agencies as Norwegian Registered Foreign Companies (Norskregistrerte

⁶³ Forskrift 4. juni 2008 nr. 541 om offentlig godkjenning av bemanningsforetak.

utenlandske foretak – NUF) declined from 192 to 128. These companies amount to under five percent of the total registered temporary work agencies.

The Norwegian Labour Inspection Authority assess that there could be several reasons for the reduction in the number of registered, and now authorised, temporary work agencies. A possible cause may be that the Labour Inspectorate, in the authorisation scheme, examines whether there are registered employee(s) in the business. A temporary work agency is not authorised unless it has employees registered in the Register of Employers and Employees, which is managed by The National Labour and Welfare Administration (Nav -Aa-registeret). This is in contrast to the past, when agencies without employees also were included in the former registration scheme. There are also documentation requirements for the temporary work agencies. If these are not complied, an authorisation will be refused. The Norwegian Labour Inspection Authority informs that, a total of 284 agencies have not been authorised since the introduction of the new scheme. The reduction of registered temporary work agencies may therefore be mainly due to applications being refused in the new scheme. Most of the rejections within the new approval scheme are justified by inadequate employment contracts, lack of routines for equal treatment and lack of occupational injury coverage.

5 Answers to questions 20-28 (“Hiring-in from temporary work agencies via elected representatives”)

5.1 The conditions etc. (question 20, 22, 23, 25, 27, 28)

Pursuant to Section 14-12 (2) of the Working Environment Act, it is possible to enter an agreement on the use of agency work. This possibility comes in addition to the right to hire that follows from section 14-12 (1) and the various special rules. Such agreements are entered into at a local level at the *user undertaking*. The temporary work agency has no role in this agreement. There are thus no remedies for temporary work agencies in situations where hiring-in is rejected by elected representatives, cf. your question 28.

The regulation reads as follows:

In undertakings bound by a collective agreement concluded with trade unions with the right of nomination pursuant to the Labour Disputes Act, the employer and employee representatives who together represent a majority of the employees of the category of workers to be hired may enter into a written agreement concerning the hiring of workers for limited periods notwithstanding the provisions laid down in the first paragraph. In response to an enquiry from the Norwegian Labour Inspection Authority, the undertaking and the temporary work agency shall provide documentation that the hirer undertaking is bound by a collective agreement Concluded with trade unions with the right of nomination and that an agreement has been entered into with the employees' elected representatives as referred to in the first sentence.

Such an agreement may consequently be entered into on the following conditions:

Formal requirements: The agreement must be in *writing*.

Material requirements: The agreed hiring period must be *limited in time*, but there are no statutory requirements for the maximum duration of the hiring period (other than it must be time limited and not permanent). There is however a regulation in Section 14-12 (3) that gives the hired employee the right to permanent employment in the user undertaking after a continuous hiring period of three years.

There are no statutory conditions related to the justification or needs for the hiring. It is up to the local parties to decide whether there is a need for hiring or not. It may be mentioned that there is also a provision in section 14-14a on the employer's duty to once a year discuss the use of various forms of employment/staffing with the employee representatives, including the use of agency work. The provision reads as follows:

"The employer must at least once a year, or when one of the parties so requires, discuss with the employee representatives the use of part-time employment, temporary employment, hiring, self-employed, and sub-contracting, that affects the staffing. The discussion must include the basis, scope and consequences for the working environment. In the case of hiring from temporary work agencies, the practice of the requirement for equal treatment shall also be discussed, cf. Section 14-12 a."

The Government cannot rule out that there may be regulations in collective agreements that lay down guidelines or conditions for when an agreement can be made, or by whom, ref. below.

Personnel requirements: There are conditions relating to the contracting parties in the user undertaking, which thus regulates who can enter into an agreement.

As mentioned above, the agreements are entered into in the *user undertaking*. Consequently, the conditions relating to the contracting parties applies for the employer and workers in the user undertaking. There is thus no need for the temporary work agencies nor their workers, to be bound by collective agreements in this regard, cf. your question 25. The Government cannot however rule out that there might exist collective agreements that require such conditions.

For the employer part of the agreement, it is a condition that the undertaking must be "bound by a collective agreement concluded with trade unions with the right of nomination pursuant to the Labour Disputes Act". Under Section 39 (1) of The Labour Disputes Act, trade unions with the right to nomination are any trade unions with more than 10.000 members.

The vast majority of organised workers in Norway (98.9 percent) are affiliated with a trade union with the right to nomination. Among the established trade unions in Norway, only three unions (that are not affiliated with a main confederation), have less than 10.000 members. (Purely local trade unions such as «house unions» are not counted in.) This means that the overwhelming majority of undertakings that are bound by a collective agreement are in a position to enter into such local agreements.

In question 23 the Authority asks why this opportunity for enter into local agreements are limited to user undertakings bound by such collective agreements.

The requirement that the employer must be bound by a collective agreement concluded with a trade union with more than 10.000 members was adopted in 2019. Prior to this, it was sufficient for the undertaking to be bound by any collective agreement in order to enter into a local agreement on using agency work. The condition was amended, among other things, to ensure that agreements are entered into with serious employers:⁶⁴

"In the Ministry's assessment, there is reason to believe that companies bound by nationwide collective agreements are generally serious and professional, both in terms of complying with current regulations and in negotiating and consulting with their employee representatives. The employee representatives, on the other hand, will be able to get support and advice from their union. The Ministry believes that such a regulatory amendment could

⁶⁴ Prop. 73 L (2017-2018) 8.3.3.2.

thus be a valuable contribution to ensuring orderly and legal agreements in the industry, and that such agreements are reserved for cases where there is a legitimate need for hiring. Such a measure will ensure that the hiring agreement itself still can be entered into locally, while at the same time, it is required that the parties are serious, in that the undertaking must be bound by a collective agreement at a "higher" level than what applies today."

The background for the legislative amendment is described in the preparatory works:⁶⁵

"The Ministry has the impression that the opportunity to enter into agreements is being used more frequently than before to hire a larger number of workers, for example, to staff a construction project. This may come at the expense of direct employment within the company. The Ministry also takes seriously reports that union representatives are experiencing pressure to enter into agreements. The Ministry believes that amending Section 14-12, second paragraph, would be a measure that could reduce the use of temporary staffing in areas where it is currently most prevalent, and thereby address the challenges arising from extensive use of temporary agency work."

For the employee part of the agreement, we may first mention that it is the local employee representatives in the user undertaking who have the right to enter into such an agreement.

For the employee part of the agreement, it is a condition that the employee representative (who enters into the agreement) "together represent a majority of the employees of the category of workers to be hired". It is thus a premise that the undertaking has own (direct employed) employees in the category of workers to be hired.

There is no statutory requirement that the agreement must be entered into with union representatives. However, such a condition may follow from collective agreements. We refer to how this is described in the guidelines:

"The regulation does not require that an agreement must be entered into with union representatives. The central term under the Act is that the employee representative represents a majority of the employee category who is to be hired. As stated in the preparatory works, the condition has been given "to ensure that the employee representative is representative of the user undertaking's (client's) employees in relation to the group of employees that is to be hired".

In this context, the parties must nevertheless be aware that the collective agreement may contain regulations of relevance for who can act as an employee representative in relation to the provision. As a result, the right to enter into agreements on hiring with representatives other than those who are recognised as employee representatives under the collective agreement may be limited."

In question 27, the Authority asks for information regarding "guidelines, criteria, or other standards on which elected representatives base their decisions to approve hiring-in from temporary work agencies. Furthermore, clarify whether the process or any conditions imposed depend on whether the agency is a party to a collective agreement."

The Government would first like to point out that the regulation in WEA Section 14-12 (2) is part of a long-standing tradition and policy. Norwegian employment law is to a wide extent subject to statutory regulations in order to ensure strong employee protection, while the social partners are given the option of entering into agreements, *inter alia* to adjust employment-related issues to local needs.

⁶⁵ Prop. 73 L (217-2018) 8.3.3.1.

A hallmark of the Norwegian labour market model is the strong position of employers' organisations and trade unions and the combination of centrally regulated peace duties and procedures between the social partners, and rules on codetermination, employee participation and negotiations at the workplace.

As in the other Nordic countries, the employment legislation grants local social partners the right to derogate from statutory requirements in several areas. This gives increased flexibility for the undertakings, based on consultations between the management and employee representatives at the local level. There are for example extensive possibilities to derogate from working time regulations through agreements with trade unions, both at company level or at the central level. The hiring in of temporary agency work is another area where the Norwegian legislation allows for derogation through collective agreements. Such provisions have several advantages. The social partners have more knowledge about industry conditions and local circumstances than the legislator. This allows them to strike a balance between the different considerations and make necessary adjustments to find effective solutions tailored to local conditions.

It should be added that provisions that allow derogations from statutory employment rules by collective agreement are also common in EU law, cf. Directive 2019/1152 on transparent and predictable working conditions (Article 14), Directive 2008/104 on temporary agency work (Article 5), and Directive 2003/88 concerning certain aspects of the organisation of working time (Article 17).

Neither the enterprises, employees or the social partners have any general obligation to report to the authorities, about agreements they have entered into, on what terms, etc.⁶⁶ Therefore, the Government does not have a complete overview of any guidelines etc. that may exist. However, we are aware that, for example, Fellesforbundet has guidelines for its members when it comes to hiring, including entering into agreements. The document is available here (in Norwegian only): https://www.fellesforbundet.no/globalassets/dokumenter/fortillitsvalgte/hm25824-ff-veiledning-innleie-av-arbeidskraft_til_nett.pdf

5.2 Use of agreement etc. (question 21, 24, 26)

In question 21, the Authority has asked to what extent hiring-in based on Section 14-12 (2) WEA has been used, before and after the new regulation.

There are no sources for statistics on the use of local agreements on hiring-in from temporary work agencies. Surveys can give some indications, but it is difficult to measure if there have been changes in the use of this option.

The Institute for Social Research has analysed a survey to member companies in NHO. Among the companies that actually had hired-in temporary agency workers, 73 percent of the undertakings with a collective agreement stated that they had an agreement with workers' representatives on hiring-in from temporary work agencies. Large companies tend to have entered into such agreements more often than others. The Institute for Social Research concludes as following in their report:

«The overall picture suggests that the lack of a collective agreement is a more important factor than the lack of an agreement with workers' representatives, given that the company is covered by a collective agreement. Very few of the companies

⁶⁶ Unless the Labour Inspection Authority inspect/supervises a specific enterprise, and the Authority requests that the enterprise provide documentation of such an agreement; cf. WEA Section 14-12, second paragraph, second sentence.

with a collective agreement state that they have tried to reach an agreement with workers' representatives without success.»⁶⁷

In Fafo's 2024-survey to companies, 80 percent stated that they had a written agreement on hiring-in temporary agency workers, an increase from 61 percent in 2023.⁶⁸ There were also some who stated that they had a verbal agreement, 12 percent in 2024 and 16 percent in 2023. In 2024 only 5 percent stated that their company lacked any form of agreement, compared to 18 percent in 2023. 90 percent of those who said they had an agreement (written or oral) stated that this was with a union representative.

In Fafo's survey to union representatives, 68 percent of those who work in companies hiring-in temporary agency workers, said that there existed a written agreement, 4 percent that there was a verbal agreement, 17 percent that there lacked an agreement and 12 percent were not sure. This is on par with 2023. Twenty-five percent of the union representatives in the survey stated that their company had entered into agreements on hiring-in temporary agency work as a result of the new regulation, cf. the answer to question no. 8.⁶⁹

Fafo has also interviewed some informants in their report from 2024. The informants' impression is that user companies in manufacturing industry have continued to hire in from temporary work agencies the same way as before, based on agreements with workers' representatives. As mentioned in the answer to question no. 2, this is also the assessment from the industry organisation for temporary work agencies in NHO Service & Handel.

Fafo refer to some informants saying that the new regulation has stimulated dialogue with workers' representatives about hiring-in from temporary work agencies, a dialogue which was previously absent. Others say that they have «cleaned things up» so that the agreements are more specific and limited than before. In construction, the main impression is that no new requirements or conditions are imposed for entering into agreements. The same applies in parts of the shipyard industry. The interviews indicate that some workers' representatives are now putting forward demands that differ from those made in the past.⁷⁰

In question 24, the Authority asked how companies without a collective agreement with a trade union with the right to nomination would cover their temporary staffing needs, and how many such undertakings exist.

We refer to information provided for the Authority earlier, concerning collective bargaining coverage and statistics on the percentage of workers covered by collective agreements in trade unions with the right to nomination under Section 39 (1) of The Labour Disputes Act, cf. the Ministry's letters of 5 May, 19 October and 4 December 2023.

In practice, almost all collective agreements will be with a trade union with the right to nomination, either as part of a collective agreement between employers' organisations and trade unions, or as a direct agreement between a trade union and companies that are not members of an employers' organisation. The coverage of collective agreements differ between industries. It is usually measured as share of workers in companies covered by a collective

⁶⁷ Institute for Social Research, p. 25. Unofficial translation from Norwegian.

⁶⁸ Fafo-notat 2024:22, p. 20-21. Answer to survey from companies stating that they have workers' representatives and hiring-in temporary agency workers with manual/craft occupations.

⁶⁹ Fafo 2025. https://www.fafo.no/images/pub/2025/Faktaflak_innleie.pdf

⁷⁰ Fafo-notat 2024:22, p. 89-90

agreement, this is also how collective agreement coverage is measured internationally. Totally, close to two thirds of the wage-earners are covered by a collective agreement.

Earlier surveys have indicated that agreements according to WEA Section 14-12 (2) is an option for many companies, it is being used in practice and that there is a potential for even more extensive use.

In a follow-up survey in 2024, 80 percent of the companies using temporary work agency in the construction sector had a written agreement with a workers' representative. 90 percent stated that union representatives at the workplace were ⁷¹the party to the agreements.

The possibility of derogating from the general provisions of the WEA may serve as an incentive to enter into collective agreements, particularly with regard to the opportunity to negotiate alternative working-time arrangements. However, there could be reasons for employers and workers to stay out of collective agreements. Companies without collective agreements still have several possibilities for covering their temporary staffing needs. We refer to the answer to question no. 8 on which solutions the user companies seek as alternatives to hire-in from temporary work agencies. In addition to increased direct employment, they use hiring-in from other production companies, subcontracting and overtime work. Some make adjustments in their business activities, for example reducing the number of assignments they bid on (i.a. some construction companies).

It is also worth reminding that the possibility for hiring-in from temporary work agencies for work as a temporary replacement for another person (substitutes), still exists, and it continue to be used, except for the construction sector in the Oslo area.

In question 26, the Authority seeks information about how many temporary work agencies that have concluded collective agreements, and with which trade unions.

All collective agreements are concluded between the contracting parties and it is up to the parties to decide on the content and structure for the agreements. They have no obligation to inform the authorities about the collective agreement or publish the agreed document in any way. Thus, we are not able to provide information about the total number of such agreements. However, information from social partners indicate that an increasing number of temporary agency workers now are organised and covered by collective agreements. It seems that the initiative to enter into collective agreements in many cases comes from the employer's side, and could be motivated with the possibility to use agreements on deviations from the working time regulation in WEA. According to the social partners, there exist several collective agreements between trade unions and temporary work agencies. These are separate and direct agreements between the respective agency and the trade union in the industry where the temporary agency workers are hired-out, with the same framework and content as the general collective agreement for the industry the current temporary agency workers are hired in to. Examples are collective agreements between Fellesforbundet (The United Federation of Trade Unions) and temporary work agencies hiring-out workers to offshore-related industry, shipbuilding and construction. The recent development has been an increasing number of collective agreements with temporary work agencies in the offshore-related industry and fewer in the construction sector. This corresponds well with the general development in temporary agency work. The user companies in the offshore-related industry and other parts of manufacturing industry are to a larger extend covered by collective agreements with active trade unions at the workplace.

⁷¹ Ibid, p. 20-21.

According to Fellesforbundet, the total number of such collective agreements with temporary work agencies vary from year to year. However, the number of organised workers connected to the separate collective agreements with temporary work agencies has been increasing lately, covering over 7,000 workers in 2025.

There are also concluded several collective agreements in the energy industry for electricians and for workers in ICT between El og It-forbundet (the Electricians and IT workers union) and the respective temporary work agencies. According to El og It-forbundet, the number of organised workers in the temporary work agencies has been quite stable, while the number of workers covered by collective agreements has increased recently.

Other trade union federations have similar collective agreements with temporary work agencies hiring out workers to the different industries. Examples are collective agreements in the oil & gas industry with Styrke (LO), collective agreements for construction-related contracting work (e.g. road building) with Norsk Arbeidsmåndsforbund (LO) and for engineers with the free-standing trade union, NITO.

6 Answer to question 29 (“The current Norwegian legal framework for hiring-in from temporary work agencies”)

In question 29 the Authority asks the Government to provide “a detailed description of the current framework of rules and exceptions governing hiring-in from temporary work agencies”.

6.1 Overview

Reference is made to the Governments previous letters to the Authority of 5 May 2023 and 19 October 2023, which provide a description of the current regulation on use of temporary agency work. The regulation is also described in the guidelines.

- Main regulation WEA Section 14-12 (1) – Described in our letter 5 May 2023 page 3 and our letter 19 October 2023 Chapter 3.1.
- Main regulation WEA Section § 14-12 (2) – The regulation is explained in detail in chapter 5 above. See also our letter 19 October 2023 Chapter 3.2.
- Special regulation for health care personnel. – Described in our letter 5 May 2023 Chapter 3.1. The regulation is also described in Chapter 3.3 above.
- Special regulation for specialized consultants. – Described in our letter 5 May 2023 Chapter 3.2.
- Transitional rules for events. – Described in our letter 5 May 2023 Chapter 3.4.

6.2 Construction sector

Regarding the geographical prohibition in the construction sector, the provision reads as follows, cf. section 4 in the Regulation on hiring from temporary work agencies:

Hiring from temporary work agencies for construction work on construction sites in Oslo, Akershus, Østfold, Buskerud and Vestfold is not permitted.

Construction work means:

- 1.construction of buildings,
- 2.furnishing, decoration and installation work,
- 3.installation and disassembly of prefabricated elements,
- 4.demolition, dismantling, rebuilding and restoration,
- 5.remediation and maintenance, other than work that is routine or less extensive;
- 6.excavation, blasting and other groundwork in connection with the construction site, and
- 7.other work carried out in connection with construction work.

A construction site means any workplace where temporary or mobile construction work of a certain volume is carried out.

The Government's guidelines explains the regulations in more detail, including what type of work that falls within the scope of the prohibition.

6.3 Agriculture sector

Special rules have been adopted for parts of the agriculture sector, set out in the «Regulation on hiring of “avløser” from “avløserlag”».⁷² The new regulation entered into force 1 January 2026. The grounds and need for special rules in this area are described in the preparatory works, cf. Prop. 85 L (2024–2025).

Key points on the new regulation:

- The regulation applies to the hiring of *certain* workers (“avløsere”) from *certain* types of agencies (“avløserlag”) to farmers (“jordbruksforetak”). Thus, the rules do not apply to the entire agricultural sector.
- The agricultural policy in Norway is an important backdrop for this special regulation:
 - The agricultural sector has a critical responsibility for e.g. food security and preparedness.
 - As part of the Governments agricultural policy, governmental support schemes were introduced during the 1970s. Both to ensure safe economic and social conditions for farmers, but also that the agriculture sector can solve the tasks it is imposed.
 - The support schemes mean that it is possible for farmers to apply for support from the state to cover (parts) of the costs of purchasing labour (“avløsning”), e.g. in the event of illness, childbirth or vacation.
 - The support schemes are important for e.g. gender equality and recruitment in Norwegian agriculture.
- Most farmers are one-person businesses with no employees. Many farmers hire “avløsere” from “avløserlag” – Implies greater opportunities for full and permanent positions.
- The “avløserlag” have an important function in that they provide the farmers with these substitutes.

⁷² Forskrift 1. juli 2025 nr. 1377 om innleie av avløser fra avløserlag.

- The “avløserlag” also have an important emergency function in that they provide qualified agricultural substitutes in the event of acute injury and sickness of the farmer.
- Organizing employment relationships in “avløserlag”, instead of employment with the individual farmer, has a long tradition in Norway. Most farmers are one-person businesses with no employees. In contrast to what is common in other industries, permanent and full-time positions in the “avløserlag” can therefore entail safer and more predictable working conditions for the employees, if the alternative is small and possibly temporary positions with the individual farmer.
- There is consensus among the consultative bodies that this is a special area that requires special rules.

The main essence of the regulation is that a farmer can hire a "avløser" from a "avløserlag" to carry out "ordinary agricultural work". It is a condition that this employee (avløser) has as his or her main task in the "avløserlag" to perform work that entitles subsidy due to the support schemes, cf. Section 4 of the regulation.

The Government is currently updating the guidelines with a description of these rules.

6.4 Other relevant information

In connection with the budget debate for 2026, the majority in the Parliament requested the government to work actively to reduce the use of hiring-in from temporary work agencies so that it becomes justifiable to remove the limited exemption from the regulation of temporary agency work for the health and care sector.

As referred to in the answer to question no. 13-15, the health care authorities examines closely the use of temporary agency work in the sector.

The transitional rule with regard to hiring of employees from temporary work agencies for short-term arrangements/events will be assessed, *inter alia* in the light of a survey from Menon Economics on commission from the Ministry for Labour and Social inclusion. Menon Economics has analysed how different assignments in the «event sector» are organised and how the actors use different forms of labour in that context.⁷³

⁷³ Menon Economics, 2025. Arrangementsbransjen.
<https://www.regjeringen.no/contentassets/d30d4bd706d444118015609ba8ae72c2/rapport-kartlegging-av-tilknytningsformer-og-oppgaveorganisering-ved-arrangementer.pdf>

Annex – Tables

Answer to supplementary request for information – 15 January 2026

Table 1: Reported employment status in the «a-melding» for temporary agency workers

<i>Development in permanent and temporary employment for temporary agency workers</i>					
<i>Time</i>	<i>Total</i>	<i>Permanent</i>	<i>Share</i>	<i>Temporary</i>	<i>Share</i>
2021 Q3	52 322	38 318	71,9 pct.	12 773	24,4 pct.
2022 Q3	58 010	42 631	73,5 pct.	13 855	23,9 pct.
2023 Q3	48 612	35 581	73,2 pct.	11 803	24,3 pct.
2024 Q3	50 634	37 933	74,9 pct.	11 859	23,4 pct.
2025 Q3	50 244	39 132	77,9 pct.	10 230	20,4 pct.

Source: *Statistics Norway. Antall arbeidsforhold og lønn.*

Note: *An obligation to report whether an employment is permanent or temporary was introduced for all employers from 2021.*

Table 2: Employment status for temporary agency workers with different occupations

<i>Occupation for temporary agency workers</i>	<i>Share with permanent position in 2022</i>	<i>Share with permanent position in 2024</i>
Craftsmen in construction	79 pct.	74 pct.
Electricians and plumbers	90 pct.	90 pct.
Other craftsmen and workers in manufacturing industries	76 pct.	82 pct.
Service occupations	69 pct.	76 pct.
Office workers and customer service	84 pct.	86 pct.
Engineers	52 pct.	44 pct.
Health occupations (nurses and doctors)	69 pct.	72 pct.

Source: *Fafo-notat 2024:20 Table 5.8, p. 45.*

Note: *In their report, Fafo present share of workers with a temporary position, while in this table we present the share with a permanent position in the different groups of occupation.*

Table 3: Non-resident wage earners from other European countries working in Norway

Year	<i>EU/EFTA-member states before 2004, excl. Nordic countries</i>	<i>New EU/EEA-member states after 2004</i>
2015	18,193	80,496
2016	17,924	84,942
2017	18,855	93,750
2018	18,265	103,255
2019	19,631	112,024
2020	16,631	92,823
2021	16,147	86,358
2022	19,033	102,217
2023	20,041	102,761
2024	20,382	92,545

Source: Statistics Norway – table 13904. *Non-resident wage-earners*.

Note: Non-resident wage-earners are defined as persons with a «D-number» issued by the Tax Authority. The main criteria is that the persons is expected to stay in Norway for less than a half year.

Table 4: Non-resident wage earners employed in temporary work agencies

Year	<i>Non-resident wage earners employed in temporary work agencies</i>
2015	16 124
2016	16 938
2017	19 483
2018	22 016
2019	25 544
2020	20 729
2021	18 534
2022	22 980
2023	20 028
2024	19 175

Source: Statistics Norway – table 13904 –Industry 78 (SIC2007) *Employment activities*

Table 5: Responses from union representatives on the companies' use of alternatives to temporary agency work

<i>Question in survey: How have you mainly solved the situation in cases where you have previously hired-in temporary agency workers?</i>	<i>Percent (2025)</i>
Increased permanent and direct employment	26
Concluded agreements between the company and workers' representatives on the use of temporary agency work	25
Increased use of hiring-in from production companies	16
Increased use of overtime work	15
Increased use of subcontracting	8
Use of recruitment/job placement service from temporary work agencies or other companies	7
Increased use of temporary, direct employment	7
Postponement of new projects	3
Reduction of new assignments	3
Increased use of prefabricated modules in construction	3
Extension of project time	1
Others	5
Not sure	18
The new regulation have not affected our company to any great extent	26

Source: Fafo (2025): https://www.fafo.no/images/pub/2025/Faktaflak_innleie.pdf

Note: Those who responded that their company did not use temporary agency work before the new regulation are not included in the responses. Nor are union representatives in construction companies in the Oslo area included in the responses.

