

hygienic working conditions (Labor Safety and Hygiene). Non-adherence to the LSH rules is an offense and the employer may be punished with a fine. If the neglect causes a threat to the employee’s life, the employer is subject to criminal liability. The National Labor Inspectorate can be asked for help.

The contract – in writing

The contract regarding work should be concluded in writing. Before the contract is signed, the employer is obliged to provide its translation into a language that the foreigner understands. If the contract has not been signed earlier, the employer is obliged to confirm in writing all agreements regarding its terms, at the latest on the day the employee commences work. Non-fulfillment of that obligation is an offence, punishable by fine of up to 30,000.00 zloty. Even without the written form, the agreement is valid and has legal consequences. The employer has to fulfill all obligations resulting from the employment relationship (payment of remuneration, payment of social security contributions and others).

Illegal work

By working illegally, the foreigner faces expulsion from Poland and punishment by a fine not lower than 1,000.00 zloty. A person who works illegally is not insured, has no right to free of charge assistance of the health services, nor to any sickness-related benefits. In the case of sickness, the illegal employee has to rely only on oneself.

Type of contract	Social benefits
Employment contract	The right to 20 days of vacation in a year, retirement and disability pension entitlement, accident, health and sickness insurance, others
Contract of mandate	Retirement and disability pension, accident and health insurance, option to be covered by sickness insurance – voluntary, at the request of the employee
Task-specific contract	None

A foreigner who worked illegally also has certain rights. Such a person is entitled to the agreed remuneration. If that remuneration had not been paid, it is possible to enforce it.

Even a person who worked without the contract has the right to demand the payment of remuneration and other benefits under the employment relationship in court. Conclusion of employment contract in written form is the employer’s duty. Non-fulfillment of that obligation is a culpable offence against employee rights by the employer, and is subject to a fine of up to 30,000.00 zloty. The proceedings for the payment of due remuneration takes place in a labor court and is completely free of charge.

In order to prepare the suit, the foreigner may use the assistance of a lawyer or a non-government organization providing free legal assistance for foreigners. If the ongoing court proceedings require personal appearance by the foreigner – even if his/her stay in Poland is illegal – this can be the basis for legalize the stay until the completion of proceedings, for not longer than three months.

Discrimination, unfair treatment

Each employee has the right to be treated with respect. It is completely forbidden and inadmissible to

humiliate, intimidate or belittle an employee – by the employer and by co-workers. If a situation of humiliation or intimidation did occur, the employee is entitled to terminate the employment contract and to demand compensation from the employer. If work was performed under the mandate contract or task-specific contract, the matter shall be taken to a civil court and can cover the breach of moral rights.

In Poland, all forms of discrimination due to race, religion, nationality, ethnic origin, political beliefs, trade union affiliation and sexual orientation are forbidden. Discrimination can include unequal pay for the same work, being neglected during selection for training, and other forms of unjustified, uneven treatment. In the case of discrimination, the employee may turn to a civil court, labor court, the National Labor Inspectorate. It is also worth requesting the assistance of a non-government organization providing assistance for foreigners.

You can change work

If cooperation with the given employer is not good, it is possible to seek legal employment with another employer. For employees who need to possess the work permit, this is somewhat complicated – but still possible.

The work permit, and the statement on the intention to employ, is valid only for the specific employer and the specific employee. This means that the new employer would have to obtain a new work permit for the employee

(or to register a new statement on the intention to entrust work – in the case of employment for a period not longer than 6 months during the subsequent 12 months).

Change of employer requires a new work permit, but does not require a new permit for stay in Poland. The permit issued previously remains valid. The permit for stay in Poland may be revoked if the employer notifies the Province Governor that the employee has terminated work – in order to avoid this, the employee should notify the Province Governor as soon as possible that he/she obtained a new work permit.

Take care of your safety

A particularly dangerous situation for foreigners are the dealings involving abuse for work or prostitution. Such dealings entail the use of deceit, threats or violence in order to use the immigrant to reach a profit. In such cases, the person arriving into Poland is offered a different job than the one promised and expected, or under different terms. Be very cautious if anybody is trying to take your documents away from you!

Forcing others to work is a crime. It can be classified as traffic in people. Victims of people traffic have the opportunity to legalize their stay in Poland, under condition of cooperation with the police. They receive legal and material assistance. If you fell victim to people traffic, immediately report to a non-government organization offering help to foreigners in Poland.

Prepared on the basis of:
the Act on employment promotion and labor market institutions
the regulation of the Minister of Labor and Social Policy on the performance of work by foreigners, without the need to obtain the work permit.



Work in Poland

Information for foreigners



As a rule, foreigners from countries outside the European Union need a work permit in order to undertake legal employment in Poland. This permit is worth applying for. Legal work is the basis for legalizing a stay in Poland. After 5 years of legal stay in Poland with relation to performed work, it is possible to obtain permanent residence in Poland (residence permit for a long-term EU resident, or settlement permit).

Illegal performance of work by a foreigner is not in the interest of the employee, nor of the employer. An employer who illegally hires a foreigner faces the penalty of a fine (of at least 3,000.00 zloty). An employee illegally performing work can be expelled from Poland and punished by a fine (of at least 1,000.00 zloty). Such employee works without social security, and in the case of an illness or another unexpected occurrence is left on his/her own.

Work permit

The employer applies for the permit to work in Poland. After obtaining it, the employer should hand one copy of the permit to the employee, who needs this document to legalize his/her stay.

The employer is obliged to inform the foreigner of actions undertaken with relation to the proceedings for granting or extending the work permit, as well as of the decisions to issue, refuse or revoke the permit.

Legal work and legal stay

In order to work legally in Poland, the foreigner has to fulfill two conditions simultaneously:

- Reside legally in Poland on the basis of a residence permit or visa (with the exception of a tourist visa, transit visa, a visa issued with relation to temporary protection and a visa issued with relation to transit for humanitarian reasons, interest of the state or international obligations)
- Have a work permit or be able to work without the need to obtain the work permit. The most popular document that enables work without a work permit is the “Statement on the intention to entrust work to a foreigner”. Until the end of 2010, it can be registered by employers who intend to entrust work to citizens of Ukraine, Belarus, Russia, Moldova and Georgia. We published a separate leaflet describing the opportunities to work in Poland without the work permit.

Remember to sign the contract!

In Poland, work is performed on the basis of contracts. The most popular ones include:

- Employment contract

- Contract of mandate
- Task-specific contract

The employment contract is the most favorable one for the employee. Such contract should be concluded when work is performed during defined hours, under the supervision of the employer, at the office of the employer or at a location designated by the employer. A person hired on the basis of an employment contract is entitled to vacation of 20 days a year (during the vacation, the employee receives remuneration, the number of vacation days grows with work seniority), to benefits in the case of illness, to health services and other benefits under the social security system. The employer is obliged to pay in social security contributions for the employee to the Social Security Institution (ZUS)¹. The employee should receive a copy of registration with the Social Security Institution within 7 days from the date of commencement of work, and subsequently, periodically, the ZUS RMUA form which confirms the payment of premiums.

At the start of employment, the employee should undergo medical tests and a training on labor safety and hygiene. The tests and training take place during work hours, at the cost of the employer. Employee is entitled to remuneration for that time.

Time of work and rest. Full-time work means work for 8 hours during a day, and 40 hours during a week. The time of work can be calculated for periods other than days, but the employee is always entitled to not less than 11 hours of uninterrupted rest per

¹ The Social Security Institution (Polish abbreviation: ZUS) is a public institution in charge of social insurance.

day, and not less than 35 hours of rest per week.

An employee who works for at least 6 hours per day is entitled to a break, included in the time of work, not shorter than 15 minutes.

In Poland, there is the minimum wage requirement (currently 984.15 zloty net monthly). Hiring for remuneration below that amount is illegal.

The institution in charge of controlling employment conditions is the National Labor Inspectorate. It can perform control at the place of work, and in the case of finding breaches of the law, punish the employer with a fine from 1,000.00 to 2,000.00 zloty. The court, at the request of the labor inspector, is entitled to adjudicate a penalty of up to 30,000.00 zloty. In the case of dispute with the employer, an employee working on the basis of employment contract may pursue his/her claims in the labor court. Such proceedings take place free of charges.

The contract of mandate and the task-specific contracts are civil law contracts. Both are less favorable for the employee than the regular employment contract. **The mandate contract** can be concluded with a person who shall be able to perform work independently, without the control of the employer. The mandate can be performed outside the employer’s office, and the contractor is able to freely set the time during which the mandate would be performed. The essence of the mandate is careful performance of the instructions of the employer, and not the result of activity. The person performing the mandate is not entitled to vacation.

Task-specific contract – its essence is to perform a task, deliver a

specific outcome of work. The task can be performed outside the employer’s office and without his supervision. The contractor undertakes only to deliver an outcome of the work that would have features defined in the contract.

In the case of mandate contracts and task-specific contracts, no work time standards are applied, the employee has no right to vacation and it is easier to dismiss him/her. A dispute with the employer regarding mandate contracts and task-specific contracts needs to be taken to a civil court. At such a court, one may need to cover the costs of the proceedings, and would be obliged to pay the entry fee in the amount of 5% of the object of the dispute - for example, the unpaid remuneration.

The court may establish the employment relationship

The civil law contracts (mandate and task-specific contracts) give less rights to employees, therefore the employers frequently choose them instead of regular employment contracts. If an employee performs work which shows features of an employment relationship (it is performed under supervision, during defined hours, at the employer’s office or at a location designated by the employer), it is not right to conclude a contract other than regular employment contract. An employee can request the court to establish the employment relationship. If the court gives a positive verdict on that matter, the employer shall be obliged to pay overdue social security contributions and other benefits under the employment relationship, and shall be obliged to treat the employed person as a regular employee.

Labor Safety and Hygiene

Regardless of the type of contract, the employer is obliged to provide safe and



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