

MOST IMPORTANT CHANGES SINCE 1 JANUARY 2018

A declaration of an employer to entrust a job to a foreigner:

- it refers to subclasses of activities that are not covered by a seasonal work permit;
- an employer is obliged to inform local labour office of the date of commencement of your work (at the latest on the day of commencement of work) or failure to commence work (within 7 days of the date of commencement of work indicated in the statement);
- when calculating the periods of work, the periods for which the declaration was registered are taken into consideration. Therefore, if you finish work earlier than stated in the declaration, you should inform the labour office.
Note: Provision of false information is subject to fine.

You may change your employer while working on the basis of declaration (6 months within 12 months) or a seasonal work permit (9 months in a calendar year). However, each of your next employers must obtain a new document permitting you access to the labour market.

Seasonal work permit:

- it authorises you to work in subclasses of activities considered seasonal;
- it allows you to work in Poland for a maximum of 9 months in a calendar year. In case of entry to Poland for seasonal work, the period of 9 months is counted from the date of entry into the Schengen area;
- After your arrival to Poland your employer is obliged to inform the local labour office about your address in Poland and provide a copy of your residence permit. Only then will the office issue a seasonal work permit authorising you to work. *After your employer informed the office about your arrival you are allowed to work while waiting for a seasonal work permit. However, the work must be performed under the conditions specified in the certificate of entry of an application into a seasonal work register issued previously by the labour office.*

Seasonal employment permits are for all non-EU / EEA foreign nationals, employers' declaration to entrust a job are for the citizens of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine.

Regardless of the type of a document permitting you to enter Polish labour market:

- the contract between you and your employer must be in writing;
- your employer is obliged to provide you with translation of the contract in a language you understand;
- your employer is obliged to report you for social security and health insurance within 7 days, which gives you the right to allowances in case of sickness, accident at work or maternity leave and to free of charge healthcare (not applicable to contracts for specific work);
- your employer is obliged to check the validity and make a copy of your residence permit in Poland.

In case of an employment contract, you are entitled to, at least, a minimum wage in Poland (in 2018 it is PLN 2100 gross). The minimum hourly rate in Poland in 2018 is PLN 13.70 gross (it is applicable to contract of mandate, but not applicable to contract for specific works).

TAKE CARE OF YOUR SAFETY!

Do not give your passport or identity card to anyone;



You have the right to receive a copy of your work permit, certificate of entry of an application into a seasonal work register or a declaration registered by the labour office;



Watch out for illegal intermediaries;



Check your employer (you can contact him by phone, check his company on the Internet or on the REGON (national business registry number) website (www.stat.gov.pl/regon) and National Court Register website (www.krs-online.com.pl);



If your work is assigned to you by a Polish temporary employment agency, check the website: stor.praca.gov.pl to see whether the agency has the required certification.



Ministerstwo Rodziny,
Pracy i Polityki Społecznej

WORKING IN POLAND

Information for foreigners

(not applicable to EU, EEA and Swiss nationals)



Detailed information can be found on the following website:
www.mrpips.gov.pl

Basic rules from 1 January 2018

TO WORK LEGALLY IN POLAND A FOREIGNER MUST:

have a document allowing him/her to enter the Polish labour market (or under specific regulations be exempted from this rule);



legally stay in Poland, and the basis for the right of residence must include the right to work (e.g. a valid visa or residence permit);



perform work under the terms defined in a work permit or an employer's declaration;



sign an appropriate contract with the employer.

A foreigner may work only for the employer indicated in the permit/declaration!

Illegal work or stay in Poland can result in serious consequences such as: a fine or expulsion from Poland. The decision on expulsion involves a record on the list of undesirable foreigners in Poland and into the Schengen Information System for the purpose of refusing entry, as well as a ban on re-entering the Schengen area.

DOCUMENTS PERMITTING TO ENTER THE POLISH LABOUR MARKET

- **Work permit** – it is issued by a Voivode upon a **request submitted by an employer**;

5 types of work permits:

- A** – when a foreigner is employed in an entity in Poland;
- B** – when a foreigner performs a function in a management board or acts as a general partner or a proxy;
- C, D, E** – when a foreigner is posted to work in Poland.

- **Seasonal work permit – type S** (a new instrument introduced on 1 January 2018) – issued by a Staroste **upon a request submitted by an employer** – it authorises a foreigner to perform work for 9 months in a calendar year in subclasses of activities considered seasonal (NOTE – there are differences between procedures for foreigners staying in Poland and for foreigners coming from abroad).

Seasonal work will be permitted only on the basis of a seasonal work permit!

- **A declaration of an employer to entrust a job to a foreigner** (changed as from 1 January 2018) – **it is registered** in a local labour office by **an employer** for citizens of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine, and it entitles to perform non-seasonal work without work permit for a period of 6 months during 12 consecutive months;
- **Temporary residence and work permit** – it is issued by a Voivode upon a request submitted by a foreigner, and it entitles to both: stay and work.

IMPORTANT:

- As a rule, it is an employer who initiates the procedure of employing a foreigner in Poland (work permit, seasonal work permit, declaration to entrust a job);
- If your **employment is based on employment contract** and results from an employer's declaration to entrust a job to a foreigner and your employer wishes to continue employing you for a longer period, he may apply to a Voivode for a work permit already after three months of your work on simplified rules (or you can apply to a Voivode for a temporary residence and work permit). If your application for a permit is complete, your work until the issue of the decision will be considered legal;
- If you are a citizen of **Armenia, Belarus, Georgia, Moldova, Russia or Ukraine and at least once in the past 5 years you performed seasonal work for the employer** who wants to hire you for seasonal work again, this employer may be granted a multi-season *entry of an application into a seasonal work register* (for three consecutive years). On its basis, you will be entitled to apply for a visa in these three years, seasonal work permit will be issued each year according to the general rule (see the third bullet point in the *Seasonal Work Permit* section);
- In Poland, it is possible to work on the basis of various contracts (e.g. employment contract, contract of mandate, contract for specific work). The type of contract is related to the nature of the work and the scope of the rights and obligations. **An employment contract secures most employees' rights and broadest protection.**

The National Labour Inspectorate provides free advice and information on labour law and the legality of employment, it examines employee complaints for non-compliance of employers with labour law, occupational health and safety rules and illegal employment. Addresses and telephone numbers of district labour inspectorates (in each voivodeship city) and field offices (in other major cities) can be found at the following website: www.pip.gov.pl.