



Living and working in Poland



Ministry of Economic Development, Labour and Technology
Labour Market Department

**MINISTRY OF ECONOMIC DEVELOPMENT,
LABOUR AND TECHNOLOGY**
Labour Market Department

LIVING AND WORKING IN POLAND

Warsaw, 2020

This brochure is addressed to citizens of Member States of the European Union or the European Free Trade Association who intend to start their professional careers and reside in Poland.

Prepared by:

Labour Market Department
Ministry of Economic Development, Labour and Technology
in collaboration with other competent Ministries

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Published by:

Ministry of Economic Development, Labour and Technology
ul. Plac Trzech Krzyży 3/5
00-507 Warszawa

Printed by:

Publishing and Printing Establishment
of the Ministry of Economic Development, Labour and Technology
ul. Usypiskowa 2
02-386 Warszawa

Free copy

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1. Introduction

Life and work in Member States of the European Union (“EU”) or the European Free Trade Association (“EFTA”), which consists of Iceland, Liechtenstein, Norway and Switzerland, involve many aspects. It is therefore a good idea to learn about the conditions of working and living in one of these states before deciding to move there.

Providing information about the working and living conditions in Poland is among services offered by the EURES network (European Employment Services) to foreigners – EU or EFTA Member State nationals.

Established in 1993, EURES is an EU network of cooperation among public employment services and other approved organisations at the local, regional, national and EU levels aimed at supporting mobility of workers in the European labour market.

As part of EURES network coordination in Poland, the Labour Market Department of the Ministry of Economic Development, Labour and Technology has published this brochure **Living and working in Poland** with the objective to support EU and EFTA nationals who plan to settle and take up employment in Poland.

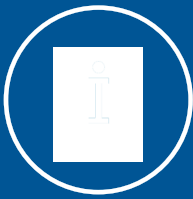
The brochure provides information on living and residing in Poland, taking up employment and running a business as well as incomes, salaries, taxes, social insurance and other matters of interest to EU and EFTA Member State nationals.

The information provided presents the legal situation as of **6 October 2020** and applies to nationals of Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Greece, Spain, Netherlands, Ireland, Iceland, Liechtenstein, Lithuania, Luxembourg, Latvia, Malta, Germany, Norway, Portugal, Romania, Slovakia, Slovenia, Switzerland, Sweden, Hungary, United Kingdom and Italy.

The electronic version of this brochure is available at <https://eures.praca.gov.pl>.

I hope that EU and EFTA Member State nationals will find the information presented in this brochure useful in making informed decisions regarding work and residence in Poland.

*Minister
of Economic Development, Labour and Technology*



2. GENERAL INFORMATION ABOUT POLAND

2.1. Poland in a “nutshell”

Name	Republic of Poland (RP)
National emblem	<div style="display: flex; justify-content: space-around; align-items: center;"> <div style="text-align: center;">  </div> <div style="text-align: center;"> <p>Flag</p>  </div> </div>
Official language	Polish
Capital city	Warsaw
Province capital cities	Białystok, Gdańsk, Katowice, Kielce, Kraków, Lublin, Łódź, Olsztyn, Opole, Poznań, Rzeszów, Szczecin, Toruń, Warszawa, Wrocław, Zielona Góra
Political system	Parliamentary democracy. Legislative power is exercised by the bicameral Parliament (the Sejm – 460 deputies, the Senate – 100 senators), executive power is exercised by the Council of Ministers and the President, and judicial power is exercised by independent judiciary.
Administrative division	The three-tier local self-government structure consists of the commune self-government (<i>samorząd gminny</i>), the district self-government (<i>samorząd powiatowy</i>), including cities with a district status, and the province self-government (<i>samorząd wojewódzki</i>). Poland is divided into 2,478 communes (<i>gmina</i>), 314 districts (<i>powiat</i>), 66 cities with a district status and 16 provinces (<i>województwo</i>) (there are the following provinces: Dolnośląskie, Kujawsko-Pomorskie, Lubelskie, Lubuskie, Łódzkie, Małopolskie, Mazowieckie, Opolskie, Podkarpackie, Podlaskie, Pomorskie, Śląskie, Świętokrzyskie, Warmińsko-mazurskie, Wielkopolskie, Zachodniopomorskie).
Location	Poland is located in Central Europe at the Baltic Sea. It is bordered by Russia, Lithuania, Belarus and Ukraine to the east, Slovakia and Czech Republic to the south, and Germany to the west.

GENERAL INFORMATION ABOUT POLAND

Area	312,696 km ²
Population	Approximately 38.5 million
Climate	Moderate climate. Average temperatures range between 16.5°C and 20°C in summer, and between -6°C and 0°C in winter. June is the hottest month of the year, and January the coldest.
Religious denominations	Roman Catholics – 87.58%, Orthodox Christians – 0.41%, and other religions.
Ethnic composition	The country is nearly entirely ethnically homogeneous. Poles account for ca. 97% of the population. The largest national minorities are Germans, Ukrainians and Belarusians
Central Bank	National Bank of Poland headquartered at ul. Świętokrzyska 11/21 in Warsaw.
Currency	According to the National Bank of Poland, the average EUR exchange rate in the third quarter of 2020 was PLN 4.4426 ¹ ; PLN 1 buys ca. EUR 0.23
Emergency telephone numbers	112 – emergency call centre (common emergency telephone number), 997 – Police, 998 – State Fire Service, 999 – Ambulance Service, 984 – Water Rescue, 985 – Sea and Mountain Rescue, 987 – Crisis Management Centre, 996 – Counter-Terrorism Centre, 986 – Municipal Police (not in all cities) – (all calls are free of charge)
Public holidays	1 January – New Year, 6 January – Epiphany, Easter (moving holiday), 1 May – Labour Day, 3 May – 3rd May Constitution Day, Pentecost (moving holiday falling on Sunday), Corpus Christi (moving holiday), 15 August – Assumption of the Blessed Virgin Mary, 1 November – All Saints' day, 11 November – Independence Day, 25 and 26 December – Christmas
Links	http://poland.pl/ https://polska.travel/pl https://www.careersinpoland.com/ http://www.paih.gov.pl/pl

¹ All PLN/EUR conversions provided in this brochure are based on the average EUR exchange rate announced by the National bank of Poland for the third quarter of 2020.

2.2. Administrative division



2.3. Political, administrative and legal systems

Poland is a republic and a parliamentary democracy with a parliamentary and cabinet system. The rules of functioning of the state are laid down in the Constitution, which is the supreme legislative act. Poland has a system of statutory law, with an act being the basic form of legislation.

The Polish political system is based on the tripartite division of power between legislative, executive and judicial powers. The legislative power is exercised by a bicameral parliament (the Sejm, the lower Chamber, has 460 Deputies, and the Senate, the upper Chamber, has 100 Senators) which is elected in a general election for a term of office of 4 years. The Sejm passes legislation and controls bodies of the state administration, including the Council of Ministers. The Supreme Audit Office, the supreme audit state authority, is subordinated to the Sejm. The main task of the Senate is to contribute to creating Polish law in cooperation with the Sejm. The election rules provide for a system of proportionate election to the Sejm and a system of majority election to the Senate. The election rules for the Sejm lay down the electoral threshold of 5% for political parties and the threshold of 8% for electoral coalitions.

The following clubs and groups are active in the Sejm and Senate of the current term of office, elected for the years 2019–2023: the parliamentary Club of Law and Justice (*Prawo i Sprawiedliwość*, PiS); the Parliamentary Club of the Civic Coalition (*Koalicja Obywatelska*), including the following parties: *Platforma Obywatelska*, *Nowoczesna*, *Inicjatywa Polska*, *Zieloni*); the Coalition Parliamentary Club of the Left (*Lewica*), including the following parties: *Razem*, *Sojusz Lewicy Demokratycznej*, *Wiosna Roberta Biedronia*; the Parliamentary Club of the Polish Coalition (*Koalicja Polska*) – Polish Peasants' Party (*Polskie Stronnictwo Ludowe*, PSL) – Kukiz'15; the Deputies Circle Confederation (*Konfederacja*); one Deputy is non-attached.

The executive power is vested in the Council of Ministers and the President. The internal and foreign policy of the state is carried out by the Government, i.e. the Council of Ministers, which is led by the President of the Council of Minister (the Prime Minister). The Council of Ministers coordinates and controls the activities of the government administration. The President of the Council of Ministers supervises the local self-government and is the superior for employees of the government administration. The President of the Republic of Poland appoints the Prime Minister and Ministers at the request of the latter.

Elected in a general election for a term of office of 5 years, the President of the Republic of Poland is the superior representative of the Republic of Poland,

supervises compliance with the Constitution and is the supreme Commander of the Polish Armed Forces.

The judicial power is vested in independent courts and tribunals, headed by the Supreme Court and the independent Tribunal of State and the Constitutional Tribunal. The Supreme Court supervises the activities of common and military courts and is the supreme instance of appeal against rulings which are issued by courts of lower instances. The Supreme Administrative Court and other administrative courts supervise the activities of the public administration. The Constitutional Tribunal adjudicates on whether statutes and international agreements, objectives and activities of political parties comply with the Constitution, and decides on competence-related disputes between central constitutional bodies of the state. The Tribunal of State decides on the constitutional responsibility of top-ranking state officials, including the President of the Republic of Poland, the President of the Council of Ministers and the Members of the Council of Ministers.

Guarantees for civic rights are enshrined in the law, with the Constitution being the most important act. The Constitution also provides citizens of national and ethnic minorities with the freedom to maintain and develop their own language, pursue their customs and traditions, as well as to develop their own culture.

Since 1999, the three-tier territorial structure has been in force in Poland which consists of communes (2478), districts (314), cities with a district status (66) and provinces (16) (respectively *gmina*, *powiat*, *miasto na prawach powiatu* and *województwo*). Communes and districts are cells of local self-government, with the commune being the smallest administrative unit in Poland. Provinces are units of both the government and self-government. On the province level, the Government is represented by the Head of Province (*Wojewoda*). The Marshal is the superior representative of the self-government at the province level. Councils, which exercise power and supervision, are bodies of the local self-government. Their main tasks include passing local legislation, approving the budget and levying local taxes and charges. Elections to commune and district councils and province sejmcs are universal, equal, direct, and are conducted by secret ballot.

Public employment services in Poland consist of employment authorities (the Minister competent for labour, Heads of Provinces, Marshals of Provinces and Heads of Districts (*Starosta Powiatu*) and district employment offices (340 offices), province employment offices (16 offices and their branch offices) as well as the office supporting the Minister competent for labour, and province authority offices. The general labour market policy is agreed on the national level, but both district and province employment offices can supplement it to satisfy local needs of the labour market.

For more information visit

<https://www.sejm.gov.pl> Sejm of the Republic of Poland

<https://www.senat.gov.pl> Senate of the Republic of Poland

<https://www.prezydent.pl> President of the Republic of Poland

<https://www.premier.gov.pl> Chancellery of the Prime Minister

<https://www.gov.pl/web/mswia> Ministry of Internal Affairs and Administration

<https://www.gov.pl/web/sprawiedliwosc> Ministry of Justice

<https://www.gov.pl/web/rozwoj-praca-technologie> Ministry of Economic Development, Labour and Technology

<https://psz.praca.gov.pl> Public Employment Services Portal



3. LIVING AND STAYING IN POLAND

3.1. Registration and residence permit

Entering the territory of Poland

Citizens of the EU or EFTA Member States may enter the territory of Poland on the basis of **a valid travel document or any other document which confirms their identity and nationality**. Family members of an EU or EFTA Member State citizen who are not citizens of the respective EU or EFTA Member State may enter the territory of Poland on the basis of **a valid travel document and a visa**, if required. Visa applications should be submitted to the Consul of the Republic of Poland or the chief head of a Border Guard Post.

Deemed as **family members** of EU or EFTA Member State citizens are:

- their spouses;
- their or their spouse's direct "descendants" (descendants in direct line: children) aged up to 21 years or being dependants of the citizen or his/her spouse;
- their or their spouse's direct "ascendants" (ancestors in direct line: father, mother) being dependants of the citizen or his/her spouse.

EU or EFTA Member State citizens or their family members who are not citizens of the EU may be refused entry into the territory of Poland if:

- they feature on the list of foreigners who are not desired to stay in the territory of Poland;
- their stay may pose a threat to the defence or security of the state or to the protection of the public security and order, and to public health;
- they do not have a document which gives the right to enter the territory of Poland, unless they prove in a different way which does not raise any doubts that they are entitled to benefit from the free movement of persons.

Registration

EU or EFTA Member States citizens and their family members who are not citizens of these states are obliged to **register in the place of their permanent or**

temporary residence longer than 3 months not later than within 30 days from the arrival to the place. Registration is for record purposes only and is aimed at confirming residence of a person in the place in which he/she has registered. Citizens may register for permanent or temporary residence longer than 3 months in writing, by means of an appropriate form in the **commune body** competent for the location of the real estate the person resides in, by presenting a valid travel document or another document confirming his/her identity, and family members of EU citizens are obliged to present, apart from a valid travel document, a valid residence card of the family member or another document confirming they are family members of an EU citizen. The registration form must include a confirmation by the owner or another entity which has the legal title to the real estate that the person resides in the real estate, and the applicant must present a document which confirms his/her legal title to the real estate, e.g. a civil law contract or an extract from the land and mortgage register. The process of registration may be completed in person or through a proxy. Furthermore, foreign nationals who have the trusted profile (eGo) may register electronically in the Electronic Services Platform of the Public Administration (*Elektroniczna Platforma Usług Administracji Publicznej*, ePUAP). Registration is free of charge. Upon registration, the PESEL number will be assigned as well.

Staying in Poland for up to 3 months – no obligation to register

EU or EFTA Member State citizens and their family members who are not citizens of these states **may stay in Poland for up to 3 months without having to register their stay**. While staying in Poland, such citizens are obliged to have a valid travel document or any other valid document which confirms their identity and nationality. Family members who are not EU or EFTA Member State citizens are obliged to have a valid travel document and a visa, if required.

Staying in Poland for longer than 3 months – obligation to register

An EU or EFTA Member State citizen **may stay in Poland for a period longer than 3 months if**:

- he/she is employed or self-employed in Poland;
- he/she has sufficient financial resources to support himself/herself and his/her family members in Poland, so that they are not a burden for the social security system, and is covered by universal health insurance, or is entitled to use health care services in accordance with the provisions on the coordination of social security systems, or has private health insurance which covers any and all expenditures which may be incurred during his/her stay in Poland;

- he/she is a student or a trainee in a vocational training programme and is covered by universal health insurance, is entitled to use health care services in accordance with the provisions on the coordination of social security systems, has private health insurance which covers any and all expenditures which may be incurred during his/her stay in Poland, and has sufficient financial resources to support himself/herself and his/her family members in Poland, so that they are not a burden for the social security system;
- he/she is married to a Polish citizen;
- he/she is a job seeker, in which case they may stay in Poland for up to 6 months without having to register, unless he/she can prove upon the lapse of the period that he/she continues to be an active job seeker and has real chances to take up employment.

If the stay in Poland is longer than **3 months**:

- an EU or EFTA Member State citizen must **register his/her stay**;
- a family member of an EU or EFTA Member State citizen who is not a citizen of that state is obliged to obtain a **residence card for family members of EU or EFTA Member State citizens**, which in principle is issued for a period of 5 years (or a shorter period depending on the period of the intended stay of the EU citizen whom that family member joins or with whom that family member stays in Poland).

To register the stay in Poland or to obtain a residence card for family members of EU or EFTA Member State citizens, **an appropriate application** with the required documents **should be submitted** to the Head of Province with appropriate jurisdiction over the place in which the EU citizen stays in Poland.

No fees are charged for registering the stay or issuing the residence card for family members of EU or of EFTA Member State citizens.

Right of permanent residence in Poland – applying for evidence documents

After 5 years of continuous residence in Poland, EU or EFTA Member State citizens **acquire the right of permanent residence**. Family members who are not citizens of these states acquire the right of permanent residence after 5 years of continuous residence in Poland together with an EU or EFTA Member State citizen. Residence is deemed to be continuous if the person concerned has not left Poland for longer than 6 months during a year (in total). However, they may stay outside of Poland for a longer period due to mandatory military service or an

important personal event, in particular pregnancy, delivery, illness, studies, vocational training or delegation, provided that the period does not exceed 12 consecutive months.

To obtain **a document which confirms the right of permanent residence** in Poland or to obtain **a residence card for family members of EU or EFTA Member State citizens**, **an appropriate application** with the required documents **should be submitted** to the Head of Province with appropriate jurisdiction over the place in which the EU citizen stays in Poland. Heads of Province issue these documents **free of charge**.

Refusal to register residence of an EU or EFTA Member State citizen or to issue a residence card for family members of EU or EFTA Member State citizens

The Head of Province **refuses** to register residence of an EU or EFTA Member State citizen or to issue a residence card for family members of EU or EFTA Member State citizens if:

- the conditions for residence established in applicable provisions have not been met, or
- the stay of the person concerned poses a threat to the defence or security of the state or to the protection of the public security and order, or
- the marriage with the EU or EFTA Member State citizen has been made under false pretences.

The Head of Province is also a competent authority in the following matters: cancelling the registration of residence, replacing or issuing a new certificate on the registration of residence, issuing, replacing or cancelling a residence card for family members of EU or EFTA Member States citizens, and issuing, replacing or cancelling a document which confirms the right of permanent residence or the card of permanent residence for family members of EU or EFTA Member State citizens. An appeal against a decision of the Head of Province may be submitted to Head of the Office for Foreigners in Warsaw through the competent Head of Province. An appeal should be submitted in writing within 14 days from the receipt date of the decision.

For more information visit

<https://www.gov.pl/web/gov/uslugi-dla-obywatela/#meldunek-i-wybory>
Registration and elections

<https://www.udsc.gov.pl> Office for Foreigners

3.2. How to find a flat

Access to housing

EU or EFTA Member State citizens **may either rent or acquire the ownership right to flats** under the principles which apply to Polish citizens – the Polish provisions do not discriminate against these citizens in terms of their access to housing or instruments which that support renting or purchase.

The programme “**Mieszkanie Plus**” (literally “Flat Plus”) has been in place since 2016 to provide for renting a flat with an option to acquire it later on (some “Mieszkanie+” flats are built as part of social rental housing undertakings for which separate rules for the allocation of flats have been planned, i.e. for flats built under market economy conditions and financed by PFR Nieruchomości S.A.). Flats are built in cooperation between PFR Nieruchomości S.A. (PFRN)² and local self-government authorities, private undertakings and state-owned companies. The programme may be joined by any commune which has land available for housing purposes.

Financing is provided for the housing projects by investment funds managed by PFRN, with no state budget funds involved. All persons who demonstrate that they are able of paying the rent will be entitled to apply for a flat. If the number of persons interested exceeds the number of available flats, respective self-government authorities will establish relevant priority criteria with preferences for inter alia families who do not own/co-own a flat or have cooperative ownership title to their flats, persons who pay their income tax in the commune concerned, persons who bring up children, or elderly or disabled persons.

Residents of a given commune who meet certain requirements (including the income criterion) may apply for renting a communal flat. These flats have low rental fees but they normally offer a lower standard. With the State’s objective to make communes have as large housing resources at their disposal as possible, a social and communal housing support programme is being implemented at present under which communes may apply for non-reimbursable financing from the State budget to build flats that will be added to their communal housing resources. These flats are built specifically for low-income persons most in need. For detailed information on the rent application procedure and eligibility criteria please contact the registered seat of a relevant commune.

² PFRN is a subsidiary company of Polski Fundusz Rozwoju (Polish Development Fund) which also offers flat rentals as part of the “Fundusz mieszkań na wynajem” (Flat Rental Fund) initiative in Gdańsk, Katowice, Kraków, Piaseczno, Poznań, Warsaw and Wrocław.

Flats with rental fees below the market level are also constructed by **social housing associations** which operate in approx. 200 cities. The social rental housing segment meets the housing needs of average earners. Applicants for renting such flats must meet specific income criteria (depending on the location of the flat and the size of their household) and must not have any other flat. They must also pay in a contribution which is equivalent to 30% of the value of the flat. The contribution is refunded upon the lapse of the rental period. In order to create such dwellings, social housing associations, communal companies and housing cooperatives may apply for preferential reimbursable financing subsidised from the state budget.

As of 1 July 2020, around 10,200 flats have been delivered for use through the market segment and “Mieszkanie+” social package, with further ca. 14,800 dwellings under construction.

Beginning on 1 January 2019, tenants of new flats and revitalised flats (built as part of cooperation between investors and communes) will be able to apply for rental allowances. The allowances will be granted to persons who meet certain requirements relating to *inter alia* income, property or use of the flat. The amount of the allowance will depend on the number of people in the household and will be region specific (i.e. it will depend on the cost of building a flat in a specific location). Selection of tenants will be the responsibility of the commune. The criteria established by the commune (e.g. income, number of children, disability, economic migration) will be used to compile a list of tenants with whom the investor will conclude rental contracts, provided that the tenants can demonstrate rental credibility (i.e. ability to pay the rent regularly). The rental allowance will be granted on the condition that the monthly income in a single-person household does not exceed 100% of the average salary in the national economy (ca. PLN 4,918 – EUR 1,131.14 in 2020). The threshold will be increased by 40 percentage points (ca. PLN 1,967 – EUR 452.41) per each additional person in the household. The allowance granted will be applied in a fixed amount for a period of 15 years following the tenant’s application to the relevant communal office. By the end of June 2020, communes concluded agreements regarding 33 construction projects covered by the rental allowance framework, under which a total of 1,056 flats will receive allowances..

Housing programmes offered by the Polish government are addressed to persons of various incomes. However, they are not addressed directly to citizens – i.e. the government provides financial support to investors, but does not run any selection of flat tenants itself.

To check availability of social rental housing, potential applicants should contact relevant social housing associations or communal companies in charge of housing matters. Information on rent-to-own flats offered as part of the PFRN initiative can be found on the company's website or the dedicated website of the "Mieszkanie+" programme. For more information on renting a flat from communal housing resources, contact the communal office where you live.

Looking for a flat

Adverts of flats to rent or purchase can be found in newspapers (e.g. in the Monday and Friday issue of "Rzeczpospolita" – in the supplement "Nieruchomości mieszkaniowe") and in the Internet. Accommodation can also be found by placing own adverts in newspapers and Internet portals or through a real estate agent. If the latter option is used, expenses related to looking for a flat will be increased by the commission paid to the real estate agent. When renting a flat, the commission is normally equivalent to the monthly rent, and when buying a flat – it is ca. 2-3% of the purchase price.

If you are looking for a flat on your own, you can contact the sales office of a developer of your choice and check the project in legal terms, i.e. view the land and mortgage register and the National Court Register to check whether the developer has a building permit and is not bankrupt etc.

When buying a flat, you can use the services of a real estate agent (e.g. a real estate agency) or sign a contract with a developer or a housing cooperative. Most developers request the first payment to be made within 3–7 days from the date of the contract.

Before your real estate agent undertakes any activities, you should first sign an agency contract. The agency contract should specify what specific activities the real estate agent should perform and what remuneration he or she is entitled to. The contract should also specify the real estate agent who is responsible for its performance and should include a declaration regarding an active civil liability insurance for any damage which may be caused in relation to performing the agent's activities. The agency contract is the so called duty-of-care contract rather than a result-based contract. Therefore, under such a contract, the agent undertakes e.g. to look for a flat, not to actually find it.

Purchasing or renting a flat

In Poland, the **purchase of any kind of real estate** should be confirmed by an agreement concluded before a notary in the form of a **notarial deed**.

A **rental agreement** may be concluded for a definite or indefinite period of time. The Act on the protection of the rights of tenants, communal housing resources and on amending the Civil Code includes a catalogue of causes for terminating a rental agreement. The landlord may cancel a rental agreement if the tenant is in default of payment of the rent for at least three complete payment periods, if the tenant has rented, sub-rented or transferred the flat (or its part) for use free of charge without the required written approval from the landlord, or if the tenant has seriously violated the house regulations. The termination notice should be made in writing and specify the cause for termination. The landlord may terminate a rental agreement upon serving a 1-month notice, with the effect at the end of the calendar month.

The tenant may terminate a rental agreement signed for an indefinite period of time at any moment and for any reason (or without stating any reasons) by serving a termination notice to the landlord.

Before signing the agreement, the landlord may request the tenant to pay a security deposit. The deposit serves as security of any potential claims related to the use of the flat beyond normal wear and tear as well as any amounts due under the rental agreement contract (the deposit must not exceed the equivalent of twelve monthly rents). The deposit is refunded within one month from the date the flat is vacated or the tenant acquires its ownership, upon deducting any receivables due to the landlord under the rental agreement.

Prices for flats and costs of rental

In Poland, prices for flats differ depending on the location and type of the housing market. Flats that can be bought on the primary market are normally available in a standard that requires finishing. There is also a large secondary market with flats in various standards and locations.

In Q1 2020, flat prices grew both on the primary and secondary market. In Warsaw, the average transaction price for 1 m² of a flat on the primary market was PLN 9,819 (EUR 2,258), an increase by 11.9% compared to the previous year. In Gdańsk, 1 m² cost an average of PLN 8,741 (EUR 2,010), and in Gdynia – PLN 8,251 (EUR 1,898). Transaction prices higher than PLN 8,000 (EUR 1,800) were reported in Kraków – PLN 8,356 (EUR 1,922) and Wrocław – PLN 8,354 (EUR 1,921). In smaller province capitals (Zielona Góra, Kielce), 1 m² of a flat on the primary market was in the region of PLN 5,000-5,500 (EUR 1,200–1,300).

In Q1 2020, the highest secondary market price was reported in Warsaw and amounted to PLN 9,705 (EUR 2,232) for 1 m², representing an increase by 7.9%.

Flat prices on the secondary market were high also in Gdańsk – 8,347 PLN (1,920 EUR) for m², 13.6% more than in the previous year, and Gdynia – PLN 7,700 (EUR 1,771). Transaction prices higher than PLN 7,000 (EUR 1,600) were reported also in Kraków – PLN 7,766 (EUR 1,786) and Wrocław – PLN 7,315 (EUR 1,682). A flat could be bought on the secondary market for less PLN 5,000 (EUR 1,200) for 1 m² in Kielce and Zielona Góra.

Rental fees differ from city to city, and depend also on the standard and surface of the flat. The highest rents are in Warsaw and other large cities.

The average monthly rent for a 38-60 m² flat in Warsaw was PLN 2,713 (EUR 624) as of May 2020. Gdańsk was Poland's second most expensive city in this respect, with the average monthly rent reaching PLN 2,193 (EUR 504) and marking one of the highest price increases on the housing market in recent years. In Kraków, the average monthly rent exceeded PLN 2,024 (EUR 466), and in Wrocław it was PLN 2,041 (EUR 469). The lowest monthly rents were reported in Bydgoszcz – PLN 1,586 (EUR 365), and Łódź – PLN 1,708 (EUR 393).

The rent rates were lower than the year before, which was largely due to the COVID-19 pandemic.

Rents for the same category of flats differ significantly depending on the distance from the city centres. The rates quoted above **do not include costs of utilities** (e.g. gas, electricity, heating or water), which are normally not included in the rent.

For more information visit

<https://www.gov.pl/web/mswia> Ministry of Interior and Administration

<https://ekrs.ms.gov.pl/> National Court Register

<https://funduszmieszkan.pl/> Fundusz mieszkań na wynajem (Flat Rental Fund)

<https://mieszkanieplus.gov.pl/> Mieszkanie Plus (Flat Plus)

<https://mplus.pl/> Mieszkanie Plus (Flat Plus)

801 801 596, +48 (22) 274 19 29 Mieszkanie Plus hotline, open Mon-Fri, 8:15 am-4:15 pm

<https://stat.gov.pl/> Główny Urząd Statystyczny (Statistics Poland)

3.3. Costs of living

Costs of products and services

In Poland, costs of living differ from place to place. The highest costs are in Warsaw and other large cities.

Examples of **average prices for basic foodstuffs**: bread (1 kg) – PLN 3.96 (EUR 0.91), bread roll (50 g) – PLN 0.28 (EUR 0.06), tea (100 bags) – PLN 14.35 (EUR 3.30), ground coffee (250 g) – PLN 7.36 (EUR 1.69), jam (280 g) – PLN 3.55 (EUR 0.81), corn flakes (250 g) – PLN 3.66 (EUR 0.84), ketchup (430 g) – PLN 4.08 (EUR 0.93), oil (0.89 litre) – PLN 6.96 (EUR 1.60), butter (200 g) – PLN 4.44 (EUR 1.02), eggs (10 pieces) – PLN 4.63 (EUR 1.06), yellow cheese (1 kg) – PLN 18.46 (EUR 4.24), milk (1 litre) – PLN 2.76 (EUR 0.63), cottage cheese (200 g) – PLN 1.93 (EUR 0.44), yoghurt (150 g) – PLN 1.32 (EUR 0.30), water (1.5 litre) – PLN 1.92 (EUR 0.44), orange juice (1 litre) – PLN 3.87 (EUR 0.89), flour (1 kg) – PLN 2.10 (EUR 0.48), sugar (1 kg) – PLN 2.51 (EUR 0.57), salt (1 kg) – PLN 1.20 (EUR 0.27), penne pasta (500 g) – PLN 3.61 (EUR 0.83), boneless pork loin (1 kg) – PLN 18.29 (EUR 4.20), chicken (1 kg) – PLN 7.51 (EUR 1.72), sliced ham (450 g) – PLN 17.54 (EUR 4.03), bananas (1 kg) – PLN 4.48 (EUR 1.03), apples (1 kg) – PLN 6.05 (EUR 1.39), potatoes (1 kg) – PLN 2.34 (EUR 0.53), tomatoes (1 kg) – PLN 4.23 (EUR 0.97), sweet peppers (1 kg) – PLN 11.24 (EUR 2.58).

Examples of **average prices for basic household chemicals and cosmetics**: washing-up liquid (1 litre) – PLN 4.84 (EUR 1.11), toothpaste (125 ml) – PLN 6.06 (EUR 1.39), soap (100 g bar) – PLN 3.30 (EUR 0.75), hair shampoo (250 ml) – PLN 5.08 (EUR 1.16), washing powder (400 g) – PLN 5.95 (EUR 1.36), toilet paper (8 rolls, the cheapest one) – PLN 4.99 (EUR 1.14).

Examples of **average monthly utility costs per person**: electricity – PLN 60 (ca. EUR 13), phone calls – PLN 50 (ca. EUR 11), waste (disposal) – PLN 30 (ca. EUR 7), water – PLN 25 (ca. EUR 5.7), cable TV – PLN 40 (ca. EUR 9), Internet – PLN 40 (ca. EUR 9.2), gas (for gas cookers) – PLN 20 (ca. EUR 4.6), gas (for gas heating) – PLN 125 (ca. EUR 29). This makes a total of ca. PLN 350 (ca. EUR 80) per person per month.

Examples of **average prices for other products and services**: petrol (litre) – PLN 4.95–5.55 (ca. EUR 1.14–1.27), urban transport ticket – PLN 3.40 (EUR 0.78), cinema ticket – PLN 17–35 (ca. EUR 4–8), theatre ticket – PLN 80–220 (ca. EUR 18–51), main course in a restaurant – PLN 20–40 (ca. EUR 5–9).

Shops

Opening hours are set by shop owners, but they are normally as follows:

- groceries – from 6:00 am (7:00 am) to 6:00 pm (7:00 pm), some groceries may have longer opening hours;
- shops other than groceries – normally open at 10:00 am;
- supermarkets (most often located at the outskirts of large cities) – normally from 9:00 am to 10:00 pm.

Trade and trade-related activities at commercial establishments on Sundays and public holidays are subject to certain restrictions. In 2020 and following years, there will be 7 trading Sundays per year – the last Sunday in January, April, June and August, two successive Sundays before Christmas and the Sunday before Easter. In certain situations specified by law, trading and trade-related activities are allowed every Sunday. This applies to e.g. petrol stations, pharmacies, florists.

The trading ban established in the Act does not apply to *inter alia* commercial establishments at liquid fuel stations, commercial establishments whose main business involves flower sales, pharmacies and dispensaries, commercial establishments whose main business involves sales of souvenirs, devotional articles, newspapers, urban transport tickets, tobacco products, lottery and betting coupons, as well as post offices, commercial establishments at hotels and online shops.

Most shops accept payment cards.

It is also possible to **shop online**, which is becoming increasingly popular in Poland.

For more information visit

<http://www.stat.gov.pl> Główny Urząd Statystyczny (Statistics Poland)

3.4. Transport

Public transport in Poland is diversified and includes:

- buses: urban and suburban – operating countrywide;
- trains – commuter and long haul;
- trams – operating in big cities;

- underground – in Warsaw;
- bicycles – public bicycle rental stations are available in certain large cities e.g. Warsaw, Kraków, Poznań, Wrocław, Gdańsk.

Buses, trams and underground run from the very early morning hours until around 11:00 pm. There are also night buses in large cities.

Urban transport tickets can be purchased in ticket vending machines (many of which do not accept coins, but payment cards only), kiosks (“Ruch”), some shops, underground stations or from drivers (note that not all urban transport drivers sell tickets). Tickets purchased from a driver can be more expensive. There is one ticket type for buses (urban), trams and underground, but tickets differ from city to city. This means that in Warsaw you may not use tickets you have purchased in Kraków.

There are single tickets and period tickets (valid for 24 hours, 30 days, 90 days). Depending on the city, two ticket types are in use – single and time-limit tickets.

A single ticket is valid for a single travel regardless of the distance. With a single ticket, when you change buses, you must validate a new ticket unless your ticket is a 24-hour, 7-day or monthly ticket (tickets of this type are in use in e.g. Warsaw).

A time-limit ticket is valid for a certain period of time (e.g. 10 or 30 minutes) and allows you to change means of public transport as you travel during that period (tickets of this type are in use in e.g. Łódź and Warsaw).

Tickets for suburban buses can be purchased from bus drivers or at ticket offices at bus stations. In some suburban zones and certain cities there are private buses and passenger vans (called bus in Polish), where you pay your fare to the driver.

There are four types of trains in Poland. Express and Intercity trains are fastest and most comfortable. They stop only in big cities and normally have only 2–3 stops between the departure and final destination stations. Fast trains have more stops and are cheaper. Regular passenger trains stop at all stations along the way and are least expensive. **Train tickets** can be purchased at ticket offices at railway stops and stations, in ticket vending machines, online or from a train conductor. It may be more expensive to purchase tickets directly from a train conductor.

In Poland, **international and domestic** flights are offered by Polish and international air carriers from airports in Warsaw, Modlin, Bydgoszcz, Katowice, Kraków,

Łódź, Gdańsk, Szczecin, Wrocław, Zielona Góra, Rzeszów, Poznań, Lublin and Olsztyn.

Air tickets can be purchased either at ticket offices at airports or online on airline websites, or through various flight search engines.

City bikes have become very popular in Poland recently. Their key advantage is that they are easily released and returned – each operator uses its own system for that purpose. You can rent and return a city bike at a station of your choice. A special computer system manages the authentication procedure and records the ride time. The bike rental system is normally based on a magnetic or chip pass card which can be “pre-paid” with a specific amount covering the security deposit and fares. Most systems offer the first 30 minutes of a ride free of charge to attract users. There are several city bike rental systems in Poland at present.

For more information visit

<http://www.pkp.pl> Polskie Koleje Państwowe (Polish State Railways)

<http://www.lot.pl> Polskie Linie Lotnicze LOT (LOT Polish Airlines)

<http://www.metro.waw.pl/> Warsaw underground

<https://www.wtp.waw.pl/> Zakład Transportu Miejskiego w Warszawie (Warsaw Public Transport Authority)

<http://jakdojade.pl/> Urban transport navigation service

<https://www.veturilo.waw.pl/> Warsaw Public Bicycle Service

3.5. Cars and driving licence

Recognition of driving licenses, motor insurances and vehicles registration certificates in the EU

EU and EFTA Member States mutually recognise the validity of their driving licences, motor insurances and vehicle registration certificates. Therefore, driving licences been issued in EU and EFTA Member States **remain valid** in Poland. If a citizen of an EU or EFTA Member State has a temporary driving licence or another document issued by the state of origin which confirms his/her temporary rights to drive, then such a documents **is not recognised in Poland**.

A citizen of an EU or EFTA Member State who has moved to Poland is allowed to drive vehicles under his/her valid driving licence **until its expiry date**. In the

event the driving licence expires, is stolen or lost, a new driving licence must be applied for in Poland.

Vehicles owned by persons staying in Poland are admitted to international traffic under the Vienna Convention on Road Traffic of 8 November 1968. A vehicle registered abroad is admitted to road traffic if it meets applicable technical requirements and is fitted with registration plates bearing a registration number which consists of Roman letters and Arabic numerals, and provided that the driver holds a relevant registration document. If such a registration document does not prove the right of the driver to use the vehicle, the person is obliged to hold a document confirming that right and present it when requested to do so by a traffic control authority.

The owner of a vehicle imported from an EU Member State is obliged to register the vehicle in Poland within 30 days from the day of its import.

Such a vehicle is registered by the Head of District (*starosta*) or the Mayor of a city with a district status competent for the owner's place of residence or the registered office of his/her company, following an application by the owner.

Remember to **insure your car** if you move to Poland with it. Before moving to Poland, check with your current insurer whether your insurance is valid in Poland. If it is not, you can insure your car in Poland through an insurer that is established in Poland or holds a permit to run insurance business in Poland. Remember that a Polish insurer is not under any obligation to recognise your claims free record with your current insurer.

If an EU or EFTA Member State citizen who has moved to Poland has a passenger car or another "motor vehicle" of the "quadricycle" subcategory (homologation category L7e) or the "light quadricycle" subcategory (homologation category L6e) which has been imported from an EU Member State and is to be registered in Poland for the first time, then he/she must register it and pay the **excise duty** and, if applicable, the **value added tax (VAT)** on the vehicle in Poland.

Driving licence

In Poland, there are different categories of the driving licence. The available categories are **standardised across the EU**.

For example, a Category A driving licence gives the right to drive a motorcycle, Category B – to drive vehicles with a maximum authorised mass (MAM) of up to 3.5t, Category D – to drive vehicles with a MAM above 3.5t (excluding buses), Category D – to drive buses.

In Poland, a driving licence **is issued** to an applicant who:

- 1) has reached the minimum age required to drive a vehicle in a given category;
- 2) has obtained a medical certificate of no health objections to drive a vehicle and a mental health certificate of no mental health objections to drive a vehicle, if required;
- 3) has completed a training course required for a particular driving licence category;
- 4) have successfully passed a state exam required for a particular driving licence category;
- 5) has his/her place of residence in Poland, and:
 - a) spends at least 185 days each calendar year in Poland:
 - because of his/her personal or work-related ties, or
 - with the intent to reside permanently in Poland solely because of his/her personal ties, or
 - b) stays in Poland regularly because of his/her personal ties and, at the same time, stays successively in at least two other EU Member States because of his/her work-related ties, or
 - c) visits Poland irregularly due to his/her personal ties because he/she stays in another EU Member State to perform a job of specific duration, or
 - d) has moved to another state to go to college or university.

To apply for a Polish driving licence, an EU or EFTA Member State citizen must meet the following age requirements for the respective driving licence categories: 14 years of age – AM; 16 years of age – A1, B1, T; 18 years of age – A2, B, B+E, C1, C1+E; 20 years of age – A, provided that the applicant has held a Category A2 driving licence for at least 2 years; 21 years of age – C, C+E, D1, D1+E, subject to specific minimum driving age regulations applicable to uniformed services personnel and persons with an initial qualification; 24 years of age – A if the applicant has not held a Category A2 driving licence for at least 2 years; D and D+E, subject to specific minimum driving age regulations applicable to uniformed services personnel and persons with an initial qualification.

A driving licence **may not be issued** to an applicant who:

- 1) has been medically diagnosed with an active form of addiction to alcohol or other similar substance;

- 2) has been banned from driving motor vehicles under a final court judgement – for the duration and within the scope of that ban;
- 3) has had his/her driving privileges revoked or his/her driving licence suspended – for the duration and within the scope of that decision;
- 4) holds another document confirming his/her privileges to drive motor vehicles;
- 5) has obtained a driving licence abroad, but has had that driving licence suspended or his/her driving privileges revoked – for the duration of the suspending/revoking decision;
- 6) has had his/her driving licence replaced in connection with supervision over a vehicle driver under the provisions of the Act on vehicle drivers.

In Poland, a driving licence is issued **for a fixed term** after which it must be replaced with a new one.

For Categories AM, A1, A2, A, B1, B, B+E and T, driving licences are normally issued for 15 years. The term may be curtailed only under a decision by a medical practitioner who performs medical examinations of drivers. In the absence of such decision, a driving licence issued originally for 15 years may be extended for another period upon submission of a relevant application, proof of payment for the issue of the new licence and a recent photograph of the applicant. In the event a driving licence is extended for a period curtailed under a medical decision, the applicant must additionally submit a relevant medical certificate.

For Categories C1, C1+E, C, C+E, D1, D1+E, D and D+E, driving licences are issued for 5 years or a shorter period, and the expiry period always depends on the expiry period of the related medical or mental health certificate. For professional drivers (who hold driving licences with code 95), the period depends also on when they complete the required periodic training.

A holder of a driving licence issued by another EU Member State who has a place of residence in Poland may **replace** it with a **Polish driving licence** if his/her original driving licence has expired. In such case, it is required to submit relevant medical and mental health certificates (if required) and meet the driving licence extension requirements established in the state which has issued the expired driving licence. During the process of extending the driving licence, the Polish authority responsible for issuing driving licences will request the foreign authority that issued the original driving licence to clarify the extension requirements. The Polish authority will contact the applicant if it becomes necessary to provide additional documents.

Registering a car imported to Poland

The owner of a vehicle imported from an EU or EFTA Member State is obliged to register the vehicle in Poland within 30 days from the day of its import. **The application for the registration of the vehicle** must be submitted (together with the required documents) to the traffic department of the District Head Office (starostwo powiatowe) of the place of residence, and if the place of residence is in a city with a district status, the application must be submitted to the City Office (*urząd miasta*).

Charges related to registering a car which has been purchased in another EU Member State or an EFTA Member State are higher than those for cars which are purchased in Poland because the buyer must pay for the issue of the **vehicle card** in addition to standard costs of the registration procedure.

A **temporary registration certificate** (valid for 30 days) will be issued on the registration date, and a **permanent registration certificate** will be issued within 30 days after that date.

The vehicle owner is obliged to ensure that the registered vehicle has a valid technical inspection certificate.

Motor insurance

When registering a new vehicle in Poland, you must purchase the compulsory **civil liability insurance** on the registration date (termed “OC” in Polish).

You can also purchase additional insurance cover, including e.g. comprehensive cover (termed Autocasco, or “AC”, in Polish).

Taxes on the purchase of vehicles in another Member State

In the event that an EU or EFTA Member State citizen who has moved to Poland has purchased an unregistered passenger car³ in a Member State other than Poland, he/she must, within 14 days from moving the car to Poland (crossing the Polish border) but not later than on the day of registering the car in Poland, submit an excise duty tax return to the Head of the Tax Office of his/her place of residence and pay the excise duty within 30 days from the date on which the car was moved to Poland, but not later than on the day of registering the car.

³ Within the meaning of Polish excise duty regulations, passenger cars are motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading No. 8702), including station wagons and racing cars, excluding motor cars and other motor vehicles that do not require registration in accordance with applicable road traffic regulations.

As regards the excise duty, the taxable amount for a passenger car is the amount actually paid for the car (the value of the vehicle purchased). At present, there are two **excise duty rates on passenger cars**:

- **18.6%** of the taxable amount – for passenger cars with a cylinder capacity of more than 2,000 cc.

As regards the excise duty, the taxable amount for a passenger car is the amount actually paid for the car (the value of the vehicle purchased). At present, there are four excise duty rates on passenger cars:

- **18.6%** of the taxable amount – for passenger cars with a cylinder capacity of more than 2,000 cc;
- **9.3%** of the taxable amount – for passenger cars with a combustion/electrical hybrid system where electric energy is or is not accumulated by connecting to an external power source (hybrid cars with or without a plug), with a cylinder capacity of more than 2000 cc but not more than 3500 cc;
- **1.55%** of the taxable amount – for passenger cars with a combustion/electrical hybrid system where electric energy is not accumulated by connecting to an external power source (hybrid cars without a plug), with a cylinder capacity equal to or less than 2000 cc.

In certain situations, and if certain requirements are met, Polish law provides for **exemptions from the excise duty on passenger cars** imported by natural persons from EU or EFTA Member States. These exemptions apply to:

- **passenger cars imported by natural persons permanently residing in Poland or returning to Poland from a temporary stay in an EU or EFTA Member State, and cars imported to Poland in connection with marriage or inheritance;**
- passenger cars imported to Poland temporarily for personal or work-related purposes, studies or use in regular transport. Furthermore, there are currently excise duty exemptions in place applicable to electrical cars, hydrogen-powered cars and – temporarily until 1 January 2021 – passenger cars with a combustion/electrical hybrid system where electric energy is accumulated by connecting to an external power source (hybrid cars with a plug) with a cylinder capacity equal to or less than 2000 cc.

In the aforementioned cases, the competent tax authority issues a **certificate** on the exemption from the excise duty. The certificate is required if the passenger car is to be registered in Poland in accordance with the national road traffic regulations.

No VAT is paid in Poland on the purchase of a car in another EU Member State provided that this is a new a new means of transport within the meaning of applicable tax regulations (a car is not considered “a new means of transport” if its mileage is more than 6,000 kilometres and if more than 6 months have passed since it was authorised for use). Cars purchased in EFTA Member States and imported to Poland are subject to general VAT taxation rules applicable to import of goods. In certain situations, and if certain requirements are met, Polish law provides for VAT exemptions for passenger cars imported by natural persons from third countries. These exemptions apply to:

- **passenger** cars imported by natural persons permanently residing in Poland or returning to Poland from a temporary stay in a third country, and to cars imported to Poland and owned by persons who change their place of residence in connection with marriage, and to inherited cars; no VAT exemptions are applied to means of transport earmarked for commercial operations;
- passenger cars imported to Poland temporarily.

For more information visit

<https://www.gov.pl/web/infrastruktura> Ministry of Infrastructure

<http://www.krbrd.gov.pl/> Krajowa Rada Ruchu Drogowego (National Road Safety Council)

<https://obywatel.gov.pl/kierowcy-i-pojazdy/rejestracja-samochodu-motocykla-lub-innego-pojazdu> OBYWATEL.GOV.PL portal – registering a car

<https://www.knf.gov.pl/> Financial Supervision Authority – Entities – Insurance market entities

<https://powroty.gov.pl/powrotnik-4958>, Powrotnik>>Przeprowadzka

<https://powroty.gov.pl/-/mienienie-przesiedlenia-w-granicach-ue-procedura-postepowania-w-przypadku-samochodow-osobowych-sprawdzanych-z-krajow-ue/efta> Aktualności>>Emigracja i powroty>>Mienie przesiedlenia w granicach UE

3.6. Childcare for children of up to 3 years of age

Childcare for children of up to 3 years of age can be organised in the form of **a nursery** or **a children's club**, or provided by **a childminder** or **a nanny**. In accordance with Polish law, childcare may be provided until the end of the school year in which the child has reached the age of 3 years, or if it is impossible or difficult to provide pre-school education to the child – until the age of 4 years.

Childcare in nurseries is provided to children of 20 weeks of age and older, and in children's clubs to children of 1 year of age or older. Nurseries and children's clubs provide up to 10 hours of care for each child a day (in duly justified cases, parents may request longer care for an additional fee).

Entities which set up a nursery or a children's club establish the statute of the institution in which they must specify the admission conditions. As a rule, children of EU and EFTA Member State citizens are admitted under the same conditions and according to the same procedure as Polish children. The principal document in the procedure is an **application for admission to the nursery or children's club** – some communes conduct the admission procedure electronically.

The statute of a nursery or children's club sets forth the admission conditions taking into account preferences for families with many children and children with disabilities (where such children can be accepted). It can also include preferential admission conditions for families where e.g. there is only one parent or families that reside in the commune in which the nursery or children's club is located.

Nurseries or children's clubs **may be established** by local self-government units, public institutions, natural persons, legal persons and organisational units without legal personality.

Fees for the child's stay and meals at a nursery or children's club are **paid by the parents**. The amount of the fees is established by the entity that set up the nursery or children's club. **A childminder** provides care to children aged between 20 weeks and three years (i.e. until the end of the school year in which the child has reached the age of 3 years) or 4 years if it is impossible or difficult to provide pre-school education to the child. Such care is provided in home-like conditions and the duration is effectively adjusted to the parents' working hours. Childminders are employed by local self-government units, public institutions, natural persons, legal persons or organisational units without legal personality. A childminder may also be self-employed.

Running a nursery or children's club is a regulated activity subject to registration. Childminders must be included in a special list. Communes keep and publish, on their websites, **registers of nurseries and children's clubs** as well as lists of **childminders** operating within their boundaries. A country-wide register of nurseries and children's clubs and a list of childminders are published also in the Emp@tia portal.

A **nanny** provides individualised care to only one child or siblings under an activation agreement signed with the child's/children's parents or with a single parent. A nanny provides care to children aged between 20 weeks and three years (i.e. until the end of the school year in which the child has reached the age of 3 years) or 4 years if it is impossible or difficult to provide pre-school education to the child. The duration of care is set forth in the activation agreement.

For more information visit

<https://empatia.mpips.gov.pl/dla-swadczeniobiorcow/rodzina/d3/rejestr-zlobkow-i-klubow> Register of nurseries and children's clubs – Emp@tia Portal

<https://empatia.mpips.gov.pl/dla-swadczeniobiorcow/rodzina/d3/wykaz-dziennych-opiekunow> List of childminders – Emp@tia Portal

3.7. Education system

Compulsory school attendance and compulsory education

The Polish education system differentiates between the **compulsory school attendance and compulsory education**.

While education is compulsory until the age of 18, the compulsory school attendance covers the 8-grade primary school (i.e. until finishing the primary school, but not longer than until the age of 18). After finishing primary school (*szkoła podstawowa*), the duty of compulsory education is met by way of attending either a public or non-public secondary school (*szkoła ponadpodstawowa*) or by way of vocational training conducted by an employer.

Pupils with a certificate on special educational needs may be educated at respective types of schools until the end of the school year in the calendar year in which they have reached the age of:

- 1) 20 – for primary schools;
- 2) 24 – for secondary schools.

Children and youth with severe intellectual disability who have been issued a certificate on the need for revalidation and education classes can attend such classes starting at the beginning of the school year in the calendar year in which they have reached the age of 3 and continue education until the end of the school year in the calendar year in which they have reached the age of 25.

The education system is comprised of public educational units, public educational units with integration classes, public educational units with special classes, public educational units with integration and special classes, integration educational units and special educational units in the following categories:

- 1) **pre-school establishments: kindergartens (*przedszkole*), pre-school classes in primary schools, other forms of pre-school education** (children aged 3–6, or until the age of 9 for children with disabilities who have been issued a certificate on special educational needs and whose compulsory school attendance obligation has been postponed);
- 2) **primary schools (*szkoła podstawowa*)** (pupils aged 7–15), the admission is based on the age criterion;
- 3) **secondary schools (*szkoła ponadpodstawowa*)** (pupils aged 15–18/19):
 - a) four-year general secondary school (*liceum ogólnokształcące*), five-year technical secondary school (*technikum*), three-year trade school of 1st degree (*szkoła branżowa I stopnia*) and two-year trade school of 2nd degree (*szkoła branżowa II stopnia*),
 - b) post-secondary non-tertiary school (*szkoła policealna*) with a maximum learning period of 2.5 years,
 - c) three-year special school providing preparation for work (*szkoła specjalna przysposabiająca do pracy*) for pupils with moderate or severe intellectual disabilities and for pupils with multiple disabilities, completion of which gives a certificate confirming preparation for work.

Persons who are not Polish citizens are provided with education and care in public kindergartens or other forms of public pre-school education, while those subject to compulsory school attendance are provided with education and care at public primary schools, public art schools and public educational establishments, including art establishments, under the same conditions as Polish citizens. Non-Polish citizens who are subject to the compulsory education obligation are provided with education and care at public secondary schools under the same conditions as Polish citizens until they reach 18 years of age or complete their secondary school education.

Children aged 3–5 whose parents want them to attend **pre-school education** have a guaranteed admission to such education in a kindergarten, a kindergarten class at a primary school or other forms of pre-school (a pre-school establishment or pre-school education centre). Ensuring admission to pre-school education is the responsibility of the commune. Children from abroad are admitted to public kindergartens under the same conditions as Polish citizens.

Where duly justified, pre-school education can be provided also to children aged 2.5.

Children aged 6 must undergo a **12-month pre-school preparation** at a kindergarten, a pre-school class at a primary school or another form of pre-school education, including kindergartens and integration or special pre-school classes. Ensuring a place to meet this obligation is the responsibility of the commune. When requested by the parents, a child aged 6 may start primary school education provided that he/she attended a kindergarten in the school year preceding the school year in which he/she is to start primary school education, or provided that he/she has been issued with a certificate from a psychological and pedagogical guidance centre confirming his/her fitness to attend primary school. When requested by the parents, the principal of the primary school in the area where a child resides may postpone the compulsory school attendance obligation by one year. Such postponement applies to children aged 7. Children who have been issued a certificate on special educational needs due to disability (deaf, hard of hearing, blind, visually impaired, with reduced mobility, including aphasia, with mild, moderate or severe intellectual disability, autism, including Asperger Syndrome, with multiple disabilities) may have their compulsory school attendance obligation postponed until the age of 9.

Parents of children aged 6 (and older) who attend the 12-month pre-school preparation are exempted from fees for pre-school education at public kindergartens, pre-school classes at public primary schools and other forms of public pre-school education – they pay only for meals.

Parents of children aged 3–5 years pay for their children's pre-school education in excess of the education and care time limit established by the commune (which is not shorter than 5 hours a day) and for meals. The fee for each hour in excess of the time limit must not be higher than PLN 1 (EUR 0.23). The commune council may establish requirements for a partial or full exemption from that fee.

The school year in all schools and educational establishments starts on 1 September of each year and ends on 31 August of the next year. Teaching and edu-

cational activities start on 1 September (or on the first weekday of September) and end on the Friday following 20 June.

Pupils coming from abroad are admitted to schools on the basis of such documents as a certificate, attestation or other document which certifies that the child has graduated from a school or completed a relevant level of education abroad, or other document issued by a school abroad which confirms the school education abroad and specifies the grade or level of education the child has completed abroad, or a document confirming the sum of years of the child's school education. If it is not possible to establish the sum of years of school education on the basis of a certificate, attestation or other document, the pupil concerned can be admitted on the basis of a written declaration regarding the sum of years of his/her school education submitted by his/her parent or by the pupil himself/herself (if adult). Furthermore, persons coming from an EU or EFTA Member State are provided with education at public schools for adults, public trade schools of 2nd degree, public post-secondary non-tertiary schools, public art schools, public establishments and public colleges for social service workers as well as lifelong learning in the form of vocational qualification courses under the same conditions as Polish citizens. Pupils are admitted to **public primary schools** in their place of residence *ex officio* (i.e. the school may not refuse admission). Admission to other public primary schools and to **public secondary schools** depends on whether the school concerned has vacancies.

Pupils coming from abroad who do not speak Polish or whose command of Polish is insufficient to learn in this language have the right to minimum **2 hours of additional free-of-charge Polish classes a week**. Schools may also form preparatory classes for pupils who do not speak Polish. Education in such classes ends at the end of the school year in which the pupil was admitted to the class, and may be curtailed or extended (by a maximum of one school year).

Primary and secondary schools have a **six-mark assessment scale** of 1 to 6, where 1 is the lowest mark, and 6 the highest.

Primary school pupils have the right to **free textbooks**, educational materials and training materials meant for compulsory educational classes in general education. Textbooks and related materials are provided by the school, which receives state budget funding for the purpose.

Secondary school pupils who have been issued a certificate on special educational needs may apply for co-financing of the purchase of textbooks and educational materials as part of the government aid programme *Wyprawka szkolna* (literally "school starter kit").

Pupils finish the primary school if they have received **positive marks** at the end of the classification period for all compulsory subjects and have taken the 8-grade exam (*egzamin ósmoklasisty*). **The 8-grade exam, which is an element of the external examination system**, consists of written tests in Polish, mathematics and one modern foreign language, and beginning in school year 2021/2022 also in one of the following subjects of choice: biology, chemistry, physics, geography, history. The 8-grade exam checks to what extent the pupil meets the requirements established in the general core curriculum for the primary school. No minimum pass threshold has been established for this exam, but results are shown in the detailed 8-grade exam certificate and are taken into account for admission to the secondary school.

The matriculation exam (*egzamin maturalny, or matura*) is conducted within the external examination system for graduates of general secondary or secondary trade schools, and opens the way to obtaining a matriculation certificate. Apart from graduates of Polish schools, the matriculation exam may be taken also by holders of a foreign certificate or other document confirming that they have completed secondary education. The matriculation exam is based on the requirements established in the general core curriculum for the general secondary and technical secondary schools. The matriculation exam is conducted once a year between May and September (main, additional and re-sit dates) as announced each year on the website of the Central Examination Commission.

Graduates take the exam in the following compulsory subjects:

- Polish (oral and written);
- modern foreign language (oral and written);
- mathematics (written);
- national minority language (oral and written) – for graduates of schools and classes where a national minority language is taught.

The written matriculation exam in the compulsory subjects is conducted at the basic level, while no specific obligatory level is established for the oral exam.

Graduates must take a written matriculation exam in at least one additional subject. The written matriculation exam in an additional subject (biology, chemistry, philosophy, physics, geography, history, music history, art history, information technology, Latin and ancient culture, ethnic minority language, national minority language, modern foreign language, Polish, regional language, mathematics, social studies) can be taken at the extended level and its scope corresponds to the requirements established in the general core curriculum for basic and exten-

ded levels of education. No specific obligatory level is established for the oral matriculation exam in additional subjects (an ethnic minority language, a national minority language, a modern foreign language, a regional language). The written matriculation exam in a modern foreign language as an additional subject is conducted at the extended level in accordance with the general core curriculum for general and extended levels of education or at the bilingual level in accordance with the general core curriculum for bilingual classes. Graduates may take the matriculation exam in a maximum of five successive additional subjects. No minimum pass threshold is established for additional subjects in this exam.

Due to the introduction of a new school system, the matriculation exam will be conducted under the new rules for:

- 1) graduates of 4-year general secondary schools (*liceum ogólnokształcące*) – beginning in school year 2022/2023;
- 2) graduates of 5-year technical secondary schools (*technikum*) – beginning on school year 2023/2024;
- 3) graduates of trade schools of 2nd degree who finished their education in trade schools of 1st degree as graduates of the 8-year primary school – beginning in school year 2023/2024.

The matriculation exam under the current rules will be conducted until:

- 1) school year 2026/2027 inclusively – for graduates of 3-year general secondary schools;
- 2) school year 2027/2028 inclusively – for graduates of 4-year technical secondary schools;
- 3) school year 2028/2029 inclusively – for graduates of trade schools of 2nd degree who finished their education in trade schools of 1st degree as graduates of junior secondary schools (*gimnazjum*).

The matriculation certificate is issued under the rules in force before the reform of the school system to graduates who have taken the matriculation exam in compulsory subjects and achieved at least 30% of the available points in each of them (both written and oral), and taken the matriculation exam in one of the aforementioned additional subjects.

The matriculation certificate will be issued under the new rules to graduates who have taken the matriculation exam in compulsory subjects and one selected additional subject achieved at least 30% of the available point in each of them.

Results of the matriculation exam, both in compulsory and additional subjects, form the key criterion of enrolment in university-level studies.

A pupil/student or graduate who is not a Polish citizen and whose limited knowledge of the Polish language makes it difficult for him/her to understand written texts may take the following exams under a positive decision of the board of teachers:

- 1) **8-grade exam**, excluding the 8-grade exam in a modern foreign language – under conditions and in the form adjusted to his/her educational needs and psychophysical abilities resulting from that limitation;
- 2) **matriculation exam**, excluding the matriculation exam in a modern foreign language, a national minority language, an ethnic minority language or a regional language – under conditions adjusted to his/her educational needs and psychophysical abilities resulting from that limitation.

Graduates of general secondary schools may continue their education in **post-secondary non-tertiary schools (*szkola policealna*)** with the education programme not exceeding 2.5 years. **The condition** for enrolment in a post-secondary non-tertiary school is **completion of secondary or secondary trade education**. It is agreed by operation of law (i.e. without the requirement to demonstrate the opinion of Polish authorities or institutions) that the completion of secondary education is confirmed by certificates and other documents issued in an EU or EFTA Member State education system that entitle to start tertiary education studies in that Member State. Other education certificates and documents issued in an EU or EFTA Member State may be recognised only by the relevant Educational Superintendent (*Kurator Oświaty*) in the course of an administrative procedure.

Students and graduates of trade schools of 1st and 2nd degree, technical secondary schools and post-secondary non-tertiary schools, persons who have completed a vocational qualification course, adults who have completed practical vocational training for adults or vocational familiarisation training (provided that the vocational familiarisation training curriculum incorporated the requirements established in the core curriculum for vocational training) and persons who meet the requirements for admission to an extramural exam who pass, respectively, **the exam confirming their vocational qualification or the vocational exam**⁴

⁴ Persons who have pursued their education in accordance with the core curriculum laid down in regulations issued under Article 47(1)(2) of the Act of 14 December 2016 on the Education Law (in its codification in force before 1 September 2019) take the exam confirming their vocational qualifications and are issued a certificate confirming their vocational qualifications or a diploma confirming their vocational qualifications. Persons who have pursued their education in accordance with the core curriculum for vocational trade education laid down in regulations issued under Article 46(1)(3) of the Act of 14 December 2016 on the Education Law (in its codification in force after 1 September 2019) take the vocational exam and are issued a vocational qualification certificate or a vocational diploma.

corresponding to a specific qualification for a given profession are issued, respectively, **a certificate confirming their vocational qualification** or **a vocational qualification certificate**⁷, and upon passing exams for all qualifications for a given professions and completing education at the required level, they are issued also **a diploma confirming their vocational qualifications/vocational diploma**⁷ entitling them to take up employment in that profession.

Graduates of trade schools of 1st degree may **continue their education at:**

- 1) **trade schools of 2nd degree** which train in professions for which a qualification has been identified which is common with the profession taught at their schools of 1st degree. To be enrolled in a trade school of 2nd degree, a foreign national must submit documents issued abroad which are deemed in Poland as documents confirming their vocational or trade education. Graduates of trade schools of 2nd degree may continue their education at **university level studies** if they pass their matriculation exams and receive the matriculation certificate (education in trade schools of 2nd degree will start in September 2020);
- 2) **general secondary schools for adults**, starting from the second grade, to complete their secondary education and pass the matriculation exam, which will enable them to continue their education at the tertiary level;
- 3) **vocational qualification courses** organised by public and non-public schools offering vocational education, public and non-public vocational education centres, lifelong education establishments, labour market institutions and other education entities accredited in accordance with Article 118 of the Act on Education Law.

As a result of the recent changes in the vocational education system, beginning on 1 September 2019 students of trade schools of 1st degree, 4-grade technical secondary schools, 5-year technical secondary schools and post-secondary non-tertiary schools started their education in accordance with the curriculum which meets the requirements established in the core curriculum for vocational education at trade schools. Beginning on 1 September 2019, all persons starting their education (except for students of trade schools of 1st degree who are juvenile workers educated in craft) are obliged to take the new vocational exam that will ultimately replace the current exam confirming vocational qualifications. Taking the vocational exam will be a pre-condition for promotion or graduation. For a pupil who is a juvenile worker employed for the purpose of vocational preparation by an employer who is a craftsman, the condition for completing a 1st degree trade school will involve taking an apprentice exam conducted by an examination commission of a relevant chamber of crafts.

The exam confirming vocational qualifications/vocational exam may be taken by participants of vocational qualification courses and adult participants of practical vocational training for adults or vocational familiarisation training for adults organised in accordance with a curriculum that meets the requirements established in the core curriculum for education in a given profession within the trade education system.

Tertiary education

The system of tertiary education and science included the following forms of education:

- 1) **first-cycle studies (*studia pierwszego stopnia*)** – a form of education available to candidates with a matriculation certificate or other document specified in regulations on tertiary education and science, ending with awarding the professional title of Bachelor (*licencjat*), Engineer (*inżynier*) or equivalent;
- 2) **second-cycle studies (*studia drugiego stopnia*)** – a form of education available to candidates with a tertiary education diploma, ending with awarding the professional title of Master (*magister*), Master Engineer (*magister inżynier*) or equivalent;
- 3) **long-cycle Master's degree studies (*jednolite studia magisterskie*)** – a form of education available to candidates with a matriculation certificate, ending with awarding the professional title of Master (*magister*), Master Engineer (*magister inżynier*) or equivalent;
- 4) **doctoral schools (*szkoła doktorska*)** – doctoral education provided by tertiary education schools, scientific institutes of the Polish Academy of Sciences, research institutes or international institutes operating in Poland and established under separate regulations, which are available to candidates with a Master, Master Engineer or equivalent degree who demonstrate the highest quality of scientific achievements; ending with awarding **a doctoral degree (academic or art degrees)**;
- 5) **post-graduate studies (*studia podyplomowe*)** – a form of education available to candidates with full qualifications of at least Level 6 of the Polish Qualifications Framework awarded within the tertiary education system at a tertiary education school, a scientific institute of the Polish Academy of Sciences, a research institute or the Medical Post-Graduate Education Centre (Centrum Medyczne Kształcenia Podyplomowego); such studies end with awarding partial qualifications at Levels 6, 7 or 8 of the Polish Qualifications Framework;

- 6) **specialised education** – a short form of education provided by vocational colleges that allows candidates to obtain full qualification at Level 5 of the Polish Qualifications Framework and ends with awarding a graduate specialist certificate or a graduate technology specialist.

Tertiary education establishments can be divided into public establishments (formed by a state agency) and non-public establishments (which can be formed by natural persons or legal persons other than local government units, state legal persons or local government legal persons).

The most complete information about Poland's tertiary education is provided by the Integrated System of Information on Science and Higher Education (POL-on), the most comprehensive repository of data on science and tertiary education in Poland. It contains all information which must be publicly available, including, but not limited to, tertiary school registers, information on fields and profiles of education, tertiary school evaluation indicators, aggregated figures regarding students, the register of authorisations to award scientific degrees, and the register of patents and property rights. Admission in tertiary education establishments is conducted through recruitment, confirmation of learning outcomes or transfer from another school in Poland or abroad.

Admission in first-cycle studies or long-cycle Master's degree studies is available to candidates who hold:

- 1) a matriculation certificate a matriculation certificate and a certificate on the results of the post-2005 matriculation exam in individual subjects, as referred to in regulations on the system of education;
- 2) a matriculation certificate and a diploma confirming vocational qualifications in a profession taught at the level of a technician, as referred to in regulations on the system of education;
- 3) *a matriculation certificate and a vocational diploma in a profession taught at the level of technician, as referred to in regulations on the system of education;*
- 4) *a matriculation certificate and a certificate on the results of the post-2005 matriculation exam in individual subjects, and a diploma confirming vocational qualifications in a profession taught at the level of a technician, as referred to in regulations on the system of education;*
- 5) *a matriculation certificate and a certificate on the results of the post-2005 matriculation exam in individual subjects, and a vocational diploma in a pro-*

profession taught at the level of a technician, as referred to in regulations on the system of education;

- 6) a certificate and other document or diploma referred to in the Act on the system of education (Article 93(1) of the Act);
- 7) a certificate or a diploma recognised in the Republic of Poland as a document gives the right to apply for admission in tertiary studies in accordance with an applicable bilateral agreement on mutual recognition of education;
- 8) a certificate or other document recognised as equivalent to the Polish matriculation certificate under regulations in force since 31 March 2015.

The documents for admission in **first-cycle studies or long-cycle Master's degree studies** listed in points 3-5 will be required from 1 January 2022 onwards.

Requirements and procedures for admission in studies are established autonomously by tertiary education schools.

The basis for admission in tertiary first-cycle studies or long-cycle Masters' degree studies are the results of either:

- 1) the pre-2005 matriculation exam; or
- 2) the post-2005 matriculation exam;

and from 1 January 2022 onwards also:

- a) the results of either the pre-2005 matriculation exam or post-2005 matriculation exam and the exam or exams confirming vocational qualifications;
- b) the results of either the pre-2005 matriculation exam or post-2005 matriculation exam and vocational exam or exams.

A tertiary education school **may** conduct **additional entrance exams** only if it is necessary to check candidates' artistic talents, physical fitness or suitability to take up specific studies which have not been checked as part of the matriculation exam.

To be admitted in **second-cycle studies** a candidate must hold a tertiary education diploma and meet the recruitment requirements established by the school concerned.

Certificates and other documents issued in systems of education of EU or EFTA Member States which give the right to start tertiary studies in those Member States can be submitted directly to Polish schools and do not require any review by

other institutions. As a rule, Polish schools recognise foreign tertiary education entitlements to the extent applicable in respective countries. Therefore, a foreign certificate that gives the right to apply for admission only in some fields and types of tertiary education studies in a given EU or EFTA Member State gives the right to apply for admission in similar tertiary education programmes in Poland. Tertiary education entitlements obtained abroad should be documented before coming to Poland.

A school can confirm learning outcomes achieved in a learning process outside the system of studies by persons who apply for admission in a specific field, level and profile of studies if it has a positive assessment of the quality of education at those studies or scientific category A+, A or B+ in the discipline or leading discipline to which the field concerned is assigned.

Learning outcomes are confirmed to the extent corresponding to learning outcomes specified in the relevant study programme. Learning outcomes are not confirmed for the study programmes referred to in Article 68(1)(1)–(10) of the Act on the Law on tertiary education and science in which education standards are taken into consideration.

Learning outcomes can be confirmed for a person who holds:

- 1) documents required for admission in first-cycle studies or long-cycle Master's degree studies, and at least 5 years of professional experience – in the case of applying for admission in first-cycle studies or long-cycle Master's degree studies;
- 2) a full qualification at Level 5 of the Polish Qualifications Framework or a qualification awarded in a foreign system of tertiary education and corresponding to Level 5 of the European Qualifications Framework referred to in Annex II to the Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning – in the case of applying for admission in first-cycle studies or long-cycle Master's degree studies;
- 3) a full qualification at Level 6 of the Polish Qualifications Framework and at least 3 years of professional experience after completion of first-cycle studies – in the case of applying for admission in second-cycle studies;
- 4) a full qualification at Level 7 of the Polish Qualifications Framework and at least 2 years of professional experience after completion of second-cycle studies or long-cycle Master's degree studies – in the case of applying for admission in other first-cycle studies, second-cycle studies or long-cycle Master's degree studies.

Confirmation of learning outcomes can lead to acknowledging not more than 50% of credits within the European Credit Transfer System assigned to classes covered by a specific study programme. The order of admission in studies is decided by confirmation of the learning outcomes. The number of students admitted on the basis of confirmation of the learning outcomes may not be higher than 20% of the total number of students in the field, level and profile of studies concerned.

Tertiary education studies are provided in the form of full-time studies or part-time studies.

The academic year starts on 1 October and ends on 30 September, and is divided into **two semesters**.

In the academic year 2019/20 (as of 31 December 2019), there were 383 tertiary education schools in Poland, of which 132 were public and 235 non-public and 16 were ecclesiastical schools.

Graduates of first-cycle studies are awarded the professional title of Bachelor, Engineer or equivalent:

- 1) **Architect Engineer (*inżynier architekt*)** – upon achieving the learning outcomes defined for studies in architecture;
- 2) **Fire Safety Engineer (*inżynier pożarnictwa*)** – awarded to fore-fighters of the State Fire Service upon achieving the learning outcomes defined for studies in safety engineering at the Main School of Fire Service (*Szkoła Główna Służby Pożarniczej*);
- 3) **Bachelor of Nursing (*licencjat pielęgniarstwa*)** – upon achieving the learning outcomes defined for studies in nursing;
- 4) **Bachelor of Midwifery (*licencjat położnictwa*)** – upon achieving the learning outcomes defined for studies in midwifery.

Graduates of second-cycle studies are awarded **the professional title of Master (*magister*), Master Engineer (*magister inżynier*) or equivalent**:

- 1) **Master Architect Engineer (*magister inżynier architekt*)** – upon achieving the learning outcomes defined for studies in architecture;
- 2) **Master Fire Safety Engineer (*magister inżynier pożarnictwa*)** – upon achieving the learning outcomes defined for studies in safety engineering conducted for fire safety engineers at the Main School of Fire Service;
- 3) **Master of Nursing (*magister pielęgniarstwa*)** – upon achieving the learning outcomes defined for studies in nursing;

- 4) **Master of Midwifery (*magister położnictwa*)** – upon achieving the learning outcomes defined for studies in midwifery;

Graduates of long-cycle Master's degree studies are awarded the professional title of Master (*magister*), Master Engineer (*magister inżynier*) or equivalent:

- 1) **doctor of medicine (*lekarz*)** – upon achieving the learning outcomes defined for studies in medicine;
- 2) **dentist (*lekarz dentysta*)** – upon achieving the learning outcomes defined for studies in dentistry;
- 3) **veterinarian (*lekarz weterynarii*)** – upon achieving the learning outcomes defined for studies in veterinary;
- 4) **Master of Pharmacy (*magister farmacji*)** – upon achieving the learning outcomes defined for studies in pharmacy;
- 5) **Master Architect Engineer (*magister inżynier architekt*)** – upon achieving the learning outcomes defined for studies in architecture;

Citizens of EU or EFTA Member States taking up studies in Poland

EU and EFTA Member State citizens or members of their families residing in Poland **are not charged any fees by public tertiary education schools for attending full-time studies in Polish.**

To take up studies, the aforementioned citizens must **undergo the recruitment procedure** established by the school of their choice. If accepted, they have – as all foreign students starting studies in Poland in the academic year 2019/2020 onwards – **the right to apply for available financial support (excluding social scholarships and student loans)**, i.e. a rector's grant, a grant for persons with disabilities, aid payments, a grant financed by a local government unit, a grant in recognition of learning performance or sport achievements financed by a natural person or a legal person other than state or local government legal person, and the Minister's grant. The aforementioned citizens who take up education at doctoral schools run by tertiary education schools or scientific institutes will receive a **doctoral grant**. Foreign citizens who are young scientists can also receive the **Minister's grant awarded to outstanding young scientists**.

Fees charged by public tertiary education schools in Poland

A **public tertiary education school** may charge **fees** for educational services relating to:

- teaching part-time students;
- teaching post-graduate students;
- specialised teaching;
- teaching in the so-called other forms of teaching offered by tertiary education schools, institutes of the Polish Academy of Sciences, research institutes and at training and courses conducted by the Łukasiewicz Research Network;
- repeating specific classes during full-time studies due to unsatisfactory learning results;
- providing education in a foreign language;
- providing extra-curricular classes;
- teaching foreign students at full-time studies in Polish.

Fees charged by non-public tertiary education schools in Poland

Non-public schools charge fees for teaching both at full-time and part time studies, and for teaching at post-graduate studies.

Lifelong learning and vocational education

Adults may enrol in primary schools for adults, general secondary schools for adults and general competence courses, and in the case of vocational education – in out-of-school forms of lifelong learning (**vocational qualification courses, vocational skills courses** and other courses designed to acquire and supplement knowledge, vocational skills and qualifications) and in selected post-secondary non-tertiary schools and trade schools of 2nd degree.

A vocational qualification course is conducted in accordance with a programme based on the core curriculum for vocational education within the scope of a single qualification, completion of which gives the trainee the right to take an exam confirming his/her vocational qualification/vocational exam regarding that qualification. Institutions which conduct vocational qualification courses must include in their course programmes all components of a given qualification specified in the core curriculum for vocational trade education. Completing such a course enables the trainee to take an exam confirming his/her vocational qualification/**vocational exam** (within the scope of a given qualification) conducted by a regional examination board. A person who has completed a vocational qualification course and passed an exam confirming his/her vocational qualification/vocational exam within a given qualification will receive a certificate confirming his/her vocational qualification/**certificate of vocational qualification**.

A diploma confirming vocational qualifications/vocational diploma will be issued to a person who has completed the level of education required for the profession concerned (i.e. appropriate trade or general secondary education) and has passed exams in all qualifications defined for that profession.

Vocational qualification courses can be conducted in professions assigned to specific trades if it is allowed to organise such a course in a given profession under regulations on the tasks and objectives of vocational teaching in trade education and classification of professions within trade education.

Vocational qualification courses can be conducted by:

- public schools which provide vocational education with regard to the professions they teach as well as other professions which are attributed to the trades which include the professions they teach;
- non-public schools which have the privileges of public schools and provide vocational education with regard to the professions they teach as well as other professions which are attributed to the trades which include the professions they teach;
- public and non-public lifelong learning establishments and vocational training centres;
- labour market institutions which conduct educational and training activities;
- entities which conduct educational activities and are duly accredited in accordance with the provisions of the Education Law.

System of qualifications in Poland

Poland has an **Integrated Qualifications** System designed to support lifelong learning, recognition of competences and facilitation of employment through increasing the transparency of qualifications and providing opportunities to compare them in Poland and abroad.

The Integrated Qualifications System includes such **tools** as:

- the Polish Qualifications Framework – a description of eight levels of qualifications defined in Poland and corresponding to the respective levels in the European Qualifications Framework;
- the Integrated Qualifications Register – a public repository kept in an IT system to provide a record of qualifications included in the Integrated Qualifications System;

- uniform standards for describing qualifications and ensuring the quality of qualifications acquired in non-formal education.

The Integrated Qualifications System refers to qualifications understood as a specific **set of learning outcomes** (compatible with the standards established for the qualification concerned), achievement of which is validated by an authorised certification institution. Poland's Integrated Qualifications System includes the following **three types of qualifications**:

- qualifications awarded in learning and tertiary education;
- “regulated” qualifications awarded under other provisions of law (outside the formal education);
- “market” qualifications awarded without any legal basis established in generally applicable law.

Beginning in 2017, documents (certificates, diplomas) confirming a given level of qualification bear the **logo of the Polish Qualifications Framework** (for partial or full qualifications). In the case of certificates of completion of post-graduate studies, the **Polish Qualifications Framework** logo is placed only when the qualification concerned is included in the Integrated Qualifications System. Where the qualification awarded after completion of post-graduate studies is not included in the Integrated Qualifications System by the school, the certificate of completion of post-graduate studies is issued without the relevant logo.

Learning Polish

Polish language courses are organised by universities, technical universities, non-public tertiary education schools and private language schools. They include summer courses, semester courses, whole-year courses, workshops in Polish or post-graduate studies in Polish culture and Polish as a foreign language. The courses have to be **paid for**. In some academic centres, **the Ministry of Science and Higher Education finances courses that prepare grant holders of the Polish National Agency for Academic Exchange (*Narodowa Agencja Wymiany Akademickiej*, NAWA) to take up studies in Polish. NAWA grant holders can take these courses free of charge.**

For more information visit

<https://www.gov.pl/web/edukacja> Ministry of National Education

<https://www.gov.pl/web/edukacja/informacja-o-kształceniu-w-polskim-systemie-oswiaty-osob-przybywajacych-z-zagranicy> Education for foreigners at Polish schools

<https://www.gov.pl/web/edukacja/uznawanie-wykształcenia-uzyskanego-za-granica> Recognition of education completed in foreign education systems

<https://www.gov.pl/web/edukacja/recognition-of-foreign-school-certificates-and-diplomas-in-poland> Recognition of education completed in foreign education systems (information in English)

<https://www.gov.pl/web/edukacja/uznawanie-wykształcenia-uzyskanego-za-granica> Recognition of diplomas obtained abroad for the purpose of continuing education in Poland (in Polish)

<https://kwalifikator.nawa.gov.pl/> Qualification tool (Kwalifikator) of the Polish National Agency for Academic Exchange

<https://nawa.gov.pl/en/recognition/recognition-for-academic-purposes> Recognition of diplomas obtained abroad for the purpose of continuing education in Poland (in English)

<http://www.go-poland.pl> Information about studying in Poland

<https://go-poland.pl/higher-education-institutions> Guide to Polish tertiary schools

<https://konstytucjadlanauki.gov.pl/cudzoziemcy> Education for foreigners at Polish tertiary schools following the entry into force of the Law on tertiary education and science (*Ustawa o szkolnictwie wyższym i nauce*)

<http://www.kuratorium.waw.pl> Education Office in Warsaw (*Kuratorium Oświaty*) (Mazowieckie Province)

<http://www.kwalifikacje.gov.pl/> Integrated Qualifications Register

<http://nawa.gov.pl> National Agency for Academic Exchange

<https://studia.gov.pl/> A website with official information about fields of studies and external assessments thereof

<https://polon.nauka.gov.pl/siec-polon> The Integrated System of Information on Science and Higher Education (POL-on)

3.8. Finding a school

The right to care and education at public education establishments

The Ministry of National Education keeps a Register of Schools and Educational Establishments which is available electronically on the Ministry's website. Information on schools and educational establishments can also be found at **Educa-**

tion Offices (*kuratorium oświaty*), which keep lists of public and non-public schools and educational establishments over which they have pedagogical supervision, as well as at local government authorities which are responsible for running public schools and establishments and keep registers of non-public schools and educational establishments.

Admission in primary schools is based on the so-called “**zoning**” system (*rejonizacja*), which means that children are ensured a place in a primary school in the area, or zone, of their residence. Information on these zones can be found in the Register of Schools and Educational Establishments as well as at individual schools and departments of education of communal/city/borough offices (*urząd gminy/miasta/dzielnicy*) relevant for one’s place of residence. A child may also meet his/her compulsory school attendance obligation at a school outside his/her zone, provided that the school has vacancies.

No zones are established for integrated or special schools, including ones operating within special establishments, bilingual schools, sports and athletic championship schools and art schools. **Primary schools, including integrated primary schools**, schools with bilingual classes, sports and athletic championship classes, are run by communes (*gmina*), while **public and integrated secondary schools**, bilingual schools, sports and athletic championship schools and **special schools and establishments** (youth education centres, youth sociotherapy centres, special schooling and education centres, special education centres, revalidation and education centres) are run by districts (*powiat*). EU and EFTA Member State citizens who **do not speak Polish** or whose command of Polish is **insufficient** to learn in this language have the right to additional free-of-charge Polish lessons and additional compensatory classes in their school subjects as well as to assistance granted by a native speaker of Polish employed by the school as a teacher’s assistant. Schools where there are at least 7 pupils from a given country can organise classes in the language and culture of those pupils’ country of origin. They can also use psychological and pedagogical assistance which is organised by the principal of a given educational establishment adequately to the identified developmental and educational needs of these persons as well as to their individual physical and mental abilities and environmental factors which influence their behaviour in their environment.

Information on tuition fees

Public kindergartens provide children of EU and EFTA Member State citizens with **free-of-charge** education and care within the time limits established by the authority in charge (not shorter than 5 hours a day) under the same conditions as

provided to children of Polish citizens. This means that every child is guaranteed at least 5 hours of free-of-charge pre-school education a day.

Parents of children aged 3–5 years pay for their children’s pre-school education in excess of the education and care time limit established by the commune (which is not shorter than 5 hours a day) and for meals. The fee for each hour in excess of the time limit must not be higher than PLN 1 (EUR 0.23). The commune council may establish requirements for a partial or full exemption from that fee. Parents of children aged 6 (and older) who attend the 12-month pre-school preparation are exempted from fees for pre-school education in public kindergartens, pre-school classes at public primary schools and other forms of public pre-school education – they pay only for meals.

Children of EU and EFTA Member State citizens have access to **free-of-charge** education in **public schools** of all types until **the age of 18** or until graduation from the school they started before the age of 18 (e.g. a general secondary school).

Education in public schools for adults, public post-secondary non-tertiary schools, public schools of art, public establishments and public colleges for social service workers as well as lifelong learning in the form of vocational qualification courses for EU and EFTA Member State citizens with the right of residence or the right of permanent residence are provided under the conditions which apply to Polish citizens.

Documents required to enrol a child in a school or kindergarten

Children of EU and EFTA Member State citizens are admitted to public kindergartens and the first grade of public primary schools (depending on the place of residence in Poland) under the same conditions and in accordance with the same procedure as Polish children.

The basic documents here are an **application for admission a child to a kindergarten** or an **application for enrolling a child in a primary school**, which may be completed either in a special form or electronically. Certain cities use electronic systems for enrolling children in kindergartens or the first grade of primary schools – detailed information is provided by schools or education departments of the local government authorities, communal offices, city offices or borough offices of one’s place of residence in Poland.

Children are enrolled in higher grades of public primary schools or all grades of public secondary schools on the basis of:

- a certificate or other document which certifies that the child has graduated from a school or completed a relevant level of education abroad;

- a certificate, attestation or other document issued by a school abroad which confirms the school education abroad and specifies the grade or level of education the child has completed, and a document confirming the sum of years of the child's school education.
- certain additional criteria must be met in the case of applying for admission in public sports schools, athletic championship schools, bilingual schools as well as sports classes, athletic championship classes, bilingual classes in publicly available schools.

Candidates to trade schools of 1st and 2nd degree are required to submit, in addition to the aforementioned documents, a medical certificate which should contain a statement on the lack of health contraindications to take up vocational education.

If the total number of school years completed does not clearly transpire from the documents submitted, the parents or guardians of the child or the adult student himself/herself submit a written declaration to this effect.

The principal of a given establishment **may** request the parents to provide **translated versions** of the documents issued by a foreign school.

If a child of an EU or EFTA Member State citizen is unable to submit the aforementioned documents, he/she is enrolled and classified to an appropriate grade or semester based on **a placement interview**. If the child does not speak Polish or does not speak Polish well enough to take part in such an interview, the principal of the establishment must hold the interview in the language which the child speaks fluently.

EU and EFTA Member State citizens may be enrolled in **a post-secondary school** on the basis of a document issued by the education system of their EU or EFTA Member State to confirm the right to take up higher education in that state. For EU or EFTA school certificates which do not entitle to take up higher education in the state of issue, admission in a post-secondary school is based on a decision of the competent Education Superintendent (*Kurator Oświaty*) on recognising a given foreign school certificate as a document confirming completion of secondary education.

For more information visit

<https://www.gov.pl/web/edukacja> Ministry of National Education

<https://rspo.men.gov.pl/> Register of Schools and Educational Establishments

3.9. Health care

Eligibility to health care services

In Poland, medical services are provided by public and non-public service providers.

The following persons are entitled to use publicly-funded health care services:

1. **Persons covered by the Polish universal (compulsory or voluntary) health insurance provided by the National Health Fund (Narodowy Fundusz Zdrowia, NFZ), hereinafter referred to as “insured persons”.**

Both Polish citizens and EU/EFTA Member State citizens who reside in an EU or EFTA Member State can be insured. Family members of the aforementioned persons who reside in Poland or an EU or EFTA Member State other than Poland are also insured unless they are subject to obligatory insurance in Poland or entitled to health care services under the Community provisions on the coordination of the social security systems.

Every EU or EFTA Member State citizen who is subject to health insurance in Poland **must obtain his/her PESEL** number as all Polish citizens.

The PESEL (Universal Electronic System for Registration of the Population) number is an 11-digit symbol which identifies a natural person. The number consists of the following components: the date of birth, an ordinal number, a number denoting sex and a check digit. If applicable provisions of law require a person to have the PESEL number, it is assigned *ex officio* upon registration of residence or at a justified request submitted to the competent communal or city office (*respectively urząd gminy or urząd miasta*).

Obligatory health insurance applies to *inter alia* employees, persons who perform work under an agency contract, a commission contract or any other service provision contract, persons who conduct business activities, excluding those who have suspended their business activities, persons who receive pensions, pupils, students and PhD students, unemployed persons, persons receiving certain types of social benefits or certain family benefits. A person who resides in Poland can take out voluntary insurance by signing a voluntary health insurance agreement with the Provincial NFZ branch of his/her place of residence in Poland.

Insured persons are obliged to **register their family members for health insurance** (i.e. their natural children; adopted children of up to 18 years of

age or up to 26 years of age if the children continue their education; their spouse; their ascendants who live in the same household with the insured person), unless they have their own health insurance. Grandparents may register their grandchildren for health insurance only if neither of the parents is subject to the health insurance obligation or eligible for health care services under the provisions on the coordination of employment or self-employment or voluntary insurance.

2. **EU or EFTA Member State citizens who are not covered by the universal health insurance in Poland and are covered by the health insurance of another EU or EFTA Member State during their temporary stay in Poland.**

During their temporary stay in Poland, e.g. for the purpose of studying or looking for a job in Poland (provided that in the latter case they receive unemployment benefits in another EU or EFTA Member State), these persons are eligible for free health care services upon presenting the **European Health Insurance Card**. However, this applies only to services which may be deemed essential for medical reasons taking into account the nature of these services and the expected length of stay in Poland.

Health insurance contributions

Insured persons pay **health insurance contributions in the amount of 9%** of the levy basis (e.g. the income reduced by social insurance and pension contributions, or at least 75% of the average monthly salary in the enterprise sector, as published by the President of the Statistics Poland – for persons carrying out a non-agricultural economic activities). Health insurance contributions are paid by employers, Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*) and other pension insurance companies, social assistance centres, schools and higher education establishments etc. (contributors).

Using health care services

Persons eligible for publicly-funded health care services in Poland (beneficiaries) may use such services **only** in health care institutions which have signed a contract with the National Health Fund. Such contracts are held by a vast majority of health care establishments in Poland. If emergency health care services are provided by an establishment which does not have a contract with the National Health Fund, the beneficiary has the right to these services to the extent necessary.

A beneficiary chooses his/her **primary health care (*podstawowa opieka zdrowotna*, POZ) doctor, nurse and midwife** by submitting a written declaration. The first appointment at the selected health care facility usually involves registration and selection of a primary health care doctor.

In order to complete the registration, it is necessary to **verify the patient's eligibility for health care services**. This is done by the health care facility in the electronic eWUŚ system (Electronic Verification of the Beneficiaries' Rights), which enables to immediately confirm whether the patient is eligible for publicly-funded health care services. Eligibility for publicly-funded health care services is verified on the basis of the patient's PESEL number and a document confirming his/her identity e.g. an ID card, passport, driving licence or a valid school ID for children of up to 18 years of age who are subject to compulsory school attendance.

If it is not possible to verify the patient's eligibility in the electronic system, the patient must present a document confirming the he/she is covered by health insurance, e.g. the **ZUS RMUA form**. If the patient does not have such a document, he/she **may submit a written declaration** on his/her eligibility for health care services.

Scope of health care services and emergency telephone numbers

Health care services can be provided by both public and non-public entities which have relevant contracts with the National Health Fund. Publicly-funded health care services include:

- **health services** meant to maintain, save, restore and improve health as well as other medical actions arising from the treatment process or legal regulations, as defined by the Minister of Health;
- **health services in kind** – medications and medical devices related to the process of treatment – provided for a partial payment, paid for on a flat-rate basis or paid in full;
- **treatment-related services** – accommodation and meals, medical transport services at 24-hour or day health care establishments.

POZ doctors manage basic treatment and, if necessary, refer their patients to other specialists. An insured patient **without a referral** from his/her primary health care doctor can use health care services of the following specialists: **gynaecologists and obstetricians, dentists** (very few dental services are paid for by the NHF), **venereologists, oncologists, and psychiatrists**. In emergency

situations, health services are provided without the required referral. A referral is also necessary if hospital services are required (it is not **necessary** in the event of an accident, injury, poisoning or other life-threatening situations). During hospitalisation, procedures, tests and medicines are provided free of charge.

The 24h emergency call centre number, available across Poland, is 112.

Most tasks involving provision of health service information have been taken over by the recently launched **Telephone Patient Information (*Telefoniczna Informacja Pacjenta*)**. Available country wide at the same telephone number, it also offers consultations with the Office of the Patients' Rights Ombudsman.

Information on health care establishments which have contracts with the National Health Fund can be obtained from provincial branch offices of the NFZ. Telephone numbers of individual NFZ branch offices are available on the NFZ website.

Payments for health care services and medications

Health care services covered by the universal health insurance are provided free of charge unless applicable regulations provide for a partial payment by the beneficiary.

The services which are explicitly indicated in the national legislation as not provided under health insurance are paid for. They include e.g. services which are provided in spa-treatment establishments to insured persons without a referral to this kind of treatment; travel and accommodation costs of spa treatment – the beneficiary must pay full costs of travel to and from the spa treatment establishment and partial costs of food and accommodation in the sanatorium; preventive vaccinations other than listed in the regulations on infectious diseases and infections. The provision of medical devices such as prostheses, spectacles, wheelchairs etc. is limited in terms of quantity.

Free-of-charge medications are provided to an insured person who has been admitted to a hospital or another health care facility for patients who need a 24-hour or day medical care, and during health, nursing, diagnostic and rehabilitation procedures which are conducted by entities authorised to provide services covered by health insurance, as well as in the case of emergency assistance provided by those entities.

To purchase medications at a reduced price, it is necessary to present a prescription issued by a doctor or medical assistant (*felczer*), nurse or midwife, provided that they are licensed to practice the profession.

Medications are dispensed at **pharmacies**, usually on the basis of prescriptions issued by authorised persons:

- free of charge, or
- upon making a flat-rate payment, or
- upon paying 30% or 50% of the financing limit, or
- upon paying the full price – for medications which are not included in the register of reimbursed medications or for medications which are prescribed in an indication which is not subject to reimbursement.

If ordered by a health insurance doctor, patients are eligible **for free medical transport**, including by air, to and from the nearest hospital which provides relevant services if it is necessary to start immediate treatment or to preserve the continuity of treatment, as well as in the case of reduced mobility which makes it impossible to use public transport to travel for treatment (to and from the nearest health care facility which provides relevant services). In other situations, transport is provided for a full or partial payment and based on an order from a health insurance doctor.

Computerisation of the health care system

The health care system in Poland is undergoing dynamic computerisation, giving patients access to new modern e-health services. Beginning in December 2018, Polish doctors issue sick leave certificates in an electronic form only, and beginning on 8 January 2020, prescriptions must be issued electronically (unless required otherwise). The next stage of computerisation of the health care sector will involve, beginning on 8 January 2021, the obligation to issue electronic referrals to certain health care services.

Full use of e-health advantages is possible upon activation of the **Online Patient Account**, a free-of-charge web application provided by the Ministry of Health which enables patients to easily, quickly and safely view their medical treatment information, including e-prescriptions and dosage instructions issued, e-referrals and electronic sick leave certificates. With the application, patients can also receive e-prescriptions in text messages (SMS) or by e-mail.

For more information visit

<http://www.nfz.gov.pl> National Health Fund

<https://www.gov.pl/web/zdrowie> Ministry of Health

3.10. Private life

Civil status certificates

Such life events as births, marriages and deaths are subject to registration in the form of **civil status certificates** in the registry of vital records which is kept by the Head of the Civil Registry Office of the place of the event. In Poland, civil status certificates entered in the registry of vital records are the only proof of the events mentioned therein. To document events, also in certain court or administrative proceedings, complete and abridged copies of relevant civil status certificates are issued from the registry of vital records. Polish legislation provides also for making up a civil status certificate on the basis of a foreign civil status document, provided that the latter is not in conflict with the Polish legal order.

Births

Childbirths in Poland should be reported to the Civil Registry Office of the place of birth within 21 days from the date of the birth registration card or within 3 days from the date of the stillbirth registration card if the child was born dead. A childbirth may be reported in two ways: either in person at the competent Civil Registry Office or in the form of an electronic document. A birth registration card/stillbirth registration card is a medical document which is issued by a relevant health care establishment and submitted by that establishment to the Civil Registry Office.

The birth registration card is submitted to the Head of the competent Civil Registry Office within 3 days from the date on which it was drawn up, while the stillbirth registration card is submitted to the Head of the competent Civil Registry Office within 1 day from the date on which it was drawn up. The birth of a child must be reported by: the mother or father of the child, provided that they have full legal capacity. The mother or father aged 16 or older may report the birth of their child if they have limited legal capacity. In all other cases, a childbirth is reported by the mother's statutory representative or guardian. Childbirths may also be reported through an attorney. If a childbirth is not reported within the aforementioned time limits, the registration (including the selection of the child's name) is done ex officio.

On registering the birth, the Head of the Civil Registry Office issues one free-of-charge abridged copy of the birth certificate to the person who reports the birth.

Marriages

A **marriage** may be entered into only by a female and a male who meet the requirements set forth in the Act on the Family and Guardianship Code. A declara-

tion of the intention to marry should be made before the Head of the Civil Registry Office in the presence of two witnesses of legal age. Same-sex marriages and civil partnerships, including between persons of the same sex, are not allowed or regulated by law.

A marriage can be entered into **in two forms** – before a freely chosen Head of the Civil Registry Office or before a clergyman (a religious marriage with civil and legal effects).

A marriage is entered into when a man and a woman, both present, make a declaration of the intention to marry in the presence of the Head of the Civil Registry Office.

Persons who intend to enter into a marriage should present their identity cards to the Head of the Civil Registry Office and submit the required documents i.e.:

- a written declaration that they are not aware of any circumstances which may exclude the marriage;
- a permit to enter into a marriage, if required by the provisions of the Family and Guardianship Code;
- a court permit for an attorney to make a declaration on entering into a marriage if such a declaration must be made by an attorney.

If a Polish citizen does not have civil status certificates made in Poland, he/she submits a foreign civil status document or other documents (for states where vital records are not kept) to certify his/her birth, and if he/she was previously married, then he/she submits the marriage certificate along with a document confirming the cessation or annulment of the marriage, or confirming that the marriage has been declared as non-existent.

If any of the aforementioned documents proves particularly difficult to obtain, the court may release the person concerned from the obligation to submit or present such a document.

A marriage can also be entered into when a male and a female who enter into it and who are subject to the internal law of the Church or another religious association declare, in the presence of a clergyman, their unanimous will to enter into marriage under Polish law, and when the Head of the Civil Registry Office draws up a marriage certificate afterwards.

For a religious marriage to have civil and legal effects, the following requirements must be met: before entering into marriage, the prospective spouses (i.e. persons who intend to enter into marriage) must obtain from the Head of the Civil

Registry Office a certificate that there are no circumstances preventing them from entering into marriage and then make must make a declaration on their and their children's surnames before the Head of the Civil Registry Office. After the marriage ceremony, the clergyman is required to send, within 5 days, the aforementioned certificate to the Head of the Civil Registry Office competent for the place of the ceremony, along with the certificate confirming that the marriage declarations has been made in his presence. The aforementioned documents constitute the basis for drawing up the marriage certificate.

A citizen of an EU or EFTA Member State who intends to enter into marriage in Poland must present his/her identity document and submit, in addition to a written declaration, a document certifying that he/she may enter into marriage in accordance with applicable law. Should the submitted documents not allow to determine the data necessary to draw up the marriage certificate (i.e. to determine the details of the person and his/her marital status), a copy of the birth certificate must be submitted, and if the person was previously married – a copy of the marriage certificate with an annotation regarding its cessation, annulment or declaration on its non-existence, or a copy of the marriage certificate with a document confirming its cessation, annulment or declaration on its non-existence.

Documents which confirm the cessation, annulment or non-existence of a marriage include *inter alia* an abridged copy of the death certificate or a copy of a valid court judgement on the death or declaring the previous spouse as deceased, a copy of a valid court judgement on divorce, a copy of a valid court judgement on the annulment of the previous marriage or a copy of a valid judgement declaring the marriage to be non-existent.

A statement regarding the **surname of each of the spouses** after entering into marriage and regarding the surname of their children is made before the Head of the Civil Registry Office and recorded in the protocol on receiving the declarations on entering into marriage, or in case of a religious marriage – before the Head of the Civil Registry Office draws up a certificate on the lack of circumstances precluding the marriage. The spouses may:

- have a common surname which is the current surname of one of them;
- keep their current surnames;
- combine their current surnames with the surname of the other spouse. The surname which combines two former surnames must not have more than two components.

If no statement is made regarding the surname, both spouses keep their current surnames. **Children have the surname** which is the surname of both spouses.

If the spouses have different surnames, their child uses the surname they indicate in their unanimous statements. The spouses may indicate either the surname of one of them or the surname combining the surnames of the child's mother and father. If the spouses did not make any unanimous statements regarding the surname of their children, the children will have the surname consisting of the surname of the mother and the surname of the father attached to it.

Upon drawing up the marriage certificate, one free-of-charge abridged copy of the marriage certificate is issued *ex officio*.

Deaths

Deaths are registered in the Civil Registry Office competent for the place of death, by submitting a declaration of death (a medical document confirming a death, issued to the person who has the right to bury the deceased) within 3 days from the date of that declaration, or within 24 hours from the death if it was caused by an infectious disease.

Persons obliged to register a death are, respectively, the spouse, descendants (e.g. a child), ascendants (e.g. parents, grandparents), lateral relatives up to the 4th degree (e.g. a brother), relatives by affinity up to the 1st degree (e.g. the father or mother-in-law).

On registering the death, the Head of the Civil Registry Office issues one free-of-charge abridged copy of the death certificate.

For more information visit

<https://www.gov.pl/web/gov/zglos-urodzenie-dziecka> OBYWATEL portal

<https://www.gov.pl/web/gov/uslugi-dla-obywatela/#rodzina-i-malzenstwo> OBYWATEL portal

3.11. Cultural and social life

Cultural life

The main organisational form of cultural activity in Poland consists of publicly-funded **cultural institutions**, ranging from museums, galleries, art centres and artistic institutions (such as drama and opera theatres and philharmonics) to small local libraries and cultural centres. There are currently nearly 7,000 cultural institutions in Poland. In addition to cultural institutions, cultural activity is carried out by numerous non-governmental organisations, churches, religious associa-

tions and private enterprises. Information about culture and entertainment in Poland is available in daily newspapers (on Fridays, the main daily newspapers publish cultural guides for the following week), TV, radio (including thematic channels) and the Internet.

Museums remain the most important institutions that preserve the cultural heritage and popularise knowledge about it. A number of historical monuments and sites important to Polish history now house prominent museums that are well known not only in Poland. They include e.g. the Royal Castle in Warsaw – the Residence of Kings and the Republic, the Royal Castle in Wawel – the National Art Collections, the King John III's Palace in Wilanów and the Royal Łazienki Museum in Warsaw. The John Paul II and Primate Wyszyński Museum in Warsaw was opened in 2020.

Exhibitions are among the most spectacular forms of museum and gallery activities. These establishments present exhibitions based on their own collections, compiled from collections of other museums or ready made borrowed from other establishments. Museums gather interesting collections of both ancient and contemporary art. Some of them have masterpieces of the world's art, including Leonardo da Vinci's "Lady with an Ermine" and Rembrandt's "Landscape with the Good Samaritan" in the National Museum in Kraków, and Hans Memling's "Last Judgement" in the National Museum in Gdańsk.

Most museums are open from Tuesday until Sunday, until 4:00 or even 6:00 pm. Each museum offers free-of-charge admissions to fixed exhibitions on one day of the week. Admission fees are not high, and state museums offer many discounts like family tickets and reduced fees. Admissions to state martyrological museums are free of charge.

Drama theatres operate in all big cities (with the summer break in July and August). In the summer season, theatres in holiday resorts (e.g. Sopot and Zakopane) as well as some private theatres, including Warsaw's *Teatr Kamienica* and *Teatr 6. Piętro*, remain open to the public. The most famous Polish scenes include the National Theatre (*Teatr Narodowy*) in Warsaw, the Helena Modrzejewska National Old Theatre (*Narodowy Stary Teatr im. Heleny Modrzejewskiej*) in Kraków, the Arnold Szyfman Polish Theatre (*Teatr Polski im. Arnolda Szyfmana*) in Warsaw, *Teatr Wybrzeże* in Gdańsk and *TR Warszawa* in Warsaw. The most well-known **musical theatres** in Poland include the Capitol Musical Theatre (*Teatr Muzyczny "Capitol"*) in Wrocław, the Musical Theatre (*Teatr Muzyczny*) in Gdynia and the Roma Musical Theatre (*Teatr Muzyczny "Roma"*) in Warsaw. In addition, large cities have **puppet theatres** which stage plays for chil-

dren, youth and adults. Of numerous Polish theatre festivals, the most notable include *inter alia* the Shakespeare Festival in Gdańsk, the Divine Comedy International Theatre Festival in Kraków, the Singer's Warsaw International Jewish Culture Festival in Bielsko Biała, the International Festival of Puppetry Art in Bielsko-Biała and the Stage Song Review in Wrocław.

The Grand Theatre – Polish National Opera (*Teatr Wielki – Opera Narodowa*), a major cultural institution in Poland and one of the largest in the world, presents classic operas and contemporary works, and cooperates with globally renowned soloists. Other opera theatres are located in the 10 largest cities across Poland.

Furthermore, the **Polish Royal Opera** in Warsaw, opened in 2017, popularises the opera art also in smaller cultural centres across the country.

Philharmonics operate in major cities of Polish regions, with the National Philharmonic (*Filharmonia Narodowa*) in Warsaw particular renown. The Krzysztof Penderecki European Centre for Music in Lutosławice, with its unique arboretum – one of its kind in Europe, is an exceptional musical centre. Worthy of notice are also the National Symphony Orchestra of the Polish Radio (*Narodowa Orkiestra Symfoniczna Polskiego Radia*) in Katowice and the National Music Forum (*Narodowe Forum Muzyki*) in Wrocław – cultural institutions which operate in newly built splendid edifices. Well-known **classical music festivals** include: the Musical Festival in Łańcut, the Chopin Festival in Duszniki Zdrój, the Contemporary Music Festival “Warsaw Autumn” in Warsaw, the International Musical Festival “Chopin and His Europe” in Warsaw and the *Wratistlavia Cantans* Festival in Wrocław. In addition to classical music events, there are also **jazz festivals** e.g. the *Jazz na Starówce* Festival in Warsaw and the *Jazz nad Odrą* Festival in Wrocław. Music fans can enjoy classical music outdoors e.g. in the Royal Łazienki Park in Warsaw (between May and September) and in Żelazowa Wola, the birth place of the famous Polish composer Frederic Chopin. Poland organises important music competitions, including the International Frederic Chopin Piano Competition (Warsaw), the International Henryk Wieniawski Violin Competition (Poznań), the Stanisław Moniuszko International Vocal Competition (Warsaw), the I.J. Paderewski International Piano Competition (Bydgoszcz) and the Karol Szymanowski International Music Competition (Katowice).

Folk songs and dances are popularised by professional folk ensembles with long traditions, such as the Stanisław Hadyna Song and Dance Ensemble „Śląsk” and the Tadeusz Sygietyński National Folk Song and Dance Ensemble „Mazowsze”.

Prices of theatre, opera and philharmonic tickets vary and depend on many factors (e.g. the location, profile and size of the institution). Nearly all institutions

offer discounts for children, youth, students (on presentation of the International Student Identity Card) and senior citizens. For more expensive performances, it is possible to purchase reduced price tickets without the guaranteed right to a numbered seat.

Local government and state cultural institutions operate in large cities with the mission of presenting and promoting modern arts. They include *inter alia* the National Gallery of Art “Zachęta” in Warsaw, the Ujazdowski Castle Centre for Contemporary Art in Warsaw, the Museum of Modern Art in Warsaw, the Museum of Art in Łódź, the Museum of Contemporary Art „MOCAK” in Kraków, the Contemporary Museum in Wrocław, the Centre of Contemporary Art „Znaki Czasu” in Toruń and the Arsenal Gallery in Bałystok. There is also the Polish Sculpture Centre in Orońsk, a specialised institution operating in a smaller town.

Poland has an extensive network of cinemas, ranging from multiplexes to small art cinemas. They offer global blockbusters and the best Polish films as well as ambitious European, American and Asian productions. They also screen documentaries and short films. Foreign feature films shown in Polish cinemas are usually not dubbed, but animated feature films for children are.

It is worth noting that Poland is also an attractive tourist destination. The UNESCO World Heritage List includes the following Polish sites: the historic centres of Kraków and Warsaw, the Centennial Hall (*Hala Stulecia*) in Wrocław, the historic salt mines in Wieliczka and Bochnia, the old town in Zamość, the Białowieża Forest, the medieval town of Toruń, the castle of the Teutonic Order in Malbork, Kalwaria Zebrzydowska – the mannerist architectural, landscape and pilgrimage complex, eight wooden Tserkvas (Orthodox churches) of the Carpathian Region (the entry include a total of 16 Orthodox churches in Poland and Ukraine), the Muskauer Park (*Park Mużakowski*) in Łęknica, the lead-silver-zinc ore mine in Tarnowskie Góry, and the Krzemionki prehistoric striped flint mining region near Ostrowiec Świętokrzyski. The List includes also Auschwitz-Birkenau, the German Nazi concentration and extermination camp (1940–1945) in Oświęcim.

Activities of some Polish cultural institutions has been temporarily restricted due to the coronavirus pandemic. Up-to-date information about the available cultural offering can be found on websites of the cultural institutions concerned.

Social life

Polish is the official language in Poland. The most popular foreign language spoken in Poland is English, followed by German, French and Russian.

Polish feasts which are also public holidays are as follows: 1 January – New Year; 6 January – Epiphany; March or April (Sunday and Monday) – the 1st and 2nd day of Easter (a moving holiday); 1 May – Public Holiday; 3 May – The 3rd of May Constitution Day; May or June – Descent of the Holy Spirit (Pentecost) – (moving holiday); May or June (the first Thursday nine weeks after Easter) – Corpus Christi; 15 August – Armed Forces' Day/Assumption of the Blessed Virgin Mary; 1 November – All Saints' Day; 11 November – National Independence Day; 25 and 26 December – Christmas; and all Sundays.

For more information visit

<https://www.gov.pl/web/kultura/> Ministry of Culture and National Heritage

<http://www.staypoland.com/pl> Tourist portal with information about Poland

<http://culture.pl/pl> Polish culture knowledge database

<https://zabytek.pl/pl> Innovative website with a map of historic monuments in Poland

<https://www.nid.pl> Information on sites included in the UNESCO World Heritage List, historic monuments and other historic sites

3.12. Things to remember before and after coming to Poland

Before coming to Poland:

1. Learn about the living and working conditions in Poland, as well as the situation on the Polish labour market. You can find relevant information in this Brochure, as well as in the EURES European Job Mobility Portal and the Polish EURES website.
2. Check whether your vocational qualifications are recognised in Poland.
3. Start looking for a job and get some information about the employers you want to apply to after coming to Poland. You can use the EU database of job offers in the EURES European Job Mobility Portal, which has job adverts from Poland. Also, you might want to use the services of an EURES advisor in your country or contact the Polish EURES personnel, preferably from the region where you are looking for a job, which will allow you to obtain information about the labour market, job offers and the working and living conditions in Poland. After you have found a job, learn about the working conditions offered and make sure that they come up to your expectations.

4. Obtain the European Health Insurance Card, as it guarantees access to health care services in case of an accident or sickness; buy accident insurance or private health insurance (optionally).
5. Prepare a set of documents including your valid identity document, your birth certificate, all contracts or correspondence with your employer, documents on your previous employment and education, courses, additional qualifications, and testimonials in Polish.
6. Find accommodation.
7. Prepare sufficient financial resources to support yourself until your first pay day.
8. If you are an employee delegated to work in Poland, make sure that your employer has submitted a declaration to the authorities of the state of destination, providing information about *inter alia* your place of work, the period of delegation and contact details.

After coming to Poland:

1. Settle the accommodation-related issues (e.g. renting a flat).
2. Meet your employer to make sure that the earlier arrangements concerning your employment/job interview are still valid.
3. Open a bank account (bank accounts may be opened by foreign natural persons with full legal capacity, employed by an entity having its registered office in Poland, or a recipient of a disability pension, retirement pension or scholarship). While applying for opening a bank account, you will normally be required to submit, in addition to your ID document, a certificate from your employer regarding your employment in Poland or a document which confirms that you receive a disability benefit, retirement pension or scholarship.
4. EU and EFTA Member State citizens are not required to have a permit to work in Poland, but they must register if they stay in Poland for longer than 3 months. If you must register, visit the Province Office (*Urząd Wojewódzki*) of your place of residence.
5. Apply to the tax office of your place of residence in Poland for your tax identification number (*numer identyfikacji podatkowej, NIP*).
6. Obtain your PESEL number by registering your residence or applying for the PESEL to the relevant City or Communal Office (*urząd miasta and urząd gminy* respectively). Your PESEL number will be used as your identifier in formal contact with offices and institutions.

7. Register with the outpatient clinic of your choice and choose your primary care doctor.
8. Settle the issues related to the admission of your child to a nursery, kindergarten or school (if your child is coming to Poland with you).
9. Buy a Polish mobile phone number. You will then be able to make cheaper phone calls than with your foreign mobile telephone number.

For more information visit

<http://www.eures.europa.eu> European Job Mobility Portal EURES

<http://www.eures.praca.gov.pl> Polish EURES website

<https://www.pip.gov.pl/pl/informacje-dla-obcokrajowcow> National Labour Inspectorate

<https://www.gov.pl/web/gov/uzyskaj-numer-pesel-dla-cudzoziemcow> OBYWATEL portal – PESEL number for foreigners



4. WORKING IN POLAND

4.1. Free movement of workers in the EU/EFTA

Right to free movement of workers

In accordance with the Treaty on the Functioning of the European Union (TFEU), all citizens of EU Member States **have the right to move and reside freely within the EU**, subject to the conditions laid down by EU law. Freedom of movement within the EU is one of the fundamental rights of EU Member State citizens. In accordance with Article 45 of the TFEU, free movement of workers is based on equal treatment of EU Member State citizens as regards remuneration and other conditions of work and employment. Free movement of workers applies also to family members of migrants.

The right to free movement of workers in the EU **applies also** to citizens of EFTA Member States under separate association agreements and agreements with the EU.

The provisions on free movement of workers give the right to:

- seek employment in another EU or EFTA Member State;
- take up employment in another EU or EFTA Member State without the need to obtain a work permit;
- reside in another EU or EFTA Member State because of work;
- stay in another EU or EFTA Member State even upon termination of the employment, subject to conditions laid down by EU law;
- be treated on equal terms with citizens of a given EU or EFTA Member State as regards access to employment, work conditions, access to social and tax privileges, access to training, rules of membership in trade unions, access to housing, access to education, vocational educational and vocational training for children of employees, as well as assistance provided by employment offices.

In Poland, **free legal advice with regard to the rights arising from the freedom of movement** is provided by **district labour inspectorates**. Providing such

advice is among obligations of the Member States. A person who exercises his/her right to free movement of workers may refer to the competent institution in the host state to seek assistance. Information on the **competent institutions** is available on the European Commission website.

When entering into an employment contract with a Polish employer, an EU or EFTA Member State citizen is generally subject to Polish labour law and **does not have to apply for a work permit**. However, there are **restrictions concerning access of EU and EFTA Member State citizens to work in certain professions**. They apply to certain positions in the public sector, including the public administration – both at the government and local self-government levels, certain positions in the judiciary (e.g. judges, judge assistants, legal secretaries, prosecutors, jurors, probation officers, bailiffs) as well as Civil Service officers and Prison Guard officers.

As regards employment in the civil service, by making available information about vacancies, general directors of offices specify, subject to consent from the Head of the Civil Service, positions available to EU or EFTA Member State citizens who have the right to take up employment in Poland in accordance with Community law. A person who is not a Polish national may be employed in a position which does not involve any direct or indirect participation in the exercise of public authority or functions which are aimed at protecting general interests of the state, provided that he/she can prove their command of Polish. Furthermore, such persons must be able to communicate in Polish, which should be confirmed by a relevant document. A similar solution applies to employees of at the local self-governmental level.

It should be noted that **the so-called delegated workers** are allowed to work in Poland (under the freedom to provide services). These are workers who are employed by an employer with its registered office in another EU or EFTA Member State and who have been delegated to work in Poland on a temporary basis. Conditions ensured to such workers must not be worse than those provided for under the Polish Labour Code and other provisions on the rights and obligations of workers. This applies to inter alia the minimum remuneration for work, the amount of remuneration and bonuses for overtime work, working norms and time, annual leaves as well as health and safety at work.

For more information visit

<http://ec.europa.eu/> European Commission website

<https://ec.europa.eu/social/main.jsp?catId=1277&langId=pl> Institutions which promote equal treatment and support EU workers and their families

<https://www.gov.pl/web/sluzbacywilna> Civil Service website

<https://www.gov.pl/web/sluzbacywilna/praca> Guidelines for employment in the civil service and other useful information

<https://www.gov.pl/web/sluzbacywilna/faq> Civil Service FAQ

<http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20090640539>

Regulation of the Prime Minister of 23 April 2009 on types of evidence of language proficiency of non-Polish nationals applying for employment in the civil service

4.2. Finding a job

EU and EFTA Member State citizens may take up employment in Poland under the same conditions as Polish citizens **without the need to obtain** a work permit.

In Poland, it is possible to seek work independently either by submitting CVs and letters of motivation to chosen employers or through:

- **the EURES network which has been founded by the European Commission and brings together public employment services and other authorised organization, and which is aimed at supporting employee mobility within EU or EFTA Member States.** Every citizen of these states may use services provided by the network, including EU job placement and provision of information on working and living conditions in the respective states. Polish job adverts are published in the European Job Mobility Portal which contains job adverts from all public employment services in EU and EFTA Member States as well as other EURES members and partners, including ones placed by Polish District Employment Offices and Voluntary Labour Corps;
- **District Employment Offices (*powiatowy urząd pracy*)**, which place job adverts in the Central Job Offers Database (*Centralna Baza Ofert Pracy*). To have access to all job adverts held by a District Employment Office, it is necessary to register with the Office as an unemployed person or a job seeker. Upon registering, it will also be possible to access those job adverts for which the data of the Polish employer has been made known to the Office which is to select appropriate candidates to work and refer them to the employer;
- **Voluntary Labour Corps (*Ochotnicze Hufce Pracy*)**, which provides recruitment services mainly to the youth, and its job adverts may be found in the Job Placement (*Pośrednictwo pracy*) Database and the Central Job Offers Database;

- **employment agencies, which provide job placement services** and which recruit personnel on behalf of employers. In order to operate legally in Poland, employment agencies must obtain a **certificate** which confirms that they have been entered into the Register of Employment Agencies by the Marshal of the Province of the agency's registered office. Employment agencies are not allowed to charge the persons for whom they are seeking employment or any other paid work or whom it is assisting in selecting a proper job and place of work with any fees other than the fee related to delegating to work abroad for foreign employers (travel costs of the delegated person, costs of visa, costs of medical examination and translation of documents). The fees may be charged for the costs actually incurred in relation to such delegation, provided that they are specified in the agreement concluded with the individual who is delegated to work abroad. **A list of certified agencies** is available on the Register of Employment Agencies website. In addition, employment agencies publish job adverts on their websites;
- **operators authorised to provide job placement services without the obligation to register as an employment agency**, i.e. foreign entrepreneurs from EU and EFTA Member States that hold certificates issued in the state of origin and provide job placement services in Poland (excluding temporary work) based on the notification submitted to the Province Marshall (*Marszałek Województwa*);
- **Internet portals** run by entities which provide job placement services only by storing and making available information about job adverts online in the form of electronic documents. These entities are not required to register as an employment agency.

Polish employers and employment agencies **publish** job adverts in the press, the Internet or in their premises, as well as by other means of communication e.g. social media.

Most **daily newspapers**, both nationwide and local, have special columns with job adverts.

For more information visit

<http://www.eures.europa.eu> European Job Mobility Portal of the European Commission

<https://oferty.praca.gov.pl> Central Job Offers Database

<http://praca.gov.pl> Electronic registration as an unemployed person/job seeker at a District Employment Office

<http://www.mbp.ohp.pl/> Job Placement Database of the Volunteer Labour Corps

<http://stor.praca.gov.pl/portal/#/kraz> Register of Employment Agencies

<http://stor.praca.gov.pl/portal/#/wpz> List of foreign entities authorised to provide job placement services in Poland

<http://psz.praca.gov.pl/> Public Employment Services Vortal

<http://www.powroty.gov.pl> The POWROTY portal is a knowledge base for Poles who are considering returning to Poland

4.3. Applying for a job

By placing a job advert, employers normally request candidates to submit their CV (Curriculum Vitae) which should contain the following information: personal data (name and surname, address, contact telephone number and e-mail address), information about professional career (all types of work which has allowed the candidate to gain experience which may be useful for the new position), education, as well as the acquired professional qualifications and additional skills.

The CV should be as concise as possible. It should not exceed one or two A4-size pages of white paper. The CV should be followed by a signed consent for processing personal data with the following wording:

“I hereby express my consent to have my personal data included herein processed for the purposes of the recruitment process in accordance with the Act of 10 May 2018 on the protection of personal data (Journal of Laws of 2018, item 1000) and in accordance with Regulation (EU) of the European Parliament and of the Council No 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (GDPR)”.

The other required document, a **letter of motivation**, justifies why a particular job has been applied for. It is more personal than the Curriculum Vitae. As a rule, it is handwritten and does not exceed one A4-size page.

Templates of CVs and letters of motivation are available e.g. on the Public Employment Services Vortal in the folder “For the unemployed and job seekers”, or on the Europass website.

CVs and letters of motivation may be delivered in person, by post, or electronically. The form of contact with applicants is specified by employers in their job

advertises. In addition, employers and operators providing job placement services in Poland have their own dedicated IT tools that can be used to apply for a job.

Employers make a preliminary selection of the candidates based on the documents they have submitted, and conduct interviews with the short-listed candidates.

For more information visit

<https://psz.praca.gov.pl> Public Employment Services Portal

<https://europa.eu/europass/pl> Standard CV template used within the EU

<http://www.niepelnosprawni.pl> Portal for the disabled

<https://www.zielonalinia.gov.pl> Zielona Linia. Information and Consultation Centre of Employment Services

4.4. Recognition of professional qualifications

If an EU or EFTA Member State citizen wishes to take up employment in a **regulated profession** in Poland or if he/she has acquired qualifications in Poland and intends to work in another EU or EFTA Member State in a profession which is a regulated profession in that state, he/she must have his/her qualifications **officially recognised**. A profession may be a regulated profession in one EU or EFTA Member State, while it may be a non-regulated profession in other Member States.

Qualifications are recognised by competent **authorities of the host state**. As regards non-regulated professions, the decision regarding employment of a person who has acquired qualifications in another EU or EFTA Member State is made by the potential employer. Although no formal recognition of professional qualifications is required in such a case, recognition of the diploma itself may be required in order to confirm the level of education completed abroad. In accordance with the current regulations, a diploma issued by a tertiary school in the education system of an EU, OECD or EFTA Member State which confirm completion of:

- 3-year studies or first-cycle studies lasting at least 3 years – confirms that the holder has tertiary education at the level of first-cycle studies in Poland;
- second-cycle studies or at least 4-year long-cycle studies – confirms that the holder has tertiary education at the level of second-cycle studies in Poland.

A written acknowledgement of recognition of a diploma in Poland can be generated either in the **Kwalifikator** system available on the NAWA website or applied for directly to NAWA.

Professional qualifications are recognised automatically for the following **seven regulated professions: doctor (general practitioner and specialist), dentist, pharmacist, general care nurse, midwife, veterinarian and architect**. If a person has appropriate qualifications, as specified in applicable EU regulations (e.g. a diploma or a professional title), this is sufficient to have the qualification recognised and take up employment.

Recognition of qualifications in other regulated professions and activities is handled by competent authorities on a case-by-case basis. If there are significant differences regarding training for and conduct of a given profession, the competent authority may make the recognition dependent on one of compensatory measures, i.e. completion of an **adaptation period** or taking an **aptitude test**, where the choice is usually made by the applicant. Professional experience of the applicant is also taken into account.

Applications for recognising professional qualifications, complete with required annexes, should be submitted to the institution indicated as the competent authority for recognising qualifications to pursue a regulated profession.

In Poland, **the following authorities are competent** to recognise professional qualifications required to pursue regulated professions and to start and conduct a regulated activity:

- the Minister in charge of the government administration, or
- an authority authorised by the Minister by means of a regulation, an organisational unit subordinated to the Minister, a body of the professional self-government, an economic organisation, or a registration authority, or
- a body referred to in applicable regulatory provisions.

A decision on recognising professional qualifications should be issued within 3 months from the date on which the complete documentation is submitted. In exceptional cases, the time limit may be extended up to 4 months.

For selected professions, it is possible to conduct the procedure of recognising professional qualifications or to notify the intent to provide cross-border services in another EU Member State through obtaining the so-called **European Professional Card**. At present, this applies to the following professions: **physiotherapists, pharmacists, general care nurses, mountain guides, and real estate**

agents. Unlike in the traditional procedure, applications for the European Professional Card are submitted via the dedicated European website to the body which is competent for the respective regulated profession in the Member State in which the qualifications have been acquired. Electronic copies of relevant documents should be attached to the application.

At further stages of the procedure, the documents are available both to the competent body of the state in which the qualifications have been acquired and to its counterpart in the host state. If there are any doubts, the two bodies contact each other electronically in order to complete the procedure effectively.

Upon the successful examination of the case, the applicant receives the European Professional Card in the form of an electronic document. Offices, employers and all parties interested may verify the card's validity through the publicly available website.

4.5. Provision of cross-border services

EU and EFTA Member State citizens who pursue a profession or conduct an economic activity in an EU or EFTA Member State in accordance with the legislation of that state have the right to **provide services** in the same profession/activity in another Member State.

Cross-border services may be provided under the following conditions:

- a service provider moves to another EU or EFTA Member State to provide his/her services on a temporary or occasional basis;
- if the profession in question is a regulated profession in the “host” Member State, but is a non-regulated profession in the Member State of the registered office, the service provider must provide evidence that he/she has pursued his/her profession or conducted an economic activity in the Member State of the registered office for at least 1 year in the last 10 years preceding provision of the service. This requirement does not apply if training for the profession or economic activity in question was subject to specific regulations.

If cross-border services are provided for the first time within a regulated profession which has an impact on the public health or security, and the incorrect performance of which may expose customers to serious consequences, the competent authority of the host Member State may verify the professional qualifications of the service provider (the so called “prior check”).

An EU or EFTA Member State citizen who has acquired professional qualifications in one Member State and would like to pursue his/her profession in Poland should first check whether his/her profession is a regulated profession in Poland. A list of regulated professions is available on the website of the Ministry of Science and Higher Education.

The International Cooperation Department of the Ministry of Science and Higher Education is **the Polish Support Centre for Recognition of Professional Qualifications**.

For more information visit

<https://www.gov.pl/web/nauka/> Ministry of Science and Higher Education

<https://www.gov.pl/web/nauka/uznawanie-kwalifikacji-zawodowych-1>
Information on system for the recognition of professional qualifications in accordance with Directive 2005/36/EC

<http://ec.europa.eu/growth/tools-databases/regprof/index.cfm?action=regprofs> List of regulated professions

http://europa.eu/youreurope/citizens/work/professional-qualifications/european-professional-card/index_pl.htm European Professional Card

<https://www.biznes.gov.pl/przedsiębiorcy/> Information and services portal for entrepreneurs

<https://nawa.gov.pl/uznawalnosc/uznawanie-polskich-dyplomow-za-granica> Information about recognition of diplomas (in Polish)

<https://kwalifikator.nawa.gov.pl/> Automatic generation of information regarding recognition of foreign diplomas in Poland (in English)

4.6. Types of employment

An employment contract is the primary form of employment in Poland. The choice of an employment contract as the basis of employment belongs to the respective parties (employer and employee). Unless otherwise required under applicable regulations, an employment relationship may be established under a contract other than an employment contract.

Non-standard forms of “employment” include:

- civil law contracts, e.g. a contract of mandate (*umowa zlecenie*) and a specific-task contract (*umowa o dzieło*). In accordance with the principle of free-

dom of contract which is observed in Polish law, the parties may freely choose the basis on which the work is to be performed (either an employment contract or a civil law contract). It should be noted that contracts of mandate and specific-task contracts are regulated under the Civil Code, and the provisions of the Labour Code do not apply to them as a rule;

- temporary work where an individual is employed by a temporary work agency under an employment contract only to perform work on a temporary basis for and under the supervision of another entrepreneur, i.e. the hiring employer (temporary work contracts apply to seasonal, periodical and ad hoc work, or work which cannot be completed on time by the hiring employer's personnel, or work performed as a replacement for an absent employee of the hiring employer). It may be performed under a civil law contract;
- teleworking, i.e. work which may be performed regularly outside of the place of work with the use of the means of electronic communication. Work may be performed in the form of teleworking from the very beginning of employment or it may be introduced during the period of employment. Both options of taking up teleworking are voluntary. The provisions on teleworking provide guarantees for teleworkers with regard to equal treatment and the prohibition of discrimination due to taking up teleworking or refusal to take up teleworking. Teleworking is performed under an employment contract.

For more information visit

<https://www.gov.pl/web/rozwoj-praca-technologie> Ministry of Economic Development, Labour and Technology

4.7. Employment contract

The employment contract (*umowa o pracę*) specifies the parties to the contract, type of the contract, date of signature, terms and conditions applicable work and remuneration, in particular: type of work, place of work, remuneration for a given type of work with specification of the remuneration components, working time and the date for commencing the work.

The employment contract may be concluded with a person aged 18 or older. Employment contracts may also be concluded with young workers aged 15–18. However, it is prohibited as a rule to employ persons younger than 15.

The employment contract may be concluded for a probation period, indefinite period or fixed period of time.

The employment contract for a probation period (*umowa o pracę na okres próbny*), not exceeding 3 months, is concluded in order to check the qualification of the worker and the possibility of his/her employment in order to perform a specific type of work. The contract for a probation period may be renewed with the same worker, if the worker is to perform a different type of work or (if the worker is to perform the same type of work) upon the lapse of 3 years from the date the previous employment contract was terminated or expired.

The employment period under an **employment contract for a fixed period of time (*umowa o pracę na czas określony*)**, and the total employment period under employment contracts for a fixed period of time signed between the same parties to the employment relationship, must not exceed 33 months, and the total number of such contracts must not exceed three. If the employment period under an employment contract/contracts exceeds 33 months or if the number of contracts for a fixed period of time exceeds three, it is deemed – from the next day after the lapse of that period or from the date of the fourth employment contract for a fixed period of time – that the worker is employed under an **employment contract for an indefinite period of time (*umowa o pracę na czas nieokreślony*)**.

The aforementioned restrictions do not apply to employment contracts for a fixed period of time signed to replace another worker during his/her justified absence from work, to perform an ad-hoc or seasonal work, to perform work during a term of office, and when the employer specifies objective reasons on its side for signing this type of a contract, provided that such contracts are signed to satisfy the actual temporary demand for workforce and are necessary in the light of any and all circumstance under which the employment contract is signed. This also applies to the situation in which an employment contract for a fixed period of time has been extended until the date of childbirth (which otherwise would be terminated upon the lapse of the third month of pregnancy).

The provisions provide for a possibility to employ workers on a **full-time or part-time basis**. Part-time employment must not lead to establishing work and remuneration conditions that would be less favourable than those offered for the same or similar type of work performed on a full-time basis.

Within the framework of an employment relationship, a worker may also be employed on the basis of an **appointment (*powołanie*)**, **election (*wybór*)**,

nomination (*mianowanie*) or a cooperative employment contract (*spółdzielcza umowa o pracę*).

An employment contract is concluded in writing, failing which the employer must give the employee a written confirmation of the agreed terms and conditions regarding the type and provisions of the contract before the employee is admitted to work.

Amendments to an employment contract must be in writing and may be effected either:

- by mutual agreement of the parties – in which case the employer and the worker express their consent for amending the conditions of the contract and specify a day from which the amendments will enter into force, or
- by the employer through a notice amending the work and/or remuneration conditions.

The amending notice is deemed to be effective if the employer has proposed the worker new conditions in writing. The notice should include an instruction regarding the right of the worker to accept or reject the new conditions. If no such instruction is given, the worker has time until the end of the notice period to submit his/her declaration on refusing to accept the proposed conditions .

If the worker receives a notice amending his/her work and/or remuneration conditions, he/she may:

- make a declaration that he/she accepts the proposed conditions; the new conditions will then enter into force upon the lapse of the notice period;
- submit a declaration that he/she refuses to accept the proposed conditions before the lapse of a half of the notice period; then the employment contract is terminated upon the lapse of the notice period;
- submit no declaration, which is equivalent to his/her acceptance of the new conditions; the new conditions will then enter into force upon the lapse of the notice period.

For more information visit

<https://www.gov.pl/web/rozwoj-praca-technologia> Ministry of Economic Development, Labour and Technology

4.8. Internships, apprenticeships and vocational preparation

Definition of internship, apprenticeship and vocational preparation

A. INTERNSHIPS AND APPRENTICESHIPS

Although there is no uniform definition of the terms internship and apprenticeship in Poland, the following definitions used on the Polish labour market may be helpful in understanding the terms:

- 1) a form of professional activation of persons registered as unemployed and an instrument which enables those persons to acquire vocational skills;
- 2) apprenticeships for vocational school students and apprenticeships for tertiary school students conducted as an element of the formal education;
- 3) mandatory apprenticeships/internships required upon completion of education to be admitted to employment in regulated professions;
- 4) internships/apprenticeships offered by employers on the free market, including graduate apprenticeships;
- 5) pupil internships for vocational school pupils.

Re. 1)

Internship as a form of professional activation of persons registered as unemployed and an instrument which enables those persons to acquire vocational skills.

Arranging for **an internship for a person registered as unemployed** at a District Employment Office (*Powiatowy Urząd Pracy*) is regulated under the provisions of the Act on the rules of activation of the unemployed and job seekers. An internship should be adapted to the intern's abilities, education and current experience, and it should also be structured around a specific programme.

Internships for the unemployed are arranged by District Employment Offices which receive internship adverts from employers (who can also indicate the unemployed whom they wish to accept as an intern).

An unemployed person is issued with a referral to participate in an internship by the Head of District (*Starosta*) (the District Employment Office on his/her

behalf), which signs a contract for arranging the internship with the employer. The employer must appoint a supervisor for the intern and put in place the internship programme agreed with the District Employment Office. Upon completion of the internship, the unemployed person receives the employer's assessment of the tasks performed and skills acquired, and with a document issued by the District Employment Office to confirm participation in this form of professional activation.

Although the initiative to take an intern is most often taken by employers, unemployed persons themselves can also receive an internship voucher and seek for a place where they can complete an internship. An unemployed person who has been given an internship voucher can take part in an internship only upon receiving a referral from the District Employment Office.

Internship programmes for the unemployed are addressed to people registered at District Employment Offices, but the participants are not deemed as employed persons.

Re. 2)

Apprenticeships for vocational school students and apprenticeships for tertiary school students conducted as an element of the formal education.

Matters related to apprenticeships conducted as part of vocational education are regulated under the provisions of the Act on the Education Law and implementing acts thereto, while matters related to study curricula are regulated by the provisions of the Acts on the trade education system and tertiary education system.

In accordance with regulations on practical vocational training, apprenticeships are organised for students of technical secondary schools, trade schools of 2nd degree and post-secondary non-tertiary schools in order to enable them to apply and broaden the acquired knowledge and vocational skills in real working conditions. The knowledge, skills and personal and social competences to be acquired by students during *inter alia* apprenticeships, as well as the number of apprenticeship hours, are defined in the curriculum of teaching a given profession. The place and number of weeks for apprenticeships are set forth in the core curriculum for a given profession of the trade education. Apprenticeship programmes are conducted under agreements between school principals and entities which accept pupils as apprentices, and can be arranged throughout the school year, including summer vacations.

Apprenticeships for tertiary school students are regulated in the Act of 20 July 2018 on the Law on higher education and science, but there is no clear definition of the term. In accordance with Article 67(5) of the aforementioned Act, curricula of practical studies provides for apprenticeships of at least: 6 months – for first-cycle studies and long-cycle Master’s degree studies; 3 months – for second-cycle studies. The said provision does not apply to the curricula of studies which prepare students to pursue the following professions: doctor, dentist, pharmacist, nurse, midwife, laboratory diagnostician, physiotherapist, medical paramedic, veterinarian, architect, teacher – where education must be taken into account.

An education standard is a set of education rules and requirements regarding methods of education, teachers, general and detailed learning outcomes, and the method of verification of the learning outcomes achieved.

In accordance with the Regulation of the Minister of Science and Higher Education of 27 September 2018 on higher education studies, study curricula should lay down the length, rules and form of apprenticeships and the ECTS score students must obtain during the apprenticeship.

Participation in an apprenticeship which is included in a study curriculum is obligatory, and completing it is required to obtain a diploma confirming higher education at the level concerned.

Doctoral school curricula may provide for apprenticeships in the form of conducting classes, or participating in conducting classes, of maximum 60 teaching hours annually.

Re. 3)

Mandatory apprenticeships/internships required upon completion of education to be admitted to employment in regulated professions.

In accordance with Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, **a regulated profession is a group of professional activities, the pursuit of which requires meeting the requirements laid down in the rules of a given Member State concerning access to the profession concerned. Every EU Member State decides on regulating access to professions at its sole discretion. Therefore, a profession may be a regulated profession in one EU Member State, while it may be a non-regulated profession in other Member States.**

The **European Commission's Regulated Professions Database** contains professions which are regulated in respective EU Member States. Every profession must be considered on a case-by-case basis. Certain professions require completion of a mandatory apprenticeship or internship upon completing one's education in order to be granted access to employment, but there are some which are not subject to that requirement.

Apprenticeship is prescribed for such professions as construction engineer, architect, surveyor, geologist, tax adviser, auditor, teacher, property appraiser etc. A detailed description of the qualification criteria for respective regulated professions can be found in the Regulated Professions Database.

In accordance with Article 55(a) of the said Directive, if access to a specific regulated profession in the home Member State requires completing an apprenticeship, the competent authority of the home Member State, when considering an application for authorisation to pursue a regulated profession, shall recognise an apprenticeship completed in another Member State and shall take into account apprenticeships completed in third countries.

There is also the so-called **adaptation period** (the pursuit of a regulated profession in the host Member State under the responsibility of a qualified member of that profession). If any substantial differences are found during the vocational qualification recognition procedure regarding vocational training or education or regarding a specific profession itself, the competent authority may require the applicant to complete an adaptation period to complement the missing knowledge or skills. An adaptation period may take up to 3 years and involve additional fees. More detailed information about a specific regulated profession is provided by the authority competent for that profession.

Re. 4)

Internships/apprenticeships offered by employers on the free market, including post-graduate apprenticeships.

Employers offer internships/apprenticeships to persons who want to gain professional experience and in order to verify their skills and/or preparation to perform specific tasks before offering them full-time employment. They may do so at their sole discretion.

Matters related to **post-graduate apprenticeships** are regulated by the provisions of the Act of post-graduate apprenticeships. The purpose of internships based on these provisions is to help graduates acquire practical vocational skills. The apprenticeship organiser may take an apprentice who has comple-

ted at least a lower secondary school (*gimnazjum*) and is not older than 30 years of age as of the date of starting his/her apprenticeship. Post-graduate apprenticeship programmes are meant to help graduates acquire experience and practical skills which are required in the profession they will pursue. A graduate takes part in a post-graduate apprenticeship under an agreement between him/her and the apprenticeship organiser. The organiser may be a natural person, a legal person or an organisational unit without legal personality.

Re. 5)

Pupil internships for vocational school pupils

In order to enable pupils of 1st degree students who are not young workers and students of technical secondary schools to acquire the required professional experience and practical skills in real working conditions under an agreement between them and the employer, the students are offered an opportunity to undergo pupil internship during the period of their education. This is organised under different rules than vocational preparation for young workers.

Pupil internship is a tool which enables employers to support pupils as early as at the school level, remunerate selected pupils and further the employer-pupil-school relationship. Pupil internship allows employers to acquire personnel that will match their respective business models and support the local labour market.

The scope of subjects covered during a pupil internship is agreed with the principal of the school concerned in consultation with the pupil or parents of an underage pupil. The term “pupil internship” is much broader than practical vocational training, but it can cover practical vocational training. During such an internship, pupils can absorb teaching content and acquire skills included in their vocational curricula, or learn things not covered by their curricula, which will improve their chances of employment in their acquired profession in the future. Where a pupil internship covers teaching content from a curriculum, the school principal can discharge the pupil from the obligation to undergo practical vocational training, in whole or in part, under a certificate issued by the employer. Subjects which go beyond the scope of practical vocational training can be covered as part of a pupil internship, but they cannot be credited as part of the practical vocational training.

An entity that accepts a pupil for a pupil internship is obliged to ensure that the pupil has safe and healthy working conditions in accordance with the Labour Code Act.

The pupil internship period counts as part of the period of employment related to the employee entitlements concerned.

The cost of the financial benefit paid to a pupil accepted for a pupil internship can be included in the tax deductible cost by the employer.

Pupil internships are available to pupils of trade schools of 1st degree who are not young workers, students of new 5-year technical secondary schools and the current 4-year technical secondary schools.

B. VOCATIONAL PREPARATION

In Poland, vocational preparation is defined as:

- 1) vocational preparation for young workers;
- 2) vocational preparation for adults as a form of professional activation for the unemployed allowing them to acquire practical experience and vocational qualifications.

Re. 1)

Vocational preparation for young workers

Vocational preparation of young workers is provided under a contract for work as part of vocational preparation programme and covers two forms of education: vocational training and specific work training. **Vocational training** is meant to prepare young workers to work as qualified workers or journeymen, and covers practical vocational training which is arranged at the employer under terms and conditions laid down in separate regulations, as well as theoretical training. **Specific work training** is meant to prepare young workers to work as trained workers, and can concern selected works related to vocational training. Vocational training is not longer than 36 months and may be extended for longer than 12 months if the pupil concerned failed to pass to a higher school grade or graduate his/her school. Specific work training can take between 3 to 6 months. As regards young participants in the Volunteer Labour Corps, the time limit can be extended until completion of the 8-grade primary school and take a total of maximum 22 months.

An employer who employs young persons for the purpose of vocational preparation in the form of vocational training refers them to receive supplementary theoretical education either at a trade school of 1st degree (the so-called school scheme) or a vocational training centre or a school which provides vocational education in the form of supplementary theoretical education classes for young people, in accordance with the provisions on lifelong learning

in off-school forms; such an employer can also provide supplementary theoretical education on their own account. An employer who employs young persons for the purpose of vocational training follows a teaching programme which takes into account the relevant core curriculum for a profession taught at trade specified in the classification of professions for trade education system, or a programme which ensures satisfaction of the examination requirements specified in the standards which form the basis for journeyman exams in professions not specified in the classification of professions for trade education system, as laid down in regulations on classification of professions and specialisations for the purposes of the labour market. As regards specific work training, the duration, scope and programme of such training are established by the employer with account taken of selected teaching content based on the core curriculum for a profession taught at trade specified in the classification of professions for trade education system or a programme which ensures satisfaction of the examination requirements specified in the standards which form the basis for journeyman exams in professions not specified in the classification of professions for trade education system, but specified in regulations on classification of professions and specialisations for the purposes of the labour market.

Vocational preparation of young workers which is provided in the form of vocational training ends with an examination. A young person employed by an employer who is not a craftsman, who is taking supplementary education at a trade school of 1st degree, takes an exam confirming his/her vocational qualifications or a vocational exam (this applies to young workers who started vocational training in the school year 2019/2020) before a regional examination committee. A young person employed by an employer who is a craftsman takes a journeyman qualification exam conducted by an examination commission of a relevant chamber of crafts. Specific work training ends with an exam. Young persons employed by employers who are not craftsmen take the exam directly before their employers, while young persons employed by employers who are craftsmen take the exam before an examination commission of a relevant chamber of crafts as prescribed by the Polish Craft Association (*Związek Rzemiosła Polskiego*).

Re. 2)

Vocational preparation for adults as a form of professional activation for the unemployed allowing them to acquire practical experience and vocational qualifications.

Vocational preparation for adults is initiated and financed by District Employment Offices. This form of activation is available to persons registered as unemployed and certain categories of persons registered as job seekers at District Employment Agencies. Vocational preparation for adults is provided under an agreement concluded between the Head of District (Starosta) and the employer or between the Head of District, the employer and the training institution involved. The in-service practice component at the employer accounts for more than 80% of the vocational training programme. The theoretical part (maximum 20% of the programme) can be provided either by the employer or the training institution.

Vocational preparation for adults can have two forms:

- practical vocational training for adults – which takes 6–12 months and allows the trainee to take either an exam confirming his/her vocational qualifications or a journeyman exam;
- specific work training for adults – which takes 3–6 months and is meant to give selected vocational qualifications or skills which the trainee must acquire to perform specific professional tasks relevant for a profession listed in the classification of professions and specialisations for the purposes of the labour market.

An unemployed person who is in the course of vocational preparation is eligible for a grant paid by the District Employment Office. In addition, the Head of District may partially refund the cost of vocational training materials to the employer. Programmes of vocational preparation for adults are addressed to persons registered at District Employment Offices and are not equivalent to employment.

Types of contracts and remuneration during internships, apprenticeships and vocational preparation

Internship for a person registered as unemployed at a District Employment Office.

This type of internship is organised in accordance with the provisions of the Act on the promotion of employment and on labour market institutions, and is provided under an agreement concluded between the Head of District and the employer in accordance with the programme specified therein. The internship programme should take into account the unemployed person's mental, physical and health abilities, level of education and current professional qualifications.

The internship programme should define:

- a) the name of the profession or specialisation concerned;
- b) the scope of tasks to be performed by the unemployed person;
- c) the type of vocational qualifications or skills to be acquired;
- d) the manner of confirming the vocational qualifications or skills acquired;
- e) the supervisor of the intern.

The Head of District inspects the course of the internship and whether it complies with the applicable agreement. Upon completion of the internship, he/she issues the unemployed person with an internship certificate.

A participant in this type of internship is eligible to receive a grant equal to 120% of the unemployment benefit, paid by the District Employment Office which referred him/her to that internship on behalf of the Head of District.

Internship/apprenticeship on the free market

Internships and apprenticeships undertaken on the free labour market are based on various types of contracts concluded between the employer and intern/apprentice, e.g. a contract of fixed term employment, a contract of mandate contract, or voluntary work.

Post-graduate apprenticeships

It is a type of a civil-law contract concluded between the apprentice and employer. Applicants for post-graduate apprenticeships are not required to rely on the agency of an employment office or school, and the employer decides whether to take the apprentice at his/her sole discretion. Importantly, the prospective apprentice must complete a lower-secondary school (*gimnazjum*) and must not be older than 30 years of age as of the start of his/her apprenticeship. If the apprentice reaches the age of 30 during his/her apprenticeship, the apprenticeship is not interrupted and may be continued until the end of the term of the contract. Neither is the apprentice required to have the Polish citizenship – it is sufficient for him/her to have completed a school equivalent to the Polish lower-secondary school (*gimnazjum*).

Provisions of law do not prescribe any remuneration for post-graduate apprenticeships, which means that the parties may freely decide whether they are paid or unpaid. As regards paid post-graduate apprenticeships, the wage may not be higher than two minimum wages as established in accordance with the Act on the minimum wage (no provisions of law require payment of any contributions on this type of apprenticeship).

As regards unpaid post-graduate apprenticeships, the applicable contract may be terminated by either party at any time. If the apprentice receives a remuneration, the contract can be terminated with a 7-days' period of notice given in writing.

Apprenticeship

The apprentice contract is a civil-law contract. It must be made in writing and include the following:

- a) the type of work in which the apprentice is to acquire experience and practical skills;
- b) the period of apprenticeship;
- c) the weekly working time for the apprenticeship;
- d) if the apprenticeship is paid – the amount of the wage.

The employer must ensure that the conditions offered to the apprentice are equivalent to the conditions laid down in occupational health and safety (OHS) regulations. Furthermore, apprentices are also subject to the provisions on equal treatment. This means no discrimination on grounds of race, nationality, age, sex, religious denomination or disability.

Apprenticeships may not be longer than 3 months and, according to regulations, a new contract may not be signed with the same company after the lapse of this period, even after longer time. The apprentice's working time may not exceed 8 working hours a day, or 40 hours a week on average in the 5-day working week. The apprentice is also entitled to 11 hours of uninterrupted rest time a day and 35 hours of uninterrupted rest time a week.

Upon completion of apprenticeship, the employer is obliged to issue an apprenticeship certificate which should show the apprenticeship period, the number of hours, the type of tasks performed by the apprentice and, possibly, the employer's evaluation of the apprentice.

Apprenticeship as part of vocational education

The contract for practical vocational training, including apprenticeship, is concluded under the agreement concluded between the school principal and an entity which accepts pupils for practical vocational training, including apprenticeship.

The contract for practical vocational training should define:

- 1) the name and address of the entity which accept pupils for practical vocational training, and the place where the training is to be conducted;

- 2) the name and address of the school referring the pupil for practical vocational training;
- 3) the profession for which the practical vocational training will be provided;
- 4) a list with full names of the pupils to take part in the practical vocational training, divided into groups;
- 5) the form of practical vocational training to be provided – practical classes or apprenticeship;
- 7) the rights and obligations of the parties to the contract;
- 8) the manner in which the parties will pay the costs related to the practical vocational training, including calculation of those costs;
- 9) additional arrangements between the parties to the contract regarding the practical vocational training.

Young workers

Young workers are employed under a contract of employment for the purpose of vocational preparation. Matters regarding working conditions and remuneration of young workers are regulated by the Labour Code. Remuneration paid by employers to young workers, including social insurance contributions, is refunded from the Labour Fund.

Programmes of vocational preparation for young people are based on the national core curriculum of trade education laid down in the Regulation of the Minister of National Education, or on the standards established by the Polish Craft Association.

If a participant of vocational preparation passes the exam, the employer that educated his/her receives a financial bonus from the Labour Fund. Young workers are employed under a contract of employment for the purpose of vocational preparation. Matters regarding working conditions and remuneration of young workers are regulated in Chapter IX of the Labour Code

A young person during vocational training is entitled to receive remuneration calculated as a percentage of the average monthly wage in the national economy in the previous quarter, in force from the first day of the next month after its publication by the Presidents of Statistics Poland in the Official Journal of the Republic of Poland "Monitor Polski". **The said percentage is:**

- 1) in the first year of training – at least 5%;
- 2) in the second year of training – at least 6%;

- 3) in the third year of training – at least 7%;
- 4) in the case of specific work training – at least 4%.

The remuneration paid to a young worker, including social insurance contributions, can be refunded to the employer from the Labour Fund, provided that the employer has concluded an agreement for refunds of remunerations and social insurance contributions with the relevant provincial command of the Voluntary Labour Corps.

In addition, employers who have concluded contracts of employment with young workers for the purpose of vocational preparation are entitled to receive co-financing of the costs of training, which is also funded from the Labour Fund. As regards vocational training, the employer can receive co-financing amounting to PLN 8,081 (EUR 1,858.63) for the training period of 36 months. As regards vocational training in professions indicated by the Minister for education and learning in the forecast regarding demand for professions, the co-financing of the cost of training of one young worker amounts to PLN 10,000 PLN (EUR 2,300).

As regards specific work training, the co-financing of the cost of training of one young employee is PLN 254 (EUR 58.42) for each full month of training.

Vocational preparation for adults

Vocational preparation for adults as a form of professional activation of unemployed persons registered at District Employment Offices is provided under an agreement concluded between the Head of District and the employer or between the Head of District, the employer and the training institution involved. The in-service practice component at the employer accounts for more than 80% of the programme. The theoretical part (maximum 20% of the programme) can be provided either by the employer or the training institution.

An unemployed person who is in the course of vocational preparation is eligible for a **grant** paid by the District Employment Office. In addition, the Head of District may partially refund the cost of vocational training materials to the employer.

This type of vocational preparation for adults registered at District Employment Offices is not equivalent to employment.

Where to seek opportunities to take up internship, apprenticeship and vocational preparation

In Poland, internships, post-graduate apprenticeships and vocational apprenticeships are available, under general rules, to all citizens of EU and EFTA Member States.

Information about internships for unemployed persons registered at District Employment Offices is published in the Central Job Offers Database (www.oferty.praca.gov.pl) and is available directly at District Employment Offices.

Information about post-graduate apprenticeships is published:

- a) directly by entities that take apprentices;
- b) by academic career offices operating at tertiary education institutions;
- c) by entities which gather and provide information about vacancies through ICT systems (e.g. by websites with job adverts, websites for pupils/students, the „Zielona Linia” website and other entities).

Individual tertiary education institutions publish information about apprenticeships and internships e.g. via academic career offices. At larger tertiary education institutions, it often happens that individual departments themselves provide their students with opportunities to participate in internships and apprenticeships.

Information about places of practical classes/apprenticeships for pupils of the education system is provided either individually or through websites of respective schools.

Announcements regarding apprenticeships at public administration institutions for pupils and students, as well as internships and apprenticeships offered by employers on the so-called free market is published in the Central Job Offers Database.

Information about places where vocational preparation can be undertaken by young people is provided by craft chambers and guilds, and the Voluntary Labour Corps. Information about opportunities to undertake vocational preparation as a young worker is provided to candidates also by specific employers.

As regards **vocational preparation for adults**, relevant information can be sought in the Central Job Offers Database and directly at District Employment Offices.

Where to announce offers of internships, apprenticeships and vocational preparation

In accordance with information included in the Section “Where to seek opportunities to take up internship and apprenticeship”, employers rely largely on the Central Job Offers Database to publish information about available internships and apprenticeships.

Published in that database are:

- a) **proposals of apprenticeships and internships submitted by employers themselves** on the electronic form available at www.praca.gov.pl. Once completed by an employer, the form is automatically forwarded to the Information and Consultation Centre of the Employment Services „Zielona Linia” (www.zielonalinia.gov.pl), where it is formally verified and sent to the Central Job Offers Database for publication;
- b) **proposals of student apprenticeships at public administration institutions** submitted by central agencies and their subordinate units on the electronic form available at www.praca.gov.pl. Once completed, the form is automatically forwarded to the system of the Central Job Offers Database. To verify the data received in the form, the system generates an automatic message to the sender with a request to formally confirm the data. Once the sender finally acknowledges the data, the proposal is published in the Central Job Offers Database;
- c) **proposals of internships from employment offices** controlled by respective district employment offices. These proposals are entered in the computer system of the public employment service and subsequently transferred to the Central Job Offers Database. Internships are addressed solely to unemployed persons registered at District Employment Offices who are in a special situation on the labour market. They are not equivalent to employment. Internship proposals are available at District Employment Offices indicated in respective offers.

Additionally, employers announce information about recruitment to apprenticeships by contacting individual persons and publishing adverts in the press and online, as well as through employment agencies, academic career offices operating at tertiary education schools, the Voluntary Labour Corps, schools with which they cooperate, websites addressed to job seekers, legal entities and institutions and local government institutions.

Announcements of internships and apprenticeships which are published on websites either come from the owners of these websites or are “downloaded” from websites of other private or public institutions with which a given website cooperates.

Proposals regarding places of vocational preparation of young workers can be submitted by employers on the form available at <https://men.gov.pl/dodatki/mapazawodowe/>, while **proposals regarding places of vocational preparation of adults** can be announced in the Central Job Offers Database (prior to publication, each advert is verified by the relevant District Employment Office).

Financial support for employers as regards internships, apprenticeships and vocational preparation

In order to apply for financial support related to **taking an intern or apprentice**, employers should approach respective District Employment Offices or the Voluntary Labour Corps across Poland.

As regards apprenticeships for pupils, employers should approach relevant schools and education superintendent offices.

As regards vocational preparation of young workers, the related remuneration is paid to the young worker by the employer and can be refunded from the Labour Fund. In order to obtain a refund, the employer should apply to the Youth Education and Labour Centre of the Voluntary Labour Corps of the place of vocational preparation for concluding a refund agreement. The application can be submitted by the employer or through a relevant employer association.

Furthermore, the employer will receive co-financing of the cost of the training from the Labour Fund if the young worker has passed the relevant exam. To receive such co-financing, the employer shall apply to the commune office (*urząd gminy*) of the young worker's residence.

As regards **vocational preparation for adults**, District Employment Offices pay grants to the unemployed concerned and monthly refunds (as established in applicable regulations) to the employers covering the cost of consummables used and a bonus for training an unemployed person after the latter passes the relevant exam both paid after completion of the activation programme).

For more information visit:

<https://www.gov.pl/web/edukacja> Ministry of National Education

<https://www.gov.pl/web/edukacja/ksztalcenie-praktyczne-w-rzeczywistych-warunkach-pracy> Ministry of National Education – practical training in real working conditions

http://ec.europa.eu/growth/tools-databases/regprof/index.cfm?action=regprofs&id_country=23&quid=1&mode=asc&maxRows=*#top European Commission's Regulated Professions Database

<https://oferty.praca.gov.pl> Central Job Offers Database

<https://ohp.pl> Voluntary Labour Corps

<https://zielonalinia.gov.pl/> Information and Consultation Centre of Employment Services „Zielona Linia”

4.9. Posting of workers

Posting as part of provision of services

Posting is a situation where a business operator is established in an EU or EFTA Member States, provides services outside that State and **refers its workers to work temporarily** at the place of provision of those services in another country:

- a) to perform a contract concluded by the posting undertaking with a foreign contractor, on that undertaking's own account and using its workers, who remain under its management throughout the period when the work is carried out abroad;
- b) to an establishment or an undertaking in another Member State, owned by a group of undertakings which includes the posting undertaking;
- c) as part of **temporary work**:
 - by hiring out workers from a temporary employment agency or a placement agency operating in one Member State to a user employer in another Member State, including
 - in a situation in which the user employer to whom a temporary employment agency has hired out a temporary agency worker performs services for an entity in another country and refers such a worker to that country (a temporary employment agency in country X – a user employer in country X or Y – a customer in country Z).

The employment relationship between an employer posting a worker and the posted worker continues **throughout the period of posting and the posting is temporary in nature**.

What criteria must be fulfilled by employers posting workers to Poland?

Not every arrival of a worker from another EU or EFTA Member State in Poland for the purpose of carrying out a specific official task will qualify as posting in the framework of the provision of services.

In order for a specific situation to qualify as the posting of a worker to the territory of Poland, **specific conditions** must be met, concerning both the foreign employer and the worker referred to Poland.

In order to be regarded as an employer posting a worker to Poland, a foreign employer must be **established and carry out substantial business activities**

in another Member State, from which he or she temporarily refers a worker to the territory of Poland:

- to perform a contract concluded by that employer with an entity operating in Poland;
- to a branch or an undertaking owned by a group of undertakings which includes that employer, operating in Poland;
- as a temporary employment agency or a placement agency hiring out the worker to a user employer in Poland.

At the same time, the posting employer **cannot carry out purely internal management or administrative activities** in that Member State.

A foreign employment agency or placement agency which has hired out a temporary worker to a user employer in the same or another Member State, who then refers that worker to the territory of Poland in the framework of the services provided, is also deemed a posting employer. In such a situation, it is the agency that is bound by the obligations that rest on a posting employer.

In turn, the user employer who uses the temporary worker **must notify the agency** of the intention to refer that worker to Poland **at least 15 working days before the planned referral**.

When are workers deemed as workers posted to Poland?

A worker posted to the territory of Poland is a worker **employed in another EU or EFTA Member State and temporarily referred to Poland** by the posting employer:

- a) **to perform a contract** concluded by the posting employer with a contractor (in the framework of the services provided by that employer in Poland), on that employer's own account and using its workers, who remain under that employer's direction throughout the period when the work is carried out abroad;
- b) to an establishment or an undertaking in Poland, **owned by a group of undertakings** which includes the posting undertaking;
- c) as part of **temporary work**:
 - to work for a Polish user employer, or
 - in the framework of services provided by a foreign user employer for a Polish contractor in Poland, using persons hired out to that user employer by a temporary employment agency or a placement agency established in the same or another EU or EFTA Member State.

A posted worker may be a person who may be qualified as a worker under the Polish Labour Code, i.e. **a person employed on the basis of an employment contract, appointment, election, designation or a cooperative employment contract.**

Thus, if there are other types of legal ties between a person referred to Poland and the entity referring that person (e.g. a management contract, a civil law contract), that person **is not regarded as a worker posted** to the territory of Poland. If, however, the way in which work is carried out by a person referred to perform a specific task in the territory of Poland and the nature of this work, **regardless of the type of contract concluded with a foreign entity**, indicates that we are dealing with a worker within the meaning of the Polish Labour Code and the relationship between the parties bears the characteristics of an employment relationship, such a person will be regarded as a worker posted to the territory of Poland. The foreign entity referring that person to Poland will be required to fulfil all the obligations relating to the posting of a worker to the territory of Poland.

Obligations of employers posting workers to Poland

Conditions of employment of workers posted for 12 months.

An employer posting a worker to the territory of Poland **for 12 months** must provide to the posted worker the minimum range of **conditions of employment no less favourable than those applicable in Poland** arising from the Labour Code and other provisions governing the rights and obligations of employers and workers, including:

- the standards for and duration of working time and daily and weekly rest periods;
- the duration of annual leave;
- remuneration for work;
- occupational health and safety;
- the protection of workers when they are pregnant and during maternity leave;
- employment of young people;
- the performance of work or other gainful activities by children;
- the principle of equal treatment and the prohibition of discrimination in employment;
- reimbursement of the costs of business travel from the place of work in the territory of Poland to which the worker was posted to another place of work in the territory of Poland or outside it.

The period of 12 months during which an employer posting workers must provide to the posted workers the minimum range of conditions applicable to Polish workers **may be extended to 18 months**. To do so, you must submit a motivated notification to the National Labour Inspectorate.

During the period of posting to the territory of Poland, a worker temporarily posted to Poland is entitled to receive remuneration for work, including all its components, **on the same terms as a worker employed by a Polish employer arising from the generally applicable laws**. This applies also to an allowance for overtime.

The total gross remuneration, not individual components of remuneration, is taken into account when comparing remuneration paid to a posted worker by the employer posting that person and remuneration for work due under the Polish laws. An allowance for posting, in the part not paid in reimbursement of expenditure actually incurred in connection with the posting, such as travel, board and accommodation costs, is included in remuneration for work. If the law applicable to the employment relationship of a worker posted to the territory of Poland does not specify the part of the allowance for posting paid in reimbursement of expenditure actually incurred in connection with the posting, it is considered that the entire allowance is paid in reimbursement of this expenditure.

Collective agreements regarded as generally applicable across the country or for a specific industry are not concluded in Poland. Collective agreements are entered into on company level (for the employer concerned) and supra-company level (for several employers) and are binding on the parties to these agreements. The Polish system of collective labour agreements does not cover supra-company agreements which would be binding on all employers by operation of law.

The provisions on the minimum conditions of employment to be provided to workers posted to Poland for up to 12 month by the employers posting these workers do not apply to employers **who are temporary employment agencies** or placement agencies and hire out temporary agency workers:

- to user employers in the territory of Poland;
- to user employers in the territory of the same or another Member State who then temporarily refer these workers to the territory of Poland (in the framework of services provided for Polish entities).

The conditions of employment guaranteed to temporary agency workers posted to the territory of Poland should be **no less favourable than the conditions of employment of domestic temporary agency workers**.

The conditions of employment of temporary agency workers posted to the territory of Poland are set out in generally applicable laws on the performance of temporary agency work. The conditions of employment arising from collective agreements (concluded at company or supra-company level) and other collective arrangements based on laws, and rules and statutes setting out the rights and obligations of the parties to the employment relationship, which are not generally applicable, should also be provided to temporary agency workers posted to Poland, on the same terms as those guaranteed to domestic temporary agency workers. This applies to *inter alia* conditions of remuneration and conditions of accommodation provided to workers away from their regular place of work.

If an employer posts a worker to the territory of Poland to carry out **initial assembly or installation work** in the position concerned **for a period not exceeding 8 days in a year** from the date on which the worker begins to work in this position, and this work is necessary in order to make use of supplied goods, that employer does not need to apply the conditions of employment concerning:

- the duration of annual leave;
- remuneration for work.

However, that employer is still required to apply other conditions of employment which do not depend on the duration of the period of posting.

In addition, this exception does not apply to workers who carry out construction work or building maintenance work, covering in particular excavation, earthmoving, assembly and dismantling of prefabricated elements, fitting out or installation, renovation, dismantling, demolition, maintenance, and painting and cleaning work, for a period not exceeding 8 days in a year from the date on which the workers begin to work in the position concerned.

Conditions of employment of workers posted for a period exceeding 12 months

An employer posting a worker to the territory of Poland **for more than 12 months** must provide to the posted worker conditions of employment no less favourable than those that Polish employers are required to provide under the Labour Code and other provisions governing workers' rights and obligations, excluding:

- the rules and procedure for the conclusion and termination of employment contracts;
- the rules and procedure for the use of non-competition clauses;
- occupational pension schemes and employee capital plans.

This means that a worker posted to the territory of Poland for more than 12 months **must be treated on the same terms arising from the generally applicable laws as a worker employed by a Polish employer in respect of conditions of employment**, and the employer posting the worker is bound by the Polish provisions on labour law to a broad extent, with the three exceptions indicated above.

For more information visit

<https://www.biznes.gov.pl/pl/firma/pracownicy-w-firmie/chce-delegowac-pracownika> Information and services portal for entrepreneurs

<https://www.pip.gov.pl> National Labour Inspectorate

4.10. Safe and healthy working conditions

The right to safe and healthy working conditions

As laid down in Article 66 of the Constitution of the Republic of Poland, a person working in Poland **has the right to safe and healthy working conditions**. The relevant obligations of employers and workers are set forth in the Labour Code, other legislative and implementing acts as well as collective agreements, statutes and work regulations. The aforementioned general provisions are supplemented by specific provisions regarding respective sectors of the economy which are included in separate acts and regulations.

As a rule, **when employing** a new worker under an employment contract, the employer must **refer the worker to health surveillance examination**.

Medical screening is obligatory for:

- newly employed persons;
- young workers transferred to other jobs, and other workers transferred to jobs where they are exposed to harmful agents or arduous working conditions.

Medical screening is **not obligatory** for:

- persons who are re-employed by the same employer to the same job or with the same working conditions within 30 days from the termination or lapse of the previous employment relationship with that employer;
- persons who are employed by another employer at a given position within 30 days from the termination or lapse of the previous employment relation-

ship, provided that they hold a valid medical certificate which confirms that there are no contraindications to working under the working conditions specified in the referral to the medical screening, and the employer considers that these conditions correspond to the conditions in the job concerned; this does not apply to persons who are employed to perform particularly hazardous work. Such persons are required by the employer to produce a valid medical certificate which confirms that there are no contraindications to working at the position concerned, and the referral to the medical screening which was the basis for that certificate.

The aforementioned rule applies accordingly to employing a person who is simultaneously employed by another employer.

In addition, workers must undergo **periodic medical examinations**. In the event of incapacity for work which is longer than 30 days and is caused by an illness, a worker should undergo a **medical checkup** so that his/her capacity for work in the current job is established.

Where possible, periodic medical examinations and medical checkups are conducted in working hours.

In such a case, a worker is entitled to receive remuneration for the time of his/her absence at work due to his/her medical examination/checkup, and if he/she must travel to another locality for the examination/checkup, he/she is entitled to have his/her travel costs reimbursed in accordance with the rules applicable to business travels.

The employer is not allowed to admit a worker to work if he/she does not have a valid medical certificate which confirms that there are no contraindications to working under the working conditions specified in the referral to the medical screening. Medical screening, periodic medical examinations and medical checkups are conducted under a referral issued by the employer.

Employers that employ workers in conditions of exposure to carcinogenic agents and substances or fibrogenic dusts must ensure that these workers have access to periodic medical examinations also when:

- they no longer have contact with such substances, agents or dusts;
- they have terminated their employment, provided that the person concerned requests such examinations.

Medical screening, periodic medical examinations and medical checkups of employees exposed to carcinogenic agents and substances or fibrogenic dusts are

conducted at the employer's expense. Furthermore, the employer bears other costs of employee health surveillance required due to their working conditions.

Employers are obliged to keep certificates issued on the basis of the related medical examinations and referrals to medical examinations.

Before commencing work, a worker must complete an **initial training in occupational health and safety** (in Polish *bezpieczeństwo i higiena pracy*, abbreviated as BHP). A worker must not be admitted to jobs for which he/she is not properly qualified or skilled or is not sufficiently familiar with the related OHS regulations. It is the responsibility of the employer to provide workers with an initial OHS training before allowing them to work, and to ensure that periodic training in this field is conducted.

The aforementioned pre-admission training is not required if the worker commences work for the employer in the same job he/she held at that employer immediately prior to signing a new employment contract with that employer. Training is provided during working hours and at the employer's expense.

A worker must acknowledge that he/she has been familiarised with OJS rules and regulations.

Regulations provide for **two types of OHS training**:

- a) **initial training** – conducted prior to admitting a person to work in a given job. This type of training includes general and workstation instruction;
- b) **periodic training** – aimed at refreshing and consolidating a worker's OHS knowledge and skills and familiarising him/her with new technical and organisational solutions in this field.

A workers who works in several jobs should complete the related workstation instruction for each of these jobs.

The employer and other persons who manage workers, particularly managers, masters and foremen, should complete their **first periodic training** within 6 months from starting work in their respective jobs. Other workers should complete their training within 12 months from starting work in their respective jobs.

Periodic training must be provided at the following intervals:

- once a year – workers employed in particularly hazardous jobs;
- once every 3 years – workers employed in blue-collar jobs;
- once every 5 years – employers and other persons who manage workers, in particular managers, masters and foremen; engineering and technical per-

sonnel, including designers, machine builders and constructors of other technical equipment, process engineers and manufacturing organisation experts; BHP service officers and other persons involved in activities of this service; workers exposed to harmful agents and arduous and hazardous conditions; workers with OHS-related responsibilities;

- once every 6 years – office and administration personnel.

Periodic training is not obligatory for office and administration personnel where the employer's core activity, within the meaning of the public statistics regulations, falls within a group of activities for which maximum Category 3 risk has been identified, as defined in the regulations on social insurance of accidents at work and occupational diseases⁵, unless the occupational risk assessment prepared and documented by the employer proves otherwise.

If the type of the employer's core activity, within the meaning of the public statistics regulations, falls within a group of activities for which the risk category is higher than Category 3, as defined by the regulations on social insurance of accidents at work and occupational diseases, the employer must provide periodic training in OHS within maximum 6 months from the day on which the higher risk category was established.

Periodic training is obligatory also where the occupational risk assessment shows that it has become necessary to conduct periodic training of employees. In such a case, the periodic training is conducted within up to 6 months from the date of the risk assessment.

Employers must assess and document the occupational risk embedded in the work performed and undertake necessary preventive measures to reduce the risk. Employers must inform their workers about the occupational risk related to the work performed and principles of protection against threats.

Employers must provide their workers with free-of-charge working clothes and footwear which meet the requirements established in applicable Polish Standards:

- if the worker's own clothes may be damaged or significantly soiled;
- if this is required under technology, sanitary or BHP requirements.

⁵ (manufacture of wearing apparel; manufacture of leather and related products; printing and reproduction of recorded media; manufacture of computer, electronic and optical products; wholesale and retail trade of motor vehicles; repair of motor vehicles; wholesale and retail trade, except of motor vehicles; air transport; accommodation and food service activities; information and communication; financial and insurance activities; real estate activities; professional, scientific and technical activities; travel agency, tour operator and other reservation service and related activities, investigation and security activities; office administrative and office support and other business support activities; Public administration and defence; compulsory social security; Activities of extraterritorial organisations and bodies; education; culture, entertainment and recreation; other service activities; households as employers of domestic personnel; undifferentiated goods- and services-producing activities of private households for own use).

The employer may identify jobs in which workers are allowed to wear their own working clothes and footwear that meet applicable OHS requirements. However, this must not apply to jobs which involve personal operation of machinery and other technical equipment or activities that cause intensive soiling or contamination of clothing and footwear with chemical/radioactive substances or biologically infectious materials. If a worker uses his/her own working clothes and footwear in the aforementioned situation, the employer is obliged to pay him/her a monetary equivalent in the amount corresponding to the current prices of such clothes and footwear.

Employers are obliged to provide their workers with free-of-charge **personal protective equipment**, if necessary for the job. An employer is obliged to ensure that the personal protection equipment as well as working clothes and footwear in use have protective and utility characteristics, and to ensure that they are washed, maintained, repaired, cleaned of dust and disinfected accordingly. If an employer is unable to ensure that the working clothes are washed, such activities may be performed the worker himself/herself, provided that the employer pays the worker a monetary equivalent corresponding to the expenses incurred by the worker.

If work conditions do not meet the OHS regulations and pose an immediate risk to the worker's life or health, or if the work performed by the worker poses such a risk to other people, the worker **has the right to refrain from doing such work** and immediately notify his/her manager of the fact.

If refraining from work does not remove the risk, the worker has the right to **leave the risk area** and immediately notify his/her manager of the fact. The worker retains the right to receive remuneration for the period he/she refrains from doing his/her work or remains away from the risk area due to the aforementioned reasons.

A worker has the right to **refrain from performing work that requires special mental and physical fitness**, upon notifying his/her employer, if his/her mental and physical health does not ensure safe performance of such work and poses a threat to other people.

The right to refrain from performing work or to leave the risk area does not apply to persons whose professional responsibilities include saving human lives or property.

Where work is performed at the same site by workers employed by different employers, those employer must cooperate with one another, designate a coordinator to supervise OHS issues relating to all workers on site, establish rules of cooperation in case risks to health or life of the workers occur, and inform one another, as well as the workers or their representatives, about actions taken to

prevent occupational risks at work. Designating an OHS coordinator does not relieve the respective employers from the duty to ensure OHS for their workers.

As regards **civil law contracts**, an employer is obliged to ensure health and safety at work for natural persons who perform work in the employer's establishment or at a site the employer might indicate, as well as for persons who perform self-employed activities in the employer's establishments or at a site the employer might indicate. However, regulations do not specify the manner in which this obligation must be met, as employers are not obliged to refer such persons to medical examinations, OHS training, or to equip them with personal protective equipment. However, if e.g. the type of work or the level of risks related to the working conditions or processes is significant and it is advisable that only medically fit persons be admitted to perform such work or operate in such conditions, the employer should make sure that these persons are able to perform tasks assigned to them under their respective civil law contracts.

Accidents at work and occupational diseases

A worker who has suffered an accident at work should **immediately notify his/her superior of the accident**, provided that his/her health allows him/her to do so. If an **accident at work** occurs, the employer must take necessary actions to eliminate or limit the threat, ensure that first aid is provided for the injured, establish the circumstances and causes of the accident as foreseen by regulations, and take appropriate measures to prevent similar accidents.

An accident at work is defined as a **sudden work-related event caused by an external factor leading to injury or death** which takes place:

- during or in relation to performance of ordinary activities or instructions given by the superiors;
- during or in relation to performance of activities for the employer, even without any instructions do to so;
- while on duty for the employer on the way between the employer's registered office and the place of work arising from the employment relationship.

Deemed as equivalent to an accident at work are accidents suffered by workers:

- during business travels in circumstances other than the ones mentioned above, unless the accident has been caused by actions of the worker which are not related to the performance of his/her responsibilities;
- during training in common self-defence;

- when performing actions ordered by trade unions organisations operating at the employer's establishment.

Types of accidents at work:

- a fatal accident – an accident which has caused death within up to 6 months from the date of the accident;
- a severe accident – an accident which has caused a serious injury e.g. blindness, loss of hearing, loss of speech, loss of reproductive capacity or other injuries or health disorders that impair basic bodily functions, as well as incurable or life-threatening diseases, chronic mental illnesses, complete or partial incapacity for to work in a given profession and serious permanent disfigurement or deformation of the body;
- a multiple accident – an accident suffered by at least two persons as a result of a single incident.

An employer must immediately notify the competent district labour inspector and prosecutor of a fatal, severe and multiple accident at work, and of any other work-related accidents which has entailed the aforementioned results, provided that such other accidents may be regarded as accidents at work.

The circumstances and causes of an accident are established by a two-person post-accident team appointed by the employer. The composition of such a team is determined under national law. On establishing the circumstances and causes of the accident, the post-accident team draws up – **within up to 14 days from being notified of the accident** – a report on the circumstance and causes of the accident at work. The report must be presented to the injured person for review before its final approval. The injured person has the right to submit comments and reservations regarding the findings presented in the report, and this right must be brought to the injured person's attention by the post-accident team.

An employer is obliged to keep a register of accidents at work and to store accident reports and the related documentation for 10 years after the report date.

Costs related to establishing the circumstances and causes of accidents at work are borne by the employer. Workers employed under employment contracts are covered by **insurance of accidents at work and occupational diseases**. The amount of the invalidity pension due to an accident at work or occupational disease is established in accordance with the rules applicable to invalidity pensions set forth in the provisions on pensions from the Social Security Fund.

For more information visit

<https://www.gov.pl/web/rozwoj-praca-technologia> Ministry of Economic Development, Labour and Technology

<http://www.ciop.pl> Central Institute for Labour Protection – National Research Institute

<http://www.pip.gov.pl> National Labour Inspectorate

4.11. Special categories of workers

Young workers

Persons aged between 15 and 18 (**young workers**) are employed under separate employment contracts concluded for the purpose of vocational training or performance of light work. It is prohibited to employ persons younger than 15 years of age. However, the Labour Code provides for **exceptions** to this rule.

As specified in the Labour Code, **children at the age of up to 15 years** are allowed to perform work or undertake any other paid activities exclusively for a cultural, artistic, sport or advertising entity, and then only upon a prior consent of the child's statutory representative or guardian and upon obtaining a permit from the competent labour inspector.

Employment of young workers is subject to certain working time restrictions (e.g. they must not work at night or overtime). It is also prohibited to employ young workers to perform prohibited types of work listed in applicable national regulations.

Pregnant women and mothers

Women at work are subject to special protection in relation to pregnancy and maternity:

- an employer must not terminate the employment contract during pregnancy or maternity leave;
- a fixed-term contract or a contract for a probation period longer than one month which would otherwise have been terminated upon the lapse of the third month of pregnancy must be extended until the date of delivery;
- a pregnant worker must not be employed overtime or at night. Without her consent, she must not be delegated to a place outside her permanent place of work or be employed in a disjointed hour system;

- a breastfeeding worker has the right to two 30-minute breaks during work which are included in her working time, and a worker breastfeeding more than one child has the right to two 45-minute breaks. If the working time of a breastfeeding worker is shorter than 6 hours a day, she has the right to one break for breastfeeding. A breastfeeding worker is not entitled to a breastfeeding break if her daily working time is shorter than 4 hours;
- the Employer is obliged to grant a pregnant worker leaves of absence for medical tests recommended by a doctor in relation with her pregnancy if such tests cannot be conducted outside working hours. Absence from work due to such tests shall be included in the worker's paid work time;
- pregnant or breastfeeding workers must not be employed in arduous, hazardous or harmful job listed in applicable regulations.

Persons with disabilities

In Poland, employment of persons with disabilities is regulated by law. Persons with disabilities **must not work longer than 8 hours a day and 40 hours a week**. A person with a significant or moderate degree of disability may work up to 7 hours a day and 35 hours a week. Application of these working time norms must not affect the amount of the fixed monthly remuneration.

A disabled person must not be employed at night or work overtime. A disabled person has the right to **a break from work for physical exercises or rest**. The break is 15 minutes and is included in the person's working time.

A person with a significant or moderate degree of disability has the right to an **additional annual leave** of 10 working days during the calendar year. Such a person acquires the right to his/her first additional annual leave after completing one year of work following his/her classification as a person with a significant or moderate degree of disability. A person entitled to an annual leave of more than 26 working days or entitled to an additional annual leave under separate provisions is not entitled to the aforementioned additional leave.

If the additional leave under separate provisions is shorter than 10 working days, then it is replaced by the additional 10-day leave provided for in the Act on professional and social rehabilitation and the employment of persons with disabilities.

A person with a significant or moderate degree of disability has the right to take paid time off work:

- 1) for a period of up to 21 working days in order to take part in a rehabilitation holiday, however not more than once a year;

- 2) to undergo special medical examinations, medical or rehabilitation treatment, as well as to acquire orthopaedic equipment or have such equipment repaired, provided that such activities cannot be performed outside working hours.

The remuneration for the aforementioned time off work is calculated as a monetary equivalent for the annual leave.

A person with a significant or moderate degree of disability may be employed by an employer that does not ensure protected labour conditions, provided that the employer adapts the workstation to the needs of that person (the adaptation is subject to inspection by the National Labour Inspectorate) or employs that person as a teleworker.

To obtain information on aid in enforcing the rights with regard to their employment and work conditions, persons with disabilities should contact the National Labour Inspectorate (*Państwowa Inspekcja Pracy*), i.e. the authority established to control and supervise compliance with the labour law, and labour courts.

For more information visit

<https://www.gov.pl/web/rozwoj-praca-technologie> Ministry of Economic Development, Labour and Technology

<http://www.niepelnosprawni.gov.pl> Office of the Government Plenipotentiary for the Disabled

<http://www.pfron.org.pl> State Fund for Rehabilitation of Persons with Disabilities

<https://www.pip.gov.pl> National Labour Inspectorate

4.12. Working time

In Poland, the working time **must not exceed 8 hours a day and an average of 40 hours** in an average five day working week. The working time is calculated for a reference settlement period of up to 4 months. If justified by objective or technical reasons concerning organisation of work, the settlement period may be extended up to 12 months, but this must comply with general rules regarding protection of employee health and safety. The settlement period may be extended under a collective agreement or in consultation with respective trade unions. If it is impossible to agree the content of such an agreement with all trade union organisations, the employer shall agree it either with representative trade unions,

each of which shall include at least 5% of workers employed by that employer, or in an agreement with worker representatives appointed in accordance with the procedure in force at that employer. The weekly working time including overtime must not exceed an average of 48 hours in the assumed settlement period.

It is also possible to use **flexible working** time which entails different starting hours or time slots during which workers may start work. The daily working time may be extended in certain work time systems.

All workers are entitled to **uninterrupted daily rest** of at least 11 hours and continuous weekly rest of at least 35 hours, or at least 24 hours in certain cases.

If the daily working time is 6 hours or longer, a worker has the right to take a 15-minute **break from work**; such a break is included in the worker's working time. An employer may introduce one break of maximum 60 minutes for meals or personal matters that is not included in the working time.

Work on Sundays and public holidays is allowed in situations listed exhaustively in the Labour Code, e.g. in the case of shift work, in transport and during work which is necessary due to its social utility and daily needs of the population.

Trade and trade-related activities at commercial establishments on Sundays and public holidays are subject to certain restrictions. In 2020 and following years, there will be 7 trading Sundays per year – the last Sunday in January, April, June and August, two successive Sundays before Christmas and the Sunday before Easter. In certain situations specified by law, trading and conducting trade-related activities is allowed every Sunday. This applies to e.g. petrol stations, pharmacies, florists.

An employer is obliged to give another free day to its workers who work on Sundays and public holidays. Such workers should have a free Sunday at least once every 4 weeks. **Night work** lasts 8 hours between 9:00 pm and 7:00 am. A worker who performs night work has the right to additional remuneration for each hour of night work.

Overtime work entails performing work beyond the standard working time as well as performing work during an extended daily working time if it is necessary to carry out a rescue operation to protect human life or health, protect property or natural environment, resolve a failure or meet specific needs of the employer. The amount of overtime work performed in relation to specific needs of the employer must not exceed 150 hours during the calendar year. Overtime work is compensated by salary supplements or paid time off work.

The provisions of the Labour Code on working time do not apply to civil-law contracts. Furthermore, since this issue is not regulated by the provisions of the Civil Code either, it must be agreed by the parties to the employment contract. However, it is required to confirm the number of hours spent on performing an order or providing a service under a contract which provides for the minimum hourly rate for such activities.

For more information visit

<https://www.gov.pl/web/rozwoj-praca-technologie> Ministry of Economic Development, Labour and Technology

4.13. Leaves

Right to a leave

Workers have the right to continuous paid **annual leave**. Workers must not waive their right to a leave. Documented employment periods with foreign employers completed by EU or EFTA Member State citizens are included in the employment period for employee benefits in Poland.

There are the following types of leaves: annual leave (*urlop wypoczynkowy*), maternity leave (*urlop macierzyński*), leave under the maternity leave conditions (*urlop na warunkach urlopu macierzyńskiego*), paternity leave (*urlop ojcowski*), childcare leave (*urlop wychowawczy*), training leave (*urlop szkoleniowy*), parental leave (*urlop rodzicielski*), and unpaid leave (*urlop bezpłatny*).

Annual leave

Workers acquire the right to their first annual leave (equivalent to 1/12 of the annual leave available after completing one year of work) upon completing one month of work. The right to a further annual leave is acquired with each following calendar year of work. **The amount of an annual leave** is equal to 20 days – for workers who have been employed for less than 10 years, and 26 days – for workers who have been employed for at least 10 years. The employment period which is the basis for calculating the amount of the annual leave includes the period of secondary education. As part of the annual leave, employers may grant a **leave on request** (not more than 4 days in a calendar year) on days specified by the worker. The amount of the annual leave for workers who are employed on a part-time basis is calculated proportionately to the working time of the worker.

An employer grants a leave to a worker in the calendar year in which he/she has acquired the respective right. **Overdue annual leaves** should be used by the end

of the third quarter of the following calendar year. If an annual leave is not used by the termination of the employment contract, an employee has the right to receive a monetary equivalent. When requested by the worker, the annual leave may be divided into parts of which at least one part should last at least 14 consecutive calendar days. For the time of his/her annual leave, a worker has the right to receive the remuneration he/she would have received if he/she had worked.

Unpaid leave

An unpaid leave is granted at the worker's written request (the leave is not included the employment period which is the basis for employee benefits). Notwithstanding the foregoing, the employer may – at the worker's written consent – grant the worker an unpaid leave for the purpose of performing work for another employer during a period specified in the respective agreement between the employers (the period of such leave is included in the employment period which is the basis for employee benefits at the current employer).

Maternity leave

Female workers have the right to a maternity leave of **20 weeks** in the case of giving birth to one child, **31 weeks** in the case of giving birth to two children in one delivery, **33 weeks** in the case of giving birth to three children in one delivery, **35 weeks** in the case of giving birth to four children in one delivery, and **37 weeks** in the case of giving birth to five or more children in one delivery.

Workers who have taken a child for upbringing and filed a motion with the guardianship court for instituting the adoption procedure or have taken a child for upbringing as a foster family (excluding professional foster families) have the right to **a leave under the conditions of the maternity leave**. The amount of the leave is the same as said above, but it is dependent on the number of the children adopted / taken for upbringing simultaneously and it may be used until the child has reached the age of 7 years or 10 year in the case of a child for whom the school attendance obligation has been postponed.

A maternity benefit is paid for the period of a maternity leave or a leave under the conditions of the maternity leave.

Parental leave

Immediately upon using his/her maternity leave, a worker has the right to a parental leave of **up to 32 weeks** in the case of the birth of one child in one delivery, and **up to 34 weeks** in the case of the birth of two or more children in one delivery.

Eligible to take a parental leave are also workers who have taken a child for upbringing and filed a motion with the guardianship court for instituting the adoption procedure or have taken a child for upbringing as a foster family (excluding professional foster families). The amount of the leave is the same as said above, but it varies due to the number of the children adopted / taken for upbringing simultaneously. The right to a parental leave is then available upon using the leave under the maternity leave conditions or upon using the maternity benefit for the period which corresponds to the leave under the maternity leave conditions.

A parental leave is granted at a written request of the worker. A parental leave may be used immediately upon using a maternity leave, at one time or in 4 parts at most. It is also possible to use up to 16 weeks of a paternity leave during a period which does not immediately follow the previous part of the leave used. This option can be used at the parents' discretion, but the number of parts of a parental leave granted in this mode decreases the number of parts of the due childcare leave.

No part of a parental leave may be shorter than 8 weeks. The leave may be used by the end of the calendar year in which the child has reached the age of 6 years.

It is possible to combine a parental leave with work (on a half-time basis) for the employer that grants that leave. If this is the case, the amount of the parental leave is appropriately extended – to a maximum of 64 or 68 weeks.

In addition, **parents** may **exchange between themselves** their parental leaves and maternity benefits during the leave if one of the parents is a worker and the other is covered by sickness insurance under a different scheme, e.g. is self-employed.

A maternity benefit is paid for the period of a parental leave.

Paternity leave

Working fathers have the right to be granted a paternity leave. This type of leave may be granted to fathers, but only until the child has reached the age of 24 months. It may also be granted to a working father who has adopted a child. In this case, he may use it until the lapse of 24 months from the date the court decision about the adoption came into force, but not later than by the time the child reaches the age of 7 years, or 10 years in the case of a child for whom the decision on the postponement of the school attendance obligation has been issued. The amount of a parental leave is equal to **2 weeks**, and it may be divided into two parts, each of which may be used at any time. A maternity benefit is paid for the period of a paternity leave.

Childcare leave

The amount of a childcare leave is **up to 36 months**, however not longer than until the end of the calendar year in which the child has reached the age of 6 years. In order to use the leave, a worker must have an employment history of at least 6 months. A childcare leave may be granted to working mothers or fathers. A childcare leave is granted at a written request of the worker and may be divided into maximum 5 parts. While on a childcare leave, workers do not retain their right to receive remuneration (the leave is not paid as a rule) and are not entitled to any benefits, but are covered by retirement and health insurance which is paid by the employer.

Training leave

A training leave may be granted to a worker who is improving his/her qualifications on the initiative of the employer or at the employer's consent in accordance with the provisions of the Labour Code. The amount of the leave is as follows: **6 days** – for workers who are taking extramural exams; **6 days – for workers who are taking the matriculation exam**; **6 days** – for workers who are taking an exam to confirm professional qualifications; **21 days** in the last year of studies – to write a diploma dissertation and prepare for and take the diploma exam. A worker retains his/her right to remuneration throughout the period of his/her training leave.

Holidays

In Poland, **Sundays** and the following **holidays** are public holidays: 1 January, 6 January, the first day of Easter, the second day of Easter, 1 May, 3 May, Pentecost, Corpus Christi, 15 August, 1 November, 11 November, 25 December, 26 December.

Days off work

There is a number of life events when workers may be granted time off work. **The most frequent occasions include** incapacity for work due to sickness, medical examinations, necessity to care for a child, as well as personal or family events such as marriages and funerals.

If time off work is granted to a worker due to e.g. the worker's **wedding**, the **birth of his/her child** or the **funeral** of his/her spouse, child, father, mother, step-father or step-mother, then the worker has the right to **2 days of time off work**. If time off work is due to the **wedding** of his/her child or the **death and funeral** of his/her sister, brother, mother-in-law, father-in-law, grandmother, grandfather or

a person dependent of the worker or under his/her direct care, then the worker has the right to **1 day of time off work**. During time off work due to the aforementioned causes, the worker has the right to the same remuneration he/she would have received if he/she had worked.

A worker who **brings up at least 1 child** aged 14 years or younger has the right to take paid time off work equal to **16 hours or 2 days** in one calendar year.

A worker who **is improving his/her professional qualifications** has the right (in addition to the aforementioned training leave) to take time off work for the whole or part of a working day which is required to arrive on time for the obligatory classes and to participate in the classes (the worker retain the right his/her remuneration for such time off work).

Civil law contracts are not subject to the provisions of the Labour Code on leaves and time off work or the provisions on public holidays. These matters are not regulated under the provisions of the Civil Code either.

For more information visit

<https://www.gov.pl/web/rozwoj-praca-technologie> Ministry of Economic Development, Labour and Technology

4.14. Representation of workers

At a work establishment, there may also be other forms of workers' representation, e.g. **work councils**.

The freedom of association in trade unions is guaranteed to everyone who performs paid work in Poland. A trade union may be founded by a group of at least 10 workers who have the right to establish trade unions, and they decide, at their discretion, what persons (categories, groups, professions) will be members of the union.

The rules of membership in trade unions and the rules of performing union functions are specified in the statutes and resolutions of their bodies. A new member is usually accepted to join a trade union after he/she has submitted his/her **membership declaration**. The decision whether or not to approve a membership declaration is made by the competent statutory authorities of the trade union. Operating at a work establishment may be either a **workplace or inter-company trade union organisation**. Trade unions may form federations and confederations.

Membership in a trade union is voluntary. Nobody can suffer negative consequences of his/her membership in a trade union. Trade unions represent both collective and individual workers' rights and interests. As regards collective rights and interests, trade unions represent all workers, regardless of their trade union membership (e.g. they conclude collective agreements and accords, and agree on work regulations, principles of remuneration and the Company Social Benefits Fund). As regards individual employment-related matters, a worker may be represented by a trade union if he/she is a member thereof or if the union organisation of his choice agrees to defend his/her worker rights (e.g. trade unions are consulted on planned terminations of employment contracts).

On 1 January 2019, new legislation entered into force which gives all persons performing paid work the full right to create and join trade unions. According to the amended Act, a person performing paid work means both the worker within the meaning of the Labour Code and a person performing work for remuneration on a basis other than employment relationship, provided that the latter does not employ other persons to perform the work, irrespective of the actual basis of the employment. Furthermore, the latter has the same rights and interests relating to the performance of his/her work, and these rights and interests may be represented and defended by a trade union. The new provisions allow all persons who perform work under civil law contracts and natural persons who conduct a one-person non-agricultural economic activity (also referred to as self-employed persons) to establish and join trade unions. The right to join existing trade unions is now also vested in volunteers, apprentices and other persons who perform unpaid work in person.

Beginning on 1 January 2019, the privileges required to conduct trade-union activities – e.g. the right to be released from professional work for the duration of an ad hoc activity or the special protection of trade union activists against the termination or disadvantageous amendments to their employment contracts – are now guaranteed also for persons performing paid work other than workers.

According to data provided by the Statistics Poland (*Główny Urząd Statystyczny*, GUS) for the year 2014, and by the Public Opinion Research Centre (*Centrum Badań Opinii Społecznej*, CBOS) for the year 2017, members of trade unions accounted for 11% of all working persons.

At a work establishment, there may also be other forms of workers' representation, e.g. **work councils**.

Works councils which operate at employers that conduct economic activities and employ at least 50 workers form workers' representation for information and con-

sultation purposes. Works councils are elected by workers and have the right to obtain information regarding the employer's activity and economic situation and to obtain information and conduct consultations regarding the status, structure and expected changes in employment and regarding activities which affect the organisation of work or employment basis.

The law on works councils **does not provide for any restrictions** regarding membership in works councils for EU and EFTA Member State citizens or their family members who are not EU or EFTA Member State citizens employed in Poland.

For more information visit

<https://www.gov.pl/web/rozwoj-praca-technologia> Ministry of Economic Development, Labour and Technology

<http://www.dialog.gov.pl/> Department of Social Dialogue and Partnership

<http://www.solidarnosc.org.pl> NSZZ Solidarność – a trade union

<http://www.opzz.org.pl> All-Poland Alliance of Trade Unions (*Ogólnopolskie Porozumienie Związków Zawodowych*)

<http://www.fzz.org.pl> Trade Unions Forum (*Forum Związków Zawodowych*)

<http://www.pip.gov.pl> National Labour Inspectorate

4.15. Labour disputes and strikes

Collective disputes may concern work conditions, remunerations or social benefits, as well as trade union rights and freedoms. A collective dispute may not concern individual worker's claims which can be asserted before courts. If a collective dispute concerns the content of the collective agreement or any other agreement to which a trade union organisation is a party, then the dispute may be initiated and conducted only upon termination of such agreements.

Collective disputes are conducted between trade unions and an employer or employers. They are resolved through a process which consists of the following stages: negotiations between the parties, mediation, arbitration, and strike. The first two are obligatory, while arbitration is optional.

Any person who is elected by all parties to the dispute or any person included in the list of mediators kept by the Minister competent for labour matters may become a mediator in a collective dispute.

Going on strike is the ultimate measure, and the decision to announce it should take into account whether the claims are commensurate with the strike-related losses. The announcement of a strike should be preceded by a referendum among workers of the work establishment concerned. Workers do not have the right to remuneration for the duration of the strike. Polish law does not provide for lockouts.

For more information visit

<https://www.gov.pl/web/rozwoj-praca-technologie> Ministry of Economic Development, Labour and Technology

<http://www.dialog.gov.pl/> Department of Social Dialogue and Partnership

<http://www.solidarnosc.org.pl> NSZZ Solidarność – a trade union

<http://www.opzz.org.pl> All-Poland Alliance of Trade Unions (Ogólnopolskie Porozumienie Związków Zawodowych)

<http://www.fzz.org.pl> Trade Unions Forum (*Forum Związków Zawodowych*)

<http://www.pip.gov.pl> National Labour Inspectorate

<http://www.pracodawcyrp.pl/> Employers of Poland (*Pracodawcy RP*)

<http://www.konfederacjalewiatan.pl> Lewiatan Confederation

<http://www.zrp.pl> Polish Craft Association (*Związek Rzemiosła Polskiego*)

<http://www.bcc.org.pl> Business Centre Club – Employers' Association\ Association of Entrepreneurs and Employers (*Związek Przedsiębiorców i Pracodawców*)

<https://zpp.net.pl/>

<https://www.rpo.gov.pl/> Civil Rights Ombudsman

4.16. Terminating employment

Forms of terminating employment

An employment relationship ends either through its **termination** or **expiry**.

An employment contract may be terminated by a **mutual agreement of the parties**; a declaration of one of the parties with an appropriate period of notice; by a declaration of one of the parties without an appropriate period of notice; upon the lapse of the term for which the contract has been concluded. A statement by

a party to an employment contract regarding its termination without a period of notice should be made in writing. Termination of an employment contract by a mutual agreement of the parties – the employer and the worker express their consent for terminating the employment contract on such date as they may agree.

An employment contract may be terminated **by serving a notice** – then it is terminated through a written declaration of the worker or of the employer upon the agreed termination notice. It is possible to terminate the following types of employment contracts by serving a notice: an employment contract for an indefinite period of time, an employment contract for a probation period, and an employment contract for a fixed period of time. The period of termination notice for employment contracts for indefinite and fixed periods of time depends on the length of employment at a given employer and presents as follows: 2 weeks – for workers who have been employed for less than 6 months, 1 month – for workers who have been employed for at least 6 months, and 3 months – for workers who have been employed for at least 3 years.

The period of termination notice for employment contracts for a probation period depends on the length of the probation period and presents as follows: 3 working days – if the probation period is not longer than 2 weeks, 1 week – if the probation period is longer than 2 weeks, and 2 weeks – if the probation period is 3 months.

When terminating an employment contract, the employer may release the worker from the obligation to perform work until the end of the period of notice, during which time the worker retains his/her right to remuneration.

If an employment contract for an indefinite period of time is **terminated by the employer**, the employer must submit a written notification to the establishment's trade union which represents the worker regarding the intent to terminate the employment contract, specifying the reason for the termination. An employment contract may be terminated **without serving a notice** – then it is terminated through a written declaration of the worker or of the employer without any termination notice. An employer may terminate an employment contract **by fault of the worker** if the worker has:

- seriously violated his/her core employee responsibilities;
- committed a crime during the period of his/her employment contract, which makes it impossible to continue to employ him/her further in the current job, provided that the crime is obvious or has been confirmed by a final and valid court judgement;
- lost by his/her authorisations to perform work in the current job due to his/her culpable actions.

An employer may also terminate an employment contract **without serving a notice by no fault** of the worker if the worker:

- is not capable to work due a sickness which continues for a period specified in the Labour Code;
- is absent from work for longer than 1 month due to justified reasons other than sickness.

The employer's declaration regarding termination of an employment contract without serving a termination notice should specify the reason for the termination and should contain an instruction about the worker's right to appeal to the labour court.

A **worker** may terminate his/her employment contract **without serving a notice** if:

- it is confirmed by a medical certificate that the work has a harmful impact on the worker's health, and the employer fails to transfer the worker to a different job which would be appropriate for the worker's health and professional qualifications;
- the employer has seriously violated its basic responsibilities towards the worker.

An employment relationship expires automatically by operation of law in situations referred to in the Labour Code and in other specific provisions (e.g. death of the worker or the employer).

In Poland, there are specific provisions concerning the termination of employment relationships for reasons which are not attributable to workers. They regulate the manner in which collective and individual redundancies should be carried out and refer to employers who employ at least 20 workers.

Matters relating to termination of legal relationships arising under certain civil law contracts (e.g. contracts of mandate or specific-task contracts) are regulated – depending on the type of a contract between the parties – by applicable provisions of the Civil Code.

Reinstatement and re-employment

A worker may apply for **reinstatement** to work under previous conditions if:

- the employer has terminated his/her employment contract for an indefinite period of time by serving a notice of termination without stating the reasons or in violation of the provisions on terminating employment contracts;
- the employer has terminated his/her employment contract without serving a notice of termination in violation of the provisions on terminating employment contracts in this mode.

Reinstatement to work is adjudicated by a **labour court** which examines the worker's claim following a prior submission of a relevant statement of claim by that worker. A worker has the right to **choose the labour court** which will be convenient for him/her depending on his/her place of residence/work or the registered office of the employer.

A worker who has taken up work **as a result of reinstatement** is eligible to receive remuneration for the time he/she remained unemployed, but not for longer than two months; where his/her period of notice was 3 months – for not longer than 1 month. In the event of termination of an employment contract with a worker who is in a pre-retirement protection period or with a female worker in pregnancy or on a maternity leave, the worker is eligible to remuneration for the entire time during which he/she remained unemployed. This applies also in the event of termination of an employment contract with a father bringing up a child or another closest relative on a maternity leave, or where the termination is subject to restrictions under specific regulations.

A worker whose employment contract has been terminated may be **re-employed** in the following situations:

- his/her employment contract has been terminated without serving a notice of termination due to his/her incapacity for work resulting from a long-term sickness or accident at work or occupational disease;
- his/her employment contract has been terminated without serving a notice of termination due to his/her justified absence longer than 1 month resulting from a cause other than a long-term sickness, accident at work or occupational disease;
- his/her employment contract has been terminated as part of collective redundancies (an employer that lays off workers as part of collective redundancies must employ the workers laid off first after it has resolved its problems and opened a new recruitment process);
- his/her employment relationship has expired due to a provisional detention for 3 months, where the related criminal procedure has been discontinued (except for a discontinuation due to the lapse of the period of limitation or due to an amnesty, and except for a conditional discontinuation) or where an acquitting judgement has been passed, and the worker concerned has expressed his/her intention to come back to work within 7 days from the date on which the said judgement becomes final.

For more information visit

<https://www.pip.gov.pl> National Labour Inspectorate

<https://www.gov.pl/web/rozwoj-praca-technologie> Ministry of Economic Development, Labour and Technology

4.17. Unemployment and provision of employment support by employment offices

Unemployment and institutions of the labour market

Unemployment in Poland was in a **downward** trend between late 2013 and late 2019.

Towards the end of 2019, the unemployment rate was **5.2%**, the lowest level in Poland since December 1990. However, the outbreak and rapid spread of the COVID-19 epidemic in 2020, and measures taken to curb the fast growth of the incidence rate, caused a supply-demand shock. The economic consequences of the pandemic can be felt almost everywhere around the world, and Poland is no different in this regard.

The unemployment rate was 6.1% at the end of **August 2020**, 0.9 percentage point more compared with August 2019. Although no drastic increase in the unemployment rate due to the COVID-19 epidemic could be observed between August 202 and August 2019, it is difficult to anticipate how the epidemic will affect unemployment later on in 2020.

Unemployment in Poland has for years been marked by seasonality, growing in months starting and ending the year, and territorially diversified across the country. In August 2020, the unemployment rate remained at a single-digit level in all Polish provinces. The highest rate was reported in Warmińsko-Mazurskie Province (9.9%), and the lowest in Wielkopolskie Province (3.7%).

People from older age groups, poorly educated and without history of employment are among those who remain listed by employment services as unemployed for the longest period of time.

The state's responsibility to promote employment, mitigate the effects of unemployment and enable professional activation is handled by **labour market institutions**. Actions taken by labour market institutions are aimed at achieving full and productive employment.

These labour market institutions include:

- 1) **public employment** services, which consist of employment authorities (the Minister responsible for labour matters, Marshals of Provinces, Heads of Districts, Mayors of cities with the status of a District, and Heads of Provinces) along with District and Province employment offices, the office supporting the Minister responsible for labour matters, and Province Offices;
- 2) **the Voluntary Labour Corps**, which is a state unit specialised in activities for youths, particularly the youth threatened by social exclusion, and the unemployed aged 25 and younger;
- 3) **employment agencies**, which are non-public organisational units that provide job placement services, recruitment services on behalf of foreign employers, vocational guidance, HR consulting services, and agency services for temporary work;
- 4) **training institutions**, which are public and non-public entities that provide off-school education under separate legal provisions;
- 5) **institutions of social dialogue on the labour market**, which are organisations and institutions specialised in matters of the labour market, such as trade union organisations, employer and unemployed organisations, as well as non-governmental organisations whose statutory tasks include promotion of employment, mitigation of the effects of unemployment and professional activation;
- 6) **local partnership institutions**, which are groups of institutions involved in labour market ventures on a contractual basis.

Being part of the public employment services, **Province and District Employment Offices** assist the unemployed and job seekers in obtaining appropriate jobs, as well as employers in hiring appropriate personnel.

District Employment Offices (*powiatowy urząd pracy*) pay out benefits for the unemployed and acquire and manage funds for prevention of unemployment and actions on their local labour markets.

Province Employment Offices (*wojewódzki urząd pracy*) are institutions competent for accepting and examining applications from the unemployed for issuing documents related to unemployment benefits. They confirm insurance and employment periods completed in Poland to enable submission of the related data to authorities in other EU and EFTA Member States so that citizens can apply for unemployment benefits there. Province Employment Offices issue documents which entitle to transfer a Polish unemployment benefit to another EU

or EFTA Member State. They also issue decisions on the right to unemployment benefits when the relevant employment period in a foreign country (an EU or EFTA Member State) has impact on the acquisition, amount or period of receiving the benefit.

Polish public employment services have been a member of the European Employment Services (**EURES**) since 1 May 2004. In addition, the Volunteer Labour Corps joined the network on 1 January 2015. Province and District Employment Offices and the Voluntary Labour Corps carry out activities within the EURES network, in particular international job placement services complete with advisory services on job mobility on the European labour market. Job placement services within the EURES network may also be provided by entities accredited by the Minister of Family, Labour and Social Policy. The EURES personnel, i.e. EURES advisers and assistants at Province Employment Offices and the Voluntary Labour Corps, and EURES customer advisers (recruitment agents) at District Employment Offices, assist EU and EFTA Member State citizens in finding appropriate jobs in Poland.

Registering as an unemployed person

To register as an **unemployed person**:

- 1) use the **electronic registration system at a District Employment Office**; the system is addressed to all people who have access to the Internet. You can choose either of the following options:
 - a) **The so-called pre-registration**, in which you fill in an electronic application to be registered as an unemployed person. The form is available online on electronic services portal of Employment Offices. When completed, the application must be sent to the competent District Employment Office.

After the required data has been submitted, the District Employment Office schedules an appointment for you within 7 working days to deliver all documents must be registered and to complete the registration process. If you fail to appear on the date set by the Office, the data you have submitted is deleted from the its computer system;

or

- b) **Electronic registration** at a District Employment Office, in which you:
 - fill in an electronic application form to be registered as an unemployed person. The form is available online on electronic services portal of Employment Offices,

- attach documents issued electronically and scans of documents issued in paper form, as required for registration,
- sign your application and attached documents as well as a declaration that the data you have provided is true and that you have been familiarised with the conditions for retaining the status of an unemployed person (which you submit (subject to criminal liability for making false statements) with a qualified electronic signature, a trusted signature or your personal signature, and
- send your application with the declaration and attachments to the competent District Employment Office,

or

- 2) visit the District Employment Office of your place of permanent or temporary residence; if you have not registered your place of residence, visit the District Employment Office within whose operating area you are currently staying (a list of District Employment Offices can be found on the Public Employment Services Portal in the section “Go to your Office”/„Przejdź do swojego urzędu”).

You will acquire the status of an unemployed person on the day you:

- 1) **visit your District Employment Office** – after you have authenticated your data with your handwritten signature and submitted a declaration that the data provided is true and that you have read the conditions for retaining the status of an unemployed person (the declaration is made in the presence of an officer of the District Employment Office and you may be subject to criminal liability if the declaration is false); or
- 2) **submit your electronic application** – after signing it as well as the attached documents and the declaration referred to in Point 1 (Subject to criminal liability for making false statements) with a qualified electronic signature, a trusted signature or your personal signature.

Employment support provided by Employment Offices

Persons who register with District Employment Offices as unemployed persons or job seekers may use various **forms of assistance** provided by the Offices in accordance with applicable provisions of law.

In the first place, such persons may receive **appropriate job offers** as part of job placement services provided by Employment Offices. If there are no appropriate

job offers, the Employment Office will provide assistance to facilitate finding a job as part of its **vocational guidance** services.

Unemployed persons and job seekers may also receive assistance in their further professional development, in particular through different types of **training**.

Moreover, there is a range of **instruments** dedicated to the unemployed which enable them to:

- gain professional experience through referrals to **internships** or **vocational preparation for adults** conducted by employers;
- take up **subsidised employment**;
- start a **business**, or
- take initiative in the field of professional activation through a **system of vouchers which** guarantee that the Employment Office will cover the expenses related to training, internship or employment, including outside of the current place of residence, provided that they are taken on the unemployed person's initiative.

An unemployed person is offered various forms of professional activation by his/her District Employment Office which are included in the **Individual Action Plan**.

EU and EFTA Member State citizens, as well as their family members who are not EU or EFTA Member State citizens, registered with a District Employment Office may receive assistance under the same conditions as Polish citizens.

Unemployment benefit

A persons who registers with a District Employment Office as an unemployed person may receive financial support in the form of an **unemployment benefit**.

The right to receive such a benefit is granted to persons who had **worked for 365 days in the 18 months immediately preceding the registration at a District Employment Office (or provide evidence that they have completed 365 days of other “eligible” period⁶)**.

The right to the unemployment benefit is established on the basis of documents submitted during the registration process. The right to the unemployment benefit is valid for 180 days from the date of registration (or 365 days in special situations listed in the relevant Act).

⁶ For full information visit <http://psz.praca.gov.pl/-/14263-zasilek-dla-osob-bezrobotnych>

As a rule, to receive the unemployment benefit in Poland you must meet the following requirements:

- 1) you must be registered with a District Employment Office as an unemployed person;
- 2) there are no suitable offers of job, internship, vocational preparation for adults, training, intervention work or public work;
- 3) you can provide evidence that in the 18 months immediately preceding the date of your registration, you completed at least 365 days of:
 - a) employment for which you received remuneration in the amount equal to at least the minimum remuneration for work which is subject to the obligation to pay contributions to the Labour Fund,
 - b) working under a tolling contract for which you received an income equal to at least the minimum remuneration for work,
 - c) providing services under an agency contract, contract of mandate or other form of a contract for services which is subject to the provisions of the Civil Code on awarding such contracts or cooperating in their execution (the basis of assessment of social insurance contributions and contributions to the Labour Fund must be the amount equal to at least the minimum monthly remuneration for work),
 - d) paying social insurance contributions from non-agricultural activity or cooperation (the basis of assessment of social insurance contributions and contributions to the Labour Fund must be the amount equal to at least the minimum remuneration for work),
 - e) working during the period of provisional detention or when serving a prison sentence (the basis of assessment of social insurance contributions and contributions to the Labour Fund must be the amount equal to at least the minimum remuneration for work),
 - f) working for an agricultural production cooperative, a cooperative of agricultural machinery rings or a cooperative of agricultural services while being a member of that cooperative (the basis of assessment of social insurance contributions and contributions to the Labour Fund must be the amount equal to at least the minimum remuneration for work),
 - g) paying contributions to the Labour Fund in the amount of 9.75% of the average remuneration for each month of work in connection with employment or performing any other paid work in another EU or EFTA Member State,

- h) employment abroad if you have come to Poland as a repatriate,
- i) employment, service or any other paid work for which you received remuneration or income which was subject to the obligation to pay contributions to the Labour Fund.

The period during which the unemployment benefit may be claimed depends mainly on the situation on the local labour market and is equal to:

- **180 days** – for the unemployed who reside in a given District while claiming the unemployment benefit, provided that the unemployment rate in that area did not exceed 150% of the average unemployment rate for the entire country as of 30 June of the year preceding the day on which the right to the unemployment benefit was acquired;
- **365 days** – for the unemployed who:
 - reside in a given District while claiming the unemployment benefit, provided that the unemployment rate in that area exceeded 150% of the average unemployment rate for the entire country as of 30 June of the year preceding the day on which the right to the unemployment benefit was acquired,
 - are 50 or older and have completed a period of at least 20 years entitling to receive the unemployment benefit, or
 - support at least one child aged 15 or younger, and whose spouse is also unemployed and has lost the right to the unemployment benefit due to its expiry (after the date the unemployed person acquired the right to the benefit), or
 - are single parents who bring up at least one child aged 15 or younger.

The amount of the unemployment benefit depends mainly on the completed period of employment and amounts to:

- **basic benefit** (100%) – for the unemployed who have between 5 and 20 years of employment history:
 - **PLN 1200** (ca. EUR 276) a month for the first 90 days after acquiring the right to the benefit,
 - **PLN 942.30** (ca. EUR 216) a month throughout the rest of the period in which the right to the benefit is held;
- **reduced benefit** (80% of the basic benefit) – for the unemployed who have below 5 years of employment history:

- **PLN 960** (ca. EUR 221) a month for the first 90 days after acquiring the right to the benefit,
- **PLN 753.90** (ca. EUR 174) a month throughout the rest of the period in which the right to the benefit is held;
- **increased benefit** (120% of the basic benefit) – for the unemployed who have at least 20 years of employment history:
 - **PLN 1440** (ca. EUR 331) a month for the first 90 days after acquiring the right to the benefit,
 - **PLN 1,130.80** (ca. EUR 260) a month throughout the rest of the period in which the right to the benefit is held.

The period required to acquire the right to the unemployment benefit in Poland includes also periods of employment completed in other EU/EFTA Member States.

The **unemployment benefit** acquired in another EU or EFTA Member State may be transferred to Poland.

For more information visit

<https://www.gov.pl/web/rozwoj-praca-technologie> Ministry of Economic Development, Labour and Technology

<http://psz.praca.gov.pl/> Public Employment Services Portal

<http://praca.gov.pl/> Portal of electronic services of Employment Offices

<http://zielonalinia.gov.pl/> Information and Consultation Centre of Employment Services

<https://eures.praca.gov.pl/> Polish EURES website

<https://ohp.pl/> Voluntary Labour Corps

<http://www.stor.praca.gov.pl/portal/#/kraz> Register of Employment Agencies

<http://www.stor.praca.gov.pl/portal/#/ris> Register of Training Institutions

<http://www.stor.praca.gov.pl/portal/#/eures> Register of entities accredited to provide job placement services as part of the EURES network

4.18. Business activities

General information

Everybody has the **freedom** to undertake, conduct and end business activities in Poland under equal rights and in accordance with law. The freedom of economic activity may be restricted only under applicable legislation and exclusively due to an important public interest.

Beginning in 2018, the definition of economic activity does not include activities conducted by a natural person whose income from those activities in any month does not exceed 50% of the minimum wage and who has not conducted any economic activity in the past 60 months.

Polish law provides for a **catalogue of available forms** of economic activity, ranging from economic activities conducted by natural persons (including as part of civil partnerships) to partnerships and capital companies. Factors that determine the ultimate decision as to the form of the economic activity conducted include *inter alia* the requirements concerning the initial capital, the scope of material liability for the economic activity conducted and the formalities related to the registration of the activity.

An entrepreneur – a natural person – may start economic activity on the day he/she submits an **application for entry in the Central Registration and Information on Business** (*Centralna Ewidencja i Informacja o Działalności Gospodarczej*, CEIDG), and in the case of partnerships or capital companies – on the day he/she obtained an entry in the register of entrepreneurs of the National Court Register (*Krajowy Rejestr Sądowy*). A capital company in organisation may undertake economic activities before being entered in the register of entrepreneurs.

Foreign persons who come from EU or EFTA Member States and foreign persons who come from states which are not parties to the Agreement on the European Economic Area and who can exercise the freedom of economic activity under agreements concluded by those states with the EU and its Member States may undertake and conduct economic activity under the same conditions as Polish citizens.

Citizens of states other than said above, if they want to undertake and conduct economic activities in Poland under the same conditions as Polish citizens, must meet the requirements set forth in the Act on the Principles of Participation of Foreign Entrepreneurs and Other Foreign Persons in Economic Transactions in the Territory of the Republic of Poland.

Persons who intend to start an economic activity as well as active entrepreneurs may seek support from the **Polish Agency for Enterprise Development**.

Individual economic activity

The most popular form of conducting an economic activity is operation on the basis of an entry in the CEIDG.

To pursue such an activity it is necessary to **submit an application for the entry in the CEIDG** by submitting the electronic form which is available on the CEIDG website, signed with an electronic signature or a signature authenticated with an ePUAP trusted profile. The application may be submitted to any Communal Office (*urząd gminy*) in person or by registered mail (in which case it must be signed by the applicant and confirmed by a notary). The CEIDG entry will be made at the latest on the business day following the date of submission.

Attached to the application must be a declaration on the lack of bans on conducting an economic activity adjudicated against the applicant as well as on the lack of bans on pursuing a specific profession and bans on conducting activities related to upbringing, treating, teaching or caring for minors. It is also necessary to attach a declaration that the applicant has the legal title to every real property whose address is entered in the CEIDG (an entrepreneur registered in the CEIDG must have the legal title to all properties subject to entry in the CEIDG). The aforementioned declarations are subject to criminal liability for submitting false declarations.

An application for an entry into the CEIDG is at the same time an application for assigning the REGON number (the register of business entities of the national economy), **an application for assigning the NIP number** (Tax Identification Number) and **a declaration regarding the chosen form of taxation**.

If the applicant is a contribution payer, he/she may attach an application to register for social and health insurance or health insurance, an application to register his/her family member for health insurance, an application to change data provided in the aforementioned applications, and an application to unregister from the aforementioned insurances.

The CEIDG sends the data to the competent tax office indicated by the applicant, the competent statistical office and the Social Insurance Institution or the Agricultural Social Insurance Fund.

The application for the entry in the CEIDG is free of charge.

A **print-out of the CEIDG website** serves as a certificate of the entry in the CEIDG.

Public administration bodies must not request entrepreneurs to present, transfer or attach to their applications any CEIDG entry certificates. The NIP number serves as an identification number of entrepreneurs in the course of trading.

The CEIDG website allows users to search for an entrepreneur – a natural person, and to obtain necessary information about his/her economic activity.

As regards the **form of taxation**, the following options are available: a tax card, a lump sum tax on registered incomes, a flat tax, or a progressive tax rate under general rules. At the same time, the applicant may indicate the type of accounting documents which will be kept: accounting books, revenue and expense ledger, or other accounting records.

Entrepreneurs may **suspend their economic activity**. During the period of suspension, entrepreneurs may not conduct any economic activity, generate current revenues from non-agricultural economic activity, except for the situations provided for in law, or employ any workers.

The following data should be provided in a CEIDG entry application: data of the entrepreneur, i.e. name and surname and business name of the entrepreneur; PESEL number, if applicable; date of birth (if the entrepreneur does not have the PESEL number); citizenship; address for service; and the address of the place where economic activity is carried out on a permanent basis, if applicable; NIP number of the entrepreneur, if applicable; core business in accordance with the Polish Classification of Business Activity (*Polska Klasyfikacja Działalności*, PKD); start date of economic activity; form of taxation; contact telephone number; website; and e-mail address;

Civil law partnerships

A civil law partnership does not have a legal personality. A civil law partnership is not an entrepreneur, but all partners in it must have the status of an entrepreneur and are obliged to independently register their economic activities with the relevant register. No initial or founding capital is required to establish a civil law partnership. All shareholders are jointly and severally liable for the partnership's liabilities.

Commercial companies

Commercial companies include partnerships and capital companies.

There are the following types of **partnerships**:

- **a registered partnership** – the basic form of a partnership. The scope of the partners' liability is characteristic for this type of partnerships. They bear sub-

subsidiary and unlimited liability for the partnership's liabilities. Each of the partners has the right to represent his/her partnership;

- **a professional partnership** – devised to pursue liberal professions, as listed in the Commercial Companies Code. Acting as partners in such a partnership may be persons pursuing the following professions: lawyer, pharmacist, architect, civil engineer, certified accountant, insurance broker, tax adviser, stockbroker, investment consultant, accountant, medical practitioner, dentist, veterinarian, notary, nurse, midwife, legal counsel, patent attorney, property valuator, and sworn translator. Provisions on professional partnerships regulate the matters of liability – partners are not liable for the partnership's liabilities which were incurred in connection with pursuing of a liberal profession by the other partners in the partnership, or for the partnership's liabilities arising from actions or omissions of persons employed by the partnership under an employment contract or other legal relationship who were managed by another partner when providing services related to the partnership's business. Each partner has the right to represent his/her partnership individually. A professional partnership agreement may provide for entrusting the management board with handling the partnership matters and representing the partnership;
- **a limited partnership** – devised both for natural and legal persons. At least one of the partners – a general partner – is liable for the partnership's liabilities without limitation, while the liability of the other partners – limited partners – is limited to a specific amount, i.e. the limited partner's liability; A limited partnership is represented by general partners who have not been forbidden to represent the partnership by operation of law or under a valid court order;
- **limited joint-stock partnership** – devised to carry out economic activity on a large scale. The provisions lay down an obligation to pay in a minimum share capital in the amount of PLN 50,000 (approx. EUR 11,737). At least one partner is liable towards the creditors for the partnership's liabilities without limitation (general partner), and at least one partner acts as a shareholder. The shareholder is not liable for the partnership's liabilities. A limited joint-stock partnership is represented by general partners, but a shareholder may represent it as a proxy.

Capital companies include such companies as:

- **a limited liability company (sp. z o.o.)** – which is legal person. A limited liability company may be set up by both natural and legal persons. Such a company is liable for its liabilities with its whole property without limitations.

The prerequisite is to pay in a minimum share capital in the amount of PLN 5,000 (ca. EUR 1,174). As a rule, partners bear liability up to the amount of the capital. The general meeting of partners is the supreme management body. A limited liability company is represented by the management board (which consists of at least one member) in accordance with the terms conditions set forth in the articles of association. A limited liability company may also have a supervisory board or an audit committee or both;

- **a joint-stock company (S.A.)** – which is a legal person. A joint-stock company may be set up by both natural and legal persons. The prerequisite is to pay in a minimum share capital in the amount of PLN 100,000 (ca. EUR 23,474). The company is liable for its liabilities up to the amount of the stock capital as a rule. The general meeting of shareholders is the supreme management body. A joint-stock company is represented by the management board (which consists of at least one member) in accordance with the terms conditions set forth in the company statutes. A joint-stock company must have a Supervisory Board.

Branches and representations of foreign entrepreneurs

Foreign entrepreneurs may run business in Poland as part of **branch offices and representations**.

As defined in applicable legal provisions, a **branch office** is a separate and independent organisational unit of a business which operates outside the its registered office or main place of activity. A branch office of a foreign entrepreneur must be registered with the National Court Register.

Activities of a **representation** may include solely advertising and promotion of a foreign entrepreneur (excluding economic activity). A representation must be entered into the register of representations of foreign entrepreneurs which is kept by the Minister of Entrepreneurship and Technology.

For more information visit

<https://www.gov.pl/web/rozwoj-praca-technologie> Ministry of Economic Development, Labour and Technology

<http://www.ceidg.gov.pl> Central Registration and Information on Business (*Centralna Ewidencja i Informacja o Działalności Gospodarczej*)

<https://www.biznes.gov.pl/przedsiębiorcy> Information and services portal for entrepreneurs

<https://www.gov.pl/web/kas/dane-teleadresowe-jednostek-kas> Tax offices

<https://www.gov.pl/web/sprawiedliwosc> Ministry of Justice

<http://www.parp.gov.pl> Polish Agency for Enterprise Development (*Polska Agencja Rozwoju Przedsiębiorczości*)

<http://www.zus.pl/> Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*)

<https://www.gov.pl/web/kas> National Revenue Administration

<http://stat.gov.pl/> Statistics Poland (*Główny Urząd Statystyczny*)

<http://www.paih.gov.pl> Polish Investment and Trade Agency (*Polska Agencja Inwestycji i Handlu*)

<https://ems.ms.gov.pl/krs/wyszukiwaniepodmiotu> National Court Register (*Krajowy Rejestr Sądowy*)

<https://dane.gov.pl/pl/dataset/1266> Register of representations of foreign entrepreneurs



5. INCOME, REMUNERATIONS AND TAXES

5.1. Income and remunerations

Minimum remuneration for work

The rules and procedures for establishing the amount of the **minimum remuneration for work (wage)** and the minimum hourly rate for specific civil-law contracts are laid down in legislation. The amounts of the aforementioned wage guarantees are negotiated under the Social Dialogue Council on an annual basis.

In 2020, the minimum gross monthly wage for workers (i.e. persons employed under employment relationship) is **PLN 2,600 gross** (ca. EUR 598), and in 2021, it will be **PLN 2,800 gross** (ca. EUR 644). This amount is subject to deductions for inter alia social security contributions and advance personal income tax payments. The amount applies to a person who is employed on a full-time basis and is reduced accordingly for part-time workers.

The amount of the minimum remuneration for work includes all components of remuneration which are treated as payroll costs, excluding remuneration for overtime work, jubilee awards, severance payments paid at retirement, additional remuneration for night work and length-of-service allowance. It does not include payments from profit or balance-sheet surplus or the additional annual remuneration in the public sector. Should the remuneration of a worker be lower than the valid minimum remuneration for work in a given month due to the payment dates of certain remuneration components or the work time schedule, the worker has the right to receive a compensation which is paid together with his/her remuneration.

Remunerations

Remuneration systems **vary** from employer to employer. The terms and conditions for remunerating and granting other work-related benefits are **established under**:

- **collective agreements** (at the company or supra-company level – concluded by employers in whose establishments trade unions operate);
- **remuneration rules** (in the case of employers which employ at least 50 workers where no collective agreements have been concluded, or which employ

between 20 and 50 workers if the relevant trade union organisation requests establishing such rules), or

– **employment contracts.**

The remuneration for work should be devised in a way which corresponds to the type of the work performed and to the required qualifications, and should take into account the volume and quality of the work performed. The remuneration is due for **completed work**. For the period during which work is not performed, the worker retains the right to remuneration only when provided for under the provisions of the labour law. To protect the remuneration for work, the Polish Labour Code contains a provision which states that a worker may not waive his/her right to remuneration or transfer it onto another person.

Employers are obliged to issue and keep a personal records (a list) for each worker separately which should specify the amount of remuneration for work paid out and other work-related benefits. If requested by the worker, the employer is obliged to make available the documents on the basis of which the remuneration has been calculated.

The remuneration is paid out **in cash**. It is possible to pay remuneration in a form other than cash, but only if such form is permitted under the provisions of the labour law or the collective agreement. The remuneration for work must be paid out **at least once a month** and on a fixed date which should be set up in advance, however not later than within the first 10 days of the next calendar month. As a rule, the remuneration is normally transferred into the worker's bank account. Should the worker wish to receive remuneration in cash directly to his/her hands, he/she will have to apply to the employer for such form of payment in writing or electronically.

Workers who receive incomes from employment are subject to **obligatory social insurance**. Employers are obliged to calculate contributions on the remuneration of the worker and to pay them to the Social Insurance Institution (ZUS). The **retirement pension contribution** of 19.52% is paid by the worker and by the employer in equal parts, the disability pension contribution of 8% is paid by the worker (1.5%) and by the employer (6.5%). The **sickness insurance contribution** of 2.45% is paid by the employee, while the accident insurance contribution is paid by the employer (from 0.67% to 3.33%). **Contributions to the Labour Fund (*Fundusz Pracy*)** (2.45%), **the Guaranteed Employee Benefits Fund (*Fundusz Gwarantowanych Świadczeń Pracowniczych*)** (0.10%) and **Solidarity Support Fund for Disabled People (*Solidarnościowy Fundusz Wsparcia Osób Niepełnosprawnych*)** (0.15%) are paid by the employer.

The annual basis for assessment of retirement pension and disability pension contributions must not exceed the equivalent of thirty times the forecast average monthly remuneration. Working persons are also covered by **obligatory health insurance**. Health insurance contributions are paid in the amount of 9% of the assessment basis, and the tax payer has the right to deduct from his/her tax the amount of the contribution paid up to 7.75% of the assessment basis.

Matters related to payments of **remunerations under civil law contracts** are regulated primarily by the provisions of the Civil Code and depend on the type of the contract. As regards ensuring the minimum remuneration, the provisions of the Act on the minimum remuneration for work apply. A person who works under a contract of mandate (*umowa zlecenie*) or a service contract (*umowa o świadczenie usług*) subject to the provisions regarding mandates is entitled to a remuneration of at least the minimum hourly rate for each hour of work. In 2020, the minimum hourly rate for specific civil law contracts is PLN 17 (EUR 3.91) for each hour of work or provision of services, and it will be PLN 18.30 gross (ca. EUR 4.21) in 2021. The minimum hourly rate is indexed annually and grows at the same rate as the amount of the minimum remuneration for work paid to workers. The minimum hourly rate is not available to persons who independently decide on the time and place for performing an order or providing a service; they are entitled only to the commission remuneration. In addition, the minimum hourly rate does not apply to specific contracts for care services e.g. those concluded in order to run a family care home, agreements for caring for a child in foster care or caring for a group of people during trips that last longer than one day.

Average income

In the second quarter of 2020, **the average monthly gross remuneration was PLN 5,024.48 (ca. EUR 1,156)**. In July 2020, **the average monthly gross remuneration in the enterprise sector was PLN 5,381.65** (ca. EUR 1,238).

For example, in July 2020, **the average gross remuneration in Mazowieckie Province** (including the City of Warsaw) in respective sectors amounted to: the enterprise sector – PLN 6,271 (ca. EUR 1,442), industry – PLN 6,081 (ca. EUR 1,399), industrial processing – PLN 5,838 (ca. EUR 1,343), construction – PLN 6,712 (ca. EUR 1,544), trade and repairs of motor vehicles – PLN 6,367 (ca. EUR 1,464), transport and warehouse management – PLN 5,042 (ca. EUR 1,160), hospitality and catering – PLN 4,189 (ca. EUR 963), ICT – PLN 9,669 (ca. EUR 2,224), real estate services – PLN 7,424 (ca. EUR 1,708), administration and supporting services – PLN 4,591 (ca. EUR 1,056).

5.2. Taxes

Types of taxes

In Poland, there are fifteen types of taxes which are divided into **direct taxes** (paid by a tax payer to the tax authority) and **indirect taxes** (paid when purchasing goods).

Direct taxes include:

- 1) personal income tax (PIT);
- 2) corporate income tax (CIT);
- 3) inheritance and donation tax;
- 4) tax on civil law transactions;
- 5) agricultural tax;
- 6) forest tax;
- 7) property tax;
- 8) tax on means of transport;
- 9) tonnage tax (levied on shipowners operating offshore commercial vessels in international shipping);
- 10) tax on the extraction of certain minerals;
- 11) tax on certain financial institutions;
- 12) tax on incomes subject to taxation in accordance with the principles set out in the Act on activation of the shipbuilding industry and complementary industries (tax on the value of production output sold).

Indirect taxes include:

- 1) value added tax (VAT – 23%, 8%, 5% and 0%);
- 2) excise duty;
- 3) gambling tax.

In the context of employment and conduct of economic activities in Poland, the most important taxes are the **Personal Income Tax** and the **Corporate Income Tax**.

Personal income tax

The most important tax for natural persons employed in Poland is the Personal Income Tax.

Incomes earned by natural persons are subject to the **Personal Income Tax**. If a tax payer earns incomes from more than one source in a given year, the sum of the incomes from all sources in Poland and abroad is subject to taxation. **Incomes received by non-residents in Poland or by Polish residents abroad are subject to the provisions of the relevant agreements concluded by Poland on the avoidance of double taxation.** Poland has signed such agreements with *inter alia* Austria, Germany, France and the United Kingdom. A full list of countries and agreements with them is available on the Ministry of Finance and Funds website.

Every person who resides in Poland must pay the tax on incomes received. A person who resides in Poland means any person **whose “centre of personal or economic interests” is located in Poland** (e.g. he/she lives or works in Poland) or who stays in Poland for **longer than 183 days a year**. Such a person is a **tax resident** and is subject to taxation in Poland on the total amount of the incomes earned in a given year, both in Poland and abroad. A person who does not have a place of residence in Poland will pay his/her taxes in Poland only on his/her incomes received in Poland. Incomes are taxed in accordance with the principles set out in the agreements on the avoidance of double taxation concluded by Poland.

Incomes are taxable (revenues minus tax deductible expenses).

Tax deductible expenses are determined depending on the type of the revenues earned, e.g. for persons who earned revenues in 2020:

- from employment – the basic expenses amount to PLN 3,000 (ca. EUR 690) a year and PLN 250 (ca. EUR 57.5) a month;
- from contracts of mandate (*umowa zlecenia*) – the tax deductible expenses are 20% of the revenues earned;
- from copyrights – the tax deductible expenses are 50% of the revenues earned, but the total annual expenses must not exceed PLN 85,528 (ca. EUR 19,671);
- from economic activity – the tax deductible expenses cover any costs which have been incurred in order to earn revenues or to maintain or secure the source of revenues, excluding the expenses listed in the Act as non-tax deductible.

The method for calculating the income tax depends on the source of revenues from which the income is earned. There are the following methods:

- 1) **progressive tax scale** with a degressive amount decreasing the tax due – natural persons whose incomes are taxed under general principles use a two-rate tax scale, with the tax rates of **17%** and **32%** in 2020, one tax three-

shold of PLN 85,528 (ca. EUR 19,671) and the **amount decreasing the tax due** which amounts to:

- **PLN 1,360 (EUR 312)** – for the tax assessment basis below PLN 8,000 (EUR 1,840),
- **PLN 1,360 (EUR 312) minus the amount calculated as follows: PLN 834.88 (EUR 192) × (tax assessment basis – PLN 8,000 (EUR 1,840) ÷ PLN 5,000 (EUR 1,150)** – for the tax assessment between PLN 8,000 (EUR 1,840) and PLN 13,000 (EUR 2,990),
- **PLN 525.12 (EUR 120.77)** – for the tax assessment basis between PLN 13,000 (EUR 2,990) and PLN 85,528 (ca. EUR 19,671),
- **PLN 525.12 (EUR 120.77) minus the amount calculated as follows: PLN 525.12 (EUR 120.77) × (tax assessment basis – 85,528 (ca. EUR 19,671) ÷ PLN 41,472 (EUR 9,538)** – for the tax assessment basis between PLN 85,528 (ca. EUR 19,671) and PLN 127,000 (ca. EUR 29,210),
- **PLN 0** where the tax payer's annual income (tax assessment basis) is equal to or higher than PLN 127,000 (ca. EUR 29,210).

For levying advance personal income tax payments, the amount reducing the tax due applies only to incomes which do not exceed the first threshold of the tax scale (PLN 85,528 – ca. EUR 19,671) and amounts to PLN 556.02 (ca. EUR 127) a year.

The progressive tax scale applies to *inter alia* incomes earned from hired labour (employment relationship, contracts of mandate and specific-task contracts), pensions, economic activity, lease and rental.

Tax payers who have their incomes taxed according to the progressive tax scale, upon meeting the requirements specified by law, **may benefit from the joint taxation of incomes earned spouses and from preferential taxation of incomes earned by single parents.**

The joint taxation of incomes may is available to spouses who have been married throughout the whole tax year and have been bound by the matrimonial property throughout the whole tax year. Spouses calculate their tax due as the double amount of the tax calculated for a half on their joint incomes.

On the other hand, single parents have the right to calculate the tax in the double amount of the tax calculated on a half of their incomes.

2) 19% income tax on non-agricultural economic activity or special sections of agricultural production – incomes from non-agricultural economic

activity or special sections of agricultural production (based on the accounting books) may be taxed with the tax rate of 19%. The profit (loss) is settled under a separate tax return;

- 3) **flat-rate methods of taxation for non-agricultural economic activity** – tax payers may also, upon meeting the requirements specified by law, choose one of the flat-rate methods of taxation of their incomes (revenues) from non-agricultural economic activity, i.e.:
- flat-rate tax on registered income: assessed with a specific tax rate on revenues earned; a separate tax return in this method of taxation should be submitted between 15 February and the end February of the year following the tax year,
 - tax card: the monthly amount is established by the head of the competent tax office; no tax returns are submitted in this case, but it is necessary to report the health insurance contributions paid and deducted in the annual tax return to be submitted by 31 January of the following tax year;
- 4) **flat-rate method of taxation of revenues from lease and rental contracts** – may be chosen by tax payers subject to meeting specific requirements specified by law. The tax rate is 8.5% on the revenues earned up to PLN 100,000 (EUR 23,000). The tax rate of 12.5% is charged on the surplus. A separate tax return is to be submitted between 15 February and the end of February of the following tax year;
- 5) **19% income tax on certain capital gains** – the uniform tax rate of 19% applies to certain capital gains (e.g. from the sale of securities or derivative financial instruments for a remuneration), the profit (loss) from which is settled under a separate tax return;
- 6) **19% income tax on the sale of properties for a remuneration** – the obligation to pay income tax of 19% on the income from the sale of properties for a remuneration comes into existence if the property is sold before the end of the period of 5 years starting from the end of the calendar year in which the property has been purchased or built, and if it is not part of economic activity; the income is settled under a separate tax return.

Income from the sale of properties for a remuneration is exempt from taxation if the respective revenues are used by the tax payer for his/her own housing purposes listed in the Polish tax regulations **within 3 years** from the end of the fiscal year in which the property was sold.

7) **flat-rate income tax collected by the withholding agent** – the tax applies to revenues (incomes) from e.g. winnings from lotteries, interests and discounts on securities, interests on cash (not related to the economic activity conducted) deposited in the bank account of the tax payer, participation in capital funds, dividends. These revenues (incomes) are not settled in a tax return, as the respective tax is collected and paid by the withholding agent.

Corporate income tax

Corporate income tax is paid by:

- **legal persons;**
- **organisational units without legal personality**, excluding inherited companies and companies without legal personality; the taxpayers are capital companies in organisation and limited joint-stock partnerships with their registered office or central management in Poland;
- **tax capital groups** (i.e groups which consist of at least two commercial law companies with legal personality which operate under capital associations and meet the conditions specified by law);
- **companies without legal personality with their registered office or central management in another state**, if they are treated as legal persons in accordance with the tax provisions of the that state and are subject to taxation on the total of their incomes in that state regardless of the place where the incomes are earned.

Tax payers with their **registered office or central management** in Poland are subject to taxation **on the total of their incomes**, regardless of the place where the incomes are earned. Tax payers which **do not have their registered office or central management** in Poland are subject to taxation **only on their incomes earned in Poland**.

Income tax is charged on incomes representing the sum of incomes from capital gains and incomes from other sources.

In principle, a surplus of total revenues earned from that source over the tax deductible expenses achieved in a given tax year is deemed as **income** from a source of revenues. In the case of tax capital groups, a surplus of the total incomes of all companies from a given source of revenues over their total losses incurred on that sources of revenues is the income from that source of revenues.

If the tax deductible expenses exceed the sum of revenues (in the case of tax capital groups – if the sum of losses from a given source of revenues exceeds

the sum of incomes from that source), the difference represents a loss from a source of revenues.

A taxpayer may use the loss to:

- reduce the profit in the next consecutive five tax years, but the reduction any of the years must not exceed 50% of the amount of the loss, or
- make a one-time reduction of the incomes from that source in the next consecutive five years by an amount of up to PLN 5,000,000 (EUR 1,150,000). If the loss incurred is higher, the amount that has not been deducted is subject to settlement in the remaining years of the 5-year period, but the reduction any of the years must not exceed 50% of the amount of the loss.

In the case of tax capital groups, losses incurred by a group are not covered from revenues of the respective group companies if the group agreement has expired or after the group has lost its status as a tax capital group. The group's revenues are not used for covering losses incurred by groups companies before the establishment of the group.

As regards **revenues from the share in profits** of legal persons (e.g. dividends) and **revenues of foreign entities from the so-called license fees** (e.g. interests), the tax is charged on revenues.

In the case of capital relations and other specific associations, it is possible to tax incomes **by estimation**.

Polish tax law provides for a **catalogue of specific tax exemptions**, including for such taxpayers as unions, associations, foundations which pursue socially beneficial objectives listed in applicable regulations. For these taxpayers, the exemption applies to incomes which are used for performing the **socially beneficial objectives** specified in the national law. These objectives must correspond to the statutory objectives of these entities.

Taxable revenues include, in particular, money received, pecuniary values, foreign exchange differences, and the value of the items, rights or other services which have been received without a remuneration or for a partial remuneration. Regarded as revenues related to economic activity and special sections of agricultural production and revenues from capital gains (excluding revenues from participation in profits of legal persons regarded as revenues in fact earned from such participation) earned in a given tax year are also revenues due, even if not actually received yet, excluding the value of the returned items and discounts and allowances granted.

Tax deductible costs are costs which are incurred to generate revenues or to maintain or secure a source of revenues, excluding the costs (expenses) which are not deemed to be incurred to generate revenues, as listed in applicable provisions of law.

Costs directly related to revenues are credited towards the tax deductible costs in the tax year in which the related revenues were achieved.

Costs other than costs directly related to the respective revenues are deducted on the date they are incurred. Should the costs refer to a period which exceeds the tax year and it is not possible to determine which part refers to the particular tax year, they are treated as tax deductible costs proportionately to the length of the period they refer to.

The **tax base**, established as the difference between taxable revenues and tax deductible costs, is a profit reduced by donations granted to public tasks specified in applicable provisions of law.

Donations for entities which carry out such activities in an EU Member State or an EEA Member State other than Poland may also be deducted under the joint limit of 10% of the income.

Donations for charity and care activities under the so-called Church Acts – up to 100% of the income – are also deductible.

The value of the expenses incurred for research and development activities, i.e. the part of the costs for research and development which have also been treated as tax deductible costs, may also be deducted from the tax base.

The tax is equal to 19% of the tax base. Beginning on 1 January 2019, there is a 9% corporate income tax rate addressed to small taxpayers and start-ups; it applies to incomes other than from capital gains, provided that the taxpayer's revenues (regardless of the source) do not exceed EUR 1.2 million (expressed in PLN) in a given tax year.

In addition, beginning in 2019, incomes from qualified intellectual property rights, e.g. patents, rights from registration of industrial designs and copyrights to computer software, may be taxed with a **5% corporate tax as part of the so-called IP BOX**.

In addition, owners (co-owners) of fixed assets which are buildings located in Poland commissioned in whole or in part under rent, lease or other similar agreements pay the **income tax on revenues from buildings amounting to 0.035% of the tax base** for each month. The tax base is the sum of revenues from individual buildings minus PLN 10 million (EUR 2.3 million).

Tax payers and withholding agents **do not submit tax returns during the tax year**, but are obliged to **pay monthly advance payments**. Small taxpayers and start-up taxpayers have the right to pay income tax advance payments on a quarterly basis.

During the tax year, taxpayers can also settle their advance payments under the **simplified scheme**.

Taxpayers are obliged to submit their tax returns by the end of the third calendar month of the next year and, also by this date, pay the tax due or the difference between the income tax due as shown in the return and the sum of the advance payments due from the beginning of the year.

5.3. Tax allowance and exemptions for natural persons

Rights to tax allowances and exemptions

Taxpayers in Poland are entitled to **certain tax allowances** and **tax exemptions** in accordance to applicable law.

Tax allowances

As regards taxpayers subject to **Personal Income Tax**, there are the following tax allowances:

- tax allowances deducted from taxable income;
- tax allowances deducted from the tax amount

The following items may be **deducted from taxable income**:

- 1) **social insurance contributions** paid by the taxpayer;
- 2) **expenses for rehabilitation purposes** – the tax allowance is for persons with disabilities or taxpayers who support persons with disabilities. For the purposes of the tax allowance, it is deemed that a person is supported when his/her annual income does not exceed the equivalent of twelve social pensions in the amount as of December of the tax year. Payments for children's maintenance (alimony) and care allowances are not counted towards that income.
- 3) **donations** for:
 - a) purposes listed in the Act on Public Benefit Activity and Volunteer Work, e.g. protection and promotion of health, culture, arts, science and education,

- b) purposes of religious worship,
- c) purposes of blood donation by voluntary blood donors,
- d) purposes of vocational education conducted by public schools.

The total deductible amount must not exceed the equivalent of 6% of income;

- 4) **donations** for church legal persons which carry out charity and care activities – the allowance is subject to the Acts which regulate the relations between the state and individual churches and religious association. The deductible amount may amount to 100% of the taxpayer's income;
- 5) expenses on using the Internet – the deductible amount must not exceed PLN 760 (ca. EUR 174). The allowance may be used only during two consecutive tax years, provided that it was not used in the period immediately preceding these years;
- 6) expenses related to the **taxpayer's saving for retirement pension** – the payments made to the Individual Pension Security Account (*indywidualne konto zabezpieczenia emerytalnego*, IKZE) made by the taxpayer during the tax year are deductible up to the amount specified in the provisions on the Individual Pension Security Account. Payments made to the IKZE during the calendar year must not exceed the equivalent of 1.2 times the average monthly remuneration forecasted for the national economy for a given year in the Budget Act or in the Act on the Provisional Budget or drafts thereof, if the relevant Act have not been passed. In 2020, the maximum deductible amount is PLN 6,272.40 (ca. EUR 1,442);
- 7) expenses of a taxpayer who is the owner or co-owner of a residential building related to **thermal insulation investments** in that building. The amount to be deducted must not exceed PLN 53,000 (EUR 12,190) for all thermal insulation investments made by the taxpayer;
- 8) eligible costs as part of the R+D allowance – this allowance is addressed to entrepreneurs that expand their offering by adding new products/services or modify the existing versions thereof without the need to create new technologies.

The following items may be **deducted from tax**:

- 1) **obligatory health insurance contributions** paid by the taxpayer (the deductible amount must not exceed 7.75% of the contribution assessment basis);

- 2) **child allowance** – the allowance may be used by a taxpayer who brings up a minor child or an adult child who continues education (up to the age of 25 years). The allowance may be used by parents, legal guardians (if the child lives with the guardian) and foster parents.

The deductible amounts are as follows:

- a) PLN 92.67 (ca. EUR 22) a month for the first and second child [PLN 1,102.04 (ca. 254 EUR) a year],
- b) PLN 166.67 (ca. EUR 39) a month for the third child [PLN 2,000.04 (ca. EUR 460) a year],
- c) PLN 225 (ca. EUR 52) a month for the fourth and each next child [PLN 2,700 each (ca. EUR 621) a year].

Taxpayers whose **tax is not high enough** to deduct the full amount of the available allowance **have the right to receive the amount of the unused tax allowance**. However, it is to be born in mind that the amount of the unused allowance which is due to the taxpayer is limited, as it must not exceed the total amount of the tax deductible social and health insurance contributions paid by the taxpayer.

Tax exemptions

The purpose of **tax exemptions** is to *inter alia*:

- 1) **pursue the family policy** which provides for tax exemptions for e.g.
 - a) family benefits received under the provisions on family benefits, family and care bonuses, benefits for guardians under the provisions on the determination and payment of benefits for guardians, pecuniary benefits received in case it is impossible to support child maintenance, childbirth benefits received under separate provisions and parental benefits received under the provisions on the state aid in bringing up children,
 - b) maternity benefits received under the provisions on the agricultural social insurance,
 - c) one-time benefits received under the provisions on the support for pregnant women and families “For Life” (*Za życiem*),
 - d) one-time benefits on the occasion of the birth of a child which are paid out from trade union funds,
 - e) child maintenance (up to the age of 25 years and for children who receive benefits/additional payments/care benefits or social pensions, irrespecti-

ve of their age), and up to the amount of PLN 700 (ca. EUR 161) a month for other persons;

- 2) **support persons in a particularly difficult situation due to unexpected circumstances**, which is provided in the form of tax exemptions for e.g.:
 - a) social aid benefits,
 - b) one-time benefits from the state budget or from the budget of a local self-government unit in connection with a life event;
- 3) **support pensioners**, which is provided in the form of tax exemptions for:
 - a) benefits received by pensioners from their former work establishments in connection with their service relationship, employment relationship or the cooperative employment relationship, and from trade unions – up to the amount which must not exceed PLN 3,000 (ca. EUR 690) in a given tax year,
 - b) rises (increases) in foreign pensions paid by a withholding agent, which have the nature of family allowances,
 - c) benefits meant to cover the total or partial amount of TV and radio subscription fees;
- 4) **aid in adaptation to work (prevention of unemployment) and fitness to take an active part in social life**, in the form of the tax exemptions for certain benefits granted to the unemployed under applicable provisions of national law;
- 5) **provide state support for investments in education of children and youths**, in the form of tax exemptions for:
 - a) scholarships and financial aid for pupils and students under the Higher Education and Science Law,
 - b) material support provided to pupils and persons taking part in other forms of education, financed from the state budget, budgets of local self-government units and from schools' own funds under the provisions of the system of education, and other scholarships approved by the Minister competent for education,
 - c) scholarships granted by the Polish Academy of Sciences and its scientific and research institutes,
 - d) awards and prizes won by pupils in competitions, tournaments and contests organized under the provisions on the system of education,

- e) aid for students in relation to professional apprenticeships during studies and to the redemption of student loans,
 - f) lump sums for maintenance and accommodation costs paid from the state budget in relation to the referral to teaching at schools and academic centres abroad,
 - g) prizes for outstanding achievements in the field of science, culture and arts, as well as for activities for the human rights to the extent in which the awarded person allocates the prize for public benefit purposes.
- 6) **provide state support to investing entrepreneurs:**
- a) a mechanism of granting tax allowances that is based on operations of special economic zones in Poland,
 - b) the possibility to grant aid to all entrepreneurs that intend to make new investments as part of the support decision granted. Since there are no territorial restrictions, every entrepreneur anywhere in Poland may apply for such support.
- 7) **promote sustainable forms employment for young people:**

Revenues of persons below the age of 26 employment earned from work (i.e. employment relationship, cooperative work relationship, official relationship or contract work) and contracts of mandate signed with companies are exempt from the PIT if they do not exceed **PLN 85,528** (EUR 19,671) in a tax year.

Taxpayers conducting research and development activities as part of their business may use the preferential tax rate of 5% on eligible income from eligible intellectual property rights.

The tax return for a given year should be submitted in the relevant form between 15 February and **30 April of the year following the tax year**, and if the last day of the time limit falls on Saturday or a public holiday, then the last day of the time limit is deemed to be the day following the non-working day or days. The tax return **should be submitted to the Tax Office of the taxpayer's place of residence as of the last day of the tax year**. The tax return may be submitted in traditional (paper) form or electronically. A new service, *Twój e-PIT*, can be used beginning on 15 February of the year following the tax year, whereby the PIT-37 and PIT-38 tax returns are prepared by the Tax Office. If a taxpayer does not use the *Twój e-PIT* service or settles his/her taxes otherwise, then his/her tax return is automatically deemed as submitted upon the lapse of the applicable time limit

(automatic acceptance). In 2020, the service was expanded to include PIT-36 tax returns submitted by taxpayers who use these returns to settle incomes other than from economic activity or special sections of agricultural production, but in this case no automatic acceptance takes place.

The Ministry of Finance prepares separate **information brochures** for the tax returns which are valid for the particular year and they are also available on the website of the Ministry of Finance.

5.4. Flow of capital and payments

In Poland, EU and EFTA Member State citizens may execute all sorts of financial transactions, including *inter alia* opening bank accounts and taking credits or loans from financial institutions which have their registered offices in Poland. Citizens of these states are free to transfer their money, including incomes received in Poland, abroad.

For more information visit

<https://www.gov.pl/web/finanse> Ministry of Finance

<https://www.podatki.gov.pl/podatkowa-wspolpraca-miedzynarodowa/wykaz-umow-o-unikaniu-podwojnego-opodatkowania/> Ministry of Finance – a list of countries with which double taxation agreements have been signed

<https://www.podatki.gov.pl/abc-podatkow/broszury-informacyjne/>

<https://www.podatki.gov.pl/pit/ulgi-odliczenia-i-zwolnienia/> Ministry of Finance – tax allowances

<https://www.podatki.gov.pl/abc-podatkow/podatki-w-polsce/preferencje-podatkowe-w-polsce/> Ministry of Finance – report “Tax preferences in Poland” (*Preferencje podatkowe w Polsce*)

<https://www.podatki.gov.pl/> Tax portal

<https://www.gov.pl/web/rozwoj-praca-technologie> Ministry of Economic Development, Labour and Technology

<http://www.zus.pl> Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*)

<http://www.stat.gov.pl> Główny Urząd Statystyczny (Statistics Poland)



6. SOCIAL SECURITY IN POLAND

6.1. Social insurance system in Poland

Scope

The Polish universal **social security system** includes: retirement pension insurance, disability pension insurance, sickness insurance, and accident insurance.

The insured person is any natural person who is subject to at least one of the social insurances.

In Poland, there are **obligatory** and **voluntary** types of insurance and it is possible to **continue insurance**.

Retirement insurance and disability insurance are obligatory for *inter alia* employees (excluding prosecutors), members of agricultural production cooperatives, contractors, persons carrying out non-agricultural activities (economic activities, authors, artists, freelancers), clergymen, persons receiving unemployment benefits, persons on childcare leaves or persons receiving maternity benefits.

Persons who are not subject to obligatory retirement insurance and disability insurance are free to join the respective scheme.

Sickness insurance is obligatory for persons who are subject to obligatory retirement insurance and disability insurance and who are: employees (excluding prosecutors), members of agricultural production cooperatives and members of machinery rings, and persons who serve alternative military service. Sickness insurance is **voluntary** (may be joined upon a request) for persons who are subject to obligatory retirement insurance and disability insurance and who, *inter alia*, carry out non-agricultural activity, perform work under contracts for services or agency contracts.

Accident insurance is obligatory for persons who are subject to obligatory retirement insurance and disability insurance, e.g. employees, contractors, members of agricultural production cooperatives, persons carrying out non-agricultural activity and persons cooperating with them.

Principle of equal treatment

In accordance with the valid legal provisions, the Polish social security system is based on the principle of **equal treatment** of all insured persons irrespective of their nationality, sex, ethnic origin, marital status and family status. The principle of equal treatment refers to, in particular: the conditions under which persons may be covered by the social security system, the obligation to calculate and pay contributions to social insurance, the calculation of the amount of benefits, the period for paying out benefits and the retained right to benefits.

Thus, the legal provisions do not make the insurance coverage dependent on citizenship, place of residence, place of stay, etc. In terms of the insurance coverage, the following matters are of importance: the fact that an employment contract or any other contract has been concluded with a Polish employer (entity), a company operating in Poland or its branch in Poland, or for an employer from an EU or EFTA Member State, and that these contracts are covered by the Polish social insurance scheme and that work is performed under these contracts in Poland.

Family members of EU and EFTA Member State citizens who are not EU or EFTA Member State citizens and are employed in Poland **are not subject to the Polish social insurance legislation** if such obligation is excluded under Community law or under an international agreement Poland is a party to.

Under the Polish law, the compliance with the principle of equal treatment on behalf of retirement pension institutions is supervised by courts. Any insured person who is of the opinion that the principle of equal treatment has not been adhered to in their case has the right to claim compensation for social insurance benefits before common courts.

Social insurance contributions

The retirement, disability and sickness contributions are equal for all insured persons and amount to:

- 19.52% of the contribution assessment basis – for retirement insurance contributions (they are paid by the contribution payer and the insured person in equal parts – 9.76% each);
- 8% of the contribution assessment basis – for disability insurance contributions (the contribution payer pays 6.5% and the insured person pays 1.5%);
- 2.45% of the contribution assessment basis – for sickness insurance contributions (the entire amount is paid by the insured person).

The accident insurance contributions may have different amounts and are range from 0.4% to 3.6% of the contribution assessment basis depending on the group or type of activity the contribution payer belongs to in accordance with the Classification of Business Activity. The entire amount of the insurance contribution is paid by the employer.

Performance of tasks under the social insurance system

In Poland, the Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*, ZUS) is the primary authority which implements the provisions on social insurance. It is responsible for *inter alia* collecting social insurance contributions and distributing benefits (including retirement benefits, disability benefits, or sickness and maternity benefits) in the amount and under the principles specified by law. ZUS manages the Social Insurance Fund which is a special state fund established to finance social insurance benefits.

ZUS keeps **accounts for all persons who have been registered under the social insurance system**. The accounts are opened on the basis of the first registration document submitted by the payer of contributions for the respective insured person. Accounts of insured persons are used for *inter alia* registering the amounts of the due and paid contributions to retirement insurance, disability insurance, sickness insurance, accident and health insurance, as well as the amounts of the due and paid contributions to open pension funds. By 31 August each year, ZUS is obliged to send to the insured persons born after 31 December 1948 a report on the balance of their account with ZUS as of 31 December of the preceding year. The insured persons can also check the mentioned data with the use of the **ZUS Platform of Electronic Services (*Platforma Usług Elektronicznych ZUS – PUE*)** which provides online access to the data stored on the accounts of the insured persons with ZUS.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family, Labour and Social Policy

<http://www.zus.pl/> Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*)

<https://www.zus.pl/baza-wiedzy/o-platformie-uslug-elektronicznych-pue/o-platformie-uslug-elektronicznych-pue-/informacje-dotyczace-pue> ZUS Platform of Electronic Services

6.2. Coordination of social security systems

General principles

EU legislation lays down the rules for determining the applicable legislation, i.e. determining the country in which a citizen of an EU or EFTA Member State is insured in, provided that he/she works or runs a business in one or several Member States.

The **principle of place of work** is the basic principle for determining the applicable insurance legislation – it means that a citizen of an EU or EFTA Member State is covered by social and health insurance and makes contributions to the insurance system in the state in which he or she works.

In accordance with this principle:

- a worker employed in an EU or EFTA Member State is subject to the state's legislation even if he/she resides in another state or if his/her enterprise or employer has registered its office or place of business in another Member State;
- a self-employed person who operates in one an EU or EFTA Member State is subject to the legislation of that state even if he/she resides in another Member State;
- a seafarer sailing on a vessel flying the flag of an EU or EFTA Member State is subject to the legislation of the flag state;
- civil servants are subject to the legislation of the EU or EFTA Member State in which they are employed by the state administration.

However, there are certain situations in which the principle of the place of work is not sufficient or valid for determining the applicable legislation. Therefore, to avoid situations in which migrant workers would be insured in more than one states at a time, the EU provisions provide for a number of specific regulations concerning:

- delegated workers;
- self-employed persons who transfer their activity to another Member State on a temporary basis;
- persons who are normally employed and/or carry out economic activity at their own risk in two or more Member States;
- members of the contract staff of the European Communities.

Citizens of EU or EFTA Member States who move abroad to work or live are protected by the provisions on the coordination of the social security systems. The provisions on the coordination of the social security systems lay down principles which enable the persons who work in several Member States at a time or consecutively to avoid adverse consequences of being subject to the social security systems of different states. They ensure that all EU and EFTA Member State citizens are treated equally, and ensure the right to health care, sickness benefits, family benefits, pension benefits, disability allowances, or benefits for the unemployed. They indicate the state which a working person or a person carrying out economic activity in a foreign state are subject to. They guarantee that the benefits acquired in one state, e.g. pension, will be paid out even if the eligible person moves to a different state.

Types of benefits

The **EU coordination** applies to the following benefits:

- 1) **retirement benefits and disability allowances** – if an EU or EFTA Member State citizen has worked in Poland for period that is too short to acquire pension rights, the Social Insurance Institution (Zakład Ubezpieczeń Społecznych, ZUS) will take into account insurance periods completed in the states covered by the coordination system. If an EU or EFTA Member State citizen has worked abroad for a period that is too short, the ZUS counterpart institution in the respective states will take into account the insurance period completed in Poland. Employment periods completed in each of the states covered by the coordination system are calculated against the service period which is necessary to acquire the pension rights, and the employment period in Poland is calculated against the service period in each of the states likewise. The principle for summing up the insurance periods refers both to works and those who are self-employed.

A citizens of an EU or EFTA Member State may apply for the right to retirement pension, disability pension or survivor's pension in other Member States if they have been subject to insurance in any of these states for a at least one year, and the aggregate period permits granting the pension rights. If a citizens of an EU or EFTA Member State worked for a period **shorter than one year** in any of these Member States, the period will be calculated against the aggregate service period by other states when determining his/her pension rights in the states in which he/she has worked. Retirement and disability pensions are granted and calculated in accordance with the law of each of the EU and EFTA Member States in which the person has worked;

- 2) **benefits in the event of an accident at work or occupational diseases** – a pension in the event of an accident at work or an occupational disease is granted in accordance with the law of the state in which the EU or EFTA Member State citizen concerned worked when he fell ill or when the accident happened;
- 3) **family benefits** – in Poland, family benefits are financed from the state budget, and the right to receive them depends on the situation of a given family. Family benefits are granted even if the eligible person lives in the territory of a state other than the state which is obliged to pay out the respective benefits. Family benefits are also granted if your family lives in a state other than the state which has granted the respective benefits.

Should more than one state pay out family benefits, the order for paying out the benefits is the following: in the first place under the employment contract or self-employment, in the second place under the right to retirement benefits or disability allowances, and lastly on the basis of the place of residence;

- 4) **sickness and maternity benefits** and equivalent benefits for fathers which are covered by the social insurance coordination system include:
- a) remuneration during sickness leave – which is due to workers for up to 33 days or up to 14 days during the calendar year respectively,
 - b) sickness benefit under the sickness or accident insurance – which is due to the persons who are covered by sickness or accident insurance for the period of sickness of up to 182 days, in the event of tuberculosis or during pregnancy – up to 270 days,
 - c) rehabilitation benefit under the sickness or accident insurance – which is due for the period of up to 12 months to the insured persons who are sick while receiving the benefits, if they give a chance that they will regain the capacity to work,
 - d) compensation benefit under the sickness or accident insurance – which is due for the period of professional rehabilitation, however not longer than 24 months,
 - e) maternity benefit – which is due to the insured person in the event of the birth of a child or of the adoption of a child,
 - f) care benefit – which are due to persons who are subject to obligatory sickness insurance and have been released from the obligation to work due to the need to care for a sick child or another family member;

- 5) **unemployment benefits**;
- 6) **health services**, including health care;
- 7) **funeral benefits** – the right to a funeral benefit in the event of death of the insured person or his/her family member is established and paid out by the competent institution, i.e. the institution which has provided the respective insurance even if the insured person or his/her family member has lived in another EU or EFTA Member State.

The right to the funeral benefit in the event of the death of a pensioner or a family member of a pensioner are established by the institution which has paid out the respective retirement pension or disability pension even if the pensioner used to live in an EU or EFTA Member State other than the one competent for the pension on the date of death, or if the death occurred in another Member State;

- 8) **pre-retirement benefits** – in the context of Polish law, they include
 - a) pre-retirement benefits,
 - b) bridge pensions and survivor's pensions after persons eligible for bridge pensions,
 - c) teacher compensation benefits.

Pre-retirement benefits are covered by the social insurance coordination system **to a very limited extent**. The principle of the export of benefits applies to them, but the principle of summing up the insurance periods does not. The right to claim pre-retirement benefits is established exclusively in accordance with the internal legislation applicable in a given Member State.

The benefits mentioned in points 1–4 are due to employed persons and persons carrying out economic activity in Poland and are governed by Polish law.

6.3. Sickness insurance

Insured persons and contribution

Obligatory sickness insurance and maternity insurance apply **mainly to workers**.

Those subject to obligatory pension insurance who *inter alia* perform work under agency contracts or contracts for services, carry out non-agricultural activity

(economic activity, inventors, artists, freelancers) may join the sickness and maternity insurance schemes **voluntarily**.

The **contribution to sickness insurance and maternity insurance** amounts to 2.45% of the contribution assessment basis. The contribution is paid by the insured person.

Sickness and maternity benefits

The sickness and maternity insurances cover the following **benefits**:

- 1) **sickness benefit** – which is due to the insured person who has fallen ill during the sickness insurance period. As a rule, sickness benefits may be paid out upon the lapse of the so called **waiting period**. Persons who are subject to obligatory sickness insurance acquire the right to sickness benefits upon the lapse of 30 days of continuous sickness insurance. Those who are subject to this type of insurance on a voluntary basis acquire the right upon the lapse of 90 days of continuous sickness insurance.

Sickness benefits is due to the insured person **in the amount of 80%** of the assessment basis and of **70%** of the assessment basis **for the period of hospitalisation**. However, when the incapacity for work occurred as a result of an **accident on the way to or from work**, during **pregnancy**, or affected **donors of tissues, cells or organs**, the sickness benefit is paid in the amount of 100% of the assessment basis;

- 2) **maternity benefit** – which is due to the insured persons (women) who during the period of sickness insurance or maternity leave:
 - a) gave birth,
 - b) adopted a child at the age of up to 7 years or a child at the age of up to 10 years for whom a decision on the postponement of the school obligation has been taken, and has filed a motion with the guardianship court for its adoption,
 - c) taken a child at the age of 7 years or a child at the age of up to 10 years for whom a decision on the postponement of the school obligation has been taken for upbringing in a foster family, excluding professional foster families who are not relatives of the child.

The provision on the right to maternity benefits for those who take children for upbringing also apply to the insured male persons. Maternity benefits may also be used by the insured **father of the child**, if its mother has used at least 14 weeks of maternity leave.

Waiting periods do not apply to the maternity benefit.

The maternity benefit is due **for periods** which correspond to the periods of:

- a) maternity leave and a leave under the conditions of a maternity leave – from 20 to 37 weeks depending on the number of children who have been born at a time or the number of children who have been taken for upbringing,
- b) parental leave – up to 32 weeks in case one child has been born, up to 34 weeks in case two or more children have been born at a time, or up to 29 weeks in case a child has been taken for upbringing and the worker has the right to a leave under the conditions of a maternity leave of 9 weeks,
- c) paternity leave – 2 weeks.

The insured father of the child has the right to maternity benefit for the period which has been established as the period of parental leave **on equal terms** with the insured mother of the child. The maternity benefit for the period corresponding to the period of parental leave may also be used by both parents **simultaneously**, whereby the joint amount of the benefit due to both parents must not exceed 32, 34 or 29 weeks respectively.

The aforementioned principles also apply to the period during which maternity benefits are claimed by the insured persons who **are not workers**, persons receiving maternity benefits during childcare leaves and persons receiving maternity benefits upon the lapse of the insurance period.

There are also certain conditions (e.g. in case the child's mother who is not covered by sickness insurance dies or the child is abandoned by the mother), upon the fulfilment of which **maternity benefit is due to the insured father of the child** or any other insured member of the closest family who has acquired the right to maternity leave, a leave under the conditions of a maternity leave or parental leave or has ceased paid activity to provide personal care for the child.

Should the child's mother who does not have any title to be covered by sickness insurance take up employment at least on a half-time basis, **maternity benefit is due to the insured father of the child** who has acquired the right to maternity leave, a leave under the conditions of a maternity leave or parental leave or has ceased paid activity to provide personal care for the child, **until the amount of the benefit has been used**, not longer than for the employment period of the mother.

The maternity benefit for the period determined as the period of maternity leave, a leave under the conditions of a maternity leave, and paternal leave, as a rule, is due in the amount of 100% of the assessment basis. On the other

hand, in the period established as the period of the parental leave, the maternity benefit amount is 100% of the assessment basis for the first 6 (or 8 in the case of multiple birth) weeks of the leave, with in the remaining 26 weeks of the parental leave the benefit is 60% of the assessment basis.

If the insured woman applies for maternal benefit for the period of parental leave in the full amount within 21 days after giving birth to a child (or taking a child for upbringing), the maternity benefit for the joint period of the maternity and parental leave amounts to 80% of the calculation base.

In the case of insured persons who are workers, the benefit assessment basis is the average monthly remuneration paid in the period of the 12 calendar months preceding the month in which the right to the benefit was established.

In the case of insured persons who are not workers, the benefit assessment basis is the average monthly revenue earned in the period of the 12 calendar months preceding the month in which the right to the benefit was established.

Pension insurance contributions are calculated on the maternity benefit (they are financed by the state budget);

- 3) **rehabilitation benefit** – which is granted to an insured person who has exhausted his/her right to claim sickness benefit, but he/she is **still not capable to work**, while the further treatment or rehabilitation **give a chance** to regain the capacity to work. This benefit is due for the period which is necessary to restore the capacity to work, however not longer than 12 months;
- 4) **compensating benefit** – which is due to an insured person whose capacity to work is reduced and whose remuneration has been reduced due to professional **rehabilitation** (professional rehabilitation implies assistance for the person with disabilities to gain and maintain appropriate employment and promotion) in order to adapt or train for a particular job.

The compensating benefit is then due **throughout the period of rehabilitation**, however not longer than 24 months. The benefit is not due to a person who has the right to retirement pension or disability pension due to the incapacity for work.

The compensating benefits correspond to the difference between the average monthly remuneration for the period of 12 calendar months preceding rehabilitation and the monthly remuneration received while working for a reduced remuneration;

- 5) **care benefit** – which is due to an insured person who has been released from the obligation to perform work due to the need to provide personal care for:
- a) a healthy child aged 8 or younger in the following situations: unexpected closure of the nursery, kindergarten or school attended by the child; childbirth or sickness of the spouse who permanently cares for the child, if the childbirth or sickness does not allow the spouse to care for the child; stay of the spouse who permanently cares for the child in a health care facility,
 - b) a sick child aged 14 or younger,
 - c) a sick disabled child aged 18 or younger,
 - d) a disabled child aged 18 or younger in the event of childbirth or sickness of the spouse who normally takes care for the child, provided that the spouse's childbirth or sickness prevented the spouse to take such care or stay at the hospital with the child,
 - e) other sick family members (i.e. spouses, parents, parents-in-law, grandparents, grandchildren, siblings and children older than 14 years of age) provided that they live in the same household with the carer. The right to claim benefit is due to the mother and father of the child on equal terms, while the benefit is paid out to only one of the parents who applies for that for the particular period. The right to the benefit is available on equal terms to the mother and father of the child, but the benefit is paid only to one of them – the one who submitted the relevant application for a given period.

The care benefit is due for the period during which the insured person has been released from the obligation to perform work due to the need to provide personal care:

- a) **not longer than 60 days a year**, if care is provided to a healthy child aged 8 or younger or a sick child aged 14 or younger,
- b) **not longer than 30 days a year**, if care is provided to a sick disabled child aged between 14 and 18, or a disabled child aged between 8 and 18 in the event of childbirth or sickness of the spouse who normally takes care for the child, provided that the spouse's childbirth or sickness prevented the spouse to take such care or stay at the hospital with the child.
- c) **not longer than 14 days a year** if care is provided to a sick child aged 14 or older or another sick family member.

The care benefit is paid out in the amount of **80% of the remuneration** which the basis for assessing the benefit.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family, Labour and Social Policy

<http://www.zus.pl/> Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*)

<http://www.rodzicielski.gov.pl/> Special website with information about leaves related to child care

6.4. Benefits for families with children

Under the **system of family benefits**, parents have the right to claim three types of benefits:

- 1) **family benefit with extra payments** – the right to claim family benefit is due if the net monthly income of the family per person **does not exceed PLN 674** (ca. EUR 155), or PLN 764 (ca. EUR 176) if there is a child with disabilities in the family.

As of 6 October 2020, the monthly amount of the family benefit is:

- a) PLN 95 (EUR 22) for a child aged 5 years or younger,
- b) PLN 124 (EUR 29) for a child aged between 5 and 18 years,
- c) PLN 135 (EUR 32) for a child aged between 18 and 24 years.

A family eligible to receive the family benefit may use **extra payments to the family benefit** depending on their individual situation, these payments include:

- a) **a one-time childbirth grant** – PLN 1,000 (EUR 230),
- b) **extra payment for bringing up children in a large family** – PLN 95 (EUR 22) a month for the third child and each next child entitled to the family benefit,
- c) **extra payment for caring for children during childcare leave** – PLN 400 (EUR 92) a month during for period of 24 months,
- d) **extra payments for education and rehabilitation of a child with disabilities** – PLN 90 (EUR 20) a month for a child aged 5 or younger, or PLN 110 (EUR 22) a month for a child aged between 5 and 24,
- e) **extra payment for single parents** – PLN 193 (EUR 45) a month per child, however not more than PLN 386 (EUR 90) for all children; the pay-

ment is increased by PLN 80 (EUR 19) per child for children with disabilities, however not more than by PLN 160 (EUR 37) for all children,

- f) **extra payment for the beginning of the school year** – PLN 100 (EUR 23) per one child once a school year,
- g) **extra payment for children starting education outside of the place of residence** – in the following situations:
 - the child or the studying person who holds a certificate of disability or a certificate on the degree of disability resides in the locality in which the secondary or artistic school is located and in which the school and education obligations are fulfilled or in which a primary school is located – in the amount of PLN 113 (26 EUR) a month per one child, **or**
 - the child commutes from the place of residence to the locality in which the secondary or artistic school is located and in which the school and education obligations are fulfilled in terms of education which corresponds to secondary education – in the amount of PLN 69 (16 EUR) a month per one child;

2) benefits related to childbirth – these benefits include

- a) **one-time support payment on the occasion of the birth of a child** in the amount of PLN 1,000 (EUR 230) depending on whether the income criterion has been met – the criterion is PLN 1,922 (EUR 443) net per person in a given family – and on whether the woman has been under medical care from the 10th week of pregnancy until the date of childbirth,
 - b) **support payment which is granted under a resolution granted the Commune (*gmina*)** – paid from the own funds of the Commune. The Commune decides on whether it is going to pay out such payments, sets out the criteria for acquiring the right to the payments and their amount,
 - c) **parental benefit** which is due to parents who cannot benefit from maternity benefit or maternity emolument due to their professional situation. This benefit is used by the unemployed, students and persons working under specific-task contracts. The parental benefit in the amount of PLN 1,000 (EUR 230) a month does not depend on the income criterion and is due for a period of one year (52 weeks) after childbirth, and may be extended to 71 weeks in the case of a multiple childbirth;
- 3) care benefits – these benefits** include three types of benefits which are granted to persons who care for persons with disabilities:

- a) **attendance benefits** – for parents who are not professionally active due to the necessity to provide care for a person with disabilities who has become disabled before the age of 18 years or while studying at a school or university, however not later than by the age of 25 years. The attendance benefit does not depend on the income criterion and amounts to PLN 1,830 (EUR 421) a month, effective 1 January 2020. Contributions to retirement and disability and health insurance are also paid for a person who receives this benefit,
- b) **special care benefit** – which is paid by Communes to the carers of adult persons with disabilities who do not have the right to the attendance benefit and who are not professionally active due to the need to provide care for a family member with disabilities. This benefit is subject to meeting the income criterion – which amounts to PLN 764 (EUR 176) per family member – and is PLN 620 (EUR 143) a month. Contributions to retirement and disability and health insurance are also paid for a person who receives this benefit,
- c) **benefit for carers** – which is paid by Communes to carers of adult persons with disabilities who are not professionally active due to the need to provide care for a family member with disabilities. At present, the benefit may be claimed only by persons who have acquired the right to benefit for carers for the validity period of the certificate on disability or certificate on the degree of disability in relation to the issue of a new certificate. The benefit for carers does not depend on the income criterion and amounts to PLN 620 (EUR 143) a month. Contributions to retirement and disability and health insurance are also paid for a person who receives this benefit.

Furthermore, persons with disabilities have the right to an **attendance payment** which is a type of a family benefit paid to persons with disabilities and persons aged 75 or older for covering part of the expenses related to the need to receive care and assistance from another person. The payment does not depend on the income criterion and amounts to PLN 215.84 (EUR 49.64) a month.

As part of the system of family benefits, Communes may grant families an **additional benefit**. Taking into account local needs of their residents in terms of family benefits, a Commune may decide, by way of a resolution, to establish such family benefits. The decision regarding such an additional benefit and its amount is the exclusive competence of the Commune Council (*rada gminy*). The benefit is financed from the own funds of the Commune.

On 1 April 2016, a special **benefit for bringing up a child was introduced as part of the Rodzina 500+ (Family 500+) scheme**. This benefit is available in the

amount of PLN 500 (EUR 115) net per child in a family until the child reaches the age of 18. Beginning in July 2019, the benefit for bringing up a child is universal and applies to every child aged 18 or younger.

Introduced in 2018, the ***Dobry start (Good Start) scheme*** gives every school-child aged between 7 and 20 (24 for disabled children) a benefit of PLN 300 (EUR 69) each year in connection with the start of the school year. This benefit does not depend on the income criterion.

Persons who have the right to claim maintenance payments from the other parent under an enforceable title issued or approved by the court may claim payments from the **Fund for Maintenance Payments (*fundusz alimentacyjny*)**, provided that enforcement of the title has proved ineffective. Payments from the Fund for Maintenance Payments are due in the amount corresponding to the currently valid maintenance payments, however not more than PLN 500 (EUR 115) a month. Eligibility for the maintenance payment depends on meeting the income criterion, which is PLN 900 (EUR 207) per family member, effective from 1 October 2020.

Execution of tasks regarding decisions to grant family benefits, the benefit for bringing up a child and payments from the Fund for Maintenance Payments is the responsibility of the Communal government (Heads of Communes, Mayors or Presidents of Cities). Tasks related to the benefit for bringing up a child and family benefits as regards coordination of social security systems are executed by the Provincial government – Heads of Province.

Beginning on 1 March 2019, a **supplementary parental benefit** is available in Poland. It is a special non-contribution benefit.

The main aim of the supplementary parental benefit is to honour the persons who had to resigned from or were unable to take up paid work because they decided to bring up a large family. Acquiring the right to the supplementary parental benefit does not require any earlier payments for social insurance contributions. It is a financial benefit financed from the state budget which is only a supplement to alleviate the risk of old age. It is not equivalent to the retirement pension. The right to the benefit arises on the first day of the month in which the relevant decision was made, however not earlier than on the day the retirement age is reached.

The supplementary parental benefit programme is available to:

- a) a mother who either gave birth to and raised or raised at least four children, or to the father of the children who raised at least four children – if the mother died, abandoned her children or ceased to bring up her children for a long time;

- b) a person who has reached the retirement age and does not have the necessary funds to live (60 years of age for women, 65 years of age for men);
- c) a person who resides only in Poland and who has (upon reaching the age of 16) the so-called centre of vital interests in Poland – for at least 10 years;
- d) a Polish citizen, a person with the right of residence or permanent residence in Poland, an EU Member State citizen, an EU or EFTA Member State citizen or a foreign national legally staying in Poland.

If the person concerned already receives a benefit which is lower than the lowest retirement pension, the parental benefit will supplement the one already received to the amount of the lowest retirement pension – PLN 1,200 (EUR 276) as of 1 March 2020. For a person who is not eligible to receive any benefits, the amount of the supplementary parental benefit will equal the lowest retirement pension.

The supplementary parental benefit will be available **at the request of the person concerned**. The relevant application should be submitted to a branch of the Social Security Institution (ZUS) or the Social Security Fund for Farmers (*Kasa Rolniczego Ubezpieczenia Społecznego*, KRUS). Applications can be submitted from 1 March 2019 on. Attached to the application should be birth certificates of the children, information of the PESEL numbers of the children, a statement on the applicant's personal, family, property and material situation and on other circumstances that are required for the benefit to be granted. Each application will be considered on a case-by-case basis, in the form of an administrative decision, by the President of ZUS or President of KRUS respectively.

The supplementary parental benefit will be indexed annually. The benefit will be subject to taxation and deduction of health insurance contributions in accordance with the provisions of the Act of 27 August 2004 on publicly-funded health care services.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family, Labour and Social Policy

6.5. Pensions and old age benefits

Rights

The purpose of the retirement insurance is to secure incomes after reaching the retirement age and ending professional activity. The right to future pensions is dependent on the monthly contributions paid on the remuneration or revenues

from any other paid activity which is subject to insurance, including inter alia under contracts of mandate and carrying out non-agricultural activity.

Pension schemes in Poland

The universal pension scheme consists of three pillars:

- 1) the 1st pillar is a pay-as-you-go scheme and is managed by a public institution – the Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*, ZUS) which keeps individual accounts of the insured persons;
- 2) the 2nd pillar is divided into open pension funds and sub-accounts kept by ZUS.

Open pension funds (*Otwarty Fundusz Emerytalny*, OFE) are managed by private institutions – the pension fund companies (*Powszechne Towarzystwo Emerytalne*, PTE). The open pension fund is a legal person the objective of which is to collect funds from insurance contributions and to invest them on the financial market. Until 31 January 2014, those born after 31 December 1968 were obliged to join the open pension funds. Beginning on 1 February 2014, persons who start their first job may choose whether they want part of their retirement insurance contribution to be paid to OFE or the total amount of the contribution to be paid to ZUS. Between 1 April and 31 July 2014, current members of open pension funds were allowed to decide on whether they would like to transfer their contributions to the open pension funds. The next so-called “transfer window”, i.e. the period during which the insured persons could change their decision on whether their contributions should be paid to open pension funds, was between 1 April until 31 July 2016. Further “transfer windows” are planned at 4-year intervals.

The sub-account is an account kept by ZUS under the insurance account to register the contributions to the 2nd pillar of the pension scheme which are not transferred to OFE. Funds on the sub-account are indexed with a co-efficient of average economic growth for the period of the last 5 years. In addition, starting from the date falling 10 before reaching the retirement age the sub-account is credited with the funds from OFE. This mechanism protects the insured persons against the so called risk of bad date, i.e. the collapse of the market at the time of retirement, which would trigger a decrease in the pension capital and consequently a decrease in retirement benefits;

- 3) the 3rd pillar is managed by private institutions. It is voluntary to join and its objective is to guarantee increased retirement benefits for an additional contribution. This pillar includes:

- a) Employee Pension Schemes (*pracowniczy program emerytalny*, PPE),
- b) Individual Pension Accounts (*indywidualne konto emerytalne*, IKE),
- c) Individual Pension Security Accounts (*indywidualne konto zabezpieczenia emerytalnego*, IKZE)
- d) Employee Capital Plans (*pracowniczy plan kapitałowy*, PPK).

The Employee Pension Schemes are a voluntary form of collective saving for retirement and are organised by employers in cooperation of workers. The basic contribution is financed by the employer, while the workers may declare that they will pay additional contributions which will be deducted from their remuneration. The funds transferred to the scheme are managed by a financial institution which is chosen by the employer and workers while setting up the scheme. A PPE member may get their funds paid out at a time or in instalments, however after reaching the age of 60 years. In 2020, members are allowed to pay additional contributions to one scheme up to the amount of PLN 23,521.50 (ca. EUR 5,409).

The **Individual Pension Accounts** and the **Individual Pension Security Accounts** are addressed to persons aged 16 or older. Under IKE and IKZE, there are separate accounts which are kept by: banks, insurance companies, voluntary pension funds, investment fund companies, or brokerage houses. Both IKE and IKZE enable to save for retirement **without the necessity to pay the income tax on capital gains** of 19%. The difference between the two types of accounts is the date the funds are taxed with Personal Income Tax. In the case of **IKE**, the final withdrawal of the accumulated funds **is exempt from taxation**, while tax exemptions do not apply to payments made to the accounts. In the case of **IKZE**, **payments to the accounts are deducted from the tax base for Personal Income Tax**, while the withdrawal from the account after the saving period, i.e. after reaching the age of at least 65 years, will be taxed with a lump-sum tax rate of 10%. Payments to both types of accounts are subject to annual limits. In 2020, the limit for IKE is PLN 15,681 (ca. EUR 3,606), and for IKZE it is PLN 6,272.40 (ca. EUR 1,442). The **Employee Capital Plans** were introduced under legal provisions, but they will start operating (depending on the employment level at a given entity) on 1 July 2019 for entities that employ at least 250 people, 1 January 2020 – for entities that employ at least 50 people, 1 July 2020 – for entities that employ at least 20 people, and 1 January 2021 for other entities which employ workers, including the state-budget units. PPK is a programme that will automatically cover all workers aged between 18 and 54 for whom their employers pay pension contributions (PPK does not cover self-employed persons, uniformed services or farmers). Persons aged between 55 and 69 may participate

in PPK only after submitting a relevant declaration of will. A PPK member may resign from his/her participation in the programme.

The basic PPK contribution is financed by employers in the minimum amount of 1.5% the gross remuneration and employees in the minimum amount of 2% of the gross remuneration (the contribution is deducted from the worker's remuneration). Additional contribution to PPK may also be paid – by the employer in the amount of up to 2.5%, and by the PPK member in the amount of up to 2%. Moreover, supplementary payments are made to PPK from the Labour Fund in the amount of PLN 240 (EUR 55), and there is also the “welcome payment” of PLN 250 (EUR 57). Contributions, payments and the welcome payment are transferred to a financial institution of the employer's choice (an investment fund managed by an investment fund company, a pension fund managed by PTE, an employee pension company or an insurance company). A PPK member may withdraw his/her accumulated funds after reaching the age of 60. In principle, a PPK member has the right to make a one-time withdrawal of 25% the funds accumulated in PPK, with the remaining 75% to be paid out in at least 120 monthly instalments. In such case, the withdrawal is exempted from taxation. However, if a PPK member decides to withdraw the remaining 75% in a smaller number of instalments, then he/she will be obliged to pay flat rate income tax of 19% on gains from PPK.

A PPK member may withdraw all accumulated funds earlier, but this entails the requirement to pay a 19% income tax on capital gains. In the case of such withdrawal, the welcome and annual payment as well as the profit generated on the funds will be transferred to the State Treasury and treated as Labour Fund revenues. Furthermore, 30% of funds on the employer's the sub-account (the employer's deposits and the profit generated thereon) will be transferred to ZUS and treated as ZUS revenue. Information on the amount transferred to ZUS will be recorded on the worker's account as a contribution to pension insurance.

Contribution to pension insurance

The **contribution** equivalent to 19.52% of the calculation basis (remuneration/revenues) is transferred to retirement insurance.

The retirement insurance contribution is financed by the employer and by the insured person in equal parts, whereby the contribution paid to the open pension funds or registered on the sub-account comes from the part paid by the insured person.

The employer is responsible for paying the contribution to ZUS. The pension scheme is based on a strict relationship between the benefit amount and the

amount of the factually paid contribution, as the pension benefit is calculated on the basis of the total amount of the retirement insurance contributions (the principle of the defined contribution).

There are two options for dividing the contribution under the 2nd pillar:

- if the insured person has not joined an open pension fund (OFE), the contribution is registered on: the account kept by the Social Insurance Institution – in the amount of 12.22%, on the sub-account kept by the Social Insurance Institution – in the amount of 7.3%;
- if the insured person decides to transfer the contribution to the account under the open pension fund scheme, the contribution is divided in the following way: 12.22% – the amount is registered on the account kept by the Social Insurance Institution, 4.38% – the amount is registered on the sub-account kept by the Social Insurance Institution, while 2.92% – the amount is registered on the account in OFE.

Granting of benefits

The retirement pension is **granted** – as a rule – **at the request** of the interested person. Decisions on granting the retirement pension are issued by retirement pension authorities which are competent for the place of residence of the person applying for the benefit. The procedure to granting the retirement pension is initiated after the interested person has applied for that.

The retirement pension is available to persons who have reached the **universal retirement age**.

From 1 October 2017, the universal retirement age is **60 years for women and 65 years for men** in Poland. For persons covered by the new pension scheme, there is no minimum insurance period required for the retirement pension to be granted.

Under the new principles, the **retirement pensions are calculated on the basis** of the total amount of the indexed contributions for the period from 1 January 1999, registered on the account of the insured person, and the indexed initial capital (calculated as an equivalent of the retirement insurance contributions paid before the 1 January 1999), increased by the amount of the contributions registered and indexed on the sub-account. The retirement pension is calculated by dividing the calculation basis by the expected period of the average life expectancy for persons at the age equivalent to the retirement age valid for the respective insured person.

The retirement pension is increased up to the amount of the lowest benefit, if the insured person:

- a man – can prove a contributory and a non-contributory period of at least 25 years;
- a woman – can prove a contributory and a non-contributory period of at least 20 years.

For citizens residing in another EU Member State and persons residing in states outside of the EU with which Poland has concluded international agreements on social insurance, the obligations related to granting benefits are performed by the **Foreign Pension Department of the Social Insurance Institution (Headquarters) and/or organizational units of the Social Insurance Institutions which have been designated by the President of the Social Insurance Institution**. A similar principle applies to the persons for whom the insurance periods in foreign countries have been taken into account by establishing the right and the amount of the retirement benefits, unless otherwise specified by international agreements.

On 28 February 2020, a **one-off annual monetary benefit for pensioners** was introduced. Under law, this benefit is available to all pensioners and mounts to the lowest retirement pension as of 1 March of the year in which it is paid. Eligible to receive this benefit are persons who – on 31 March of the year in which the additional annual monetary benefit is paid – are eligible to receive retirement/disability pensions as part of the universal scheme, retirement/disability pensions for farmers, retirement/disability pensions for uniformed services, bridge pensions, pre-retirement benefits and payments, social pensions, restructuring pensions, teacher compensation benefits, supplementary parental benefits and disability pensions for war invalids and military personnel. The additional annual monetary benefit is not available to persons whose eligibility to receive benefits has been suspended as of 31 March of the year in which the additional annual monetary benefit is paid.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family, Labour and Social Policy

<http://www.zus.pl/> Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*) – section “benefits”

6.6. Disability pensions

Entitlements and contributions

Disability insurance guarantees pecuniary benefits in case the insured person loses incomes due to **disability** (incapacity for work) or death of the breadwinner. In this situation, those who pay disability insurance contributions receive **disability pensions** which replace the lost remuneration or incomes, while **survivor's pensions** are paid to family members in case their breadwinner has died. As a rule, disability insurance is obligatory for the same categories of persons as retirement insurance.

The **contribution** to disability insurance amounts to 8% of the assessment basis, with 6.5% paid by the employer and 1.5% paid by the worker.

Payments under disability insurance

The following benefits are paid out disability insurance:

- 1) **allowances due to incapacity to work** – which are due to the insured person who has fulfilled the following conditions jointly:
 - a) is not capable to work,
 - b) has completed the required contributory and non-contributory period which covers at least five years of contributory and non-contributory periods during the last decade before submitting the application or before the incapacity to work has occurred; if the incapacity to work has occurred at the age of up to 30 years, the required contributory and non-contributory periods are shortened accordingly,
 - c) the incapacity for work has occurred during the contributory and non-contributory periods or within 18 months from the end of the periods – the condition does not refer to the insured person who has proved the contributory and non-contributory period of at least 20 years for women and of 25 years for men, and is completely incapable to work.

A person is **not capable to work** if he or she has **completely** or **partially** lost the capacity to perform paid work due to physical impairment and does not give any chance to regain the capacity to work after requalification. The incapacity to work and its degree is established by the medical practitioner approved by ZUS as the first instance. The person concerned may appeal against the decision issued by the medical practitioner approved by the Social Insurance Institution to the Medical Committee of the Social Insurance Institution acting as the second instance.

The allowance due to partial incapacity to work amounts to **75% of the allowance due to complete incapacity to work**;

- 2) **survivor's pension** – this type of benefit is due to the eligible family members (children, widows, widowers, parents) of the person who has the established right to retirement benefit or disability allowance due to incapacity to work or has met the conditions for receiving one of the aforementioned benefits as of the date of his or her death. When examining the right to the survivor's pension, it is assumed that the deceased person was completely incapable to work.

The survivor's pension is due in the following amounts:

- a) **85% of the benefit** which would have been due to the deceased person, in the event when one person has the right to receive the survivor's pension,
- b) **90% of the benefit** which would have been due to the deceased person, in the event when two persons have the right to receive the survivor's pension,
- c) **95% of the benefit** which would have been due to the deceased person, in the event when three or more persons have the right to receive the survivor's pension.

All eligible family members have the right to claim **one joint survivor's pension** which is divided between the eligible persons in equal parts, if necessary. If the survivor is a complete orphan, he or she is eligible to an **extra payment to the pension for complete orphans**;

- 3) **training allowances** – which are due to those who have fulfilled the conditions for granting the allowance due to incapacity to work, against whom it has been decided that they should requalify due to their incapacity to work in the former profession. Training allowances are granted for a period of 6 months. The period may be shortened or extended up to 30 months as a maximum. The amount of the training allowance amounts to **75% of the assessment basis**; if the incapacity to work has been caused by an accident at work or an occupational diseases, the amount of the allowance is equal to 100% of the assessment basis;
- 4) **funeral payments** – which are pecuniary benefits for covering costs of the funeral. Funeral payments are granted in the event of death of:
- a) an insured person,
 - b) a person who receives retirement pension or disability pension,

- c) a person who has not had the established right to retirement pension or disability pension on the date of death, but has fulfilled the conditions for claiming and receiving such benefits,
- d) a person who receives sickness benefits, rehabilitation benefits, maternity benefits, or benefits in the amount of the maternity benefit for the period after the expiry of the insurance title,
- e) a family member of the insured person or of the person receiving retirement pension or disability pension.

The funeral payment amounts to PLN 4,000 (ca. EUR 920) and is paid out by the branch offices of the Social Insurance Institution. The funeral payment is available to the family member who has covered the costs of the funeral and has applied for the payment.

The funeral payment may also be granted to **employers, social aid facilities, Communes, Districts, church legal persons or religious associations**, provided that they have covered the costs of the funeral. The funeral payment may also be granted to a person other than a family member or the aforementioned persons if the deceased person had his or her title to the funeral payment. In this situation, the amount of the funeral payment corresponds to the factually incurred costs of the funeral – up to the amount of PLN 4,000 as a maximum (ca. EUR 920).

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family, Labour and Social Policy
<http://www.zus.pl/> Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*) – section “benefits”

6.7. Social benefits for accidents at work and occupational diseases

Entitlements and contributions

Insurance against accidents at work and occupational diseases covers persons who are subject to obligatory retirement and disability insurance, i.e. *inter alia* employees, persons working under contracts for services and those carrying out economic activity.

The **percentage contribution rate** for accident insurance varies for individual payers of contributions and is established depending on the level of occupational

hazards and their adverse effects. Should the payer report up to 9 insured persons for accident insurance, the rate amounts to 50% of the highest percentage rate for the groups of activities and is equal to 1.8% of the assessment basis.

The total amount of the accident insurance contribution is paid by the employer.

Social benefits in the event of accidents at work and occupational diseases

Due to accidents at work and occupational diseases, the following benefits are due:

- **sickness benefits** – to the insured persons whose incapacity to work has been caused by an accident at work or occupational disease;
- **rehabilitation benefits** – paid out after the sickness benefits have been exhausted, if the insured persons is not capable to work yet, while the further treatment or rehabilitation give a chance that they will regain their capacity to work;
- **compensating benefits** – to the insured persons who are employees and whose remuneration has been decreased due to a permanent or long-term damage to their health;
- **one-time compensation** – to the insured persons who have suffered a permanent or long-term damage to their health or to family members of the deceased insured person or of the deceased person who used to receive a disability pension;
- **allowances in the event of incapacity for work** – to the insured persons who have become incapable to work due to an accident at work or occupational disease;
- **training allowances** – to the insured persons against whom it has been decided that they should requalify due to their incapacity to continue work in the former profession due to an accident at work or occupational disease;
- **survivor's pensions** – to family members of the deceased insured persons or to the persons who are eligible to claim allowances in the event of an accident at work or occupational disease, and additional payments to the survivor's pensions – to complete orphans (have lost both parents);
- **attendance allowances** – to the persons who are eligible to claim disability allowances, have been deemed to be completely incapable to work or to live independently, or to those who have reached the age of 75 years;

- **covering the costs of medical treatment** – dental services and preventive vaccination and orthopaedic equipment, as specified by law.

The amount of the allowance in the event of incapacity for work is calculated as a disability benefit, whereby it must not be lower than:

- 60% of the benefit assessment basis – for persons who are partially incapable to work;
- 80% of the benefit assessment basis – for persons who are completely incapable to work;
- 100% of the benefit assessment basis – for persons who are eligible to claim training allowances.

The amount of the one-off compensation in the event of an accident at work depends on the percentage degree of health detriment to be established by the approved medical practitioner or by a ZUS Medical Committee. Between 1 April 2020 and 31 March 2021, the injured persons are eligible to claim compensation in the amount of PLN 984 (ca. EUR 226) for each percent of permanent or long-term health detriment. The persons who have been deemed completely incapable to work or live independently due to an occupational disease or accident at work are eligible to claim a one-off compensation in the amount of 17,214 (ca. EUR 3,959).

Liability of the insured person

Under the accident insurance, benefits **are not due to the insured person** in case an accident has been caused by the proved violation of the **provisions on the protection of life** and health by fault of the insured person, caused intentionally or as a result of gross negligence.

Neither are benefits due to the insured person who case significantly contribution to the accident while being **under the influence of alcohol or narcotic drugs and psychotropic substances**.

For more information visit

<https://www.gov.pl/web/rodzina> Ministry of Family, Labour and Social Policy

<http://www.zus.pl/> Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*) – section “benefits”

6.8. Unemployment benefit – transfer

Should an EU or EFTA Member State citizen be eligible to claim the unemployment benefit in Poland, he/she is also eligible to receive it during the period of **seeking job** abroad in all EU or EFTA Member States.

If an EU or EFTA Member State citizen fails to get a job in another Member State and is still, in accordance with the national law, eligible to claim the benefit, he/she should return to his/her home country. Otherwise, he/she will lose the right to the benefit.

The unemployed who have acquired the right to unemployment benefits in the state of their last employment, one of the Member States of the EU or EFTA, and arrives in Poland to search for a job has the right to transfer the unemployment benefits. To do that, it is necessary to obtain the relevant document **PD U2** which gives the right to transfer the benefits (formerly the form E 303). It is very important that the right to transfer (payments in a different Member State) the unemployment benefits **is limited in time and is due only to the persons who fulfil certain criteria.**

Unemployment benefits may be paid out during a period of **3 months** (with the option to extend it to 6 months) during which it is necessary to search for a job actively. The aim of the travel must factually be the intent to search for a job and not, for example, a tourist expedition, undertaking studies, or starting own economic activity.

The persons who wish to search for a job in a foreign country and receive the benefit there must **meet all the criteria for granting the benefits in their country** (they have lived or worked in recent years). Should a Polish citizen wish to look for a job in EU or EFTA Member States and receive the unemployment benefit there, he/she must meet the Polish criteria (he/she must work for 365 days during the last 18 months). **Additionally**, the person who wishes to transfer the benefits must:

- be registered as an unemployed person for at least 4 weeks (he or she may apply for shortening the period – the respective decision must be issued by the competent institution – the competent Province Employment Office in Poland);
- report to the competent institution in his/her country (he or she has lived or worked in recent years) the intent to leave the country to search a job in a different Member State of the EU or EFTA and submit an application for

issuing the document PD U2 (if the intent to leave the country is not reported, the right to the unemployment benefits in the respective state may be lost);

- refer to (register with) the competent institution (employment office) of the state he or she intends to search for a job in within 7 days from the date of leaving the country (in exceptional situations, the deadline may be extended)
 - should the condition be fulfilled, it means that the unemployment benefits will also be paid out for the period of travelling; should the deadline of 7 days not be kept, the unemployment benefits will be due from the date of registration, reduced by the period of travelling;
- be in fact searching for a job, i.e. be available for the employment office.

Unemployment benefits are paid out by the competent institution of the EU or EFTA Member State from which the benefits have been transferred – **directly to the bank account of the unemployed person or in any other way agreed between the office and the unemployed person.**

District Employment Office (*powiatowy urząd pracy*) in Poland perform the tasks under the coordination of the social insurance systems, including the verification of job seekers as in case of the unemployed in Poland.

During the period for searching for a job, the benefits are paid out for a maximum period of 3 months from the date of leaving the respective Member State. There are some situations which it is possible to extend the period of transfer to a maximum period of 6 months. To extend the period of transfer, the unemployed person should submit an application for extending the period to the institution which has granted the right to benefits, within the first 3 months of the transfer. The transfer of the unemployment benefits is to search for a job in the territory of the Member State to which the benefits have been transferred.

The decision on extending the period of transferring the unemployment benefits to Poland is made by the competent institution in the state in which the benefits have been granted and from which they are transferred. The decision is assessed on an individual basis and discretionary. European law does not specify any circumstances in which the period of transferring the benefits should be extended.

Social insurance contributions and taxes on the benefits paid out are paid in the country of origin (in accordance with the agreements for the avoidance of double taxation).

The unemployed persons may exercise the right to receive the benefits in the state in which they intend to search for a job during a maximum period of 3 months (optionally 6 months) between two employment periods.

Unemployment benefits – the principle for summing up the insurance periods and employment periods completed in one of the Member States

The principle for summing up the insurance periods and employment periods guarantees that the persons who transfer their place of residence to a different state are **protected in the event of unemployment**. Should the required employment and insurance periods in Poland and the employment and insurance periods in a foreign country be excessively short for the unemployed person to acquire the right to unemployment benefits, the **summing up, i.e. accumulating the years and months of employment in all the Member States of the EU or EFTA**, makes it possible to reach the required period to acquire the right to the benefits. This means that the employment or insurance periods completed in other Member States of the EU or EFTA are calculated against the period which gives the right to the benefits. All periods of employment, i.e. under employment contracts, contracts for services and self-employment, are summed up.

The document PD U1 confirms the insurance or employment periods and may be applied for by the unemployed persons by the institution of the state of the last employment. Should the unemployed person fail to do that, the Voivodeship Labour Office in Poland will receive the data in the special SED documents which are issued by the competent institution of the respective Member State of the EU or EFTA.

EU law provides that citizens of the EU or EFTA Member States will be granted the benefits upon fulfilling all the requirements which are valid in the Member State of their last work.

Should citizens of the EU or EFTA Member States lose their job, e.g. in Sweden, their right to the unemployment benefits and their amounts will be established in accordance with the Swedish law, i.e. the legislation of the state in which they have lost their job. **Exceptions to this include *inter alia*:**

- **delegated persons** – they are subject to the legislation of the state in which the registered office of the delegating is located, and not the state in which they work;
- **self-employed persons operating in at least two countries** they are subject to the legislation of the state in which they reside provided that they carry out part of the activity there. If they do not reside in any of the states in which they carry out their activity, they are subject to the legislation of the state in which they carry out the major part of their activity;

- **seafarers** – they are subject to the legislation of the flag state;
- **frontier workers** – they are subject to the legislation of the state they reside in and this is the only state in which they can apply for the right to the unemployment benefits after working in another Member State;
- **cross-border workers** – they may apply for the benefits either in the state of their last employment or in the state in which they reside.

Unemployment benefits – the principles for calculating the benefit amount

The law on the conditions for acquiring and the amount of the unemployment benefits is diversified in the EU or EFTA Member States. It provides for either:

- **fixed benefits**, irrespective of the last remuneration of the unemployed person (e.g. this rule applies in the United Kingdom and in Poland where the remunerations do not impact the benefit amount). The benefit amount is regulated by the legislation of the state which will pay out the benefits; or
- **variable benefits**, calculated on the basis of the amount of the last remuneration. For example, this rule applies in Germany.

In the case of a frontier worker or a cross-border worker – the institution competent for their place of residence takes into account the remuneration the worker has received in the state of his or her last employment. For other workers, the institution of the state which grants the benefits takes into account only the remuneration received in the state.

Frontier and cross-border workers

The EU provisions differentiate between **two specific categories of workers**:

- **frontier workers** – they work in one Member State and live in another Member State to which **they travel back every day or at least once a week**, e.g. Polish citizens who live in the Polish city of Zgorzelec and work in the German city of Goerlitz by commuting to their place of residence every day have the status of frontier-zone workers;
- **cross-border workers** – they normally live in one Member State and work in a different Member State and do not have the status of frontier workers (i.e. do not have to travel back to their place of residence every day or at least once a week). For example, the Polish worker who went to work in Ireland for a short period of time and left his wife and children he supports in Poland (the

centre of his life interests is located in Poland) and returns to the country after a year **has the status of a cross-border worker**. **Seasonal workers** are also deemed cross-border workers.

The normal **place of residence** is established on the basis of an individual assessment of the life situation in accordance with the established criteria. The **basic criteria** for establishing the place of residence are: length and continuity of the period of staying in both states, job nature, family situation, housing situation, tax residence, carrying out a not-for-profit activity. For students, sources of their incomes are also taken into account.

Additionally, **the right of the frontier worker to unemployment benefits** depends on whether the person is partially or completely unemployed. Partial unemployment implies a situation in which the particular person does not factually perform work (or performs it on a limited basis), but is employed (is party to the employment contract):

- **in the case of partial or temporary unemployment** in the employing establishment, the worker has the right to unemployment benefits under the legislation of the competent state, i.e. the state of employment. The worker is then treated as if he or she lived in the territory of the state;
- **in the case of complete unemployment**, the frontier worker uses the benefits exclusively under the legislation of the state in which he or she lives even if he or she fulfils the conditions for acquiring the right to the benefits under the legislation of the Member State of the last employment. The worker is not free to choose the state in this respect.

Different rules apply to cross-border workers:

- **if the worker is partially or temporarily unemployed** and is available for his or her employer in the territory of the state of the last employment, he/she uses the benefits under the legislation of the state and the benefits are paid out by the competent institution as if the person lived in the territory of the state;
- **if the worker is completely unemployed and has decided to register in the state of the last employment**, he/she uses the benefits under the legislation of the state and the benefits are paid out by the competent institution as if the person lived in the territory of the state;
- **if the worker is completely unemployed and has decided to register with the employment services of the state of his/her normal residence**, he/she may use the benefits under the legislation of the state of the place of residence as if he/she were employed there.

Unemployment benefit – documents

The EU documents **series U** apply to the unemployment benefits (Standard Electronic Documents – **SEDs**), which refer to the unemployment benefits and are used exclusively by the competent institutions which examine the rights to the above mentioned benefits.

There are also documents which are issued by the competent institutions **at the request** of the unemployed person and which replaced the former forms series E-300. These documents are:

- **PD U1** – this document confirms the periods which should be taken into account by granting unemployment benefits;
- **PD U2** – this document confirms the retained right to unemployment benefits (their transfer).

For more information visit

<https://www.gov.pl/web/rodzina/dsz-koordynacja-systemow-zabezpieczenia-spolecznego> Ministry of Family and Social Policy

www.gov.pl/web/rodzina/dsz-instytucje-lacznikowe Liaison institutions

<https://www.gov.pl/web/rodzina/zasady-ogolne> Guidelines for coordination of EU social security systems

<https://www.gov.pl/web/rodzina/swiadczenia-w-ramach-koordynacji-unijnej> Benefits as part of the EU coordination

<https://www.gov.pl/web/rodzina/ustawodawstwo-majace-zastosowanie-ustawodawstwo-wlasciwe> Applicable legislation



7. COVID-19 – IMPACT OF THE EPIDEMIC ON LIFE AND WORK IN POLAND IN 2020

7.1. General information regarding the epidemic

In late 2019 and early 2020, the world and Europe experienced the outbreak of the COVID-19 epidemics caused by the SARS-CoV-2 virus. The first confirmed case of the disease in Poland was reported in early March 2020. In response to the spread of the epidemic, Poland introduced the state of epidemic emergency in March 2020, followed by the state of epidemic. A number sanitary restrictions were put in place along with restriction to entry to Poland. The spread of the epidemic was monitoring on a regular basis. At first, measures were taken to “freeze” the country’s economy, and then to “unfreeze” it by stages.

Since various sanitary restrictions are put in place depending on how the epidemic situation develops in Poland, **it is advised to check updated information before coming to Poland.**

For more information visit

<https://www.gov.pl/web/koronawirus> Government website about the coronavirus

7.2. Rules regarding entry to Poland during the epidemics

Depending on how the COVID-19 situation develops, Poland puts in place certain restrictions regarding entry to the country, including the obligatory 14-day quarantine.

Visitors are advised to seek up-to-date information regarding the current rules on entry to Poland before they decide to visit the country.

For more information visit

<https://www.gov.pl/web/koronawirus/informacje-dla-podrozujacych>
Government website about the coronavirus

<https://strazgraniczna.pl/> Border Guards

<https://reopen.europa.eu/pl/map/POL> A dedicated European Commission website regarding entry to EU/EFTA Member States

7.3. Anti-crisis shield – support for businesses and workers (protection of jobs and economy)

General information

On 1 April 2020, the Polish government activated the so-called “**Anti-Crisis Shield**” to counter the economic effects of the coronavirus pandemics. The action package is based on the following five pillars:

- protection of jobs and safety of workers;
- funding of entrepreneurs;
- health care;
- strengthening of the financial system;
- public investments.

Support for entrepreneurs

The Anti-Crisis Shield includes an aid programme addressed to businesses affected by the coronavirus pandemics. The Polish Development Fund (*Polski Fundusz Rozwoju*, PFR) launched the so-called “PFR Financial Shield for Businesses and Workers”, i.e. a programme addressed to **micro-companies** (employing at least 1 worker) as well as **small, medium and large enterprises**. The programme is meant to protect the labour market and ensure financial liquidity to businesses at the time of serious economic turmoil.

As part of the Anti-Crisis Shield, **employment offices** provide assistance and support to employers in maintaining the existing jobs by:

- providing micro-companies and small and medium enterprises with co-financing for a part of their payroll costs and the related social insurance contributions;
- providing non-governmental organisations and entities referred to in Article 3(3) of the Act on public benefit activity and volunteer work with co-financing for a part of their payroll costs and the related social insurance contributions;
- providing entrepreneurs who are natural persons and who do not employ workers with co-financing for their economic activities;
- offering a low-interest loan to micro-companies;

- providing wage subsidies from the Guaranteed Employee Benefits Fund during the idle-time or reduced working hours introduced by employers.

In addition, **micro-entrepreneurs** whose revenues in the month preceding the month in which they applied for an exemption from social insurance contributions were lower than 300% of the average gross monthly wage are eligible to receive aid in the form of an exemption from social insurance contributions for a period of three months. They will also be offered suspension of the loan agreement for 12 months without the obligation to make any payments in this regard throughout that period.

Support for **medium companies** includes also new and more favourable requirements regarding operating and investment loans within the *de minimis* guarantee scheme. Medium companies can also receive more funds from the Export Insurance Policy Committee with respect to trade in Poland and abroad.

Large enterprises can count on state support in *inter alia* making labour market regulations more flexible and postponing the introduction of the new Standard Audit File-Tax. In addition, the package provides for postponements of perpetual usufruct fees by local government authorities.

Support for workers

The Anti-Crisis Shield includes also some proposals regarding support for workers. Depending on the type of his/her employment relationship, a worker can use the following solutions:

- 1) if a worker is employed under an agency contract, contract of mandate, specific-task contract or any other service contract, and if he/she does not carry out a business activity, he/she may:**
 - a) apply for an exemption from the income tax on the income from the idle-time benefit, provided that the COVID-19 outbreak has resulted in suspension of work by the contracting entity with whom he/she signed the civil law contract concerned;
 - b) apply to the Social Insurance Institution (ZUS) via his/her contracting entity for a financial benefit (idle-time benefit) to compensate him/her for lost revenues;
 - c) apply for postponement or division into instalments of taxes which represent a State Budget revenues, as a result of which he/she may be exempted from the extension charge applicable to decisions to postpone payments of taxes or tax arrears or divide such payments into instalments;

- d) if he/she has breached tax regulations, he/she may use the so-called “active repentance” institution, which is regulated under the Penal Fiscal Code as a waiver of punishment of an offender who has “expressed repentance” for his/her tax offence or crime and subsequently met their due obligations;

2) if a worker is employed under an employment contract or cooperative contract, he/she may:

- a) apply for a care benefit. Such a benefit can be taken if the worker cares for:
- a child aged 8 years or younger,
 - a child aged 18 years or younger with a certified significant or moderate degree of disability, or a child with a certified disability or certified special education needs,
 - a disabled adult.

The aforementioned benefit is available where the nursery, children's club, kindergarten, school or other establishment which the child attends has been closed, or if it is not possible to arrange for a nanny or childminder due to COVID-19, or where the school, revalidation and education centre, support centre, occupational therapy workshop or other day-care establishment which the disabled adult attends has been closed. The care benefit will be paid also if the aforementioned establishments are opened during the COVID-19 epidemic;

- b) apply for postponement or division into instalments of taxes which represent a State Budget revenues, as a result of which he/she may be exempted from the extension charge applicable to decisions to postpone payments of taxes or tax arrears or divide such payments into instalments;
- c) use an increased PIT exemption limit, provided that in 2020 and 2021 he/she receives benefits in kind (except for vouchers, coupons and other instruments which can be exchanged for goods or services) or monetary benefits from his/her Company Social Benefits Fund related to financing social activity – up to PLN 2,000 (ca. EUR 460) in the tax year;
- d) use an increased PIT exemption limit if in 2020 he/she receives a financial aid from a company or intercompany labour union organisation paid to its members – up to PLN 3,000 (ca. EUR 690) in the tax year;
- e) use an increase PIT exemption limit if in 2020 he/she receives a financial aid in the case of an accident, natural disaster, long-term disease or death, financed from other sources than a social fund, Company Social

Fund, Labour Unions's funds or under separate regulations issued by the competent Minister – up to PLN 10,000 (ca. EUR 2,300),

- f) receive an income tax exemption if in 2020 he/she is provided with food and accommodation by his/her employer due to the declaration of the state of epidemic emergency/state of epidemic,
- g) if he/she has breached tax regulations, he/she may use the so-called “active repentance” institution, which is regulated under the Penal Fiscal Code as a waiver of punishment of an offender who has “expressed repentance” for his/her tax offence or crime and subsequently met their due obligations.

For more information visit

<https://www.gov.pl/web/tarczaantykryzysowa> Portal rządowy o Tarczy Antykryzysowej – support for entrepreneurs and workers

<https://psz.praca.gov.pl/dla-pracodawcow-i-przedsiębiorców/tarcza> Support provided by employment offices under the Anti-Social Shield





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www.eures.europa.eu



Ministry of Economic Development, Labour and Technology
Department of Labour Market