



EXECUTIVE SUMMARY

Main message

In Poland, the largest national social partners are not very active in the migrant labour market issues. Trade unions usually do not recognize specific problems of migrants because they perceive them only as temporary workers. Employer organizations have more interest and knowledge about migrants, however, more and more important actors of the foreign workers' labour market are work agencies (frequently temporary work agencies) - the real brokers between employer and employees (especially in the context of the mostly temporary or circular character of labour migration to Poland).

Historical context of the issue of migrant workers

In recent years there has been a continuation of positive trends in the labour market in Poland. The number of the employed has been systematically increasing, while, at the same time, the number of the unemployed has been decreasing. Over the last years there has also been a regular increase in wages and salaries in Poland. In the third quarter of 2020, a slight stability of the situation caused by the COVID-19 pandemic may be observed on the labour market.

Poland has recorded a large increase in the inflow of foreigners taking up employment. Mass migration from Ukraine to Poland began around 2014, which was associated with the conflict in Ukraine and the economic crisis. Before 2014 the inflow was much smaller and stable. Circular labour migrations were predominant. In the last decade the highest increase was recorded in 2015-2018. Ukrainian migrant workers constitute almost three-fourths of legally employed migrants in Poland. Especially in Western Ukraine, networks related to job mobility to Poland have existed for a long time. Migrations to Germany or other European countries are associated with longer distances and higher costs of living. The inhabitants of Eastern Ukraine find it easier to opt for them, because then the advantage of proximity to Poland disappears. Working





in Poland makes it easier and faster to return home and to families in Ukraine, which is of particular importance when employees have school-age children. Geographic and cultural proximity is an important advantage in all sectors subject to the research, and it is particularly significant for physicians and other healthcare professionals. According to the data of the National Bank of Poland, the number of economic migrants from Ukraine residing in Poland in 2019 amounted to approximately 1,300,000 people. This number has dropped noticeably as the result of the Covid-19 pandemic. However, there are currently around 1,000,000 Ukrainians staying in Poland.

Recently the presence of Belarusians has also increased even despite the pandemic. The reason is the political conflict in Belarus. Most migrants are young, up to 45 years of age, most of them (up to 80%) are men.

Regulation and the role of social partners

Compared to other countries, Poland has very liberal legislation on foreigners' employment but lacks a defined long-term migration policy. The most popular work permits for foreigners are of Type A which allows to perform work on the territory of Poland on the basis of a contract with an employer whose registered office, place of residence, branch, plant or other form of business is in the territory of the Polish Republic.

Since 2015 a foreigner does not need to have a work permit after fulfilling some conditions, e.g. performing work from the list of professions. Since 2018 legal employment of citizens of six countries: Armenia, Belarus, Georgia, Moldova, Russia or Ukraine is possible without the need to apply for a work permit. There is only an employer's submission to the local labour office of a declaration of entrusting work to a foreigner needed. In 2020 the list of cases for this simplified procedure was extended and includes among others: doctors, nurses and paramedics. After the upcoming changes approximately 1.1 million submitted declarations are forecast in 2022.

The simplified procedure can be used if the following conditions are jointly met: the foreigner is a citizen of one of the six countries listed above, the employment period does not exceed 6 months in the next 12 months and the work to be performed by the foreigner does not apply to seasonal work for which a permit must be obtained. Seasonal work is defined as a period not longer than 9 months in a calendar year as part of activities recognized as seasonal.

In 2015 the Social Dialogue Council (RDS) was established as a forum for dialogue between representatives of employees, employers and the government. RDS has dealt neither with migration policy nor with employment of foreigners yet. Poland has low trade union density (estimated at 12.9 % in 2019 - CBOS, 2019) and a low rate of membership in employer organizations (20% in 2017), as well as a very low level of collective bargaining compared with other European countries. The question of migrant workers has not been important so far. In general, Polish organizations and trade unions are learning how to organize migrant workers by watching and imitating Western labour organizations. However, the dominant approach is still rather protectionist, viewing migrants as a threat to Polish workers. This is reinforced by anti-migration





public discourse in which different categories (migrant and refugees) mix and many stereotypes are reproduced.

Migrant workers: presence, trends, sectors, typical jobs. Data quality and available research-literature

There has been a large increase in the inflow of foreigners taking up employment in the last decade. The most popular form of employment is work permit on the basis of a contract (96.6% in 2019). There were 444,738 work permits issued in 2019 (94.1% of submitted applications) and 131,446 seasonal work permits.

Migrants work mainly as industrial workers and craftsmen, workers performing simple works, operators and assemblers of machines and devices. The most popular are the construction sector (c. 25% of all work permits for migrant workers in Poland in 2019), manufacturing (c. 22%), service administration and support service activities (c. 22%), transport and storage (c. 15%). Seasonal workers usually found employment in agriculture, forestry, hunting and fishing.

In the labour market the migrants are not substitutive, but complementary, which means that they fill employment gaps. There are sectors, such as agriculture and construction, which are becoming more and more dependent on the work of foreigners and this is a growing trend. These sectors are dominated by seasonal work, i.e. work based on the six-month work permits that are issued for one calendar year.

The scale of illegal migration remains unknown. Usually it is about overstaying, i.e. work without a valid permit. There are also situations where legal work is combined with earning extra money without a permit. There are also migrants who are legally employed, but who receive a part of their salary outside the formal circulation. Some foreign workers initially prefer to work illegally, however, after negative experiences regarding non-payment of wages on time, ill-treatment in companies, etc. they consciously decide to opt for legal employment in Poland.

In the last twenty years there has been notable progress in studying migration processes in Poland. However, studies on the employment of foreign migrants are quite rare. Relevant basic data are provided by statistics from the Ministry of Family, Labour and Social Policy and the Social Insurance Office. Problems of illegal workers, exploitation of cheap labour force, high level of social insecurity and high rotation of workforce are still open to study. There is a relevant and useful report „Work in Poland: violation of the labour rights of immigrants from Ukraine employed in the construction and service sectors”. It consists of analysis of the recruitment process in the construction and service sectors and the ambiguous role of intermediaries in the recruitment of Ukrainian workers, which often leads to the exploitation of immigrants in Poland and other EU countries. Research shows that many violations in the labour market are related to the simplified procedures for migrants employed. Another problem is the precarity of the economic situation of migrant workers.

Labour market integration: characteristics of jobs-contracts, problems and related issues

There are different types of work permits (including seasonal work permits) and simplified procedures for special groups. Social assistance benefits and integration support (e.g. language courses, assistance in





finding a flat, sometimes financial support) are provided only for foreigners who have obtained either refugee status in the Republic of Poland or other forms like subsidiary protection and temporary residence permit in order to reunite with a family member. Other migrants can only benefit from voluntary integration programs organized by NGOs or local authorities which are frequently co-financed by the European funds.

In principle, migrants working legally in Poland have the same rights at work as Polish workers and discrimination in the workplace is prohibited. However, research has shown many areas of discrimination. It is not only lower wages but worse working conditions as well. It includes lower quality of work contracts, working in the gray economy, work at night, failure to pay for overtime and lack of access to public services. Foreigners are delegated to perform the most onerous activities. Working below qualifications is also common among migrants.

In general, migrant workers' prospects for integration are quite poor. Integration initiatives addressed to labour migrants are mostly coming from NGOs. However, their support is unstable and irregular. Economic migrants in Poland are largely left on their own.

In the automotive sector the period of simplified work permit was too short and the fact that only citizens of six countries can work in this way is also seen as a problem. These legal regulations limit the employment of people in senior positions due to their short period of employment. They also tie workers to a single workplace. There are also no regulations regarding qualifications and language requirements. Most of the respondents emphasized excessive bureaucracy and reporting.

A huge limitation in hiring foreigners in construction is that it is a highly mobile sector, but a work permit binds workers to a specific place of work. Delegating workers to other construction sites is illegal under the current law.

Due to the regulated access to the medical professions the influx of migrants from beyond the eastern border is very small despite the huge staff shortages. In Poland, there are 2.4 practicing doctors per 1,000 inhabitants. This is the lowest rate among all the European Union countries.

Role of intermediaries in channeling migrant work

We found out that there are three types of entities that are interested in recruiting foreign employees. The first type are the large IT companies or other high-sectoral enterprises. They are interested in employing IT specialists, highly remunerated, highly qualified, for a longer period of time. These specialists often move with their families, with the intention of settling down or staying for longer. They are sourced primarily from Ukraine, but this category now also includes employees from other countries, e.g. Brazil, Argentina, USA, India. Manufacturing companies are the second category interested in employing foreigners. They employ workers for simple work, either for production with certain qualifications or to train them in a short time. They most often employ Ukrainians. Construction companies are often interested in hiring workers from other countries (as the aforementioned Nepal). They offer 6-month employment contracts based on declarations, or optionally rotational employment. The third group are temporary work agencies which are searching for





employees to perform simple works, production workers, technical workers, but only for mid-level positions, at most. Temporary employment agencies often hire large groups of employees within one recruitment process. Placement agencies also operate on the labour market, but they concentrate on recruiting permanent employees.

The research showed the important and still growing role of intermediaries on the foreigners' labour market. Different actors have been recognized: work agencies and employment agencies in the role of an intermediary. However, there are also placement agencies and temporary work agencies in the role of an employer. Main sectors of intermediaries' activities are construction, automotive and services. Agencies often mediate between the final employer and employees in many labour and social issues like assistance in searching for accommodation, bilingual coordinators, bringing migrants families to Poland, assistance during quarantine, etc. Their role is important and still underestimated because they define work and living conditions and initiate trends in issues regulating migrants' work.

The unique feature of the Polish on-demand taxi market is the operation of fleet partners, entities that act as intermediaries between the platform and the drivers. Fleet partners organize accounting and tax issues for drivers, and from 2018 also offer them the shared use of their own proper licenses which are required by the Polish law. They are the only partners for the drivers and the formal relation is a contract of mandate. Employment contracts are not used in this sector. About half of the platform work (ride-hailing sector) drivers are foreigners, mainly Ukrainian citizens, but also citizens of Asian countries.

The role of intermediaries is limited in the healthcare sector, which results from high formal requirements for confirming the competences of employees. There are some intermediaries present, but many doctors look for employment on their own.

Collective bargaining and social dialogue

Migrants are covered by collective agreements on the same terms as Polish workers. The problem of lack of separate regulations for them was emphasized by almost all our respondents. In Poland the organization representing the interests of employers: Lewiatan and the OPZZ trade union jointly developed an initiative to certify employment agencies employing foreign workers in terms of creating appropriate conditions for workers. Problems related to employing foreigners are not officially reported on the occasion of cooperation between the employers and the foreign body representing employees' interests. An important platform of articulating the interests of the employees has recently emerged in the form of dialogue between employers' organizations and NGOs. It seems to be a good channel for the NGO's ideas and problems to be heard in the context of social dialogue. The decision-making center (the Polish Ministry of the Interior) formally invited trade unions and NGOs to public consultation of a so-called action plan (a short-term executive political document still in progress). It could be considered a kind of social dialogue, even if the results of this initiative are still unknown.





Social partners' capacities and strategies related to employment. Labour market integration of migrant workers

The largest national social partners (which are representatives of major trade unions and employer organizations) do not hold much knowledge or even insight in the employment of migrants. It must be added that the research team found it impossible to interview the construction industry trade union representatives despite repeated attempts to make contact. In the platform work sector there are no trade unions yet.

Trade unions usually do not recognize specific problems of migrants because they perceive them only as temporary workers. They do not show interest in them and do not plan to invest in recruiting such employees or in representing their interests. Unionists do not recognize the need of integrating migrant workers into the Polish society. It is worth stressing that employer organizations have more interest and knowledge about migrants and their problems than trade unions. They even take initiatives for the benefit of migrant workers. Interestingly, the topic of the shadow economy did not appear in interviews. This issue seems to be completely absent from the minds of trade union representatives, NGOs activists and experts alike.

In the medical sector recent liberalization of law on the legal employment of foreign practitioners and nurses was criticized as excessive, and thus putting the quality of treatment and, consequently, health and life at stake. Knowledge of the language is checked only by means of a declaration by the person concerned, whereas a certificate confirming the use of the Polish language was required before. The medical self-government does not agree with these regulations.

Platform workers in Poland (in regard to drivers within ride-hailing companies) do not form any joint strategy to improve their working conditions. It might be related to a very high number of migrant workers within this sector.

Conclusions

The BARMIG team decided to prepare a few policy recommendations for stakeholders of social dialogue in the context of the migrants presence in the Polish labour market. As these stakeholders we understand mainly employer organizations, trade unions and all kinds of intermediaries. We recommend that:

- social partners (e.g. employer organizations) should cooperate more with CSOs, and build capacities to articulate the interests of different labour market actors;
- the best integration practices of work agencies (e.g. bilingual coordinators or languages courses) should be maintained and developed;
- cooperation between organizations representing the interests of employers in Poland and trade unions should be established on the occasion of different processes (e.g. during work agencies certification).



Important actors of social dialogue are of course policy makers: they create and implement the main line of policy strategy. Taking into account our respondents' observations the following recommendations could be useful:

- Long-term change in the approach to the migration policy and creation of a complex, well-structured long-term strategy aimed at integration of migrant workers.
- General simplification of the regulations and better adjustment of the regulations to the specificity of sectors.
- Creating a concise list of documents and electronic document circulation between employer, employee and public offices.
- Extending the list of professions that do not require a prior labour market survey.
- Extending the period of work based on a statement (in a simplified permit) from six to twelve or eighteen months.
- Enabling to change the position within the same declaration/statement.