

# BARMIG PROJECT NATIONAL REPORT

# POLAND

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**Bargaining for working conditions and social rights of migrant workers in CEE Countries**

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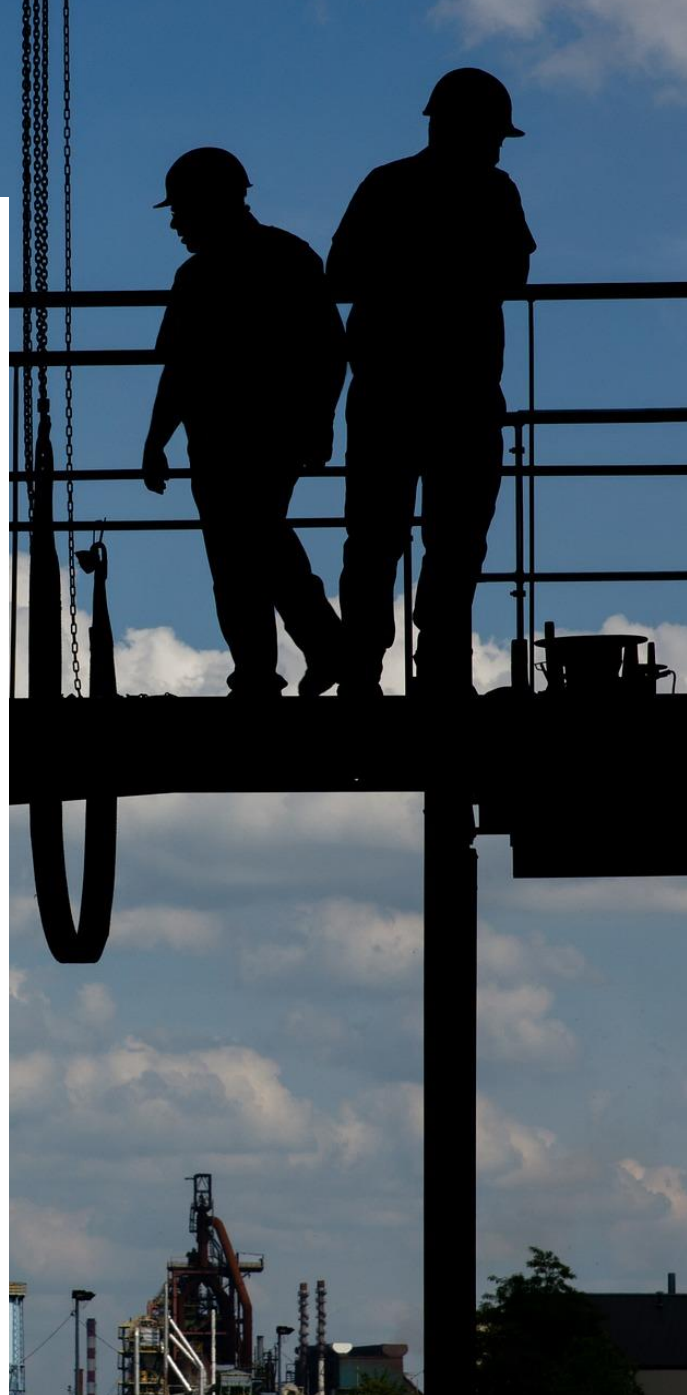
MARIA CURIE-SKŁODOWSKA UNIVERSITY

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MARIA CURIE-SKŁODOWSKA UNIVERSITY

European Union



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**Bargaining for working conditions and social rights of migrant workers in CEE  
Countries (BARMIG)**

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**POLAND**

**Dominika Polkowska, Karolina Podgórska, Agnieszka Kolasa-Nowak, Michał  
Nowakowski, Błażej Dyczewski, Kamil Filipek**

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## Table of contents

|  |    |
|--|----|
| Introduction.....  | 5  |
| 1.1 Regulations.....   | 9  |
| Current legislation on migrant work – third country nationals .....                              | 9  |
| Integration and labour market policies.....  | 11 |
| Anti-discrimination measures .....   | 13 |
| Naturalisation vs. official stance on illegal worker immigrants .....                            | 15 |
| 1.3 Statistical data and their availability .....  | 16 |
| 1.4 Secondary literature related to labour migration.....  | 19 |
| Studies of (local) migration specialists.....  | 19 |
| Economic - sectoral assessment of employment of migrant work.....                                | 20 |
| Labour market integration specialists on the position of migrant workers in the country.....     | 21 |
| Literature on the role of industrial relations and social dialogue related to migrant work ..... | 23 |
| 1.5 Media analysis.....  | 24 |
| 1.6 Industrial relations and social dialogue tackling migrant work .....                         | 26 |
| Relevant Institutions of social dialogue/collective bargaining .....                             | 26 |
| Collective bargaining data.....  | 28 |
| Social partners and collective bargaining in the selected sectors .....                          | 29 |
| 1.7 Conclusions.....   | 31 |
| 2.1 The methodology of the research.....   | 34 |
| 2.2 General overview - migration, industrial relations and social dialogue .....                 | 35 |
| Interpretation of the situation .....  | 35 |
| Strategies and practices .....   | 37 |
| Regulation .....   | 37 |
| Integration issues .....   | 39 |
| Social dialogue, collective bargaining and multi stakeholders cooperation.....                   | 40 |
| The impact of the COVID-19 pandemic.....   | 41 |
| 2.3 Sectoral analysis .....  | 43 |
| 2.3.1 Platform work.....   | 43 |
| 2.3.2 Healthcare sector .....  | 47 |
| 2.3.3 Automotive sector.....   | 51 |
| 2.3.4 Construction sector .....  | 53 |
| 2.3.5 Services and trade sector .....  | 55 |
| 2.3. Conclusions.....  | 59 |
| Bibliography.....  | 61 |



Annexes ..... 65

Annex 1: Tables ..... 66

Annex 2: List of main acronyms used in the report ..... 73

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## Introduction

The report has been prepared within the Bargaining for working conditions and social rights of migrant workers in Central East European countries (BARMIG) project. The report assesses the role of established industrial relations institutions in addressing the increased presence of migrant workers in domestic labour markets, and analyses how and with what capacities trade unions and employer organisations in Poland respond to these changes and challenges.

The general economic situation in Poland, regarding recent years, has been characterized by continuation of positive trends in the labour market [according to the data provided by the Statistics Poland (2020)]. The number of the employed has been systematically increasing, while, at the same time, the number of the unemployed has been decreasing. The newest data from 2020 (3<sup>rd</sup> quarter) show that the proportion of people aged 15 or over who were economically active was 56.9 percent, and the employment rate was 55 percent. According to the Polish Labour Force Survey (BAEL), the unemployment rate was 3.4 percent and 6.1 percent (registered in labour offices).

The analysis on the labour market situation in the European Union indicates that despite being among the countries with a lower activity rate, in 2018, Poland was also one of the countries with the lowest intensity of unemployment. Over the entire 2018, there were 717.8 thousand new jobs created in the Polish economy, while 300.5 thousand were liquidated. Almost  $\frac{3}{4}$  of all occupied jobs were in the private sector. Among the newly created jobs, 90.0% were in the private sector, while among the liquidated ones – 92.0%. It indicates high dynamics of the private sector, where a decided majority of all jobs are either created or liquidated. In 2018, the highest number of vacancies since 2010 was observed – 139 thousand (mainly in manufacturing, trade, construction). Over the last years, there has also been a systematic 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. However, the results of the labour force survey indicated a significantly higher increase in the number of the unemployed compared to the last quarter, albeit with a simultaneous increase in the number of the employed population and a drop in the number of economically inactive people. Undoubtedly, it confirms the labour market revival. According to the Statistics Poland (2020), in the third quarter of 2020 there were 36 thousand people who declared a break in their established activity, directly related to the COVID-19 pandemic. Compared to the situation observed in the previous quarter (2<sup>nd</sup> 2020), a significant drop in the number of employed people who did not perform work for this reason was noted (in the second quarter of 2020, they comprised 684 thousand – for 675 thousand this break was directly connected with the pandemic). Labour market

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characterized in this way is also attractive to immigrants who constitute an increasingly important part of the workforce.

This report assesses constraints, opportunities and challenges for industrial relations actors, stemming from the increased presence of migrant workers in four traditional sectors – healthcare, construction, hospitality and retail services, metal manufacturing, as well as in the digitized economy (i.e. platform work) in Poland. The labour market integration of migrant workers from the countries neighbouring the EU, particularly Ukraine and Serbia, is of particular concern to the research. More specific aims are to map opportunities for policy influence for trade unions and employer organisations in the areas of migration policy, protection and representation of migrant workers' interests, fair employment, and equal rights and integration of migrant workers, as well as through collective bargaining.

The report starts with a brief description of migrant employment outlook and provides up to date statistical data (economic and labour market issues) with critical discussion. Besides providing information on relevant institutions guiding Polish industrial relations, the report gives an overview on research and secondary literature on migration and migrant workers integration, analyses media reports on migrant workers in the 2016-2020 period, and - based on 21 in-depth interviews with trade union representatives, employer organisation representatives, experts, and migrant workers - provides an analysis of social partners' answers to challenges related to the increased presence of migrant workers in the selected sectors. The report concludes with policy recommendations.

This reports shows that 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. Employers' organizations have more interest and knowledge about migrants, by taking single initiatives. On the other hand, the research shows the important and still growing role of intermediaries in creating and managing a transnational labour market. Employment agencies influence work and living conditions and initiate trends in issues regulating migrants' work. 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. Main sectors of intermediaries' activities are construction, automotive and services. In the platform work, the unique feature of the Polish on-demand taxi or personal transport market is the operation of fleet partners, entities that act as intermediaries between the platform and the drivers. The role of intermediaries is limited in the

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healthcare sector, which results from high formal requirements for confirming the competences of employees.

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**PART I: LITERATURE REVIEW**

*Overview of migration and industrial relations in Poland*



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# 1.1 Regulations

## Current legislation on migrant work – third country nationals

The current situation with regard to employing foreigners in Poland is regulated by the Act of 20 April 2004 “on employment promotion and labour market institutions” (Journal of Laws of 2017, item 1065, as amended) and the Act of 12 December 2013 “on foreigners” and implementing regulations. Beside humanitarian resources, a foreigner is entitled to work in the territory of the Republic of Poland if he or she has a work permit and resides legally in the territory of the Republic of Poland on the basis of a visa, a residence permit for a fixed period, a uniform visa issued by another country of the Schengen area, or in connection with the possession of a residence permit issued by another country of the Schengen area, or in visa-free travel.

As mentioned above, there are 6 types of work permits in Poland: A, B, C, D, E and S, with different procedures to obtain them. In general, an employer applies for a work permit (type A, B, C, D or E) to the competent voivode<sup>1</sup>. In the case of a temporary residence and work permit (the so-called uniform permit), an application is submitted by a foreigner legally residing in Poland to the voivode. On the other hand, in the case of a seasonal work permit (type S) (introduced from January 1, 2018), an employer applies to the competent head of the district (in Polish: starosta – head of the powiat, on the level of NUTS-4).

A foreigner may obtain a work permit for a given employer only after the powiat labour office performs the so-called labour market test: when it turns out that among jobseekers registered with the labour office there are no candidates who can meet the employer's requirements. If there are no persons who can be recruited among those registered with the employment office, such information is issued by the starosta within a maximum of 14 days from the date of submitting the offer to the office. The information is issued by the starosta and passed on to the employer who submits it as an attachment to the application for a work permit for a foreigner.

Since 2015 a foreigner does not need to have a work permit after fulfillment of some conditions, e.g. if he or she has a residence permit for a fixed period in the Republic of Poland, is the spouse of a Polish citizen or a foreigner, has a valid Pole's Card; has the right to reside and work in the territory of a Member State of the European Union or a country of the European Economic Area not belonging to the

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<sup>1</sup> An official in charge of an administrative district (voivodeship coterminous with NUTS2 regions) in Poland.

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European Union or the Swiss Confederation, is hired by an employer established in the territory of that country and temporarily posted by this employer to provide services in the territory of the Republic of Poland; performs work from the list (foreign language teacher, military or civilian in international military structures, permanent correspondent / journalist, artist, athlete, lecturer (up to 30 days a year), clergyman, student, researcher, employee delegated by a foreign company (up to 3 months of the year), assistant to a member of the European Parliament).

In the case of entrusting work to a foreigner exempt from the obligation to have a work permit, the employer with its seat in the territory of the Republic of Poland is obliged to conclude a written contract with the foreigner. Before signing the contract, the entity entrusting the work to the foreigner is obliged to provide the foreigner with a translation of the contract into a language he or she understands.

Since November 2020 the list of cases has been extended, i.a. to include persons with a valid visa with the annotation "Poland. Business Harbor" (it is a program for Belarusian citizens that helps IT specialists, start-ups, SMEs and large companies relocate to the territory of the Republic of Poland), doctors, dentists, nurses and paramedics who can work in Poland or people performing work in the private domestic service of a member of a diplomatic mission or consular post of a foreign state (MRPIT, 2020).

From the perspective of "eastern" migrant workers the so-called simplified procedure is of critical importance. 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, and only after the employer submits a declaration of entrusting work to a foreigner to the poviats labour office. In this procedure, the poviats labour office does not carry out the so-called labour market test, which shortens the procedure and enables faster legal employment of a foreigner. 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.

In this context, seasonal work is performed for a period not longer than 9 months in a calendar year as part of activities recognized as seasonal. These are selected activities in the field of agricultural crops and animal husbandry and breeding, as well as accommodation and catering services.

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## Integration and labour market policies

The latest official strategic document defining the directions of Poland's migration policy was adopted in 2012 (EMN, 2012). The authors noticed the growing presence of migrant workers from the East. As regards integration of foreigners, they postulated to distinguish the integration policy and social policy (as assistance policy). It was planned to introduce pre-integration programs for people applying for refugee status, to streamline integration programs for people covered by international protection and extend such programs to other categories of foreigners – also to migrant workers, to increase the emphasis on educating migrant children and provide foreigners with free access to legal counseling.

After the “United Right” took power in 2015, the approach of the executive and legislative branches to the issue of immigration has changed. One symptom of this change was the cancellation of the above-mentioned document by the Council of Ministers in 2016. At the same time, no new migration policy has been proposed to this day. In 2019, the document "Migration Policy Polish Project of June 10, 2019" prepared by the Migration Team (MSWiA Department of Analysis and Migration Policy, 2019) leaked to the Internet. It was a document criticized by, among others, the Helsinki Foundation for Human Rights: “The very spirit in which the project is maintained is already causing anxiety. In the document, migration of foreigners is presented as a "necessary evil" which Poland must allow due to negative demographic trends and the needs of the labour market, unless it is possible to overcome them with other proposed measures (such as, for example, fertility promotion, activation of people currently unemployed, the use of robotization and automatization in the economy, internal migration or re-emigration of Poles from abroad). Migrants are treated, on the one hand, in an instrumental manner, as a necessary workforce, and on the other hand, as a threat to the security and social cohesion of the state" (HFHR, 2020a). Indeed, in the introduction to the aforementioned project, two goals of the Polish migration policy were highlighted: for the purposes of economic policy in the field of recruiting foreign workers with appropriate competences to supplement human resources on the labour market, resulting from the existing demographic trends. This document is also intended to identify the areas in which mechanisms aimed at increasing state security should be strengthened, in particular in the process of counteracting and combating illegal migration, as well as in the situation of an increased inflow of economic immigrants and the increasing risk of their radicalization in terms of religion and belief (MSWiA Department of Analysis and Migration Policy, 2019: 2). In order to ensure security, the authors of the document propose to start activities aimed at "assimilation" of migrants: "By assimilation of a foreigner we mean reaching a state in which an integrated foreigner understands and recognizes the values in force in Poland, including ideological and religious values, accepts them and internalizes them

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as their own and rejects values that would pose a threat to social cohesion and general security in Poland" (MSWiA Department of Analysis and Migration Policy, 2019: 38). Witold Klaus assessed the above concept of "assimilation" as a proposal of "denationalization" and considered the entire strategy to be dictated by fear of migrants, not by scientific reports. Among other things, he accused the authors of using the articles of little-known researchers, selecting data that matched the thesis formulated in advance, and the lack of specific proposals for solutions to the real phenomena affecting Poland and the immigrants arriving there (Klaus, 2019).

For the last few months a new draft of the Polish Migration Policy is being prepared, but until summer without any consultation with non-governmental organizations. The initial works (diagnosis of initial state) involved only three actors: the Center for Migration Research of the University of Warsaw, National Bank of Poland and international organizations, such as the Office of the High Commissioner for Refugees and IOM (International Organization for Migration) (Gmiterek-Zabłocka, 2020).

At this moment (fall 2021) we have two documents in official circulation. The first one, "The Polish migration policy - diagnosis of initial state" from January 2021 which identifies the challenges and risks in many areas of so-called migration management. In the context of labour migration the document refers to institutional issues (e.g. ineffective system of work and stay legislation, lengthiness of administration processes, low level of digitalization etc.), discusses the quality of migrant workforce issues (too many low qualified workers, difficulties with staying in Poland of well-qualified foreigners graduating from Polish universities, difficulties in increasing the number of foreigners in shortage professions – especially medical ones), analyses negative aspects of migrant labour market issues (possible deterioration of the situation of native workers, illegality of employment, wage dumping of companies outside Poland) and points to the EU demands issues (the risks to national security due to possible access of migrants to strategic institutions and sectors of the Polish economy).

The second official document, "The Polish migration policy – the courses of actions 2021-2022" defines main directions of state activities in six areas of migration management. In the context of legal migration (including economic mobility) these are:

- strengthening the institutional system in the area of legalization of stay and employment;
- complementing the shortage in the labour market and ensuring a significant share of highly qualified foreigners and skilled workers, with particular emphasis on the eastern neighborhood, due to the linguistic and cultural proximity;
- using the potential of Polish universities in the field of educating foreigners;
- preventing the abuse and negative consequences of legal migration;

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In July 2021 the Migration Team of the Ministry of the Interior announced finally the public consultations of the second document (according to information from the governmental portal, among others with 9 trade unions and 17 NGOs) and after that, the adoption of the final draft by the Council of Ministers. Both documents – diagnosis and courses of actions – are supposed to be updated each year. Till now there is no information about the effects of those public consultations.

As regards integration of foreigners in Poland in the light of the law, on the basis of the Act on Social Assistance of 2004 foreigners (who are not citizens of the EU countries) residing and staying in Poland are entitled to social assistance benefits (like Polish citizens). Unfortunately, they are provided only for foreigners who have obtained refugee status in the Republic of Poland, subsidiary protection or a temporary residence permit in order to reunite with a family member who has been granted refugee status or subsidiary protection. In such a legal reality, the largest part of migrants from third countries that do not belong to the above-mentioned groups can only benefit from voluntary integration programs organized by NGOs or local authorities (often co-financed by European funds) (Siciarek, 2020; Senate Chancellery, Analysis and Documentation Office, 2017). Thus, migrants in Poland are largely left on their own. The support of non-governmental organizations is unstable and irregular, as it depends on obtaining adequate funds for financing their activities. In the aforementioned diagnosis the authors also emphasized the lack of institutional integration initiatives for those foreigners who are not included in the international protection regimes in Poland. The action plan announces enlargement of integration support.

## Anti-discrimination measures

Discrimination in the workplace is described in the Labour Code (Article 18) (Journal of Laws of 1974, item 141). It includes i.a. description of situations in which discrimination occurs and distinguishes two types of such practices: direct and indirect discrimination. They do not refer directly to the work of foreigners, although they take into account the possibility of discriminating against employees on the basis of ethnic origin. This issue is clarified by the website of the Polish office of the International Organization for Migration (Migrant Info, 2020). It mentions possible direct discrimination which occurs when the principle of equal rights is not applied to all employees, while it is applicable regardless of "whether the employment is for a definite or indefinite period, full-time or part-time". In particular, it is noted that "migrants working legally in Poland have the same rights at work as Polish workers".

In Poland, discrimination in the workplace is prohibited, both in terms of employment and termination of the employment contract, employment conditions (e.g. salary), promotion, and access

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to vocational training in order to improve qualifications. Employers must not treat anyone worse on the basis of sex, age, disability, race, religion, nationality, political beliefs, trade union membership, sexual orientation, as well as employment for a fixed or indefinite period, full-time or part-time. The catalog of reasons for which discrimination is unacceptable, indicated in the Labour Code, is open.

Discrimination can also be experienced indirectly. This occurs when, as a result of an apparently neutral decision, criterion or action taken, there are differences in the treatment of a certain group of employees due to origin, nationality, race, religion, gender, sexual orientation, age, disability, worldview or political beliefs. An example is the establishment of promotion rules that are assumed to be impossible to meet.

According to Okólski's research (data collected in 2017), "companies employing foreigners (declarants) treat them unequally compared to Polish employees. This is manifested in:

- a much higher frequency of contracts concluded with them that do not reflect the nature and manner of performing the work entrusted or even contracts that are legally invalid;
- a significantly longer average weekly working time, in a comparable job position and in the same sector of the economy;
- significantly lower remuneration for the same unit of working time, in a comparable position and in the same sector of the economy.

These manifestations of direct discrimination against foreigners have one of the main sources in the frequent failure by employers to respect employee rights resulting from the provisions of the Labour Code and the Civil Code. It also leads to practices belonging to indirect discrimination, consisting in forcing work on the basis of contracts inconsistent with the actual state of affairs, contracts masking the employment relationship and allowing violation of regulations on the maximum permissible working time and minimum wage rates." (Okólski, 2019).

According to the Helsinki Foundation for Human Rights "Foreigners working in Poland are exposed to discrimination and employee exploitation. Discrimination manifests itself mainly in offering foreigners lower wages and worse working conditions. According to analyzes commissioned by the National Bank of Poland, the wage gap between Polish citizens and immigrants operating in the Warsaw agglomeration is approximately 30%. In the case of smaller towns, the disproportion is smaller - approx. 15%. When it comes to worse employment conditions, it is primarily work in the gray economy, based on civil law contracts in place of an employment contract, work at night or delegating foreigners to perform the most onerous activities. The inspections of the National Labour Inspectorate also reveal other abuses committed by employers against foreign employees: non-compliance with working hours,

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failure to pay for overtime, and failure to grant leaves. Working below qualifications is also common among migrants. Foreigners often fall victim to dishonest employers or employment agents. Frauds consist in non-payment of wages or unauthorized reduction of earnings by amounts constituting employment costs or accommodation of a foreign employee. In extreme cases, the relationship between employees and employers or employment agencies takes the form of human trafficking.” (HFHR, 2020b).

The Rating Group survey (2017) showed that Ukrainian migrants mainly complain about the feeling of "secondary" status in Poland, which manifests itself in the violation of their rights by employers, discrimination, lack of access to public services. Ukrainian migrants in Poland need legal support to help them get through the procedure of legalization of stay or conclude a lawful contract with the employer; take out insurance in order to be able to access medical assistance. They also need linguistic help to find themselves more freely in Polish offices and workplaces. It is worthwhile for the Polish state to launch integration activities in the name of social stability (Konończuk & Jaroszewicz, 2017).

## Naturalisation vs. official stance on illegal worker immigrants

Prevention of illegal migration is one of the most frequent issues in all strategic documents from the migration policy area. The authorities aim at preventing illegal migration through meticulous checks during the visa issuing procedure, sealing borders, increasing the powers of border guards and the state labour inspection, greater controls, increasing penalties for employing a foreigner without a permit, and strengthening international cooperation. Naturalization, which is on the other side of the migration trajectory, is possible in Poland, in principle, when a foreigner residing continuously and legally in Poland for at least 10 years meets the following conditions jointly: has a permit to settle, a long-term resident's EC residence permit or the right of permanent residence; has a stable and regular source of income in the Republic of Poland, and a legal title to occupy a dwelling. Migrants with Polish roots can obtain Polish citizenship after residing at least one year on the basis of a permanent residence permit. A foreigner applying for recognition as a Polish citizen should confirm his or her knowledge of the Polish language by an official document (a certificate confirming the knowledge of the Polish language at a language proficiency level at least B1 or a school leaving certificate in Poland or a school leaving certificate abroad with Polish as the language of instruction) (Information and Consultation Centre of Employment Services, 2020).

## 1.3 Statistical data and their availability

According to OECD data, in 2018 there were 737,877 (Men - 40.1%; Women - 59.9%) foreigners over 14 years of age in Poland. Among European countries, Poland ranks 11th. In recent years, Poland has recorded a large increase in the inflow of foreigners taking up employment (OECD, 2020). In the last decade, the highest increase was recorded in 2015-2018. The increase was caused by the Ukrainian crisis and the annexation of Crimea by Russia. The decreasing unemployment rate in Poland or the growing monthly salary in the enterprise sector is also related to increased migration (Table 1).

*Table 1. Number of work permits issued in 2010-2019 and the growth rate in subsequent years*

| Years | Number of permits issued | Change (%) compared to the previous year | Unemployment rate | Average monthly gross wages and salaries (enterprise sector) |
|-------|--------------------------|--|-------------------|--|
| 2010  | 36 622                   | 24.82%                                   | 12.4              | 3 425.82   |
| 2011  | 40 808                   | 11.4%                                    | 12.5              | 3 603.91   |
| 2012  | 39 144                   | -4.1%                                    | 13.4              | 3 728.16   |
| 2013  | 39 078                   | -0.2%                                    | 13.4              | 3 842.74   |
| 2014  | 43 663                   | 11.7%                                    | 11.4              | 3 984.17   |
| 2015  | 65 786                   | 50.7%                                    | 9.7               | 4 117.90   |
| 2016  | 127 394                  | 93.6%                                    | 8.2               | 4 274.88   |
| 2017  | 235 626                  | 85.0%                                    | 6.6               | 4 532.20   |
| 2018  | 328 768                  | 39.5%                                    | 5.8               | 4 854.60   |
| 2019  | 444 738                  | 35.3%                                    | 5.2               | 5 176.41   |

Source: Official Statistics of Ministry of Family, Labour and Social Policy (archival site), MRPiPS-04 Form, [www.stat.gov.pl](http://www.stat.gov.pl) (accessed on 21.12.2020).

In 2019, 444,738 work permits were issued in Poland, which accounted for 94.1% of the submitted applications. The majority of permits were issued to citizens from outside the eastern border: Ukraine (74.3%), Belarus (6.1%) and Moldova (1.9%). Foreigners from other countries come mainly from Nepal (2.1%), India (1.8%), Georgia (1.7%) and Bangladesh (1.6%) (Table 2. Number of work permits issued – top 26 and others – between 2015-2020, Annexes). As the data show, Ukrainian migrant workers constitute almost three fourth of legally employed migrants in Poland. The data in Tables 1 and 2 are official data from the Ministry of Labour and Social Policy, which are then routed to EUROSTAT.



Most permits were of Type A, which allows their holders 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 (96.6% in 2019). Type B (0.2%) permits allow their holders to work in connection with the performance of a function on the management board of a legal person entered in the register of entrepreneurs or being a capital company in organization, who reside in the territory of the Republic of Poland for a total period exceeding 6 months in the next 12 months. Type C (2.1%) permits consist in delegating an employee to the territory of the Republic of Poland for a period exceeding 30 days in a calendar year to a branch or plant of a foreign entity. Type D (0.6%) permits allow temporary work in the territory of the Republic of Poland with a foreign employer who does not have a branch, plant or other form of activity in the territory. Type E permits (0.5%) are issued for the purpose of performing work for a foreign employer in the territory of the Republic of Poland for a period exceeding 3 months within the next 6 months.

In 2019 almost 80% of foreign employees were from Ukraine and Belarus. As for the type of employment issued, most Ukrainian (97.6%), and Belarusian citizens (91.8%) receive type A permits (Table 3). As far as gender is concerned, men dominated in each type of employment.

*Table 3. Work permits issued by type of permit (2019 r.)*

| Category      | Total          | Foreigners from Ukraine | Foreigners from Belarus | Total %      | Foreigners from Ukraine % | Foreigners from Belarus % |
|---------------|----------------|-------------------------|-------------------------|--------------|---------------------------|---------------------------|
| <b>Total</b>  | <b>444 738</b> | <b>330 495</b>          | <b>27 130</b>           | <b>100%</b>  | <b>100%</b>               | <b>100%</b>               |
| <b>Type A</b> | <b>429 497</b> | <b>322 654</b>          | <b>24 913</b>           | <b>96.6%</b> | <b>97.6%</b>              | <b>91.8%</b>              |
| <b>Type B</b> | <b>745</b>     | <b>412</b>              | <b>36</b>               | <b>0.2%</b>  | <b>0.1%</b>               | <b>0.1%</b>               |
| <b>Type C</b> | <b>9 426</b>   | <b>5 529</b>            | <b>911</b>              | <b>2.1%</b>  | <b>1.7%</b>               | <b>3.4%</b>               |
| <b>Type D</b> | <b>2 869</b>   | <b>1 087</b>            | <b>159</b>              | <b>0.6%</b>  | <b>0.3%</b>               | <b>0.6%</b>               |
| <b>Type E</b> | <b>2 201</b>   | <b>813</b>              | <b>1 111</b>            | <b>0.5%</b>  | <b>0.2%</b>               | <b>4.1%</b>               |

Source: Official Statistics...

With respect to large groups of the Classification of Occupations and Specialties, work permits were issued most frequently to industrial workers and craftsmen (38.7%), workers performing simple works (27.5%), as well as to operators and assemblers of machines and devices (20.0%), while farmers, gardeners, foresters and fishermen constituted only 0.6% of the total (Table 4).

*Table 4. Work permits issued by groups of large Classification of Occupations and Specialties (2019)*

| Category   | Number         | Percent     |
|--|----------------|-------------|
| representatives of public authorities, senior officials and managers | 2 513          | 0.6%        |
| specialists  | 11 724         | 2.6%        |
| technicians and other associate professionals                        | 11 961         | 2.7%        |
| office's workers   | 17 107         | 3.8%        |
| service workers and vendors  | 15 349         | 3.5%        |
| farmers, gardeners, foresters and fishermen                          | 2 682          | 0.6%        |
| industrial workers and artisans                                      | 172 172        | 38.7%       |
| machine and device operators and assemblers                          | 88 879         | 20.0%       |
| workers performing simple work                                       | 122 351        | 27.5%       |
| <b>Total</b>   | <b>444 738</b> | <b>100%</b> |

**Source: Official Statistics...**

When it comes to nationality and selected sections of PKD, the largest portion of employed foreigners work in the construction sector (25.4%), manufacturing (22.8%), as well as in service administration and support service activities (22.4%), and also in transport and storage (15.8%). Work permits issued in the remaining sections account for 13.6% of all permits issued in 2018 (Table 5. Work permits for foreigners by citizenship and selected PKD sections in 2019, Annexes).

Seasonal workers constitute a separate category of foreigners. In 2019, 131,446 seasonal work permits were issued. Most permits were issued to citizens of Ukraine (N = 129 683; 98.7%), less frequently of Belarus (N = 659; 0.5%), Moldova (N = 380; 0.3%) and Georgia (N = 302; 0,2%). The most often issued permits covered the period from 31 to 90 days (N = 67 365; 51.2%). Seasonal foreigners usually found employment in agriculture, forestry, hunting and fishing - section A of the PKD (N = 126 898; 96.5%), less often in accommodation and catering services - section I of the PKD (N = 4 548; 3.5%). The most popular type of contract was the harvest aid contract (78 918; 60.0%). The seasonal workers comprise mostly women (63.5%) and workers aged 25-44 (55.0%) (Table 6. The number and structure of seasonal work permits issued in 2019, Annexes).

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# 1.4 Secondary literature related to labour migration

## Studies of (local) migration specialists

The majority of research on work migration to Poland (in Poland we rather use the terms “economic” or “labour” migration) is conducted within the frame of different scientific projects managed by higher education establishments (mostly with economical background or in interdisciplinary teams) or multi-stakeholder teams (e.g. the research carried out by the National Bank of Poland with the cooperation of scientific units). Migration research in Poland has been intensively developing for about 30 years and the first area of scientific interest was the economic as well as the demographic context of human mobility. In the last twenty years we observe notable progress in research in this field because of the increasing influx of foreign migrant workers from the East (especially after 2014), but also due to previous growing significance of the mobility of Polish migrant workers (especially after 2004).

The majority of the research in the field of labour migration is conducted by the Center of Migration Research (CMR) at the University of Warsaw, sometimes also by the visiting scientists from other universities in Poland and abroad. Latest research activities of CMR focus on:

- functioning of the labour market system (e.g. project “Quality assessment of public employment services in terms of the simplified employment procedure for foreigners, 2016-2018”, in the partnership with WiseEuropa – the Warsaw Institute of Economic and European Studies Foundation (Górny et al., 2018),
- economic integration of migrants (e.g. project “The economic integration of immigrants in a country in the intermediate phase of the migration cycle – Poland versus selected EU countries, 2016-2017” (Kardaszewicz & Wrotek 2020),
- social capital of Ukrainian migrants (e.g. project “Migrant networks and integration of Ukrainian migrants in Poland – a quantitative and qualitative approach” (Kindler & Wójcikowska-Baniak; 2019),
- sectoral characteristic of migrant employment – together with the posting procedure (e.g. project Con3Post: Posting of Third Country Nationals. Mapping the Trend in the Construction Sector, 2019-2020 (Kall, Brzozowska, Lillie, & Salamońska 2020).

The second important research center which undertakes studies on labour migration is at the Faculty of Economics and Management of the Opole University of Technology. The scientists from FEM

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focus particularly on the regional dimension of migration processes. The trend of creating the local centers of migration research is also visible in the last few years (e.g. Łódź, Gdańsk, Kraków).

The topic most intensively researched in Poland is economically motivated Ukrainian migration. In the last few years new patterns in the mobility of this group have been observed. The main fresh findings indicate growth of masculinization among migrants, decreasing the role of Western Ukraine as a place of origin, and diversifying education levels of migrants. The motivations of migrants also changed – a search for higher (than in the origin country) incomes became the motivation of mobility, not the lack of jobs in Ukraine. As a consequence, in certain localisations migrants from Ukraine are climbing up the occupational ladder, although it depends on the local character of the labour market. In this context changes concern also the sectoral structure of Ukrainian migrant employment. Traditional sectors of employment are agriculture, construction, domestic services and also trade and gastronomy. An increase is noticed in construction and a decrease (e.g. in the Mazovian region in 2015-2017 four times) in the domestic services. Interestingly, there are places where the sectoral structure of foreigners' employment is quite different: in Wrocław, for example, migrants from Ukraine are employed in high skilled sectors such as IT, communication, finance and consulting. The aforementioned changes result in quite significant growth of migrants' incomes. The differentiation of the economic situation of migrants in particular regions and towns is accompanied by a widening list of destination areas (extending definitely beyond the Mazovian – which means central – labour market). In new settlement territories we can observe the active role of recruitment agencies and the relatively higher importance of industry as a sector of employment of Ukrainian workers (Górny, 2020).

## Economic - sectoral assessment of employment of migrant work

Previous studies on the employment of foreigners did not focus on specific sectors of the economy, but rather on specific groups of foreigners or the general conditions of employment. Besides statistics from the Ministry of Family, Labour and Social Policy (today: Ministry of Family and Social Policy) or Social Insurance Office the academic research in this field is rare. It is worth presenting findings from the mentioned Con3Post project (Posting of Third Country Nationals. Mapping the Trend in the Construction Sector). In the policy brief we can read: “Poland’s simplified procedure for employing foreigners has given many Ukrainians an access to the Polish labour market, from where they can potentially be posted onward into other, otherwise relatively inaccessible, EU labour markets which are mostly open only to highly-skilled professionals” (Kall et al., 2020). However, the main axis of the project

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focuses on the posting processes and, as a result, the findings concern (as one of case studies) Ukrainian migrants finally employed in Estonia and Finland.

The construction sector is mentioned in migration research in the context of the huge presence of illegal workers and problems which are linked with this phenomena e.g. exploitation of cheap labour force, high level of social insecurity and workforce turnover. In addition, the National Labour Inspectorate states in its reports (data from 2018) that the highest level of illegal employment – besides construction – can be observed in: industrial processing, administration services and supporting activities (security agencies, cleaning service), trade and repairs, and accommodation and catering services (PIP, 2019). In 2018, the largest group of illegally employed foreigners were from Ukraine - 3,943 people, i.e. 11.7% of the citizens of this country covered by the inspection (in 2017 - 12.8%, 2016 - 19.6%), which constitutes 86% of the total foreigners entrusted with the illegal performance of work. The highest percentage of illegally employed foreigners was recorded in micro-enterprises (employing up to 9 people) - 18.1% and in entities where 10 to 49 people were employed - 12.8%.

The report “Work in Poland: violation of the labour rights of immigrants from Ukraine employed in the construction and service sectors” (Keryk 2018) analyses the recruitment process in the construction and service sectors (catering workers, hotel cleaners, bus drivers and taxi drivers) 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 a large number of violations in the labour market are related to simplified procedures of employment of migrants (Górny et al., 2018: 159-160).

Another problem is the precarious economic situation of migrant workers (Polkowska & Filipek, 2018: 655-660). This topic is notably present in Polish migration research in the context of digital economy workers (Polkowska & Filipek, 2020: 205-220). Another well-explored area of (economic) migration studies in the Polish context concerns employment of migrant women (mostly Ukrainians) in the housework and domestic services (Samoraj-Charitonow, 2012; Klaus, 2012; Kindler & Szulecka, 2013; Kindler, Kordasiewicz & Szulecka, 2016).

## Labour market integration specialists on the position of migrant workers in the country

Economic integration of migrants in Poland is an important field of research in the context of understanding the patterns of labour migration processes. Besides academic experts, also the NGO`s activists focus on this topic. Labour market integration characteristics from the perspective of public

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policy solutions are well presented in the latest version of MIPEX index. The evaluation of the area of “labour market mobility” in the case of Poland is not satisfactory: As Poland has opened to labour migrants, non-EU newcomers can increasingly find jobs and start businesses, but without targeted support or the same general support and benefits as Polish citizens to improve their skills and careers (MIPEX, 2020). The score in recent MIPEX edition for this area (measuring by access to labour market, access to general support as well as targeted – e.g. professional training – support and respect for workers` rights) is 31, while the average for all MIPEX countries is 52 (and the highest level of 92 for Portugal).

One of the most active Polish non-governmental organisations dealing with migrant rights is the Association for Legal Intervention (Stowarzyszenie Interwencji Prawnej – SIP). Such NGOs are engaged in strategic litigation to protect the rights of newcomers working in Poland, as well as to counteract discrimination: they participate in public consultations on changes in the law in this area. In the previous annual report (2018) from its activities SIP added a part about citizenship and sex discrimination of foreign workers on the labour market (Dobrowolska et al., 2019). The assessment of regulation in the field of migrants on the Polish labour market is also presented in the work of the Polish Commissioner for Human Rights. The OECD data show that in Poland the foreign-born women are more likely to be unemployed than foreign-born men which results in a higher risk of social exclusion of the migrant women group (OECD, 2020).

Agnieszka Florczak writes about the peripheralization of migrant workers in Poland who are abused on the labour market, and as a result end up at its peripheries (Florczak & Otto, 2020: 45). One of the reasons is that migrants undertake most available jobs which usually are simple. In this context ISEE (Instytut Społeczno-Ekonomicznych Ekspertyz and Fundacja “Nasz Wybór”) has conducted an interesting study on high-qualified migrants in the Polish labour market (foreigners graduating from Polish universities). This group of workers disappears frequently from the labour market analysis, as well as from official programs and support activities offered by public institutions in Poland. The paper also contains many interesting recommendations for the future approach to this group (Keryk & Pawlak, 2015: 301-332).

In general, the situation of migrant workers in the context of their integration is quite difficult. Integration initiatives addressed to labour migrants are mostly in the NGO`s hands. However, for the last few years there has been a growing tendency of formal and institutional obstructions in access to integration funds, which results in problems with NGO`s maintenance and – as a consequence – reduces the support opportunities. It is worth adding that the main financial integration instrument – Asylum,

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Migration and Integration Fund (AMIF) has been extended recently with new groups of beneficiaries: the citizens of EU countries with so-called migration background (till now the support was directed only to TCNs).

Ukrainians are the most studied group in the context of integration on the Polish labour market when it comes to geographical origin. However, culturally distant ethnic groups are also studied, for example Vietnamese (Andrejuk, 2016). A frequent theme is migrant entrepreneurship – its causes, patterns and possibilities (Glinka & Jelonek, 2020).

## Literature on the role of industrial relations and social dialogue related to migrant work

There is very little information in the literature about this issue, however some initiatives have been taken in scientific or popularization contexts. For example, in 2020 the Centre for Social and Economic Research in Poland has started the project MIGRIGHT: Strengthening social dialogue for decent work of migrants and refugees in Poland (leader: Federacja Przedsiębiorców Polskich, other partners: Ogólnopolskie Porozumienie Związków Zawodowych, Confederation of Norwegian Enterprise). One of the aims of the project is to enhance the exchange of experiences between Polish and Norwegian partners and to create the Social dialogue Toolkit, as well as to organize training for representatives of labour market, social dialogue institutions and public authorities.

In general, Polish organizations and trade unions are learning how to organize migrant workers by watching and imitating Western labour organizations. But 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. This results in a xenophobic approach of the society towards foreigners in general (Kubisa, 2017). This approach also could influence the ability to associate together with foreign workers. It is worth emphasizing the role of Inter-Enterprise Trade Union of Ukrainian Workers in Poland (Międzynakładowy Związek Zawodowy Pracowników Ukraińskich w Polsce), as the first migrant worker bottom-up initiative. The materials published by other sectoral trade unions or social partners generally do not relate directly to the presence and problems of migrant workers.

The secondary literature on collective bargaining in the context of migrant work in general (not to mention each sector) is rather poor. The visible topics are only: 1) the subject of posted workers – in the context of equality of rights with native workers and 2) the Polish workers' presence in West European labour markets where the tradition and experience of collective bargaining is much longer

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(but at the same time the publications about the crisis of the collective bargaining system in Poland appear (Pisarczyk, 2019: 57-77)).

## 1.5 Media analysis

Problems of migrant workers are often discussed in daily newspapers representing different political or ideological views. It may suggest that journalists both shape the public narrative on migration and respond to the needs of citizens (readers in particular) more or less interested in migrant-related problems. In order to reconstruct general sentiment about immigrants in Poland, we analyzed ninety-four articles collected from four of the most popular media sources covering the full spectrum of political leanings. The following media sources have been represented in our sample: Dziennik Trybuna (left, 18 articles), Gazeta Wyborcza (left-center, 18), Rzeczpospolita (center, 23), Nasz Dziennik (center-right, 17), Gazeta Polska Codziennie (right, 18). The aim was to select text material representing different views and opinions about migrant workers corresponding with the views of Poles voting for different parties. The starting date for publishing was set to 1<sup>st</sup> January 2016 while the end date was set to 15<sup>th</sup> December 2020.

The first phase of media searching started with a critical key word ‘Guestworker’ (and its equivalent in the Polish language). In Poland ‘Guestworker’ was a very effective key word for center-right newspapers but little effective for the left wing title ‘Dziennik Trybuna’. As a consequence, in this case we used some additional key words such as ‘Immigrants on labour market’, ‘Ukrainians in Poland’. Only articles directly discussing work-related issues of immigrants were selected for further analysis. The final sample is well-balanced in terms of political leanings of media sources.

There are multiple text analysis methods available in the contemporary literature. We decided to use a three-step mixed approach (quantitative-qualitative) designed to reconstruct topics hidden in newspaper articles. All stop words (e.g. prepositions, pronouns) occurring in the Polish language were removed before we conducted our analysis. The goal of the first step was to grasp the most frequent words appearing in the selected newspapers. Apart from quite obvious words such as: ‘work’, ‘employee’ or ‘Polish’ there are more informative items indicating the central points of public narrative. These words are: ‘government’, ‘Warsaw’, ‘pandemic’, ‘year’, ‘Ukrainians’. (see: Graph 1).





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The last step was aimed to automatically identify topics hidden in the text corpora. We decided to use the LDA (Latent Dirichlet Allocation) algorithm designed to extract topics hidden in sample articles (Blei, Ng, Jordan, 2003). This procedure is effective and therefore popular in natural language processing (NLP), regardless of the national language being analyzed. In a nutshell, LDA is a generative probabilistic model that matches words (probability) with a certain number of topics. We set our algorithm to detect ten cross-cutting topics emerging from the collected articles. The aim was to scan all articles “from above” as most of them have multi-threaded characters. Table 7 (LDA topics, Annexes) presents topics extracted from sample text corpora.

Topics made from words retrieved from all documents suggest some problems affecting migrant workers in Poland. However, it needs to be emphasized that some topics appear to be hardly understandable as words do not always coherently make up the topic. Thus, what does LDA tell us about migrant problems in Poland?

- There is movement on the Warsaw labour market caused by migrants arriving from the East (Topic 4).
- COVID 19 appears to be a critical factor shaping labour relations in Poland (Topic 5).
- There is a shortage of labour force in agencies sending migrants to work (Topic 3).
- Ukrainian immigrants often become entrepreneurs in Poland (Topic 9).
- Migrants often work very hard (working ox) (Topic 10).
- There is a problem with work permits for Ukrainians encountered by entrepreneurs (Topic 1).

The aim of the media discourse analysis was to detect topics that should be further explored during qualitative interviews. It seems that some of the themes presented above are potential dimensions of interviews conducted with our project.

## **1.6 Industrial relations and social dialogue tackling migrant work**

### **Relevant Institutions of social dialogue/collective bargaining**

In 2015 the Social Dialogue Council [Pol. - Rada Dialogu Społecznego, RDS] was established as a forum for dialogue between representatives of employees, employers and the government. It replaced the Tripartite Commission for Socio-Economic Affairs. In 2018, as part of the activities of the subgroup for the reform of the labour market policy, there was an analysis of needs of the Polish labour market in terms of employment of foreigners and discussion of possible amendments to the Act on employment

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promotion and labour market institutions and the Act on foreigners. The objective thereof was to conduct a preliminary analysis of the effects of the introduced regulations, to develop recommendations for changes in the area of employing foreigners and to prepare guidelines for a long-term migration policy. It was agreed that the implementation of the amended provisions should be monitored. In the following years, the issues related to the employment of foreigners were no longer discussed. The RDS therefore deals neither with the migration policy nor with the employment of foreigners. Apart from this central body, there are also Regional Social Dialogue Councils.

Article 1 of the Act specifies three principal objectives of the RDS:

- (i) to ensure favourable conditions for socio-economic development and to enhance the competitiveness of the Polish economy, as well as social cohesion;*
- (ii) to implement the principle of social participation and solidarity with regard to employment relations;*
- (iii) to work to improve the quality of developing and implementing socio-economic policies and strategies and build social consensus on these issues by holding transparent, substantive and regular dialogue between workers' and employers' organizations and the government.*

The activities of the RDS are supposed to support social dialogue at all levels of territorial government. The responsibilities of the workers' and employers' organizations, which are the parties to the Council, focus on expressing opinions and taking positions, as well as on giving opinions on draft guidelines for proposed and draft legal acts.

The RDS is composed of representatives of the government, representative trade unions and representative employer organizations. The three trade unions considered representative at the national level are: Solidarity (NSZZ Solidarność), the All-Poland Alliance of Trade Unions (Ogólnopolskie Porozumienie Związków Zawodowych, hereafter OPZZ) and the Trade Unions Forum (Forum Związków Zawodowych, FZZ). The representative employer associations, in turn, include: the Employers of Poland (Pracodawcy Rzeczypospolitej Polskiej), the Polish Confederation Lewiatan (Konfederacja Lewiatan), the Polish Crafts Association (Związek Rzemiosła Polskiego, ZRP), the Business Centre Club (BCC) and the Union of Entrepreneurs and Employers (Związek Przedsiębiorców i Pracodawców, ZPP). Finally, the government representatives are members of the Council of Ministers and other representatives nominated by the prime minister.

Over almost four years, the RDS has adopted 34 resolutions (Department of Dialogue and Social Partnership, Ministry of Family and Social Policy, 2019), mainly concerning the approval of its annual documents (reports on operations, reports on the implementation of annual financial plans by the Office

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of the Council, plans of operations), setting up teams dealing with particular issues, and changes in membership of the Council.

According to the data provided by the Central Statistical Office (GUS), in 2018 there were 400 employer organizations and 12,500 trade union organizations at different levels. Most of the latter were those active in particular enterprises or institutions, or their parts or branches (78.1 per cent), followed by inter-enterprise trade union organizations (19.5 per cent). There were also federations and confederations of trade unions with local or industry branches, as well as so-called uniform trade unions; their total number was about 300 (2.3 per cent). The smallest category was trade unions of individual farmers (0.1 per cent). In the period between 2014 and 2018, the number of employer organizations increased by 10 percent and the number of active trade unions decreased by 2.9 percent. In 2018, the proportion of trade union organizations affiliated to a trade union centre representing workers in the Social Dialogue Council was 82.6 percent, and the corresponding figure for organizations representing employers was 22.2 percent.

In 2018, trade unions had a membership of 1.5 million, which amounts to 4.9 per cent of the adult population, and to 16.3 percent of workers employed on the basis of employment contracts in enterprises employing over nine people. Employer organizations, in turn, had a membership of 19,100 entities. Poland has low trade union density (estimated at 12.9% in 2019 - CBOS, 2019) and a low membership rate of employer organizations (20% in 2017: Czarzasty 2019). It also has a very low level of collective bargaining compared with other European countries. These facts affect the level and quality of social dialogue in Poland.

## Collective bargaining data

Collective agreements in Poland may be concluded at two levels: single-employer and multi-employer. Table 1 presents the number of registered collective labour agreements and the number of employees covered by the agreements from 1995 to 2018 at a single-employer level.

Based on the data from Table 8 (Collective labour agreements in Poland – single-employer level (1995-2018), *Annexes*), it must be noted that the number of collective agreements (single-employer level) is decreasing, as is the number of employees covered.

As for multi-employer agreements since 1995 (that is, since when they are registered) the minister responsible for labour has registered (in total): 174 multi-employer agreements, 377 additional protocols to these agreements, 46 agreements on the application, in whole or in part, of another multi-employer collective labour agreement and 9 additional protocols to these agreements.

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Currently, 61 multi-employer agreements remain in the register, to which 197 additional protocols were concluded, and 1 agreement on the application of the multi-enterprise collective labour agreement in whole or in part was terminated by agreement of the parties. The registered agreements cover approximately 200,000 employees. We do not have data about the sectoral distribution of those agreements.

## Social partners and collective bargaining in the selected sectors

### a) Construction

- Employer organizations:

Związek Pracodawców-Producentów Materiałów dla Budownictwa (Konfederacja Lewiatan)  
(<http://www.dlabudownictwa.pl/>)

Budimex (<https://www.budimex.pl/pl/site.html>) (as part of the Pracodawcy RP)

Doraco (<http://www.doraco.pl/>) (as part of the Pracodawcy RP)

- Trade unions:

Związek Zawodowy „Budowlani”

### b) Healthcare

- Employer organizations:

Polska Federacja Pracodawców Ochrony Zdrowia

Pracodawcy Zdrowia (Lewiatan) (<https://pracodawcyzdrowia.pl/>)

Ogólnopolskie Stowarzyszenie Szpitali Prywatnych

Polska Federacja Szpitali

- Trade Unions:

Ogólnopolski Związek Zawodowy Pielęgniarek I Położnych

Ogólnopolski Związek Zawodowy Lekarzy

Porozumienie Rezydentów Ogólnopolskiego Związku Zawodowego Lekarzy

OZZPF Ogólnopolski Związek Zawodowy Pracowników Fizjoterapii

Ogólnopolski Związek Zawodowy Pracowników Diagnostyki Medycznej i Fizjoterapii

Zakładowy Związek Zawodowy Salowych i Sanitariuszy

National Chamber of Physiotherapists

OZZPF National Trade Union of Physiotherapy Workers

National Union of Medical Diagnostics and Physiotherapy Employees

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## Enterprise Trade Union of Hospital Attendants and Paramedics

### c) Metal - Automoto

- Employer organizations:

Związek Pracodawców Motoryzacji i Artykułów Przemysłowych

Polski Związek Przemysłu Motoryzacyjnego

- Trade Unions:

Fiat in Tychy Trade Union "Solidarność" (<http://www.solidarnosckatowice.pl/pl-PL/aktualnosci.html>)

General Motors Manufacturing Poland (<http://www.solidarnosc-opel.pl/news.php>)

Volkswagen (<https://solidarnoscwvp.pl>)

MAN Truck & Bus AG – NSZZ Solidarność

Scania Production Słupsk S.A. – NSZZ Solidarność Scania

### d) Services

- Employer organizations:

Polska Organizacja Handlu i Dystrybucji <http://pohid.pl> POHiD members are 16 international retail networks: Auchan, Carrefour, Castorama, Decathlon, E.Leclerc, IKEA, Biedronka, JYSK, Kaufland, Lidl, Media Markt, Saturn, Pepco, Schiever, Transgourmet, TESCO, Żabka

Związek Polskich Pracodawców Handlu i Usług (Konfederacja Lewiatan)

Polski Związek Pracodawców Prywatnych Handlu i Usług (Konfederacja Lewiatan) (<http://www.mzhpiu.pl/>, as part of the Pracodawcy RP)

Polskie Stowarzyszenie Branży Wynajmu (<http://www.psbw.com.pl/>)

- Trade Unions:

Sekcja Krajowa Pracowników Handlu NSZZ Solidarność

### e) Platform sector/gig economy

- Employer organizations:

Związek Pracodawców Technologii Cyfrowych Lewiatan

- Trade Unions:

Związek Zawodowy Taksówkarzy "Warszawski Taksówkarz"

Samorządny Związek Zawodowy Taksówkarzy RP

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## 1.7 Conclusions

To sum up:

- In recent years there was a positive trend in the labour market, the unemployment rate being relatively low in 2015-2018. The current COVID-19 pandemic may cause a serious increase, as many businesses are being closed and many employees are losing their positions.
- There has been an increasing influx of foreign migrant workers from Eastern Europe, especially after the annexation of Crimea by Russia in 2014. The highest number of work permits was issued to citizens of Ukraine, Belarus and Moldova. Most permits were of Type A, which allows their holders to perform work on the Polish territory on the basis of a contract with an employer whose registered office is located in Poland. In 2019 almost 80% of foreign employees, as well as seasonal workers, were from Ukraine and Belarus.
- In the last twenty years there has been notable progress in studying migration processes in Poland. The most important center for research on migration in Poland is the Center of Migration Research (CMR) at the University of Warsaw.
- 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 from 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 report which is quite relevant and useful for our project: 'Work in Poland: violation of the labour rights of immigrants from Ukraine employed in the construction and service sectors'. It comprises an analysis of the recruitment process in the construction and service sectors and of 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 a large number of violations in the labour market is related to the simplified procedures for employing migrants. Another problem is the precarity of the economic situation of migrant workers.
- In general, migrant workers' prospects for integration are quite poor. Integration initiatives addressed to labour migrants are mostly in the hands of NGOs. However, their support is unstable and irregular. Economic migrants in Poland are largely left on their own.

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- In Polish organizations and trade unions the dominant approach is still rather protectionist, viewing migrants as a threat to Polish workers. The Inter-Enterprise Trade Union of Ukrainian Workers in Poland has been established as the first ethnic labour bottom-up initiative.
  - Problems of migrant workers are often discussed in daily newspapers representing different political or ideological views.
  - The latest document in force defining the directions of Poland's migration policy was adopted in 2012, but it was cancelled in 2016 and a new migration policy (two strategic documents) is proposed nowadays. However, the document has a rather short-term horizon (biennial action plan) and we still lack a complex, well-structured long-term state policy. It seems that due to the contradictory political and public discourse (migration as a necessity and, simultaneously, as a threat) lack of a visible strategy can be also understood as a kind of an (informal) strategy. With this approach it is very hard to see also the long-term aims of a labour market strategy for migrant workers. The Polish labour market has been dominated by seasonal workers filling the employment gaps. There is no place, under such conditions, to develop a long-term strategy for permanent migrant workers, not to mention their integration. Such a short-sighted approach creates a risk related to the outflow of foreign labour force depending on the external economic factors.



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## **PART II: EMPIRICAL DATA ANALYSIS**

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## 2.1 The methodology of the research

The empirical research was carried out with the qualitative method using the individual in-depth interview (IDI) on the basis of a scenario agreed jointly for all project partners/participating countries - among various stakeholder groups: representatives of trade unions, representatives of employer organizations, employers themselves, representatives of employment agencies, and finally among experts (Table 9. Distribution of respondents, *Annexes*). In total, 21 in-depth individual interviews were conducted and transcribed. The duration of interviews was one to three hours. The sample consisted of 9 women and 12 men.

In the course of the survey, the team encountered significant problems with recruitment of respondents. Most of the emails and requests for an interview were left without an answer. It was also frequently the case that, despite the initial consent to the interview, it ultimately did not come to fruition. Recruitment of respondents who met both the criterion of being an expert in the field of migration and that of being a sector specialist, proved to pose another challenge. Among the types of respondents, it was the most difficult to find interlocutors from the group of trade union representatives. The platform work sector proved the most challenging. Taking the collected material into account, we may notice that among the types of interviewees there is a shortage of people from the area of policy management at the strategic level and those with practice in implementing these processes. As the postulate of extending the research group with this type of respondents only appeared during the research, we attempted to conduct an interview with a representative of an authority dealing with legalization of employment in the selected area. Unfortunately, we found it impossible to arrange an interview due to many formal barriers, related to the potential low flexibility of expression of official representatives. Table 1 presents the detailed breakdown of respondents in sectors.

Due to the epidemiological restrictions imposed by the SARS-CoV-2 pandemic, all interviews were conducted remotely: either via instant messaging (Zoom, Teams) or by phone. However, this did not affect the quality of the responses, and taking into account the difficulties in recruiting respondents, it seems that the selected methods were optimal in this situation. All interviews were recorded with the prior consent of the interviewees.

In line with the mixed method approach, the information in this part of the report is based mostly on the aforementioned interviews, as well as on data from official statistics and sectoral publications.

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## 2.2 General overview - migration, industrial relations and social dialogue

### Interpretation of the situation

The new migrant labour market phenomena in Poland are, to a large extent, the results of migrations from Eastern Europe towards the West. The significant triggering factor was the depletion of a qualified domestic workforce in Poland. Among foreign workers, employees from Ukraine and Belarus are the most numerous.

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 (repeat) labour migrations were predominant. However, during the last 2-3 years the percentage of migration for longer stays has increased, albeit to a slight extent. 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 coronavirus epidemic. However, there are currently around 1,000,000 Ukrainians staying in Poland. Originally they were concentrated in the Warsaw agglomeration, but now they are quite evenly distributed throughout Poland (particularly in large urban centres) and in all sectors. Experts emphasize that this constitutes a significant change, because until a few years ago economic migrants were present mostly in some sectors of the economy (home services, construction, agriculture).

The gender structure reflects the natural one. Labour migration from Ukraine is very often temporary, because the centre of migrants' interests remains in Ukraine, and they only come to Poland to improve their economic position, so they work for a certain period of time, and then return home. Moreover, the system of Polish regulations regarding the work of foreigners, as well as the general rules shaping migration management in Poland demonstrate preferences for temporary stays, which is criticised by non-governmental experts.

*Poland is an attractive place for Ukrainians (but also for e.g. Belarusians) due to its geographical proximity, the law facilitating employment and the vast network of intermediaries, which is very developed. [in Ukraine] there is an advertisement for a job in Poland around every corner of even the smallest towns, and if there isn't any, there's one on the Internet. (IO05PL01042021)*

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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 our research, and it is particularly significant for physicians and other healthcare professionals.

Recently, on the Polish labour market the presence of Belarusians has also increased, even despite the pandemic. The reason is the political conflict in Belarus and the limited possibilities of leaving it for Russia, so far the main destination country for seasonal migrations, which recently lost its attractiveness due to lower wages. Most migrants are young, up to 45 years of age, most of them (up to 80%) are men. This is changing now as networks have already been established and some people have started bringing their families to Poland, but still the proportion of men is dominant. The model of arriving by families, couples or groups of friends who want to work and live together is also becoming quite common.

In the sectoral breakdown, migrants from Belarus dominate in transport services as drivers, but also in the processing sector. There are only a few of them found in agriculture or services. There is a geographical concentration of Belarusian workers in the Podlaskie, Mazowieckie and Pomorskie voivodeships, which may be due to seasonal work in services in tourism and catering industry in coastal resorts.

In the labour market the migrants are not substitutive, but complementary, which means that they fill employment gaps in the respective sectors. 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. staying and working without the right to stay, 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 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.

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## Strategies and practices

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. Such 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 (employment) agencies also operate on the labour market, but they concentrate on recruiting permanent employees.

## Regulation

In the medical sector the 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 upholds the standards of performing medical professions and verifies candidates.

*As a self-governing body we did not agree with these regulations until the end, because we all know that there are very different educational curricula in Ukraine and Belarus. [...] We have adapted to the requirements of the European Union. Since 2004, we have been educating nurses and midwives exclusively in the higher education system. And those who are now coming, the foreigners - are not holders of diplomas that would correspond to ours.*  
(IO04PL01042021)

Introduction of these regulations in the conditions of the pandemic leads to a brain drain and is an unethical activity with an undefined time perspective, focused on obtaining political benefits. The

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situation is very similar in the financial services sector. Highly qualified employees from abroad have ever rising expectations of employers. Some employers try to respond to the growing needs of migrants, which means that Polish workers often work in worse conditions. Finding highly qualified employees in the East proves ever more difficult, hence the additional benefits encouraging them to move to Poland.

Another legal issue concerns an expectation that an employer should provide information concerning the company that hires the employer's foreign workforce. This relates to the issue of employment under Ukrainian contracts, in which a foreign company delegates employees to work in Poland. Abandonment of this practice would enable their remuneration to be at the level of Polish wages, including social benefits. Employees could also join trade unions in the workplace where they work and benefit from union protection.

There are important gaps in the Polish regulation system for employing foreigners. First of all, it concentrates on seasonal, short-term and temporary employees. A substantial part of them are also employees working in the shadow economy, and the legal system does not sufficiently prevent this phenomenon. Secondly, the system is not able to record employment by individuals, except for farmers. The entire group of housework is in the unregulated sector. An individual person, who would wish to employ a foreigner, would have to complete numerous and complicated formalities. As a result, domestic workers are not protected. The third problem is excessive bureaucracy and numerous formal requirements for hiring foreign workers.

*Unfortunately, it is the employer who remains responsible for most of the procedures. And it can also be heard during our meetings. That is, there is great frustration, and the inefficiency of the work permit process itself is identified as the first most important flash point, when it comes to sourcing workers. There are proposals from participants of social dialogue to extend the period for which a simplified permit could be issued. On the other hand, and this is especially stressed by civic organizations, there is also the need for abolition of an employee's attachment to a specific employer. It is not a good idea, it is the attachment of an employee to a specific workplace, and this is how Polish permits work. (EX02PL29042021)*

Another frequently mentioned problem is the requirement to arrange a new statement on employing a foreigner (simplified permit) in the event of a change of job (promotion). Such legal practice "scares off" employers and prevents employees from professional development. Moreover, the policy gap between regulations and the practice of everyday functioning also forms an issue.

In the automotive sector, it was pointed out that the period of simplified work permit was too short and –that only citizens of six countries can work in this way. These legal regulations limit the

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employment of people in senior positions due to their short period of employment. They also tie workers to a single workplace. Moreover, there are no regulations regarding qualifications and language requirements. Most of the respondents emphasize excessive bureaucracy and reporting. It is also associated with long duration of administrative proceedings. Many documents are required and there are far too few employees dealing with them in the foreigners' office. When the monitoring of legal changes is considered, it is limited: communication between state institutions and employers or trade unions remains poor.

A huge limitation on hiring foreigners in construction is that it is a highly mobile sector. A work permit binds workers to a specific place of work. Delegating workers to other construction sites is illegal under the current law. This is a complicated situation, when we consider that the specificity of the construction sector is associated with frequent relocations and business trips. In practice, this means that employing migrants does not solve many of the problems faced by employers representing the construction sector.

## Integration issues

According to our interviewees, integration is not the objective because of the high level of foreign workers' rotation. Temporary workers predominate, so integration cannot be expected. Besides, the migrants themselves are mostly interested only in their work and earnings. One employer from the services sector stated that in Poland *"we do not want migrants to stay, we want them to fill the gap in the labour market"*. This approach has crucial meaning for migration management. One of the experts said: *We do not have an integration policy. We have an admission policy in the sense of authorizing stays and work.* (EX02PL29042021)

However, there are some manifestations of integration present. Employment agencies provide work for spouses, which is often a condition for recruiting employees. Sometimes integration proceeds in the group of co-workers.

In terms of integration and the offers addressed directly to foreign workers, there are situations in which Polish language courses are offered. Employment agencies offer the support of bilingual workplace coordinators who, however, often also act as general logistical support. More and more often, free accommodation is also included as part of job offers. This became a quite common expectation of job applicants. Sometimes there are also free lunches.

The challenges relate to supporting migrants so that they can stay in Poland and to their safeguarding against exploitation by Polish employers. The differences of status between permanent

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and temporary workers give rise to conflicts between workers. Generally, the respondents assess that permanent workers are often well adapted and have been present longer in the labour market on the basis of long-term permits. They note negative issues in relation to temporary workers, who often are not sufficiently fluent in Polish.

None of the sectors subject to our research reported wage discrimination. However, it is quite common for migrants to take a job below their qualifications, because it results from their determination to get a job. In the medical industry the forms of employment are mainly contracts, and employment conditions are individually negotiated between the employer and the migrant. There are also no differences in platform work, nor in the automotive industry. However, in this sector, there are situations related to outsourcing, when the company takes over the work in the enterprise and entrusts it to foreigners it employs. In such a case it operates more like an employment agency than a production company. It is perceived as unfair by other employees and trade unions.

## Social dialogue, collective bargaining and multi stakeholders cooperation

Currently there are no sectoral collective agreements in place in Poland, there are only company and multi-company agreements. However, these do not deal with migrant work. Migrants are covered by collective agreements on the same terms as Polish workers - there are no separate regulations for them. In addition, the entire area of collective agreements in Poland is very underdeveloped, and every year a decreasing number of employees (both Poles and foreigners) are covered by such agreements. Trade union membership is also limited, especially in certain sectors (e.g. food) and types of companies (e.g. medium-sized ones).

The organization of meetings of partners such as employer associations and NGOs (representing the viewpoint of employees) may mark the emergence of a new form for cooperation of entities that are active in foreigners' labour market. In this way, the latter can gain "access" to decision-making circles of the migration policy, because in recent years in Poland the voice of NGOs in the field of activities for foreigners (mainly economic migrants, because assistance to refugees is provided by the state) is hardly audible due to political reasons. This formula allows the parties to listen to each other and work out interesting proposals for solutions.

*Here, at Lewiatan, we have a group dealing with foreigners, we are also active in the group for foreigners at the Ombudsman for Small and Medium Enterprises, we raise these issues in many forums. (EM02PL26012021)*



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Lewiatan (an organization representing the interests of employers in Poland) and the OPZZ trade union jointly developed an initiative to certify employment agencies hiring foreign workers in terms of creating appropriate conditions for them.

*In November or December we signed an agreement with the Ukrainian Trade Unions. The purpose of this agreement was to provide general support for Ukrainians in Poland. To integrate the labour market, also culturally, and to support and organize various types of events. But rather not the membership. This agreement was based on the agreement we have signed with the Belgian Trade Unions. (TU02PL281220)*

What is interesting, the problems related to employing foreigners are not officially reported on the occasion of cooperation between employers and a foreign body representing employees' interests.

*Yes, we have contacts with the Ukrainian Chamber of Commerce, this cooperation could be better, but I must admit that they have never come to us with any problems related to employing foreigners, their citizens, as if we did not have such special talks or matters to deal with in this field. (EM03PL05022021)*

## The impact of the COVID-19 pandemic

The impact of the COVID-19 pandemic varied across sectors. In the service sector, the impact was differentiated, for example, neither in the food trade nor in the courier services there are any visible changes. However, in general, foreign workers are usually the first to be laid off. And whenever work is connected with accommodation, then losing a job means losing a place of residence. Therefore, the redundant workers had to leave. If you lose your job, you will also lose your work permit and you will have to apply for a new one, once you find a new job. Therefore, the situation of these employees was estimated as much worse than that of Poles. Following the initial shock and massive returns home, after several months we witnessed an even more intensive influx of workers. Experts also pointed to the impact of the pandemic on the overload in public offices. Officials were redeployed to handle pandemic management cases. The pandemic also revealed gaps in the system for granting employment permits or extremely long waiting periods for the Pole's Card, which opens up the possibility of vaccination in Poland.

In the medical sector, the pandemic had no influence on employment trends. The doctor's decisions are the result of long reflection, and the employment process itself is also a time-consuming one.

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The beginning of the pandemic (spring 2020) marked a significant outflow of Ukrainian workers (also due to the closure of the borders) from the platform sector, which was related to the lockdown on the one hand and, on the other hand, to a significant drop in the number of journeys booked via the application in general (reaching 80%). This situation also proved to be a temporary one, and it returned to equilibrium three months later.

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## 2.3 Sectoral analysis

### 2.3.1 Platform work

#### Capacities

The platform work comprises in Poland a complicated system of mutual relation and dependence between transnational corporations, national regulators, service providers and intermediaries.

There are no trade unions within platform based companies. However, one of the biggest ride-hailing companies (Uber) is a member of one of the largest employer organizations (Pracodawcy RP). It might be surprising, taking into account that Uber claims that it is only a technology provider and not an employer (Kashyap and Bhatia, 2018; Kenner, 2019).

On the other hand, the entrance of Uber into the Polish market (2014) made traditional taxi companies join together and form local trade unions (e.g. Samorządny Związek Zawodowy Taksówkarzy RP, NSZZ Solidarność Region Mazowsze Taksówkarzy Zawodowych M. St. Warszawa). Most of them are located in Warsaw. They have protested against the existence and functioning of Uber and other ride-hailing companies since the very beginning (in 2014) claiming that their business activity in Poland is illegal.

The unique feature of the Polish on-demand ride-hailing market is the operation of fleet partners, entities that act as intermediaries between the platform and the drivers. Fleet partners are usually former Uber drivers who set up a business to legally support other drivers, because Uber operates only on a business-to-business basis. For a weekly fee (usually around 10–15 euros), fleet partners organise accounting and tax issues for drivers, and from 2018 also offer them the shared use of their own proper licences (which are required by the Polish law). So, the core of fleet partners' business model is to legally support drivers and transfer wages from Uber to the drivers.

Many Uber drivers lack the legal knowledge of those issues and thus the option of having all formalities handled by fleet partners is convenient for them and gives them a greater sense of security. Thanks to fleet partners, drivers do not have to set up their own business to continue this job. On the other hand, the presence of fleet partners in the Polish market is also very convenient for Uber, because in this way the company shifts the entire responsibility onto fleet partners as it is only a technology provider (Kashyap and Bhatia, 2018; Kenner, 2019). So there is only one formal relation: between the driver and the fleet partner (most often contract of mandate, employment contracts do not exist in this sector). There is no formal relation between the driver and the ride-hailing company like Uber (unless

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the driver is the fleet partner at the same moment and runs a business related to passenger transportation - but this is very rare).

So, the existence of intermediaries between an application/platform and a driver is also characteristic of Poland. Unfortunately, we do not have any available data on the use of those intermediaries. So-called fleet partners' role is to conclude contracts for the provision of services through the platform. For most of the drivers it is the only option. The same happened with food couriers. However, there is no law relating particularly to this kind of business activity. Thus, most couriers are "hired" by intermediaries on the basis of a contract of mandate, but there are also self-employed couriers (however, their percentage is difficult to estimate).

Intermediaries in the transport platform work are companies that fulfill obligations resulting from the amendment to the Road Transportation Law. However, little is known about the relations between fleet partners and platforms.

According to the Polish law, there is no specific threshold (in terms of a number of hours per week or income) under which workers and the self-employed are not/less protected.

### **Interpretation: drivers, employment numbers**

Owing to its specificity (high inclusiveness, easy entry into the industry, flexibility of work, minimum preconditions) platform work attracts a large number of migrants. Unfortunately, their number within the industry (as well as general estimates for the entire industry) is unknown and any attempts at its determination prove difficult.

According to the existing research on platform work in Poland, it should be observed that this work still plays a marginal role on the Polish labour market (Owczarek, 2018). As much as 11% of Poles aged 18–65 have had experience with platform work, only 4% of them work this way on a regular basis. Among those 4%, a large group of workers (although not estimated so far) are Uber or Bolt drivers. Although the case study considered specifically Uber drivers, all of them confirmed that they used both major apps functioning in Poland (Uber and Bolt) in their work and switched them depending on the demand.

However, those data are of poor reliability and refer to the platform work sector in general, and not passenger transportation in particular. The number of drivers within the platform work sector is unknown in Poland and difficult to estimate due to the specificity of the sector (easy to start, easy to quit).

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According to the interviewees, about half of the on-demand platform work (ride-hailing sector) drivers are foreigners, mainly Ukrainian citizens, but also citizens of Asian countries (Nepal, Pakistan, Bangladesh). As an industry representative (Uber driver) emphasizes, some 1 in 3 of these foreigners do not speak Polish or do not know the Polish road traffic regulations. However, there are no verification processes, and such a verification is not required to start working in the Polish transport industry. What is more, as the fleet partners emphasize, they themselves employ people with knowledge of Ukrainian in the office to facilitate the process of "hooking up" new drivers. Here the employment takes place exclusively through the fleet partners.

The fleet partners (Uber/Bolt/Glovo and other intermediaries) also claim that Ukrainian employees work in Poland on the same terms as Polish employees (with dominance of a contract to perform specific tasks). There are neither preferences nor forms of discrimination. The only help they get is support in dealing with official matters. It happens that a declaration of intention to employ a foreigner is created, but in general, the vast majority of drivers who come to work have already regulated residence and hold valid work permits. The biggest delays and problems with bureaucracy are encountered in Voivodeship Offices, although it also depends on the city. Fleet partners' offices also hire Ukrainian-speaking staff.

From the point of view of a Ukrainian Uber driver, the employment conditions for Poles are the same as for Ukrainians. Migrants constitute more than a half of all the drivers. Many drivers are not aware of the legal regulations regarding employment and it is not important to them, as long as they receive a salary every week (most often in cash). There is a clear dissonance between what the fleet partners (practical employers) and the drivers themselves state. The responding driver was working practically illegally because his contract was terminated long ago and he relies solely on the honesty of his fleet partner. On the other hand, he was not interested in changing this situation. It turns out, therefore, that the amendment to the Road Transport Act, which entered into force on 1 January 2021, only seemingly regulated the road transport market. In practice, many things remain unchanged - especially with regard to drivers from Ukraine - who are still working on the fringes of the law, despite the fact that the so-called Lex Uber was supposed to put an end to this practice, once and for all.

In Poland, platform work, as such, has not been regulated. This has various negative consequences, especially in relation to the employment status of platform workers. Both the nature of the tripartite relationship between those who commission the work, those who perform the work, and the owners of the platform are not clear, nor the status of those who perform work via the platforms.

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In the context of the Polish labour law, the qualification of platform work is not clear and there has been no official interpretation of this sort of employment relationship so far (Haipeter et al., 2020). Currently, platform workers are not considered to be employees covered by the Labour Code and thus having an employment contract. Platform workers' contracts fall under one of the two following categories:

- self-employment – the minority of platform workers (only some food couriers)
- civil law contract (mainly contract of mandate) – the majority of platform workers within passenger transportation and food delivery platforms.

Currently, no legislative work on regulations pertaining to the legal status of platform workers is being carried out by the government or any public or consultative body.

## **Regulation**

Even though the platform work is in general not regulated in Poland, there is one exception. On 1 January 2021 the amendment to the Road Transport Act (so called Lex Uber) came into force. This law applies to the whole personal transportation sector. So, in terms of platform work, the passenger transport market is the only part of the platform economy that is regulated.

This amendment was due to enter into force on 1 January 2020, and until the end of March 2020 all drivers and fleet partners were supposed to comply with the new regulations. However, due to the SarsCov-2 pandemic the enforcement of the new law was postponed to 1 January 2021. The Act has finally come to include a definition of an intermediary. What is more, it now specifies that it is the intermediary's obligation to contract out passenger transport only to those drivers who hold a relevant passenger transport licence. The law provides for fines both for intermediaries operating without a licence and for drivers accepting orders from such an intermediary. At the same time, the amendment is aimed at relaxing the requirements for a licence, allowing drivers to provide passenger transport services: mandatory training and test in local topography and regulations have been abolished. The new provisions also allow for the use of mobile software applications for fare calculation as an alternative to taximeters (Koziarek, 2019: 4).

However, platform workers in Poland are not considered to be employees covered by the Labour Code and do not have an employment contract. Consequently, they are deprived of all social rights resulting from the Labour Code (like e.g., minimum wages, workers' pensions, sick leaves, parental leaves etc). Their contracts fall under one of the two categories: self-employment (minority) and the work based on contract of mandate (the majority) within civil law.

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## **Social dialogue**

Platform workers are covered neither by multi-company collective agreements nor company collective agreements. The number of those agreements in Poland is very low (and is decreasing each year). It is closely related to the weak position of trade unions in Poland. In general, the social dialogue that exists in Poland at the central or local level (as explained earlier) is not focused on platform workers. This issue is not present during the Social Dialogue Council meetings.

## **Strategies**

Platform workers in Poland (in regard to drivers within ride-hailing companies) do not protest and do not form any joint strategy to improve their working conditions. It might be related to the very high number of migrant workers within this sector. Their goals in Poland related to this job differ from the local platform workers' goals. However, it is worth emphasizing that the situation within the food delivery sector in Poland is different and couriers from Glovo company have been protesting against deteriorating working conditions.

Finally, it is worth mentioning the problems experienced by the platform work sector because of the COVID-19 pandemic. During the first lockdown, the turnover of Uber / Bolt drivers fell by as much as 80%. Many people stayed at home, started working remotely, and the schools and universities were working online. Due to the lack of orders, some Uber drivers decided to switch to Uber Eats. Bolt company, which also felt a drop in income, decided to introduce to Poland (on 16 April 2020) its own food delivery App (Bolt Food) (Kulik, 2020). It was used not only by new food couriers but mostly by former Bolt drivers who decided to change the platform.

## **2.3.2 Healthcare sector**

### **Capacities**

In Poland, the health care system is based on compulsory health insurance, which makes health care in principle universal and free. However, there is also a commercial health care sector that employs a large proportion of the medical staff. Public and non-public health care institutions may, on the same terms, offer health services for which the national insurer - the National Health Fund pays. Thus, in this institutional context we have the following actors: the Ministry of Health and the National Health Fund, trade unions of doctors and nurses and other medical professions, the Supreme Medical Chamber and

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the Supreme Chamber of Nurses and Midwives, public (mainly local governments) and private owners of health care facilities. The tasks of the Department of Social Dialogue, operating at the Ministry of Health, include cooperation with trade unions of medical workers and entities owning health care facilities. The largest trade union of doctors is OZZL (the Polish National Trade Union of Physicians). It does not have the right to sit on a tripartite commission, but it is a representative according to the Labour Code, which enables it to conclude multi-company collective labour agreements. This representative status grants a given union the right to veto the provisions of a multi-enterprise collective labour agreement, which means that a multi-enterprise collective agreement cannot be concluded without the consent of this union. The union of nurses and midwives has a similar status.

Employers in health care have their own organizations. A representative organization is an organization to which healthcare providers such as hospitals and clinics belong (entities employing at least 10,000 people in total). The list of representative organizations, which perform health services financed from public funds, is kept by the Minister of Health: Federation of Healthcare Employers' Association Zielona Góra Agreement, Consortium of Wrocław Hospitals, Małopolska Association of Employers of Healthcare Institutions, National Association of County Hospital Employers, Polish Federation of Hospitals, Employers of the Republic of Poland, Association Małopolska Hospitals, Wielkopolska Association of Powiat Hospitals, the Association of Employers of Medical Entities of the Mazowieckie Voivodeship Self-Government, the Association of Medical Emergency Employers of Independent Public Healthcare Institutions, the Association of Psychiatric Care and Addiction Treatment Employers.

## **Interpretation**

The healthcare sector constitutes the opposite of platform work. Job placement is the least developed here, all respondents pointed out that people willing to work are (and should be) recruited individually, and they undergo a long process of competence verification. Due to the regulated access to the profession, the influx of migrants from beyond the eastern border is very small despite the huge staff shortages. Even the legislative changes introduced by the government, consisting in the liberalization of this access, and vigorously criticized by the medical and nursing communities as allowing people who may not have the appropriate substantive and linguistic competences to practice medical professions, did not lead to an increase in employment in this industry.

In the healthcare sector, there are significant limitations on migration of doctors to Poland. The pay and working conditions in Poland are not very attractive compared to Western countries, where the



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economic and legal situation as well as training and professional development opportunities for practitioners are much better. The number of foreigners taking up the work of nurses and midwives is also small, owing to very low salaries. Until 2015 most of them worked for minimum wages, only the 2017 act on the lowest salary in health care brought a slight improvement of their financial situation. Therefore, there is a large shortage of workers, and Poland is facing a generation gap in this labour market in the near future. The shortages on the Polish market of medical services result from the poor salaries of doctors and their migration abroad in search of better conditions. Doctors from Ukraine act in a similar way, filling the gaps created by the migration of Poles. Low admission limits for medical studies in Poland, especially in comparison with the high admission limits in Ukraine, make it difficult to tackle the staff shortages. With regard to the form of employment, doctors most often negotiate individual contracts, and other foreign workers from the industry are employed under an employment contract.

The unions of doctors and nurses do not monitor the immigration of their colleagues from abroad. They point out that their task is to protect the interests of their members. Medical unions and chambers are interested in migration as a potential threat to the quality of medical services in the context of liberalizing access to the labour market for doctors and nurses from the East. The reason for the lack of interest in foreign medics is quite a deep conviction that there are no forms of discrimination or social dumping in their industry.

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. They are frequently people with ties to Poland who, for example, studied in Poland. However, if the diploma is outside the Polish educational system the long process for validation of medical diplomas also poses a challenge.

## **Regulation**

The respondents do not see any legal problems related to the functioning of the medical industry - with one exception: all the talks immediately turned to the recent liberalization of access to the Polish labour market for doctors and nurses from across the eastern border. On 28 December 2020, President Andrzej Duda signed the "Act on amending certain acts in order to provide medical staff during the period of a state of an epidemic threat or a state of an epidemic". The Act provides for a simplified procedure for the recruitment of doctors, dentists, nurses, midwives and paramedics with professional qualifications obtained outside the EU. According to this document, simplified conditions for the

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recognition of diplomas apply. Nostrification, postgraduate internship or passing an appropriate medical examination are not required. However, it is necessary to have at least three years of professional experience in the last five years, as well as sufficient knowledge of the Polish language and to obtain a certificate from a Polish medical entity. The conditional license to practice as a doctor or dentist is valid for a period of five years, after which a person can continue working in the profession after the diploma is validated or after passing the Medical Verification Examination, completing or recognizing the postgraduate internship and passing the Final Medical Examination. The skepticism results mainly from the fact that the administrations of hospitals and clinics as well as caregivers will be responsible for the actions of doctors from outside the territory of the Member States. Critics of the law argue that the liberalization of hiring foreign medical workers may pose a threat to patients' health and the health care system, and may also lead to a decline in the quality of medical care.

### **Social dialogue**

The respondents stated that social dialogue is disappearing - the government side, which represents not only itself but also the payer for health services (National Health Fund), obstructs consultations and talks. Legal changes that have not been consulted are pushed through. In August 2021, the Trade Union Forum, as a sign of protest, submitted a declaration of resignation from the work of the Tripartite Team for Healthcare to the Minister of Health. FZZ - an organization having in its ranks also nurses, accuses the Ministry of Health of a lack of dialogue on salaries in the health service. All the more absent are the dialogues (and any other) on the principles and policies toward migrant medics employed from across the eastern border.

### **Strategies**

All interviewees see the overwhelming shortage of staff in health care institutions, which is why no one of them argued that the immigration of people with medical education to Poland should not be supported. Apart from the aforementioned 2020 liberalization of the rules of access to the Polish labour market for medics, it is difficult to indicate other manifestations of any strategy. Representatives of trade unions and medical chambers do not carry out any activities in this area; in their opinion, improving working conditions and increasing wages may reduce the outflow of workers abroad, initiate returns to the country, and increase immigration from beyond the eastern border. They did not indicate the need for changes in the functioning of the immigration services and immigration law. The

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representative of employers and intermediaries bringing doctors from beyond the eastern border had the same opinion.

### 2.3.3 Automotive sector

#### **Capacities**

When it comes to employing foreigners in the automotive sector, it is largely supported by intermediaries: temporary employment agencies or placement agencies. It is a distinctive industry because of its international reach. For example, Fiat Chrysler Automobiles (FCA) is not only the largest manufacturer of passenger cars in Poland, but also one of the most important foreign investors in the industrial sector in the country, which is why it is very important for local and international employment policy. NSZZ "Solidarność" trade unions operate dynamically in this sector, and they do not remain passive in the face of employee issues, including the work of foreigners. The unions encourage them to join union structures. They are the leading actors on the workforce scene. Employment agencies and placement agencies are the second important actors. These agencies focus predominantly on finding employees or finding a job for foreigners in Poland. They focus mainly on filling the employment gap. They provide comprehensive services to their clients (respondents indicate that there are few cases of helping foreigners obtain appropriate qualifications necessary for the offered job).

#### **Interpretation**

In the automotive industry, foreigners are employed in both large international corporations (Fiat) and in smaller companies producing components. Large companies constantly recruit foreigners, while small (family) companies are sporadically conditioned by the needs.

What constitutes a detrimental phenomenon in this industry from the point of view of the interests of foreign workers is employment by international employment agencies which operate on the basis of agreements at the level of management boards of companies, and which are beyond any control of trade unions. This may potentially lead to pay inequalities (employing foreigners by employment agencies under the conditions of their country of residence) as well as a lower workload compared to workers directly employed by the workplace. This in turn may lead to labour conflicts. Besides, it can have a very significant impact on the local employment policy.

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As for employment conditions, they do not differ from the conditions of employment of Poles, which makes work in Poland financially attractive, mainly for citizens of Ukraine and Belarus, who are the most numerous in Poland. A foreigner, in order to work legally, must obtain a work permit.

Intermediary agencies largely shaped the labour market in Ukraine, encouraging people to work in Poland, even in the most distant regions. They removed the burden of looking for employees from the companies. Temporary employment agencies have contracts with large companies, and they bring in employees for them. These migrants no longer, as was the case earlier, need to reside in large cities, they also work in more remote areas, where the companies are located. The migrants also reside there, close to their workplaces.

The actual issue is the unfamiliarity with or poor command of the Polish language. Respondents, particularly those from automotive employment agencies, emphasized the importance of this issue, stating that without the language skills foreign workers are unable to cope even with the technical or formal aspects of employment. Language is a huge barrier in everything, in all the spheres of functioning like going to the doctor, contacts with the teacher, with the school, dealing with official matters, for example residence cards. Often the brokers fill in these themselves because people don't know how to fill in these documents, they don't understand the text. As migrants work a lot, they lack time to learn the language systematically.

## **Regulations**

As for legal regulations, in the automotive industry there are no special restrictions on employing foreigners, except for those required for specific jobs - e.g. appropriate education or skills. Some sectoral representatives suggest introducing the certification and greater openness of the Provincial Labour Offices. Another recommendation concerns extension of the temporary permit to 2 years, as is the case in Hungary, which allows hiring more specialists.

## **Social dialogue and collective bargaining**

Some employee organizations cooperate with the Polish-Ukrainian Economic Chamber and the Union of Employers of the Republic of Poland. The Union of Employers of the Republic of Poland indirectly influences the employment policy of migrants in Poland, for example in the situation brought about by the COVID-19 pandemic. It can be said that employment agencies are reluctant to engage in the activities of trade unions. However, trade Union "Solidarność" (an inter-company organization of 16

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companies from the automotive industry) has its nationwide representation, which conducts dialogue with representatives of the government and ministries.

## **Strategies**

There are practically no strategies when it comes to employing migrant workers in the automotive industry. Only spontaneous reactions to emerging dangerous situations can be seen. For example, recruitment agencies issued a recommendation to the Union of Employers of the Republic of Poland in order to stop the exodus of migrant workers during the COVID-19 pandemic.

## **3.2.4 Construction sector**

### **Capacities**

The Polish construction sector suffers from labour shortages among both skilled and unskilled employees. The growth dynamics of this sector strongly depends on the inflow of migrants filling the long-lasting gaps in the labour market. Interestingly, the COVID pandemic did not deeply affect the growth in the construction sector, however some big companies slowed down the investment process due to migrants' departures and the price growth of the building materials.

According to the results of the Labour Force Survey (LFS), more than 1.3 million people work in the sector, i.e. 7.7% of the total working force in Poland. Due to the recent turbulence on the labour market caused by COVID, it is difficult to assess how many migrants work in the construction sector in Poland nowadays. Considering different reports, it could be assumed that migrants fill about 200 thousand jobs in this sector.

Access to individual professions is governed by separate regulations specifying the qualifications of employees. It means that construction positions are not as open as some may suggest. The qualifications of migrants are generally recognized, although communication is often the biggest barrier. In practice, migrants with the necessary qualifications cannot pursue highly specialized jobs because of the language barrier. Only those with a high level of Polish are admitted to jobs where lack of language skills could create a risk of death or injury. However, due to growing labour shortages the construction sector in Poland recruits employees with different levels of language skills.

### **Employment: trends and forms**

The Polish construction sector has become significantly open for migrants after Poland joined the European Union. Many Polish workers decided to move abroad in order to pursue better salaries.

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At the moment, the employment of migrants in this industry is relatively high and often employees representing various nationalities (Ukrainian, Belarusian, Indian citizens) are recruited. Due to cultural and geographical proximity, as well as the war in Donbas, the biggest fraction of migrants employed in the construction sector are Ukrainians. The COVID-19 pandemic encouraged them to leave Poland temporarily or permanently. Kryoska (2021) estimated that in the peak of the COVID pandemic (April 2020) around 200 thousands Ukrainians from all sectors left back home. It heavily affected the construction sector but it is worth emphasizing that at the moment everything is back to the previous situation. It is expected that the Polish construction sector will recruit many more migrants in the near future.

Migrant workers are employed under the same, or similar conditions as Poles. Due to the issues related to work safety, companies try to hire employees under an employment contract. Even if these are to be temporary contracts, they are employment contracts. There was also a boom period for these workers. And then there were a lot of contracts for performing specific tasks.

Migrants are often hired by intermediaries, sometimes on the basis of subcontracting: construction companies hire a company, and not individual employees.

## **Regulations**

The biggest issue here is that the regulations fail to capture the specifics of the industry. Permits issued for one workplace block the possibility of posting workers to other construction sites. This rigid law significantly affects the construction sector. The specificity of this industry assumes constant changes of the place of work. Therefore, the process of issuing the work permits should take into account the specificity of industry where migrants are present.

Most of the companies present in the construction sector in Poland follow the national rules of employment. Larger companies do not take the risk of employing foreigners on unclear terms. If there are any abuses of rights, they take place in small, local businesses. Specialized employment agencies employing foreign workers often take part in the process of recruiting employees in the construction industry. It also happens that companies cooperate with enterprises from neighboring countries to recruit employees for the construction services sector.

## **Trade unions, collective bargaining**

Migrants are unlikely to be interested in participating in trade unions present in the construction sector. The situation is similar in other sectors of the Polish economy. Unfortunately, from the statements of trade unionists it can be concluded that they are not particularly interested in the

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presence of migrants in trade unions. This is not about prejudice or resentment, but rather about the lack of a clear trade union policy towards migrants. It is therefore quite obvious that trade unions have failed to adapt to the dynamic situation on the Polish labour market. In order to attract migrants' attention, trade unions in Poland should redefine their action strategies. Pretending that migrants do not exist in the construction sector harms their labour rights and also damages the reputation of trade unions.

### **Strategies**

There is no national or sectoral strategy to employ foreigners in the construction industry in Poland. Although employers' organizations raise regulatory issues during official consultations with ministerial bodies, the Polish government is not responding flexibly to the expectations of the construction sector. In 2020 visa regulations for foreigners have been slightly liberalized. It could be expected that this may have a positive impact on the dynamics of the construction sector in Poland. In order to support the construction sector in Poland the durable dialogue between main parties (trade unions, employer organizations, government, migrant organisations) is needed. Moreover, local governments should be granted regulatory autonomy helping them to fill gaps in local labour markets.

## **2.3.5 Services and trade sector**

### **Capacities**

Services and trade sector is a wide branch of the economy. In the context of migrants working in Poland, in the services sector the most visible are retail, tourism and the so-called domestic services and the share of migrants in the services industry is increasing every year. As for the data, according to the Polish Statistical Office in the beginning of 2020 about 60 thousand of foreigners were legally employed in retail (among them about 35 thousand Ukrainians), about 36 thousand in tourism, restaurant and catering services (about 22 thousand Ukrainians) and about 120 thousand in administrative and supporting services (about 100 thousand Ukrainians). It is difficult to estimate the whole number of

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foreign workers in the services because of the sectoral plurality within this branch category. Our interviewees were related mainly with retail, financial services and communal services.

Although there are no trade unions for foreigners in this sector, they are represented individually in the existing sectoral trade unions - but this is the case rather in huge companies e.g. in grocery trade. In general, as one of the respondents said, the activity of trade unions in this sector in Poland is weakening, their members are even harassed and the attempts to eliminate these organisations are observed. There is also considerable resistance from "the top" to the formation of new trade unions. Important sectoral actors seem to be employers' organisations but they rarely deal with migrant issues.

However, as the respondent underlined, the activity of trade unions e.g. in retail in the last twenty years brought visible results in terms of working conditions improvement for all workers - including foreigners. Our respondent from the retail trade union underlined the same social rights offer for migrant workers as for domestic ones.

## **Interpretation**

Foreigners are employed either permanently or by temporary employment agencies. Both groups of employees have completely different characteristics, both in terms of their approach to work, requirements and issues of integration, e.g. related to language skills. Agency workers are sometimes described as demanding and having high requirements when it comes to their working conditions (accommodation secured by the employer, financing of commuting, arrivals of partners/family, etc.).

In the service sector, recruitment processes are usually carried out either by partners in Ukraine, i.e. Ukrainian employment agencies or Polish agencies with branches in Ukraine, or Polish agencies recruiting directly from Poland. Recruitment is often quick, and it is not possible to positively verify the declared skills, not even competences, but only the willingness and motivation to work and physical abilities.

Temporary work agencies employ for longer than it is expected from their tasks, charging part of the remuneration, which is considered abusive by the respondents, especially by the trade union and NGOs' representatives. However, many companies have their own departments for the recruitment of employees from abroad. This is how the companies from e.g. the financial services operate. Medium companies try to operate legally in the area of foreigners' employment and they are sometimes unexpectedly controlled by the Borders Guard or other state authorities.



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Temporary employment of foreign workers in services causes invisibility of these employees for trade unions which treat them as “external” workers, having no connections with human resources on permanent contracts.

In general, smaller companies are unlikely to apply extra bonuses for foreign employees, as large retail chains do, although these are not systemic decisions (at the headquarters level) and sometimes they cause dissatisfaction of native employees.

## **Regulation**

There are no special regulations regarding the work of foreigners in the services. All of them should have some legal basis of employment (work permission or work statement). General economic suggestions concern also this branch like e.g. an initiative to amend the act on foreigners which provides for the so-called fast track for "proven" employers, that would offer them the possibility of faster processing of a uniform work permit for a foreigner and the specification of the list of documents.

Current regulations of foreign labour market and the effectiveness of their implementation are the main challenges for sectoral stakeholders. Employers hiring foreigners in trade and services face many problems, of which the most emphasized are administrative issues and issues related to cooperation with public offices.

## **Social dialogue**

There are a few employer organisations in this wide economic branch, for example the Polish Confederation Lewiatan or the Federation of Polish Entrepreneurs. Good practices include the creation of a working group for foreign employees within the Polish Confederation Lewiatan and the planned certification of employment agencies in terms of their high standards of work offered to migrant workers. Employer organisations are also a kind of transmission channel between NGOs world (with strong social and equality background) and political decision makers. NGOs, through employer organisations, can pass on their proposals to improve the situation of foreign workers and thus participate indirectly in social dialogue.

## **Strategies**

Services sector is a market receptive especially to workers from the East. In the context of COVID-19 pandemic restrictions, various branches experienced its effects differently, e.g. food trade was doing very well, but other types of trade were doing worse. Finally, the share of foreigners in the services has

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reached or even exceeded the pre-pandemic level. It appears that there are no special strategies - except those of intermediaries - in employing migrant workers.

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## 2.3. Conclusions

It is worth emphasizing that when we carried out the research it turned out that the largest national social partners (representatives of major trade unions and employer organizations) did not hold much knowledge or even insight in the employment of migrants. Despite numerous attempts on our part, it proved impossible to interview the construction industry trade union representatives or those from the platform work sector (however, in the latter case, this is due to the lack of such unions in this sector). On the other hand, the decision making center (the Ministry of the Interior) formally invites the trade unions and NGOs to public consultation of action plans. It could be considered a kind of social dialogue, even if the results of those cooperation are still unknown.

"Ordinary" employers, dealing directly with the employment of migrants, including temporary employment agencies, proved to be a much better source of information. Very important actors on the foreign workers` labour market are work agencies as well as placement agencies (temporary work agencies). They are real brokers between employer and employees in many dimensions of work context. When they offer extra bonuses (e.g. accommodation for foreign workers or family reunification on the occasion of workers recruiting) they may even stimulate migration.

The specific conclusions from our research and the recommendations for stakeholders of social dialogue in the context of the migrants presence in the Polish labour market are divided into two groups. As these main 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 language 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 at the macro level 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;

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- 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.

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# Annexes

## Annex 1: Tables

*Table 2. Number of work permits issued (top 26 and others) between 2015-2020.*

| Year         | 2015  | 2016   | 2017   | 2018   | 2019   | 2020   |
|--------------|-------|--------|--------|--------|--------|--------|
| Ukraine      | 50465 | 106223 | 192547 | 238334 | 330495 | 295272 |
| Belarus      | 2037  | 4870   | 10518  | 19233  | 27130  | 27304  |
| Moldova      | 1488  | 2844   | 3792   | 6035   | 8341   | 7616   |
| Uzbekistan   | 1433  | 836    | 1409   | 2634   | 6309   | 5873   |
| Nepal        | 596   | 1211   | 7075   | 19912  | 9175   | 5708   |
| India        | 1425  | 1772   | 3938   | 8362   | 8063   | 8184   |
| Georgia      | 88    | 142    | 398    | 2752   | 7438   | 8213   |
| China        | 1288  | 1205   | 1179   | 1473   | 1935   | 1380   |
| Vietnam      | 732   | 439    | 658    | 1313   | 3367   | 2992   |
| Bangladesh   | 319   | 721    | 2412   | 8341   | 6986   | 3758   |
| Serbia       | 650   | 804    | 878    | 930    | 911    | 811    |
| Russia       | 579   | 1008   | 1433   | 1903   | 2862   | 3371   |
| Turkey       | 550   | 672    | 1228   | 1481   | 2936   | 2641   |
| Azerbaijan   | 116   | 193    | 1336   | 3302   | 3183   | 2125   |
| Philippines  | 179   | 249    | 733    | 2057   | 6317   | 7391   |
| USA          | 544   | 391    | 405    | 479    | 560    | 477    |
| North Korea  | 482   | 364    | 191    | 0      | 0      | 0      |
| Japan        | 268   | 250    | 182    | 240    | 247    | 242    |
| Indonesia    | 75    | 111    | 148    | 352    | 2023   | 3885   |
| Korea, South | 153   | 150    | 219    | 720    | 1838   | 2967   |
| Kazakhstan   | 74    | 112    | 321    | 803    | 1689   | 2464   |
| Tajikistan   | 59    | 98     | 353    | 868    | 1323   | 1186   |
| Kyrgyzstan   | 42    | 19     | 81     | 654    | 1283   | 1095   |

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|          |      |      |      |      |      |      |
|----------|------|------|------|------|------|------|
| Pakistan | 184  | 187  | 427  | 1065 | 911  | 815  |
| Kosovo   | 24   | 88   | 640  | 522  | 740  | 1045 |
| Ethiopia | 1    | 0    | 17   | 328  | 505  | 1033 |
| Others   | 1935 | 2435 | 3108 | 4675 | 8171 | 8648 |

Source: Official Statistics of the Ministry of Family, Labour and Social Policy (archival site), form MRPiPS-04  
<https://psz.praca.gov.pl/web/urzed-pracy/-/8180075-zezwolenia-na-prace-cudzoziemcow> (accessed on 30.09.2021).

*Table 5. Work permits for foreigners by citizenship and selected PKD sections (2019)*

| PKD section  | Number  | Percent |
|--|---------|---------|
| F – Construction   | 113040  | 25.4%   |
| C – Manufacturing  | 101588  | 22.8%   |
| N - Business administration and support activities   | 99488   | 22.4%   |
| H - Transport and warehouse management   | 70155   | 15.8%   |
| I - Activities related to accommodation and food service   | 15505   | 3.5%    |
| G - Wholesale and retail trade; repair of motor vehicles, including motorcycles                      | 14698   | 3.3%    |
| A -Agriculture, forestry, hunting and fishing  | 5552    | 1.2%    |
| M - Professional, scientific and technical activity  | 5397    | 1.2%    |
| J - Information and communication  | 4692    | 1.1%    |
| T - Households with employees; households producing goods and providing services for their own needs | 3831    | 0.9%    |
| S - Other service activities   | 3376    | 0.8%    |
| E - Water supply; sewerage, waste management and remediation activities                              | 2418    | 0.5%    |
| Q - Healthcare and social work   | 1856    | 0.4%    |
| R - Arts, entertainment and recreation   | 1027    | 0.2%    |
| L - Real estate activities   | 615     | 0.1%    |
| P – Education  | 604     | 0.1%    |
| K - Financial and insurance activities   | 487     | 0.1%    |
| B - Mining and extraction  | 296     | 0.1%    |
| O - Public administration and defense; compulsory social security                                    | 73      | 0.0%    |
| D - Production and supply of electricity, gas, steam, hot water and air for air conditioning systems | 39      | 0.0%    |
| U - Organizations and extraterritorial teams   | 1       | 0.0%    |
| Total  | 444 738 | 100.0%  |

Source: Official Statistics...

*Table 6. The number and structure of seasonal work permits issued in 2019*

| Specification   | Seasonal work permits |       |
|---|-----------------------|-------|
| Number of seasonal work permits                           | 131 446               | 100%  |
| Extension of authorization                                | N                     | %     |
| Yes   | 21 006                | 16.0% |
| No  | 110 440               | 84.0% |
| Sex   | N                     | %     |
| Women   | 83 495                | 63.5% |
| Men   | 47 951                | 36.5% |
| Age of the employee                                       | N                     | %     |
| under 25  | 22 953                | 17.5% |
| 25-34 years   | 34 794                | 26.5% |
| 35-44 years   | 37 447                | 28.5% |
| 45-54 years   | 26 498                | 20.2% |
| 55-59 years   | 6 808                 | 5.2%  |
| 60-64 years   | 2 404                 | 1.8%  |
| over 64 years old   | 542                   | 0.4%  |
| PKD sections  | N                     | %     |
| Agriculture, forestry, hunting and fishing                | 126 898               | 96.5% |
| Activities related to accommodation and catering services | 4 548                 | 3.5%  |
| Type of contract  | N                     | %     |
| Contract of employment                                    | 4 228                 | 3.2%  |
| Contract of mandate                                       | 30 060                | 22.9% |
| Contract work   | 18 201                | 13.8% |
| Harvest Aid Agreement                                     | 78 918                | 60.0% |
| Other   | 39                    | 0.0%  |
| The period of work specified in the seasonal work permit  | N                     | %     |
| Up to 30 days   | 21 990                | 16.7% |
| From 31 to 90 days  | 67 365                | 51.2% |
| From 91 to 180 days                                       | 22 911                | 17.4% |
| More than 180 days  | 19 180                | 14.6% |

Source: Central Analytical and Reporting System of the Ministry of Labour and Social Policy, data as of March

27, 2020

Table 7. LDA topics

|          | Word 1     | Word 2        | Word 3         | Word 4     | Word 5     | Topic   |
|----------|------------|---------------|----------------|------------|------------|---|
| Topic 1  | móc        | ukraina       | pracodawca     | Zezwolenie | ciężki     | móc ukraina pracodawca<br>zezwolenie ciężki                   |
| Topic 2  | gospodarka | ukraiński     | państwo        | Luty       | zacząć     | gospodarka ukraiński<br>państwo luty zacząć                   |
| Topic 3  | polsce     | obcokrajowiec | niemal         | Agencja    | brakować   | polsce obcokrajowiec<br>niemal agencja brakować<br>obserwować |
| Topic 4  | praca      | warszawa      | rucho          | Codziennie | wschodni   | praca warszawa rucho<br>codziennie wschodni<br>przybywać      |
| Topic 5  | rok        | pandemia      | głowa          | Firma      | dzięki     | rok pandemia głowa firma<br>dzięki                            |
| Topic 6  | pracownik  | rynek         | nowy           | Liczba     | obecnie    | pracownik rynek nowy<br>liczba obecnie                        |
| Topic 7  | polski     | granica       | ukraińców      | Wschód     | bezrobocie | polski granica ukraińców<br>wschód bezrobocie                 |
| Topic 8  | rząd       | wprowadzić    | ręka           | uk         | dworzec    | rząd wprowadzić ręka uk<br>dworzec                            |
| Topic 9  | ukraińcy   | imigrant      | przedsiębiorca | coraz      | zagranica  | ukraińcy imigrant<br>przedsiębiorca coraz<br>zagranica        |
| Topic 10 | mieć       | pracować      | średni         | woł        | zarobkowy  | mieć pracować średni woł<br>zarobkowy                         |

Source: data from media analysis.

*Table 8. Collective labour agreements in Poland – single-employer level (1995-2018)*

|      | <i>Number of registered collective labour agreements</i> | <i>Number of employees covered</i> |
|------|--|------------------------------------|
| 1995 | 7343   | -                                  |
| 1996 | 1464   | -                                  |
| 1997 | 882  | -                                  |
| 1998 | 614  | -                                  |
| 1999 | 622  | -                                  |
| 2000 | 498  | -                                  |
| 2001 | 361  | -                                  |
| 2002 | 310  | 117653                             |
| 2003 | 441  | 174600                             |
| 2004 | 328  | 181000                             |
| 2005 | 220  | 119604                             |
| 2006 | 176  | 68000                              |
| 2007 | 168  | 121500                             |
| 2008 | 154  | 62800                              |
| 2009 | 123  | 62500                              |
| 2010 | 130  | 172000                             |
| 2011 | 136  | 50000                              |
| 2012 | 92   | 61000                              |
| 2013 | 109  | 43800                              |
| 2014 | 88   | 43500                              |
| 2015 | 69   | 106552                             |
| 2016 | 79   | 38227                              |
| 2017 | 50   | 28230                              |
| 2018 | 54   | 21067                              |

Source: National Labour Inspectorate reports.

*Table 9. Distribution of respondents*

| sector           | TU | EM | EX | IO | WK | RT | number of relevant interviews |
|------------------|----|----|----|----|----|----|-------------------------------|
| metal-automotive | 1  |    |    |    |    | 2  | 3                             |
| services         | 1  | 2  |    |    |    |    | 3                             |
| construction     |    | 2  |    |    |    |    | 2                             |
| healthcare       | 1  |    |    | 1  |    | 1  | 3                             |
| platform         |    | 2  | 1  |    | 1  |    | 4                             |
| cross-sectoral   | 1  | 1  | 1  | 2  |    | 1  | 6                             |
| Total            | 4  | 7  | 2  | 3  | 1  | 4  | 21                            |

Source: IDI data.

Acronyms of interviews coding:

[TU] Trade union representative

[EM] Employer or a representative of an employer organisations

[EX] Expert

[IO] Civil or other intermediary support organisation

[WK] Worker or worker activist

[RT] Recruiter, temp agency representative



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## Annex 2: List of main acronyms used in the report

AMIF – Asylum, Migration and Integration Found

BAEL – Polish Labour Force Survey

BCC - Business Centre Club

EMN – European Migration Network

FZZ - Trade Unions Forum

HFHR - Helsinki Foundation for Human Rights

IOM – International Organisation of Migration

LDA – Latent Dirichlet Allocation

MIPEX - Migrant Integration Policy Index

MRPiT - Ministry of Development, Labor and Technology

MSWiA - Ministry of the Interior and Administration

NSZZ - Independent Self-Governing Trade Union

OECD - Organisation for Economic Cooperation and Development

OPZZ - All-Poland Alliance of Trade Unions

OZZPF - National Trade Union of Physiotherapy Employees

PIP – National Labour Inspectorate

PKD - Polish Classification of Activities

RDS - Social Dialogue Council

SIP – Association for Legal Intervention

ZPP - Union of Entrepreneurs and Employers

ZRP - Polish Crafts Association