

Losing the status of an unemployed

Data publikacji: 29.09.2019 Data modyfikacji: 29.09.2019 Departament Rynku Pracy MRPiS

You will lose the unemployed status if:

1. you no longer fulfil the conditions required to be an unemployed (it is enough you fulfill one of the conditions below):
 - you are not able and ready to start full-time employment, as applicable for a given job or service or other paid work or you are a disabled, unable and not ready to commence employment in at least one half of the said work time;
 - you are over 60 years old (if you are a woman) or over 65 years old (if you are a man);
 - you commence employment, other paid work (e.g. execute a contract of employment, a contract of mandate, a contract for specific work, an agency agreement);
 - you have acquired old-age or disability pension entitlement, training allowance, welfare benefit, survivor's pension in the amount exceeding one half of the minimum remuneration for work or after the termination of employment, other paid work, non-agricultural activity, you do not receive a teachers' compensation benefit, early retirement allowance, early retirement benefit, rehabilitation allowance, sickness benefit, maternity benefit or a benefit in the amount corresponding to the maternity benefit;
 - you have acquired old-age or disability pension entitlement awarded by a foreign old-age or disability pension body in the amount of at least the lowest old-age or disability pension as mentioned in the Act of 17 December 1998 on Old-Age and Disability Pensions from the Social Insurance Fund;
 - you have become an owner, autonomous possessor or dependent possessor of agricultural property under the provisions of the Act of 23 April 1964 Civil Code, with the arable land area exceeding 2 comparative fiscal hectares or are eligible to old-age or disability pension for permanent employment as a spouse or a household member in an agricultural undertaking with the arable land area exceeding 2 comparative fiscal hectares;
 - you have earned revenue taxable with income tax from special branches of agricultural production unless the revenue from special branches of agricultural production, calculated to determine the personal income tax, exceeds the average revenue from work in individual agricultural undertakings from 2 comparative fiscal hectares, agreed by the President of the Central Statistical Office of Poland based on the agricultural tax regulations or you are eligible to old-age and disability insurance for permanent employment as a spouse or a household member in such an agricultural undertaking;
 - you commence your business activity — you applied for entry in the Central Registration and Information on Business;
 - you applied to the Central Registration and Information on Business for resuming your business activity;
 - the period until the business activity commencement, as stipulated in the application for entry in the Central Registration and Information on Business, has elapsed;
 - you are detained temporarily or you started your imprisonment, except for the deprivation of freedom outside prison in the electronic tagging system;
 - you earn a monthly revenue amounting to more than one half of the minimum remuneration for work, excluding revenue obtained from interests or other revenue from money accumulated on bank accounts;
 - you receive some permanent benefit based on the social welfare regulations;
 - you receive, pursuant to family benefits' regulations, some attendance allowance, special care allowance or extra family benefit for being a single parent and a loss of the title to the unemployment benefit due to the expiry of the statutory period of receiving it;
 - you receive a training allowance after your employment was terminated;
 - you are subject, based on separate provisions, to the social insurance obligation, except for the social insurance of farmers;

- you receive a carer's benefit based on the regulations on the determination and payment of carers' benefits;
2. you will receive:
 - loan from the State Fund for Rehabilitation of Disabled People or an institution with a share of public funds to commence non-agricultural or agricultural activity;
 - loan for the business activity start;
 - one-off funds for the business activity start;
 - one-off funds from the State Fund for Rehabilitation of Disabled People or an institution with a share of public funds to commence business or agricultural activity or activity in the form of a social cooperative;
 3. you commence implementation of your individual social employment programme or sign a social contract, mentioned in Article 50 section 2 item 2;
 4. you refuse to do the following with no justified grounds:
 - to accept an appropriate work proposal or other form of assistance stipulated in the Act or undergo medical or psychological examination aimed at determining your capacity for work or participation in any other form of support stipulated in the Act;
 - to participate in the activities within the Activation and Integration Programme, organised by the Poviát Labour Office, other entities commissioned by it or by a social welfare centre;
 5. you do not visit:
 - the Poviát Labour Office on the appointed date and fail to notify of the justified cause of that failure within 7 days;
 - you do not visit the Poviát Labour Office competent for your new place of residence within 14 days after you have changed your place of permanent abode;
 6. you apply for being deprived of the unemployed status;
 7. for your own fault, you will quit:
 - training, traineeship, implementation of an individual action plan or performance of socially useful works or other form of assistance stipulated in the Act;
 - vocational training of adults programme, you do not sit a qualification, journeyman or verification exam;
 - participating in the activities within the Activation and Integration Programme, as mentioned in Article 62a, organised by the Poviát Labour Office, other entities commissioned by it or by a social welfare centre;
 8. having been referred, you do not commence training, vocational training of adults, traineeship, performance of socially useful works or other form of assistance stipulated in the Act;
 9. you will remain unable to work due to a disease or stay in an addiction treatment centre for a continuous period of 90 days (this includes every consecutive break between the periods when you are unable to work shorter than 30 calendar days);
 10. you will not present a medical certificate or a printout of a medical certificate;
 11. you will stay abroad or your circumstances will prevent your readiness to commence employment longer than 10 days altogether in one calendar year.

If you are a woman, you will not be deprived of the unemployed status during your pregnancy for your lack of readiness to work because of pregnancy for a continuous period of 90 days, except when you apply for being deprived of the unemployed status.

A starost cannot deprive the following people of the unemployed status:

1. a mother of a child;
2. a father of a child if the mother died, the child was abandoned by the mother or the mother resigned from the entitlement to receive the maternity benefit or emolument for the period determined in the Labour Code provisions as the maternity leave period, the period of a leave on the maternity leave conditions or the parental leave;
3. an unemployed who has adopted a child;

4. an unemployed who has received a child in foster care and filed a motion in a family court to initiate adoption proceedings or who has received a child in foster care as a foster family, except for a professional foster family

- because of the absence of the ability and readiness to commence employment caused by taking care of that child for the period when the maternity benefit would apply during the maternity leave, leave on the maternity leave conditions or the parental leave, except when the application to be deprived of that status was submitted by the unemployed.

You will not be deprived of the unemployed status if you are entered in the National Court Register as a founder of a social cooperative after you have been registered in the Labour Office in connection with accepting your application for granting funds for the social cooperative foundation until the day after the funds are received.

You will lose your unemployed status starting from the day after:

1. you have received funds for the business activity start;
2. you have commenced implementation of your individual social employment programme or signed a social contract, mentioned in Article 50 section 2 item 2;
3. you have been referred to training, vocational training of adults, traineeship, socially useful works which you do not commence;
4. following the expiry of the last day of the 90-day period if you remain unable to work due to a disease or stay in an addiction treatment centre for a continuous period of 90 days (this includes every consecutive break between the periods when you are unable to work shorter than 30 calendar days).

You will lose the unemployed status for the period of:

- **120 days in the case of:**
 - **the first refusal** to accept, without any justified grounds, an appropriate work proposal or other form of assistance offered by the Poviát Labour Office or undergo medical or psychological examination aimed at determining your capacity for work or participation in any other form of support stipulated in the Act;
 - **the first interruption**, for your own fault, of any training, traineeship, implementation of an individual action plan, performance of socially useful works or other form of assistance stipulated in the Act;
 - **the first interruption**, for your own fault, of participation in the activities within the Activation and Integration Programme, organised by the Poviát Labour Office, other entities commissioned by it or by a social welfare centre;
 - **the first failure to commence** any training, vocational training of adults, traineeship, performance of socially useful works or other form of assistance stipulated in the Act;
 - **the first failure to visit** the Poviát Labour Office on the appointed date and to notify of the justified cause of that failure within 7 days;
- **180 days in the case of:**
 - **the second refusal** to accept, without any justified grounds, an appropriate work proposal or other form of assistance offered by the Poviát Labour Office or undergo medical or psychological examination aimed at determining your capacity for work or participation in any other form of support stipulated in the Act;
 - **the second interruption**, for your own fault, of any training, traineeship, implementation of an individual action plan, performance of socially useful works or other form of assistance stipulated in the Act;
 - **the second interruption**, for your own fault, of participation in the activities within the Activation and Integration Programme, organised by the Poviát Labour Office, other entities commissioned by it or by a social welfare centre;
 - **the second failure to commence** any training, vocational training of adults, traineeship, performance of socially useful works or other form of assistance stipulated in the Act;

- **the second failure to visit** the Poviát Labour Office on the appointed date and to notify of the justified cause of that failure within 7 days;
- **270 days in the case of:**
 - **the third and every consecutive** refusal to accept, without any justified grounds, an appropriate work proposal or other form of assistance offered by the Poviát Labour Office or undergo medical or psychological examination aimed at determining your capacity for work or participation in any other form of support stipulated in the Act;
 - **the third and every consecutive** interruption, for your own fault, of any training, traineeship, implementation of an individual action plan, performance of socially useful works or other form of assistance stipulated in the Act;
 - **the third and every consecutive** interruption, for your own fault, of participation in the activities within the Activation and Integration Programme, organised by the Poviát Labour Office, other entities commissioned by it or by a social welfare centre;
 - **the third and every consecutive** failure to commence any training, vocational training of adults, traineeship, performance of socially useful works or other form of assistance stipulated in the Act;
 - **the third and every consecutive** failure to visit the Poviát Labour Office on the appointed date and to notify of the justified cause of that failure within 7 days.

How can you regain your unemployed status?

You will be able to regain your unemployed status following the expiry of the above period as a result of reregistration and having fulfilled the required conditions.