

Seasonal work permits

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

A seasonal work permit is issued by the starost on the employer's request.

An employer can apply for a seasonal work permit both **for a foreigner who has already stayed in Poland and hold a residence title enabling them to work in Poland** (e.g. a visa, except for visas issued for: tourist purposes (01), benefitting from temporary protection (20) or due to humanitarian reasons (21), **and for a foreigner who will apply for the permit to visit Poland** based on a visa to do seasonal work or in a non-visa traffic in connection with seasonal work.

If **the foreigner is going to apply for a permit to visit Poland for seasonal work in future**, the employer provides **them a certificate** proving the starost **entered the application for a seasonal work permit in the register of seasonal work permit applications**. The said certificate is used by the foreigner as grounds for applying for a seasonal work visa or, if the foreigner comes in a non-visa traffic, it is used as a confirmation of the purpose of their visit to Poland. **The entry in the register of seasonal work permit applications is valid for only 120 days** — if in that period the starost does not receive a confirmation the foreigner is going to start work later, they will discontinue the procedure connected with issuing the seasonal work permit. The seasonal work permit is issued by the starost after the foreigner's arrival. The employer notifies the competent Labour Office thereof, presenting a copy of the required pages from the foreigner's passport and provides the foreigner's address in Poland. After the employer has notified the office of the foreigner's arrival, the foreigner can work when waiting for the seasonal work permit. However, the work must be done based on the terms and conditions stipulated in the certificate of entry in the register, issued by the office before.

A seasonal work permit is issued for no more than 9 months in a calendar year. This refers to working in the following industries: agriculture, horticulture, tourist industry within the activities considered seasonal, as stipulated in the Regulation of the Minister of Family, Labour and Social Policy of 8 December 2017 on the business activity subclasses based on Polska Klasyfikacja Działalności (PKD) where the seasonal work permits are issued to a foreigner.

A seasonal work permit is issued for a specific foreigner. It indicates an employer, minimum remuneration of the foreigner, working time or number of working hours a week or month, type of an agreement being grounds for work performance and the permit validity term.

In the permit validity term it is possible to do **every seasonal work, not only the one indicated in the application**.

Employer's obligations in connection with entrusting work based on the seasonal work permit

- The employer is obliged **to execute a written agreement** with the foreigner, having presented its translation into a language understandable for the foreigner before. In the agreement, the entity is obliged to include the terms and conditions stipulated in the permit;
- The employer is obliged to comply with all the obligations resulting from entrusting work, identical as for Polish employees (e.g. registering for social insurance within 7 days, if a given agreement is subject to insurance, e.g. a contract of employment, of mandate or agency agreement), and also obligations connected with employing a foreigner under other regulations (e.g. keeping a **copy** of the foreigner's residence document throughout the whole term of work).

Seasonal work permit extension

- This refers solely to foreigners who visit Poland for seasonal work, i.e. the ones for whom the entry in the register of applications for a seasonal work permit was obtained (a "seasonal" visa, non-visa traffic with the application entered in the register);
- It is issued to continue work for the same employer or to start work for another employer;
- It is issued for a period which, together with the period of the foreigner's stay in connection with seasonal work, calculated from the first day of entry in Schengen area in a given calendar year, is not longer than 9 months in a calendar year;
- The foreigner **can work when waiting for the extension of the seasonal work permit for the same employer throughout the whole waiting period, but for a new employer for up to 30 days;**

For the nationals of Armenia, Belarus, Georgia, Moldova, Russia and the Ukraine the employer can submit the so-called multi-seasonal application. The starost enters the application for a seasonal work permit in the register for periods not exceeding 9 months in a calendar year (for no more than 3 consecutive calendar years), provided the said employer entrusted work to a foreigner based on a seasonal work permit at least once during 5 years preceding the application submission day. For the nationals of 6 above states, it is also possible to **entrust work other than seasonal for up to 30 days during the validity term of the seasonal work permit held (except for temporary workers) without the need to apply for a separate work permit.** To benefit from that possibility, the employer is obliged to pay at least the remuneration on the existing level to the foreigner.