Work permits

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A work permit is issued by the voivode on the employer's request. The foreigner must apply for the residence title themselves to work legally in Poland under the work permit (it is possible to work within non-visa traffic for up to 3 months, if such a solution was introduced for a given state).

For subclasses considered to be seasonal, it is necessary to apply for a seasonal work permit.

The work permit indicates the employer, position or the type of work done by the foreigner, minimum salary which can be received by the foreigner on a given position, working hours and the permit validity period.
The work permit is not issued if the foreigner does not meet specific requirements, was punished for specific crimes or if their personal data were entered in the register of foreigners whose residence in Poland is undesirable.

There are several types of work permits (A, B, C, D, E). Procedures and criteria of issuing permits differ depending on the permit type.

Type A — refers to a foreigner doing work under an agreement with the entity whose seat is located in Poland. Irrespective of the labour market situation, a foreign employee must receive remuneration not lower than the remunerations of local employees on a comparable position.
Type A permit is issued for up to 3 years, but the period can be shortened, based on the criteria stipulated in local regulations, e.g. in voivodeship criteria issued by the voivode.

Type B — refers to a foreigner doing work consisting in having a function in the Management Board of a legal entity entered in the Register of Entrepreneurs. Type B permit is issued for a standard term (up to 3 years), but the Management Board members in companies employing more than 25 people can apply for a permit for up to 5 years.

Type C — refers to a foreigner doing work for a foreign employer, delegated to Poland to a branch or plant of the foreign entity or an entity connected with the said foreign employer for no more than 30 days in a calendar year;

Type D — refers to a foreigner doing work for a foreign employer not having a branch, plant or any other establishment in Poland, delegated to Poland to provide a temporary and occasional service (export service). For export services, the applicant must provide detailed information on the agreement.

Type E — refers to a foreigner doing work for a foreign employer, delegated to Poland for more than 30 days in consecutive 6 months for any other purpose than the one mentioned in permits of B, C and D type

Delegated employees must be offered employment conditions not inferior to the ones stipulated in Polish labour legislation in such areas as working hours, overtime, minimum remuneration, OH&S, parental rights etc.

What is more, third-country nationals delegated to Poland should receive remuneration of at least 70 percent of average pay in the region where they are to work.

The foreign employer is obliged to appoint a representative in Poland who collects basic documents related to employment, enabling to verify if the said conditions were fulfilled (working time records, agreements, proofs of payment etc.).

The employer can execute a contract of employment or a civil law agreement (e.g. a contract of

mandate or for specific work) with the foreigner. **The contract should be executed in writing.**
The remuneration offered under the contract of employment cannot be lower than the minimum remuneration (in 2019 PLN 2,250 gross) and under the contract of mandate not lower than the minimum hourly rate (in 2019 PLN 14.70 gross).

The employer who employs a foreigner is obliged to:

- Check, before the foreigner commences work, if they hold a valid residence document,
- Make a **copy** of the residence document and keep it throughout the entire term of the foreigner's work,
- Execute a written contract with the foreigner under the terms and conditions included in the work permit,
- Present a contract translated into a language understandable for the foreigner before s/he signs it,
- Provide the foreigner with one copy of the work permit in writing,
- Notify the foreigner of the activities connected with the procedure related to granting or extending the work permit and of the decisions granting, refusing or revoking the permit,
- If the foreigner does not commence work within 3 months after the initial validity date of the work permit, suspends work for the period of more than 3 months, finishes work earlier than 3 months before the expiry of the work permit, the employer must notify the voivode thereof within 7 days.

The employer employing a foreigner based on a work permit has obligations towards them identical to the ones they have towards a Polish national.

- Register them for social and health insurance within 7 days of work commencement and pay contributions to the Social Insurance Institution punctually on a monthly basis in the appropriate value (if this is required by the contract type, first and foremost the contract of employment and of mandate, this does not apply to the contract for specific work),
- Calculate, collect and make advance income tax payments (the tax settlement method is condition on the tax residency of the employed foreigner),
- Comply with the Labour Law provisions.

The work permit entitles to work solely for the employer indicated therein. For the foreigner to work for a different employer, the new employer must apply for a new work permit.

The work permit in Poland entitles solely to work in Poland. If the foreigner wants to work in another country, they need to apply for the permit in the said country.
Illegal work by the foreigner is an offence subject to a fine of PLN 1,000 to PLN 5,000.