

Unemployment benefit

Data publikacji: 29.09.2019 Data modyfikacji: 28.02.2020 Departament Rynku Pracy MRPiPS

Entitlement to the benefit

You will be eligible to receive the benefit starting from the day when you register in the competent Poviát Labour Office if there is no appropriate job offer, an offer of traineeship, vocational training of adults, training, intervention works or public works and if, during 18 months preceding the registration date directly, for at least 365 days:

1. you were employed and received remuneration amounting at least to the minimum remuneration for work, for which there is an obligation to pay the Labour Fund contribution; in that period unpaid leaves lasting more than 30 days altogether are not considered;
2. you worked under the home-work contract and received the income on those grounds amounting to at least the minimum remuneration for work,
3. you provided service under an agency agreement or a contract of mandate or other service agreement to which provisions concerning the mandate under the provisions of the Polish Civil Code apply, or you cooperated when performing such services, with the grounds for the value of the contributions to the social insurance and the Labour Fund being the amount of at least the minimum remuneration for work converted to one full month,
4. you paid the social insurance contributions for running your non-agricultural activity or cooperation, with the grounds of the contributions to the social insurance and the Labour Fund being the amount of at least the minimum remuneration for work,
5. you worked for the agricultural production cooperative, farmers' cooperative association or agricultural service cooperative, being a member of such a cooperative, with the grounds for the contributions to the social insurance and the Labour Fund being the amount of at least the minimum remuneration for work,
6. you paid a contribution to the Labour Fund in connection with your employment or doing other paid work abroad for a foreign employer in a state not belonging to the European Union, European Economic Area, Swiss Confederation, amounting to 9.75% of the average remuneration for every month of employment,
7. you were employed abroad and you came to Poland as a repatriate,
8. you were employed, served or did other paid work and received remuneration or income which is grounds for the obligation to pay a Labour Fund contribution,
9. you worked during your temporary detention or imprisonment, with the grounds of the contributions to the social insurance and the Labour Fund being the amount of at least the minimum remuneration for work. If you come to the competent Poviát Labour Office to register within 30 days after you are released from prison or custody, the Office, when determining the right to the benefit, will consider also the above periods during 18 months before your last deprivation of liberty.

The period of 365 days entitling you to receive the benefit includes the following:

1. periods of basic military service, military training, preparatory service, service as a candidate, contracted professional military service, military exercises, periodic military service, territorial military service performed in turns or military service performed when conscription is announced and during a war and the basic service in the civil defence and alternative service, as well as the service as an officer mentioned in the Act of 18 February 1994 on retirement benefits for officers of the Police, Internal Security Agency, Foreign Intelligence Agency, Military Counter-Intelligence Service, Military Intelligence Service, Central Anti-Corruption Bureau, Border Guard, Marshall's Guard, National Security Service, State Fire Service, Customs and Fiscal Service, Prison Service and their families;
2. child care leave granted pursuant to separate regulations;

3. receiving a pension for the incapacity for work or service, as mentioned in section 1, a training pension or periods of receiving a sickness benefit, maternity benefit, benefit in the amount of the maternity benefit or the rehabilitation allowance after the termination of employment, other paid work or a non-agricultural business activity if the grounds for the value of the said benefits and allowances, including the sum of the social insurance contributions, were the amount corresponding at least to the minimum remuneration for work;
4. periods not mentioned above for which contributions to the social insurance and Labour Fund were paid, if the grounds for the contribution value were the sum of at least the minimum remuneration for work;
5. for which the compensation was granted based on the employment relationship or service relationship terminated by the employer in compliance with the regulations and the period for which the employee was granted compensation based on shortening the period of notice of the contract of employment;
6. service provision pursuant to a nanny agreement mentioned in Article 50 of the Act of 4 February 2011 on Care for Children up to the age of 3;
7. for which you receive survivors' pension if the entitlement to the said pension coincides with the entitlement to the disability pension and the survivors' pension was selected;
8. exercising personal care for the child by persons subject to mandatory old-age and disability insurance;
9. receiving an attendance allowance or a special care allowance based on the regulations on family allowances, or a carer's allowance based on the regulations on the determination and disbursement of carer's allowances, if their loss resulted from the death of the person taken care of.

What is more, you will be eligible to the benefit if you were released from the basic military service or periodic military service and its period was at least 240 days and took place within 18 months preceding the day when you registered in the Poviát Labour Office.

Despite non-payment of the Labour Fund contribution, the unemployment benefit will be payable when:

1. employers or other organisational units are exempted from the obligation to pay Labour Fund contributions for their employees returning from their maternity leave, leave on the maternity leave conditions, the parental leave or the child care leave within 36 months starting from the first month following the return from the maternity leave, leave on the maternity leave conditions, the parental leave or the child care leave;
2. employers and other organisational units are exempted from the obligation to pay Labour Fund contributions for 12 months, starting from the first month after the contract of employment was executed, for the employed persons who are at least 50 years and were entered in the register of the unemployed kept by the Poviát Labour Office 30 days before employment;
3. employers and other organisational units are exempted from the obligation to pay the Labour Fund contribution for the employed people who are at least 55 years old (women) and 60 years old (men);
4. employers and other organisational units do not pay the Labour Fund contributions for 12 months, starting from the first month after the contract of employment is executed for the referred employed unemployed below 30 years of age;
5. entrepreneurs of the Polish Association of the Deaf and the Polish Association of the Blind, and the Association of Blind Polish Soldiers, Society for the Care of the Blind, Nursing Centre for the Blind in Łaski and the career initiative centres do not pay Labour Fund contributions for their employees with significant or moderate disabilities.

You will be eligible to receive the benefit if you meet the conditions to obtain it:

1. **after 90 days** if:
 - you terminated your employment or service relationship with a period of notice or by agreement of the parties within 6 months before registering in the Poviát Labour Office. This does not refer to the situation when:

- the agreement of the parties resulted from the bankruptcy or liquidation of the employer or from staff reduction for reasons on the work establishment part,
- the termination of the employment or service relationship with a period of notice or by agreement of the parties took place because you changed your place of residence,
- you terminated the contract of employment pursuant to 55 1¹ of the Polish Labour Code,
- you registered in the Poviát Labour Office as an unemployed person in the period of suspended performance of your business activity, reported to the Central Registration and Information on Business,

The said period shortens the period when you are eligible to receive the unemployment benefit.

2. **after 180 days**, if during 6 months before deregistering from the Poviát Labour Office:
 - you brought about the termination of the employment or service relationship for your fault with immediate effect,
 - you terminated the employment relationship executed based on the Poviát Labour Office's referral to the employer receiving a grant, reemployment benefit or reimbursed remuneration within the said referral, before the end of periods stipulated in Article 60a section 4, Article 60b section 2 and Article 60d section 2 respectively;

The said period shortens the period when you are eligible to receive the unemployment benefit.

3. after the end of the period for which you received the compensation for shortening the period of notice for the contract of employment; you will be entitled to the benefit after the end of the period which you received the compensation for;

The said period shortens the period when you are eligible to receive the unemployment benefit.

4. after the end of the period for which you received the benefit, as stipulated in separate regulations, in the form of a one-off cash equivalent for the miner's leave, one-off social severance pay, benefit severance pay, monetary severance pay after the social benefit, one-off conditional severance pay or non-conditional monetary severance pay; you will obtain the right to the benefit after the end of the period which you received the equivalent or severance pay for,

The said period shortens the period when you are eligible to receive the unemployment benefit.

5. 120 days in the case of the first refusal, 180 days in the case of the second refusal, 270 days in the case of the third and every consecutive refusal if:
 1. you refused, with no justified grounds, to accept a proposal of appropriate employment, other paid work, training, traineeship, vocational training of adults, performance of intervention works, public works, to undergo medical or psychological examination aimed at determining your capacity for work or participate in any other form of support stipulated in the Act;
 2. having been referred, you did not commence training, vocational training of adults, traineeship, performance of socially useful works or other form of assistance stipulated in the Act;

The said period shortens the period when you are eligible to receive the unemployment benefit.

6. **after the end of the graduate traineeship** and having received the monthly monetary allowances on those grounds amounting to more than one half of the minimum remuneration for work;

The said period shortens the period when you are eligible to receive the unemployment benefit.

What is more, the benefit is not payable for periods when the unemployed stays abroad or there are other circumstances resulting in the absence of their readiness to commence work (up to 10 days). The said period shortens the period when you are eligible to receive the unemployment benefit.

Benefit collection period

The benefit collection period shall be:

1. **180 days** — if you reside in a poviát where the unemployment rate on 30 June in the year preceding the day when you acquired the right to the benefit did not exceed 150% of the average unemployment rate in Poland;
2. **365 days** — if:
 - you reside in a poviát where the unemployment rate on 30 June in the year preceding the day when you acquired the right to the benefit exceeded 150% of the average unemployment rate in Poland,
or
 - you are over 50 and have at least 20-year period entitling you to the benefit,
or
 - you provide for at least one child under 15 years of age and your spouse is also unemployed and lost the right to the benefit because of the expiry of the period for collecting it after the day you acquired the right to the benefit,
or
 - you bring up at least one child under 15 years of age alone.

The benefit collection period shall be:

1. **reduced** by the period of employment to do intervention works, public works and of the traineeship, training or vocational training of adults within the period when the benefit would be payable, and by the periods when the benefit would not be payable, as mentioned above,
2. **extended** by the time when a woman, under separate regulations, would be eligible to receive a maternity benefit if a child was born by a woman receiving the unemployment benefit in the period or for one month after its end,

The benefit collection period will not be changed if, when receiving the benefit, you

- change your place of residence,
- the place you live is covered by the activities of another poviát.

A supplementary benefit, i.e. the one continuing the acquired right to the benefit, will be payable if:

1. you lose your unemployed status for less than 365 days because of:
 - commencing employment,
 - commencing other paid work,
 - commencing non-agricultural activity,
 - earning revenues in the amount exceeding one half of the minimum remuneration for work a month
2. and you register in the Poviát Labour Office as an unemployed within 14 days after the day:
 - when your employment is terminated,
 - when you cease to do other paid work,
 - when you cease to run your non-agricultural activity,
 - when you cease to receive your sickness benefit, maternity benefit or a benefit in the amount of the maternity benefit after your employment is terminated,
 - when you cease to earn revenues exceeding one half of the minimum remuneration for work a month.

If you lose your unemployed status for the period not exceeding 365 days and on the day of a repeated registration you fulfill the conditions to obtain the right to the benefit, you will obtain the right to benefit for the period less the previous period when you received the benefit.

The benefit collection periods are not included in:

1. periods required to obtain the right and determine the value and the unemployment benefit collection period;
2. the employment period which is grounds for obtaining the right to the holiday leave;
3. the length of service stipulated in separate regulations as required to do certain jobs.

Benefit amount

The benefit amount is conditional on the length of service of the unemployed person.

If you worked:

1. for up to 5 years altogether, you are eligible to receive the benefit amounting to 80% of the basic benefit,
2. for 5 to 20 years altogether, you are eligible to receive 100% of the basic benefit,
3. for at least 20 years altogether, you are eligible to receive the benefit amounting to 120% of the basic benefit.

Ways of benefit calculation

The benefits are paid by the Office on a monthly basis in arrears. A benefit for an incomplete month is calculated by dividing the amount of the payable benefit by 30 and multiplying by the number of calendar days in the period which the benefit is payable for.

The Office issues PIT11 for the unemployment benefit collection period.

Limitation period

Claims concerning the payable and not collected benefit amounts expire 6 months after they were made available.