

II. АКТУАЛЬНІ ПРОБЛЕМИ СУСПІЛЬНОЇ ГЕОГРАФІЇ ТА
КРАЇНОЗНАВСТВА

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EMPLOYEES FROM UKRAINE ON THE POLISH LABOUR MARKET

Purpose of the research: show how many people from Ukraine work legally in Poland.

Methodology: Research is based on the analysis of official statistical data. Stats of work permits and arrivals were used. Also analyzed legal acts regulating this issue.

Results. According to the European Commission, the situation on the Polish labour market is “the best in the recent history of the country”. Unemployment has dropped to such a level that labour shortages can limit economic activity in the country. Lower employee resources are caused by unfavourable demographic changes and lowering the retirement age. Therefore, the number of employees from other countries has been growing for several years. Shortages in the labour market are mitigated by immigration coming to Poland. Of the foreigners, the largest number of employees is from Ukraine. According to the data from the Ministry of Labour and Social Policy in 2017, the largest number of work permits were issued to Ukrainian citizens 192,5 thousand, which accounted for 82% of the total and, at the same time, 81% higher than in 2016.

Scientific novelty: So far, no comprehensive analysis describing debated issue.

The practical significance: The research is to help illustrate trends in this issue. In addition, indicate how people from Ukraine can be employed.

Keywords: labour market, employees, employment, Ukrainians.

Statement of the problem. In economic theory, the concept of the market is the place where supply and demand meet and the price of the commodity is shaped. If the commodity which is traded on such defined market is work, we are dealing with the labour market.

The labour market is the place where labour services are exchanged between employers and employees and the price of these services (mainly payment), but also the size and conditions of exchange [2, p. 11]. The special features of the workforce are not without significance for the subject of exchange on the labour market. Although employers show interest of employees mainly due to their qualifications and skills, these elements are not the subject of transactions on the labour market. Qualifications and skills, or human capital possessed, are the basis for employees’ ability to perform work, the basis for the provision of employment services for employers. These work services provided by employees are subject to exchange with employers, not qualifications and skills [2, p. 12].

The situation on the labour market is shaped by many factors. One of the most important is the state of the economic situation. Faster economic growth translates into the creation of new jobs, which increases the probability of

employment growth, while the slowdown in the economy contributes to reducing the demand of enterprises for work and, consequently, to the increase in unemployment [3, p. 79].

The main material. The problem of the Polish labour market is currently acquiring appropriate employees. According to employers there are fewer candidates available. Polish labour standards and pay often do not correspond to Polish employees who emigrate to other countries. This is caused, among other things, by the possibility of free movement of people within the European Union. Companies in Poland are already competing not only for experts and management, but above all for lower-level employees. Current statistical data and survey confirm the largest demand for operational employees, among others, industrial workers and craftsmen, specialists, operators and assemblers of machines and drivers. Half of employers have a problem with finding qualified employees. In the case of large companies, up to 62%. At the same time two-thirds of employers admit that this situation has an impact on the functioning of the company, affecting especially the growing personal costs and the possibility of entering into new contracts [8, p. 8-9]. The low supply of labour on the domestic labour market is partially offset by the immigrants from the eastern border, most often they are workers from Ukraine. The main reason for them to work in Poland is the amount of earnings. They enjoy a good reputation among Polish employers, which means that more and more Polish companies plan to employ them. However, employing a person from Ukraine is connected with many duties of the Polish employer. There are appropriate procedures for the correct employment of such an employee, which will be presented in the next point. However, it should be remembered that, ultimately, duties and rights for both parties are included in the contract signed by the employer and employee. For example, the period for which the contract is concluded, the place where the services are performed, and the benefits for the employee may also be specified [1, p. 115].

Regulations concerning the employment of people from Ukraine in Poland.

From 11th June 2017, there are regulations on visa-free travel for people from Ukraine. The necessary condition for entitlement for travel in the field of visa-free travel is the possession of biometric passport. The total period of stay of a Ukrainian citizen on the territory of Poland, however, may not exceed 90 days during the 180-day period. This stay includes all previous foreign stay [7]. In a situation where a foreigner is not entitled to take advantage of visa-free travel, he is obliged to obtain a proper visa. There are two types of visas: Schengen and national visa. The first visa is marked with the symbol C issued in a situation where the estimated stay on the territory of the countries belonging to the Schengen zone does not exceed 90 days in a 180-day period. Thanks to the possession of this type of visa, the foreigner is entitled to move and stay in the entire Schengen area. The application should be directed to the consul of the country of destination. The national visa is marked with the symbol D. Otherwise it is called a long-term visa. It gives the right to cross the border and

stay on the territory of Poland. It allows for multiple entries into a given country, however, the sum of all days of stay on the territory of Poland may exceed 90 days. The period of validity of a D-type visa may not exceed one year. A foreigner holding such a visa is also entitled to stay in the Schengen area no longer than 90 days during each 180-day. The possibility of staying in the Schengen area is only allowed for tourist purposes. In a situation when a foreigner intends to work in another country, he must obtain a Schengen visa [4, p. 15]. A foreigner who intends to stay in Poland longer than the periods provided for in visas should apply for a residence permit. They are issued by a voivode from a given region and the expiration date is even over three years. Ukrainians who have permanently tied their lives to stay in Poland can apply for a permanent residence permit. They must then meet one of the following conditions. To be married to a Polish citizen for at least 3 years, immediately before applying for a permanent residence card, stay in Poland for at least 5 years or be a person of a Polish origin and want to settle permanently in Poland. A foreigner holding a Polish card may also apply for a permanent residence permit in the Republic of Poland.

A foreigner who already has a valid residence permit can not start working in Poland immediately. He must obtain the appropriate permit to perform a specific job in the country. In the event that an employee intends to change employer or change of job position, he must obtain a new permit.

One of the most common methods of employing people from Ukraine is entrusting them with work on the basis of a statement. On the basis of this document the foreigner may work no longer than 180 days in the following 12 months. An employer who decides to use this form of employment for his future employee must register the document with the employment office located in the employer's place of residence or in the city of the company headquarters. From 1st January 2018, an employer who wants to employ a foreigner as a seasonal worker can not take advantage of this permission. The following data should be included in the statement:

- employer's statement,
- a statement on getting acquainted with the provisions regarding the submissions of declarations,
- information about the foreigner,
- information about the work entrusted,
- information on the user's employer (if the foreigner will be employed as a temporary employee) [4, p. 44].

In a situation where the matter does not require additional explanations, the district labour office registers and enters the document in the record of statements. Registration time can not be longer than 7 working days from the day of receiving the document. However, in situations which require additional information, the procedure can be up to 30 days. The head of the employment office may refuse to enter the statement in the register in the case of the declaration of untruth in the statement. In a situation when a district

representative finds that the statement has been made for appearance, he may also not accept the application. A refusal to enter a declaration into the register may also be obtained by an employer who does not have sufficient financial resources to employ an employee, and is in arrears with social security, health fund, labour fund, employee benefits fund, bridging pension fund or tax payment. If the employer does not agree with the refusal, he may appeal to the competent minister for labour issues. Another document which allows people from Ukraine for work in Poland is a work permit. To obtain this document, the employer must submit an application together with the required attachments at the provincial office competent for the company's headquarters. After the procedure the voivode issues a positive or negative decision. If the permit is granted, the employer receives two copies, one of which is given to the employee. There are a few types of work permits. The first of them is a type – A. This is one of the most frequently issued permits. It is intended for employers whose headquarters are in Poland and want to employ a person from Ukraine. The period of validity of the document is maximum 3 years with the option of extending it. To gain a work permit of the type A, one must fulfil the following conditions. The first of these is to provide the foreigner with a salary not lower than the wages of other employees in the same or comparable position. The pay should be appropriate to the employee's qualifications, skills and experience. The appropriate remuneration must be in the contract concluded with the foreigner. The amount of the proposed remuneration for work can not be lower than the minimum wage. The entity entrusting work to a foreigner must attach the superintendent's request to the application of the inability to satisfy staffing needs. Such information is issued on behalf of the district representative by the district labour office competent for the employer's registered office. Apart from the application and the indicated document, the employer is obliged to submit a declaration of no criminal record in the field of labour law, the company's contract (only when the entity that is entrusting is a company in the organization), identity document (if the employer is a natural person), copies of all pages of the foreigner's passport, proof of payment. The regulations also require people seeking work permits to submit accurate documents confirming their qualifications contained in the information of the district representative. All qualifications contained in the application are checked. The tax payment for issuing the permit for a period less than 3 months is 50 PLN, while above 3 months 100 PLN.

Type B-permit is issued for a foreigner who performs functions in the management of a legal person, acts as a general partner or a proxy. The foreigner must stay on the territory of the Republic of Poland longer than 6 months in the following 12 months [5]. The application for issuing the permit is made at the voivodship office competent for the place of the registered office of the company. The voivode issues a permit for a period not longer than 3 years. In a situation where on the day of submitting the application, the legal entity employs more than 25 employees, the permit may be issued for a period of up to 5 years. In order to be able to apply for a permit, the entity entrusting functions

on the board of a foreigner must achieve an income not lower than 12 times the current average monthly remuneration. This income must be obtained in the third quarter of the year preceding the application for a decision. The legal person must also employ no less than 2 employees for full time and unlimited contract of employment. These employees may not be subject to work permit. In the event that the entity entrusting the functions does not meet the above requirements, it may demonstrate that it has appropriate means to allow the introduction of the above conditions in the future. A properly completed application should be accompanied by a certificate of no criminal record, copies of all completed pages of the foreigner's travel document, CIT 8, proof of payment and other necessary documents.

Another type C-permit is intended for foreigners employed by a foreign employer who are delegating to a branch or establishment located on the territory of Poland for a period exceeding 30 days in a calendar year. As about work permit of type D, it can apply a person from Ukraine employed at a foreign employer, but delegated to Poland for temporary or occasional purposes. The entity entrusting work does not have branches in Poland. An E-type work permit is issued to a person employed by a foreign employer delegated to the territory of Poland for purposes other than those specified in the permits of type C and D. The foreigner is to stay in the Republic of Poland for more than 30 days in the next 6 months. Delegated workers must be guaranteed employment conditions not worse than those defined in the Polish labour legislation in areas such as working time, overtime, minimum wage, health and safety, parental rights, etc. In addition third-country nationals delegated to Poland should receive a wage of at least 70% of the average wage in the region in which they are to work. In 2018, a new rule on type S work permit came into force. It concerns works characterised by seasonality, for example, agriculture, tourism and gardening. The S-type permit is issued on behalf of the district representative by the labour office competent for the seat of the company, the period of validity of the document does not exceed 9 months. The employee may start work on the day of submitting the statement and a copy of the passport. He does not have to wait for the receipt of the permit. The work must, however, meet the conditions indicated earlier in the certificate of entry issued earlier by the office. The application submitted to the employment office contains information on the residence of the foreigner. A foreigner can provide himself a place to stay but the employer has the opportunity to provide the future employee a place of residence in Poland for working time. In such a case, the entity entrusting work to a foreigner is obliged to sign a contract with an employee specifying the terms of renting the premises. This contract must be translated into the mother tongue of the job applicant. It is not possible to deduct the rent from the salary of the person employed. The statement does not need to provide a specific employee's profession. The person employed can perform all works included in the list of subclasses of the types of seasonal work [6]. However, the person must meet the remaining working and pay conditions. The procedure of issuing the permit is

analogical to the statement on the intention to entrust work to a foreigner. The fee for issuing the permit is 30 PLN [4, p. 79].

To sum up, the permit allowing for legal residence and work in Poland is a temporary residence and work permit. For such a document can apply a person whose main purpose in staying in the country is to do work. A foreigner must have current health insurance, a permanent source of income allowing him or her to maintain themselves and possibly the family. This person must also have a permanent place of residence and the opportunity to document this fact. The foreigner's employer is obliged to provide the district representative information about the shortage of staffing needs and to provide the employee with a salary not lower than the currently obliging minimum remuneration for work. In the event of a change of employer, but keeping all working conditions contained in the decision on issuing on residence card, the employee only has to notify the voivodship office about the change of employer. The permit is issued for a maximum period of 3 years.

Employment of people from Ukraine in Poland in the light of statistical data.

Poland is the leader among European countries in terms of the number of long-term visas and residence permits for foreigners from third countries issued in connection with work. The employment of people from Ukraine in Poland has been growing for several years.

In 2017, issued 192 547 work permits for people from Ukraine. This shows that Poland is a desirable place of work for workers from this country. Most permits are issued to employees who perform simple work. Demand for employees is systematically increasing in construction and in transport. The Mazowieckie Voivodship is the leading voivodship in the number of issued permits. In 2017, 54 509 work permits were issued to citizens from Ukraine, what is 23%. The smallest number of such permits were issued in the Podlasie Voivodship – 1497.

In 2017, 1 824 464 statements were issued, including 1 714 891 for Ukrainians. The popularity of such a way of employing foreigners is caused by an uncomplicated procedure, and much shorter waiting times than other work permits, as well as low costs of obtaining work consent. Statements issued for Ukrainian workers constitute 94% of all these kind of documents. Much more men come to Poland than women, this may be due to the large development of renovation and construction sector. The majority of people from Ukraine come at the age of 26 – 40, and the least people over 65 years of age. Currently, employers are looking the most employees for simple jobs, and they constitute as much as 56% of all groups of professions and specialities. In connection with this, there was a change as to previous years, in which employees from Ukraine filled up human resources gaps in agriculture (68%). Currently the percentage share of this group of professionals is only 3,1%. According to the Ministry of Labour, Family and Social Policy, over 55% of employers declared employment of foreigners under a mandate contract. According to the declarations, 24% of employees were to be employed on the employment contract. The most often

employers employ employees for more than 6 months, and for shorter time only 13%. This is shown in table 1

Table 1
Number and structure of statements registered by local labour offices in 2017

<i>Specyfification</i>	<i>Citizenship</i>	<i>TOTAL</i>
	<i>UKRAINE</i>	<i>NUNBER</i>
<i>1. The numer of statements</i>	1714891	1824464
1.1. Including the number of statements for persons who already have a visa or a residence permit	718621	755900
<i>2. The numer of women</i>	615631	637856
<i>3. Employee's age</i>		
3.1. under 26 years	454050	480001
3.2. 26-40 years old	747883	802421
3.3. 41-65 years old	510747	539698
3.4. over 65 years old	2211	2344
<i>4. Large groups of professions and specialities</i>		
4.1. Representatives of public authorities, senior officials and managers	1134	1309
4.2.Specialists	7057	8222
4.3.Technicians and other mid-level staff	44024	45871
4.4.Office's workers	80379	85213
4.5. Service and sales staff	74237	77861
4.6. Farmers, gardeners, foresters and fishermen	54842	55963
4.7. Industrial workers and craftsmen	309353	345631
4.8. Operators and assemblers of machines and devices	190946	210013
4.9. Employees at simple jobs	952917	994369
4.10. Armed forces	2	12
<i>5. Type of contract</i>		
5.1. Employment contract	419807	457699
5.2. Contract of mandate	948187	1010442
5.3. Contract work	339876	349057
5.4. Others	7021	7266
<i>6. The period on which the statement was issued</i>		
6.2. From 1 to 3 months	219371	239778
6.3. From 3 to 6 months	1460108	1547814

Source: The Ministry of Labour and Social Policy: Foreigners working in Poland, collected data 2017.

Summary. Ukrainian citizens have been participating in the Polish labour market for years. They are particularly visible in the Mazowieckie voivodship and in areas specialized in agriculture. Statistics and research results show an

increase in the importance of Ukrainian employees on the Polish market. In 2017, 192 647 positive decisions on work permit were issued. Most people worked on type A permits (189 321). Employees from Ukraine are most often accepted on workers' positions in particular for simple jobs. This is due to the simplified employment procedure, which gives foreigners from six countries, including Ukraine, opportunity to work legally for six months during the year. In the second place, they perform qualified construction works.

From "The Immigration Barometer of Prosperity" covering the first half of 2018, it follows above all that both Polish employers want to employ Ukrainians and Ukrainians want to come to work in Poland. Both sides are happy with each other – 91% of Polish entrepreneurs have a positive or neutral attitude towards immigrants from Ukraine, and 62% of Eastern neighbours intend in the nearest future come back to work again [9]. The growing demand for Ukrainian workers makes Polish companies strongly compete with each other. Therefore, they offer potential employees additional incentives to choose a job for them, for example health care, housing or assistance in completing formalities. In the near future the number of employees from Ukraine will certainly increase.

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