

Legal Alert

www.skslegal.pl

New draft law on the employment of the foreigners

A new draft law on the employment of foreigners has been published on the website of the Governmental Legislation Centre. The main purpose of the draft law is to simplify legalisation procedures by, among other things, shortening and fully digitalising proceedings. As announced, the Act is expected to enter into force in 2022. Below are the main provisions of the draft.

1. The full electronic processing of work permits and statements of entrustment from submitting applications to the receipt of the decision. The entire procedure will take place via the www.praca.gov.pl system;
2. Shortening procedures by eliminating the 'labour market test' and the institution of extending the work permit (it will be possible to continue employment in the same position until a new permit will be issued);
3. Introducing the possibility of increasing a foreigner's number of working hours with a proportional increase in remuneration without having to change or obtain a new work permit;
4. The possibility of verifying, through the system, that a foreigner has undertaken work under the issued permit or declaration;
5. A foreigner who enters Poland and does not take up employment based on a previously issued work permit or declaration may be prevented from working for another employer;
6. To obtain a permit, the foreigner's salary must be comparable to the salary of other employees (according to the central database of job offers) and the foreigner must not perform work amounting to less than ¼ full-time or 10 hours per week;
7. Permits will not be issued if a foreigner will perform work under the direction of a third party without the status of a temporary employee (under a contract with the employer). Such a move is aimed at preventing the avoidance of temporary work regulations, in particular in the field of so-called employee outsourcing; and
8. An increase in penalties for the illegal employment of foreigners.



Contact us:

Agnieszka Fedor
Partner, attorney-at-law

☎ +48 505 782 677

✉ agnieszka.fedor@skslegal.pl



Magdalena Krupska-Kacprzyk
Associate

☎ +48 882 784 717

✉ magdalena.krupska-kacprzyk@skslegal.pl