

Declarations on entrusting work to a foreigner

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Solely the nationals of Armenia, Belarus, Georgia, Moldova, Russia and Ukraine can work based on a declaration of entrusting work to a foreigner. This is a simplified procedure. It refers to non-seasonal works. A prerequisite for performing work within the simplified procedure is the entrance of the declaration of entrusting work to a foreigner to the declarations register by the Poviats Labour Office and holding a document confirming their residence title in Poland, entitling them to work in Poland, by the foreigner.

- The declaration of entrusting work to a foreigner is submitted by the employer to the Poviats Labour Office.
- The Poviats Labour Office enters the declaration of entrusting work to a foreigner in the declarations register.
- The employer gives the declaration registered by the Office to the foreigner.
- Based thereon, the foreigner applies for the residence title entitling them to work in Poland (e.g. a relevant visa or a temporary residence permit, staying in a non-visa traffic for up to 90 days within consecutive 180 days).
- The declaration of entrusting work to a foreigner entitles to perform non-seasonal work **for up to 6 months during consecutive 12 months**.
- 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 employer is obliged to include the terms and conditions stipulated in the declaration.
- In Poland, it is possible to work under various agreements (e.g. a contract of employment, of mandate, for specific work). The type of the agreement is connected with the work nature and the scope of rights and obligations. Most rights and the broadest protection are offered to an employee by a contract of employment.
- In the case of a contract of employment, the foreigner is entitled to at least the minimum remuneration in force in Poland (at present it is PLN 2,250.00 gross). The current hourly rate in Poland is PLN 14.70 gross (this refers e.g. to the contracts of mandate, but not to the contracts for specific work).
- The employer is obliged to notify the Office of the work commencement (no later than on the day of work commencement) or the failure to commence it (within 7 days after the work commencement date indicated in the declaration) by the foreigner.
- The employer is obliged to register the foreigner, within 7 days, for the purpose of the social and health insurance, ensuring they are entitled to the benefits if they are sick, suffer an accident at work or give birth to a child, and to use health care services free of charge (this does not refer to contracts for specific work).
- The employer is obliged to verify the validity and to **copy** a document entitling the foreigner to stay in Poland — **PLEASE NOTE! The employer must not take your original documents!**

If a foreigner was employed in connection with the declaration based on a **contract of employment**, and the employer wants to cooperate with them for a longer time, they can, after 3 months of the foreigner's work, apply to the voivode for the work permit based on simplified rules. Also the foreigner themselves can apply for the work and residence permit. If the permit application is complete, the foreigner's work will be considered legal until the decision is issued.

When working based on the declaration (6 months during 12 months), the foreigner can change the employer. However, the new employer must obtain a new document for the foreigner, permitting them to access the labour market. **The foreigner can work solely for the employer mentioned in the permit /declaration!**

To count the periods of work based on a declaration, the periods which the declaration was registered for are considered. **The total period of the foreigner's work cannot exceed 6 months during consecutive**

12 months regardless of the number of employers employing them based on the declaration. Thanks to the central register system, the declarations registered for a given foreigner in different offices in Poland are visible.

If the foreigner finishes work earlier, it is worth notifying the Labour Office as, if you do not, the work period will correspond to the entire period of the declaration validity. The Office can be notified both by the employer and by the foreigner.

PLEASE NOTE! Before you start cooperating with an employer, check their credibility (you can check their company online or in the REGON database at www.stat.gov.pl/regon/ and KRS www.krs-online.com.pl). If you are entrusted work by a temporary work agency, check at stor.praca.gov.pl if they hold the required certificate.

Załączniki

[Declaration of entrusting work to a foreigner \(in Polish\).pdf \(pdf, 334 KB\)](#)

[Form of the temporary work agency concerning the declaration of entrusting work to a foreigner \(in Polish\).pdf \(pdf, 340 KB\)](#)