

# Working in other countries

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

---

Working in states outside the EU/EEA requires obtaining a relevant visa and work permit. The detailed information on work can be obtained from embassies.

You can look for a job outside the EU/EEA by means of private employment agencies.

Employment agencies provide the following services in Poland:

**employment services** (including referring people to work abroad for foreign employers) — helping jobseekers find relevant employment and helping employers find workers with appropriate qualifications,

**personal counselling** — counselling services performed for employers,

**career counselling** — helping select an appropriate job and place of employment, provision of information required to make vocational decisions,

**temporary work** — consisting in employing temporary workers and referring them to do temporary work for the benefit and under the supervision of the user employer (Article 18.1)

Before you use the services of an employment agency, ensure it holds a relevant certificate to perform their services. Pursuant to the Act of 20 April 2004 on Employment Promotion and Labour Market Institutions (Journal of Laws of 2015, item 149 as amended), to carry out a legal employment agency activity, the entry in the Register of Employment Agencies is required. A list of certified agencies can be found on the website of the Polish Register of Employment Agencies at [www.kraz.praca.gov.pl](http://www.kraz.praca.gov.pl)

Remember the employment agency referring to work abroad is obliged to execute a written agreement with the person referred to work (Article 85 of the Act of 20 April 2004 on Employment Promotion and Labour Market Institutions). This is not a contract of employment which is executed with the employer.

## The agreement referring to work must contain the following information:

- the foreign employer,
- period of employment or other paid work,
- type and conditions of work and remuneration, including any social benefits payable to the person referred to work,
- terms and conditions of social insurance as well as accident and tropical disease insurance,
- obligations and rights of the person referred to work and the employment agency,
- scope of the civil liability of parties in the failure to perform or undue performance of the agreement executed by and between the employment agency and the Polish national, including the party paying the costs of transport to and back if the foreign employer fails to fulfill the terms and conditions of the agreement, with the way of pursuing any claims related thereto,
- sums due to the employment agency for the actually incurred costs of referring to work abroad, related to the transport of the referred person to the place and back, visa, medical examination and document translation,
- information on the way, terms and conditions of permitting foreigners to enter the labour market in the state where they are to work,
- other obligations of the parties.

The said agreement should be executed in writing. Although the agreement may be long, read it in detail. An agreement which does not contain all the above provisions is illegal.

If the terms and conditions of work or remuneration are not consistent with the ones included in the agreement referring to work abroad, the person is entitled to make a claim to the employment agency which referred them to work. In this way the case is more likely to be investigated sooner. What is more, after you return to Poland, you can pursue your claims against the employment agency in a court of common pleas, taking a legal action under civil law.

If the employer fails to fulfill the terms and conditions of the contract of employment, this should be reported to the employment agency. In some states assistance can be provided by trade unions, labour inspectors or labour offices. If this does not bring about a settlement with the employer, you can take a legal action against the employer to a competent court in a given state, being the only institution resolving disputes between the employer and the employee. It is best to do it before you return to Poland.

A person looking for help or information abroad can contact Polish diplomatic missions. The websites of Polish diplomatic missions offer phone numbers and addresses of institutions where you can obtain help and report dishonest labour agents or employers.

Let us remind you once again the employment agency can charge us for the actually incurred costs related to referring to work abroad in relation to: **The transport of the referred person to and back, a visa, medical examination and document translation** (article 85 section 2 item 7).

It is prohibited to collect any advance payments, deposits and charges for searching for and naming a foreign employer from the persons referred to work. It is prohibited to collect any charges to cover the following costs: operating expenses, employees' remuneration, premises rental, (business) trips of the employment agency workers, postal and telecommunications services, printouts, advertising, press advertisements etc.

Information on illegal employment agencies should be submitted to Regional Labour Inspectorates and Voivodeship Labour Offices.

### **To avoid a dishonest labour agent, you should:**

1. check if the employment agency holds a relevant certificate (the list of employment agencies can be found at [www.kraz.praca.gov.pl](http://www.kraz.praca.gov.pl)),
2. check opinions on the labour agent on the Internet,
3. not use job offers published in the press which contain solely a contact phone number and should not meet with the agent outside the company office (e.g. in the street, at the station, in a cafe),
4. remember the employment agency is not entitled to collect charges for "finding" a job. If you are referred to work abroad, it is permissible to collect charges for the costs of the transport of the person referred to work abroad to and back, visa, medical examination and document translation, incurred by the employment agency.
5. not pay the agent "in advance" without a receipt. The proof of payment to the fraudulent agent's account does not offer much chance to regain the paid amount.
6. not pay for a flat abroad, offered by the agent, before you leave. The contact usually ends with collecting the charges for the flat.
7. Do not overpay! Before you pay for the transport or a foreign language course to the agent, check the prices in other companies.
8. Remember the labour agent is obliged to execute a written agreement with the person referred to work abroad, containing e.g. the name of the employer, terms and conditions of work and remuneration, due allowances etc. (article 85 section 2 of the Act of 20 April 2004 on Employment Promotion and Labour Market Institutions — Journal of Laws of 2008, item 69, item 415 as amended).
9. Remember also the labour agent should refer to an employer and not to another foreign agent. Such an employer can be also a foreign temporary work agency.

10. Check in the Central Registration and Information on Business (CEIDG) or the National Court Register (KRS) if a given agent registered its business activity and for how long.
11. Always check if a given agent has signed an agreement with a foreign employer and if they have already sent any people to work abroad. Information on a given employment agency should be looked for in forums containing opinions of people using the services of such an agency before.

### **Things you should pay attention to before you decide to leave for work abroad:**

- assess your language skills, comparing them with the requirements imposed by the employer (it is best to know the language at least communicatively),
- take the documents required for you to leave and commence work (passport, curriculum vitae), certificates confirming your qualifications, translated into the language of the country where we commence work),
- contract insurance covering accident effects and treatment costs, take the European Health Insurance Card (EKUZ) entitling you to health care paid by the National Health Fund and honoured in EU/EFTA countries (the information can be found at [www.nfz.gov.pl](http://www.nfz.gov.pl)) (*please note: if the purpose of your trip is to commence work in another EU/EFTA state, the EKUZ card is valid only until you commence work. Starting from the first day of work, the person should be insured in the country where they work*),
- learn the information on the life and conditions of work in the country we leave for, take the contact details of the Polish consulate (the list at [www.msz.gov.pl](http://www.msz.gov.pl), [www.poradnik.poland.gov.pl](http://www.poradnik.poland.gov.pl)) as well as money for living and coming back to Poland,
- leave the address where we are going stay and the phone number to other household members,
- before leaving, make a copy of your passport (another identity document, driving licence) and leave it to the household members.