



EU Posted Worker Directive

A new EU Posted Worker Directive came into effect on **30th July 2020**. All EU countries had until that date to transpose this directive in their national law. Here is a brief overview of the Posted Workers Notification in Poland.

Important points to remember :

1. Conditions of employment of posted workers.
2. Designating a person for cooperation with the National Labour Inspectorate
3. Submitting a statement on the posting of workers
4. Joint and several liability
5. Posting of workers to the territory of Poland – employer's obligations
6. Conditions of employment of workers posted to Poland

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Conditions of employment of posted workers.

Planning the provision of services by posted workers in Poland, you should first consult the regulations governing the terms and conditions of their employment.

2

Designating a person for cooperation with the National Labour Inspectorate

If you post employees to work in Poland, you should, *inter alia*, designate the person for cooperation with the National Labour Inspectorate (this institution is responsible for monitoring and control of compliance with labour laws, in particular the provisions and principles of health and safety at work, and the provisions concerning the legality of employment and other gainful work specified in the Act on the National Labour Inspectorate).

The appropriate person should represent you during possible inspection.

3

Submitting a statement on the posting of workers

A very important responsibility, which you should complete at the latest on the date of starting the provision of services, is *submitting a declaration to the National Labour Inspectorate*. It shall contain information which is useful in case of the Labour Inspectorate control.

4

Joint and several liability

You should be aware that your Polish partner who ordered your company carrying out services connected with construction in Poland, is just to the same extent as you responsible for matters relating to the remuneration of workers.

5

Posting of workers to the territory of Poland – employer’s obligations

Posting of workers to work in Poland means for you as an employer a number of duties. Get acquainted with the most important of them.

Submitting a statement on the posting of a worker

By the date of commencement of the provision of services in Poland you should submit to the National Labour Inspectorate a special statement (PIP for short - the institution responsible for the supervision and control of compliance with Polish regulations, in particular health and safety regulations and provisions on legality of employment and other gainful work to the extent defined in the Act on the National Labour Inspectorate).

If an employee posted to the Polish territory is to perform work for the user employer (this is the entity for whom work is done by a temporary worker), the statement also includes the identification data of the user employer (name, location, contact data, tax identification number)

A notification of change in data

If the information in a statement on the posting of a worker has changed, you have an obligation to inform the National Labour Inspectorate of the change no later than 7 working days from its occurrence.

Storing and making documents available

Posting a worker to the Polish territory you are required to keep in Polish territory the following documents (in paper or electronic form) :

- a copy of the employment contract of a worker posted to the territory of the Republic of Poland or other equivalent document certifying the conditions of employment in the framework of the established employment relationship;
- documentation concerning the working time of a worker posted to the territory of the Republic of Poland in terms of start and end of work and the number of hours worked on a given day or its copy;
- documents defining salary of a worker posted to the Republic of Poland, together with the amount of deductions made in accordance with applicable law and evidence of payment of salary to the employee or their copies.

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Conditions of employment of workers posted to Poland

The conditions of employment you should provide to the posted worker in the territory of Poland refer to (click on the links below for more information):

- the standards and working hours and daily and weekly rest periods
- the length of annual leave
- minimum remuneration for work
- the salary and amount of allowance for overtime work

- health and safety at work (health care, training on health and safety at work, accidents at work and occupational diseases)
- protection of women workers during pregnancy and during maternity leave, the employment of minors and performance of work or other gainful activities by a child
- the principle of equal treatment and the prohibition of discrimination in employment work in accordance with the legislation on the employment of temporary workers.

You are not always obliged to provide the above-mentioned conditions of employment. If a posted worker performs, as provided for in the contract with a company in Poland, preliminary assembly or installation which is necessary for the use of the supplied product, the following employment conditions are not applicable:

- the length of annual leave
- minimum remuneration for work
- amount of remuneration and allowance for overtime work.

One condition, however, is that this work shall be performed for a period of no longer than 8 days in a year, starting from the day of commencing work in the particular position.

Note that these provisions do not apply where posted workers are carrying out work related to the construction or maintenance of the work, in particular : excavation, earthworks, assembly and dismantling of prefabricated elements, fitting out and installation, renovation, dismantling, demolition, maintenance, painting and cleaning work. This means that you must provide them with all of the above-mentioned working conditions.

Source :

<https://www.biznes.gov.pl/en/firma/doing-business-in-poland/posting-of-workers-to-poland/posting-of-workers-in-the-framework-of-the-provision-of-services-in-poland-general-information/posting-of-workers-to-the-territory-of-poland-employer-s-obligations>

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