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Policy Brief

Enforcing employers' responsibility for social and labour standards in Poland

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Introduction

For years, public debate on migration in Poland has focused on illegal migration and national security. However, the problem of irregular migration, understood as irregular entry or residence in the country, is marginal in Poland. **The majority of migrants in Poland are legally residing workers who fill gaps in the Polish labour market.** Their irregular status is linked to their precarious position as workers, characterised by a lack of stable contracts and limited access to social security, or employment not in compliance with the applicable regulations on the employment of migrant workers. In a series of policy briefs within the DignityFIRM project, we address this

problem by proposing recommendations for public policies aimed at mitigating the unstable situation of migrants in the labour market. Below, we address issues related to employers' responsibility for the migrant workforce and propose solutions to the Polish government aimed at increasing employer liability for establishing transparent, stable, and legally compliant working conditions for migrant workers. The Policy Brief builds on interviews with stakeholders (representatives of employers, government, and public institutions) as well as a workshop held at the Centre of Migration Research in the University of Warsaw in June 2025 with representatives





of employers' associations, trade unions, the State Labour Inspectorate, and a legal expert.

Systemic gaps and institutional limitations

Legal precarity and fear of deportation

At the core of migrant workers' vulnerability is their fragile legal status.

Many migrants in Poland **are tied to specific employers through job-dependent residency or work permits. If they lose employment, they risk losing the very basis for their legal stay.** The current legal framework¹ treats migrant workers more strictly than Polish citizens – migrants can be penalised for

informal employment—those who perform work not in compliance with the applicable regulations are subject to fines, and, beyond fines, performing work without the necessary documents can lead to an obligation to return to their country of origin. Thus, a part of the responsibility for informal employment falls on the migrant worker, even though the employer is typically the sole party responsible for the legalisation of their employment. This is seen as questionable, especially when compared to non-migrant workers, where only the employer would be liable for similar infractions (e.g., working without required medical examinations). **This creates a situation where workers are unable or unwilling to report rights violations for fear of deportation or compulsory return.** The result is a “conspiracy of silence”: migrants endure exploitative conditions in exchange for continued presence in the country, while unscrupulous employers benefit from cheap, unprotected labor.

¹ For example: article 84(2) of the *Act of 20 March 2025 on the conditions for the admissibility of entrusting work to foreigners on the territory of the Republic of Poland*: “A foreigner who works illegally is subject to a fine of not less than PLN 1,000”; Art. 302, para. 1, point 4. of an *Act of 12 December 2013 on foreigners*: “[A decision to oblige a foreigner to return shall be issued to a foreigner when:] he or she performs or, on the date of initiation of the inspection of the legality of employment conducted by the competent authority, performed work without a relevant work permit or a declaration of entrusting work to a foreigner entered in the register of declarations”.



Employer Practices that Circumvent Labour Protections

Poland's legal framework enables a range of employer practices that systematically undermine labour protections for migrants. Chief among these is the **strategic use of civil law contracts** (e.g., *umowa zlecenie*, *umowa o dzieło*) **instead of standard employment contracts.** Although civil law contracts are also offered to native workers, migrants are more likely than Poles to work under such contracts. **Their uncertain residence and employment status, lack of support networks, and limited access to the social welfare system mean that this lack of stable employment has a greater impact on them than on Polish workers.** For example, according to data from public employment services, in 2024, among all documents legalising migrants' work in Poland (that is, among all issued declarations on entrusting work to a foreigner, notifications about employment of Ukrainian nationals, work permits, and seasonal work permits), 64% were issued

for work under civil law contracts². According to data from the Central Statistical Office, 38% of working migrants in January 2025 worked exclusively on the basis of a contract of mandate³. Moreover, according to the Ministry of Family, Labour and Social Policy, in 2024, almost two-thirds of Ukrainian citizens working in Poland were employed under a mandate contract, while nearly one-third were employed under an employment contract. Migrant workers are also more likely than native workers to be employed by agencies and other intermediaries. According to data from the Ministry of Family, Labour and Social Policy, in 2023, migrants accounted for approximately 50% of all temporary workers, and 65% of them had civil law contracts, compared to 35% on employment contracts.⁴

² Own calculations based on: MRPiPS. 'Zatrudnianie cudzoziemców w Polsce'. n.d. Accessed 23 August 2025. <https://psz.praca.gov.pl/rynek-pracy/statystyki-i-analizy/zatrudnianie-cudzoziemcow-w-polsce>.

³ GUS. 'Cudzoziemcy wykonujący pracę w Polsce w styczniu w 2025 r.'. 2025. Accessed 23 August 2025. <https://stat.gov.pl/statystyki-eksperymentalne/kapital-ludzki/cudzoziemcy-wykonujacy-prace-w-polsce-w-styczniu-w-2025-r-,15,26.html>.

⁴ MRPiPS. Informacja o Działalności Agencji Zatrudnienia w 2023 r. Ministerstwo Rodziny, Pracy i Polityki Społecznej, Departament Rynku Pracy, 2024. Accessed 23 August 2025. <https://psz.praca.gov.pl/-/24361927-raport-z-dzialalnosci-agencji-zatrudnienia-w-polsce-w-2023-r->.





Deficiencies in Legal and Enforcement Frameworks

Structural gaps in the legal and enforcement architecture further entrench these vulnerabilities. Two deficiencies in the legal and enforcement framework stand out. First, the EU's Directive 2009/52/EC, which targets employers who hire illegally staying migrants, has been transposed into Polish law through a separate act—the Act on the consequences of entrusting work to foreigners staying in Poland in violation of regulation (2012)⁵—instead of being incorporated into existing employment legislation. The 2012 Act provides for penalties for crimes, while the 2025 Act only provides for penalties for misdemeanours. Furthermore, both legal acts provide for penalties for similar offences, although there are differences in their definitions, and the amounts of fines also differ between the two acts. Our research and data from public courts show that the Act on consequences is not applied in practice. The fragmented legal landscape, resulting in overlapping

definitions, scattered provisions, and hindering their application by government institutions; as a result, the migrant workers, both regularly staying and those irregularly staying, fall between the cracks of a system.

Second, under Polish law, the State Labour Inspectorate (PIP) is obliged to report undocumented migrants to law enforcement. This obligation deters victims of exploitation from coming forward and effectively transforms the inspectorate into an immigration enforcement body, contrary to International Labour Organisation (ILO) Convention 81 (in force in Poland since 1995), which emphasizes that labour inspectors should not have duties that interfere with their primary function of protecting workers (article 3(2) of the Convention).

Policy recommendations

To address the identified deficiencies in Poland's legal and enforcement frameworks concerning employer responsibilities, especially for migrant workers, we propose several key recommendations.

⁵ Ustawa z dnia 15 czerwca 2012 r. o skutkach powierzania wykonywania pracy cudzoziemcom przebywającym wbrew przepisom na terytorium Rzeczypospolitej Polskiej (Dz. U. 2012 poz. 769).





Improve internal consistency and clarity of the legislative system.

For over a decade, Poland has had a dual legislative system regulating liability for the unlawful employment of foreigners, which currently consists of the Act on the consequences of entrusting work to foreigners staying in Poland in violation of regulation (2012) and the Act on the conditions for the admissibility of employing foreigners in the territory of the republic of Poland (2025).⁶ It is recommended that the “Act on the consequences of employing third-country nationals...” should not exist as a separate legal act. Instead, provisions transposing Directive 2009/52/WE, which are currently scattered, should be integrated into the existing legal order, specifically into the “Act on the conditions for the admissibility of employing foreigners”. This would prevent the dispersion of relevant material and the need for cross-referencing definitions.

⁶ Ustawa z dnia 20 marca 2025 r. o warunkach dopuszczalności powierzania pracy cudzoziemcom na terytorium Rzeczypospolitej Polskiej (Dz. U. 2025 poz. 621)

Shelter workers from expulsion

It is recommended that the State Labour Inspectorate (PIP) should no longer be obliged to notify the Border Guard when detecting informal employment of foreigners, nor should they conduct joint inspections. This would finally align Polish law with its obligations under the ILO Convention 81.

Introduce a temporary residence permit for claiming wages and protection.

We recommend introducing a temporary residence permit for migrant workers pursuing claims for unpaid wages and other labour law violations until the payment is enforced, regardless of whether they have a victim status due to other crimes, such as human trafficking. All those who have been wronged by employers, including those without the right to reside and work in Poland, should be granted temporary residence for the duration of proceedings against unfair employers. This would reduce negative consequences for workers and potentially increase the effectiveness of regulations combating illegal employment.



Reinforce the responsibility of the workforce management and supply chain.

It is recommended to implement legal responsibility throughout the workforce management and supply chain, that is, agencies, other intermediaries, and the factual user employer. This is considered crucial to ensure accountability beyond the immediate, often illusory, employer, like a temporary work agency. The solution could be similar to an already functioning Polish legal system, specifically the investor's responsibility towards a subcontractor for remuneration in construction work. In the case of employing foreigners, both entities – the temporary employment agency and the user employer – should be equally and jointly liable for assigning work in violation of the law. This reliability includes laws regulating the employment of foreigners as well as other general labour laws, such as regulating remuneration or health and safety.

Introduce the obligation to use employment contracts in public procurement.

To improve the situation on the migrant labour market, all government entities required to comply with the Public Procurement Law should require contractors and subcontractors to employ workers based on a standard employment contract. The current law only provides for this possibility through special clauses. Imposing an obligation on public entities to enforce employment contracts for workers of contractors and subcontractors may significantly affect the situation of migrants whose work is indirectly financed by public funds under public procurement contracts.



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About DignityFIRM

Towards becoming sustainable and resilient societies we must address the structural contradictions between our societies' exclusion of migrant workers and their substantive role in producing our food.

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