



RELACIONES EXTERIORES

SECRETARÍA DE RELACIONES EXTERIORES

MÉXICO

EMBASSY OF MEXICO IN POLAND

## INFORMATION FOR MEXICAN PEOPLE INTERESTED IN WORKING IN POLAND



MÉXICO

EMBAJADA EN POLONIA

### ATTENTION!

**Find out about your rights and obligations as an employee in Poland**

#### **don't pay to work**

- It is forbidden for Polish employment or temporary employment agencies to charge fees to foreign persons to channel them to work for companies operating in Poland.
- It is inappropriate to require the worker to pay the costs related to obtaining a work permit or PESEL number (which is free; equivalent to the Mexican CURP). Fees for issuing a work permit are to be borne only by the prospective employer, who submits the application to the appropriate Voivodeship (administrative territorial division in Poland; equivalent of a province or state) to obtain the permit for a particular foreign person.
- There are fines of up to PLN 30,000 for requiring a foreign person to pay in exchange for the employment agency taking steps to obtain a work permit.

#### **No one can hold your passport**

- Your employer has no right to retain or store your passport or other identity document for any reason. It can only ask you for a document that proves your legal stay in Poland and keep a copy.

#### **Make sure you have a valid work permit**

- A foreign person can work legally in Poland only if he has the following:
  - o or legal stay on the territory of Poland (for example, through a visa or a temporary residence card) and
  - o or a work permit (for example, type A) or a seasonal work permit (type S).
- Work visas are normally marked with symbol 06 (issued to perform work on the basis of a work permit) or symbol 05b (for seasonal work).
- In order to obtain a work visa or if you travel without a visa within the exemption regime (for a stay of less than 90 days), your employer must provide you -before your trip to Poland- with the following documents:
  - o Original work permit issued by the Voivodeship, or

o Certificate of registration of the application for a seasonal work permit issued by the regional authorities (in the case of temporary employment in the sectors provided for by law such as agriculture, livestock, accommodation and gastronomic services).

- Exceptions.- There are some specific cases in which a foreign person can work without a permit in Poland (for example, holders of a permanent residence permit or temporary residence permit due to marriage with a Polish person, full-time students in Poland, among others). others).
- Remember that if you work illegally in Poland you could be subject to fines and expulsion by the Polish authorities (fines up to PLN 5,000, obligation to leave the country, prohibition to return to Poland or Schengen countries for a period between 6 months and 3 years).

### **Seasonal work permit (type S)**

- The seasonal work permit is issued to the employer by the regional authorities after you enter the territory of Poland on the basis of a seasonal work visa (symbol 05b) or under the visa exemption regime (for stay less than 90 days ).
- To do this, your employer must have submitted the following to the regional authorities:
  - o Copy of your current document that proves your right to stay in Poland. That is, a copy of your passport that contains a temporary work visa or a stamp with the date of entry under the visa-free regime;
  - o Written statement submitted by your employer on your application for seasonal work, containing the address of your residence (accommodation) during your stay in Poland.
- The employer must give you a copy of the temporary work permit issued by the regional authorities.
- While you wait for your seasonal work permit, you can legally work in Poland. Since this process can take time, your work is considered legal from the date the employer submitted the required documents to the regional authorities, until the date of delivery of the regional authorities' decision on the seasonal work permit.

### **Carefully review your employment contract**

- Your employer is required to enter into a written contract with you prior to the start of work. This obligation applies not only to the employment contract, but also to civil law contracts (such as a contract for a specific task, a harvest help contract, a commission, etc.).
- Read carefully and, if you agree, sign the contract before starting work.
- The contract must be in writing and, before signing it, presented to the foreign person in a language that they understand.
- The contract must contain the following information:
  - o Data about the employee and the employer (in the event that the employer is a labor agency, the data of the company where you will work must appear, in addition to those of the agency);
  - o Type of contract (for example, fixed-term contract);
  - o Date of execution of the contract;
  - o Working conditions, such as type of activities to be carried out, place and time of work, remuneration for work with an indication of its components, start date.
- When signing the contract, pay attention to the title (employment contract, specific task contract), as you will acquire labor rights (for example, vacation entitlement, work time limited by regulations, daily or weekly rest) only if you are employed on the basis of an employment contract. Civil law contracts (for example, specific employment contract) will not grant you such privileges.
- The employer is obliged to provide you with a copy of the employment contract or civil law contract.

### **Legal obligations of the employer**

- Your employer is obliged - within 7 days - to register you with social security and health insurance, and pay the contributions for these insurances, as well as pay the corresponding taxes.
- You have the right to the full agreed salary, which may not be less than the quota reflected in your work permit.

- Your salary must be paid at least monthly.
- The basic working time under the labor contract regime may not exceed 8 hours per day and, on average, 40 hours during the 5-day working week (the accounting period for working time may not exceed 4 months).
- The average weekly working day, including overtime, may not exceed 48 hours. Otherwise, you have the right to receive time off from the employer or, if it is not possible to grant it, the employer must pay you remuneration together with an allowance for each hour of extra work. If you work on a non-working day, you must be granted another day off.
- You are entitled to a minimum of 11 hours of uninterrupted rest each day and a minimum of 35 hours of uninterrupted rest each week (weekly rest must fall on a Sunday).
- Temporary workers who signed a work contract with a temporary employment agency and who perform work in another place or company according to the contract, are entitled to 2 days of vacation for each month available to the employer. In case of not enjoying the license, the temporary work agency must pay the temporary worker an equivalent in cash.
- Accommodation provided by the employer must meet basic standards of comfort and hygiene. The National Labor Inspection does not control the housing conditions of employees.
- If you enter Poland on a visa to perform seasonal work or under the visa-free regime in connection with such work, and the employer provides you with accommodation (not mandatory), he is obliged to enter into a separate written agreement with you about accommodation and, before you sign it, provide you with a translation into a language you understand. Lodging rent cannot be deducted from your salary.

### Need help?

#### Contact Points in Poland



#### Polish National Labor Inspectorate

- In case you face problems related to the work you do in Poland, the National Labor Inspectorate offers you assistance in the following ways:
  - o Free legal advice, in person or by phone (and eventually in writing, including email);
  - o Receipt of a complaint against an employer who violates the labor law, including by electronic means (e-complaint).
- Information on the days and times designated for providing legal advice and the telephone numbers at which care is provided can be found on the website of the National Labor Inspectorate: [www.pip.gov.pl](http://www.pip.gov.pl).



#### Polish National Center for Intervention and Consultation for Victims of Human Trafficking

ATTENTION! You may be a victim of human trafficking. It is a serious crime.

• If you find yourself in any of the following situations:

or they make you pay for a debt that you did not acquire;

o they have withheld your personal documents (for example, passport);

or they force you to work in bad conditions, another person keeps your salary or they threaten to not pay you the salary that corresponds to you;

or they assure you that you cannot resign;

o You are watched while working (for example, by armed guards);

or you cannot move freely outside of working hours and you are prohibited from contacting your family in Mexico;

or you are being blackmailed or beaten.

Contact the National Center for Intervention and Consultation for Victims of Trafficking in Persons, managed by the Foundation against Trafficking in Persons and La Strada Slavery, where specialized personnel will clarify your doubts and provide you with guidance and support.

• Telephone (48) 22 628 01 20.

• Help line: (48) 22 628 99 99.

• Emergency phone: +48 605 687 750 (including messages in Spanish via WhatsApp)

• Websites: [www.kcik.pl](http://www.kcik.pl) , [www.strada.org.pl](http://www.strada.org.pl)

• Email: [strada@strada.org.pl](mailto:strada@strada.org.pl) .



### Embassy of Mexico in Poland

The Embassy is available to any Mexican person who requires it to provide consular assistance and protection, in accordance with its powers.

• Email: [consularespol@sre.gob.mx](mailto:consularespol@sre.gob.mx)

• Telephone: (48) 22 311 29 00

• Consular Protection Emergency Phone: (48) 606 444 766



### Points of contact in Mexico

General Directorate of Consular Protection and Strategic Planning

Email: [dgpmexterior@sre.gob.mx](mailto:dgpmexterior@sre.gob.mx)

Telephone: +52 5536865100 Ext. 7539




Embajada  
de la República de Polonia  
en México

## Embassy of Poland in Mexico

Email: [cons.mex@msz.gov.pl](mailto:cons.mex@msz.gov.pl)

Telephones: (52) 55 5481 2050, (52) 55 5481 2052

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