

# DIVERSE

## Diversity Improvement as a Viable Enrichment Resource for Society and Economy



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## Policy Brief Lodz, Poland - English version

The small number of immigrants in Poland hinders working out and testing new institutional solutions concerning the presence of TCNs. Due to the ageing of Polish society, as well as external factors, such as the war and economic crisis in Ukraine, a larger inflow of immigrants from outside the EU is expected. Many employers already report demand for workers from Ukraine. It is essential to reconsider our immigration policy, especially as regards the Ukrainians – our closest neighbours, who easily assimilate in Poland.

It is necessary to improve the existing legislation and create new, more effective laws, regulating the issues of living and finding work in Poland. The existing regulation of six months of work over the period of 12 months should be commonly applied for all unskilled foreigners willing to work. So far, this law has been applied only to the citizens of Ukraine, Belarus and Russia.

There is an urgent need to liberalize economy, which will result in an easier access to the labour market. It is strictly connected with the necessity to lower the labour costs in Poland, which are very high due to high taxes and costs of social security insurance. Because of these costs, it does not pay to sign permanent work agreements, but only short-term contracts. Illegal employment is on the increase as well. If the labour costs were lowered, it would be profitable for the employers to employ people on permanent basis, both Poles and foreigners.

The current system of professional qualifications recognition in Poland depends mainly on whether a TCN intends to work in a regulated profession or not. Immigrants experience difficulties regarding the legalization of their stay and have to go through long qualification recognition procedures. Their associations point to improper practices, e.g. not signing work agreements or cases of misconduct on the part of illegal work agents. Some associations postulate issuing so called

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sector work permits, which would enable TCNs to change employers within a given sector. Currently, the change of employer results in the loss of work permit for the majority of TCNs.

A weakness of the current legislation is the problem of employing TCNs in regulated professions. There are no regulations which establish either detailed or general rules of the professional qualifications recognition of TCNs from outside the EU. The legislator should quickly think how to fill in the existing legal loop-hole. Perhaps, like in the case of employees who are EU citizens, some professional qualifications should be recognized on the basis of a simplified aptitude test. A very important problem is the continuation of qualifications gained in one's native country (at the moment, only employees from the EU enjoy this privilege). This should be the right of all the migrants who apply for a job.

In Poland, there are no regulations concerning qualifications gained in an informal way. The only formal procedures of professional qualifications recognition are applied in the case of regulated and sector professions.

The public administration bodies' practices which may be seen as *ad hoc* procedures are represented by the abolitions for foreigners who are residing in Poland illegally. So far, the abolitions were announced in 2003, 2007 and 2012 and brought meager results.

The improvement of the legal solutions should concern three basic issues: 1) the time for which work permits are issued, 2) the introduction of sector work permits, 3) regulating the issue of practicing regulated professions by Third Country Nationals (especially as regards the most numerous group of TCNs – the Ukrainians). Extending the time for which work permits are issued will enable TCNs to develop their careers – research results show that employers are unwilling to invest in training immigrants who are short-term employees. Introducing sector permits – permits for work in one sector but with the possibility to change the employer – should contribute to the TCNs' professional mobility on the Polish labour market, as well as strengthen their position in relation to the employers. Formal solutions which regard employing TCNs in regulated professions are necessary in order to bring many professions back. In this way, broader TCNs' SKC recognition will become possible.

The immigrants themselves insist on being able to apply for a job on their own (personally respond to job offers), as well as on introducing sector work permits. At present, if they lose the job, they have to apply for a work permit again.

An example of positive action taken by local authorities is the initiative of the Łódź City Council, which is working on the Łódź Diversity Charter. Perhaps preparing and implementing it will pave the way for diversity management at various enterprises and institutions.

Foreign businessmen working in Poland very often have problems communicating in Polish when settling their accounts at the Tax Office. There are no suitable documents available in the immigrants' languages or documents in European conference languages. In many offices, it would be sensible to create the position of a consultant on foreigners' matters who would explain all the intricacies of the labour law, required documents and procedures.

It is necessary to continue and launch new research on the situation of immigrants on the Polish and regional labour market. The existing studies concern the presence of TCNs on the Polish labour market and refer mostly to the scale of immigration inflow and the employment structure of foreigners in general and of individual groups of foreigners, or the general employment conditions. There are no scientific publications or reports concerning specific sectors of economy, or detailed works devoted to the narrow issue of TCNs' skills, knowledge and competence (SKC).

Research results should be presented and popularized at conferences and meetings with entrepreneurs, representatives of social organizations, state institutions and immigrants. Recommendations as regards good diversity management practices in the EU, Poland and the region should also be presented, as this will make it possible to take advantage of other countries'

experience and introduce changes in procedures and cooperation with immigrants, as well as to raise the employers' awareness.

It is also necessary to make the law regulating the issue of founding associations by foreigners more precise. At present, some lawyers claim that only a Polish citizen may set up an association, while others – that also a foreigner domiciled in Poland may do it. It would also be recommended to increase the promotion and supervision over ethnic associations on the part of government authorities and embassies (the problem of the frequently changing addresses of organizations, promoting events).

Author of the Policy Brief: Prof. Jolanta Jakóbczyk-Gryszkiewicz. Uniwersity of Łódzki, Wydział Nauk Geograficznych, Instytut Geografii Miast i Turyzmu and translation.