

National Labour Inspectorate

Regional Labour Inspectorate in Łódź

Łódź, on 2022-02-10

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Visa-free traffic between Schengen zone countries and Ukraine was introduced on 11 June 2017. Since then the citizens of Ukraine who hold a biometric passport are allowed to cross the border without a visa.

Visa-free traffic has no impact on the basic regulations concerning the employment of Ukrainian citizens in Polish companies. In order to be employed in Poland, it is still required to obtain a work permit (alternatively, a uniform temporary residence and work permit), unless the foreigner is exempt from this duty on the basis of applicable regulations, e.g. the employer has filed a declaration on the intent to contract a foreigner in the Poviát Labour Office. It means that, under the visa-free traffic regulations, the citizens of Ukraine who hold a biometric passport can be legally employed in Poland on the basis of the obtained work permit (or, alternatively, an employer's declaration on the intent to contract a foreigner). However, after the lapse of the period of the visa-free traffic (90 days in every 180-day period - where the total stay in the territory of all Schengen zone countries is taken into account), such foreigners, who wish to continue their employment in Poland, are obliged to obtain a relevant Polish residence permit corresponding to the type of the performed work, i.e. a temporary residence permit or a relevant visa. Drivers from Ukraine (or Belarus, Moldova, Russia, Georgia and Armenia) whom a carrier who plans to employ for a period up to six months within a 12 month period, do not require a work permit. The carrier's company is only obliged to file a relevant declaration on the intent to contract a foreigner with the Labour Office. The employer may further file a motion for the issuance of a work permit for the foreigner with the Head of a given Region [Polish: wojewoda]. The foreigner is not obliged to obtain a work permit in the territory of Poland if he/she has obtained a residence card on the basis of marriage with a Polish citizen or if he or she is a student in Poland. It is regulated by the Regulation of the Minister of Labour and Social Policy of 30 August 2006 on the employment of foreigners without obtaining a work permit.

Besides a legal residency and employment, a driver shall also hold a driver's certificate issued on the basis of the Regulation (EC) no. 484/2002 of the European Parliament and Council of 01 March 2002. The certificate confirms that the driver, who is a foreigner, is employed in accordance with the applicable regulations, for the purpose of

road transport in the territory of the EU member states. The motion shall be filed with the Division of International Transport [Biuro ds. Transportu Międzynarodowego] of the General Inspectorate of Road Transport. The General Inspectorate of Road Transport [Główny Inspektorat Transportu Drogowego] Al. Jerozolimskie 94, 00-807 Warsaw, tel: 22 22 04 000, e-mail: info@gitd.gov.pl. The driver's certificate is the last document that must be obtained by a non-EU driver to legally work in international transport. You may obtain the motion and the list of documents that must be filed with the aforementioned division by phone or you can find them on the website of the division. In general, copies of all driver's documents must be submitted (medical certificate, psychological opinion, driver's licence, passport), as well as those related to his/her legal residency, employment, insurance and a confirmation that your enterprise has a valid license for providing the international transport services. Also, a copy of a community license, e.g. for international road transport of goods, will be required. It is important for the employee who works as a driver to have his/her driver's certificate on him/her all the time when performing his/her work duties, besides other required documents. Any Polish or EU officer is entitled to verify such a document - e.g. a police officer or the Border Guard Police in Poland, but also officials of other authorities authorized to inspect vehicles.

At present, as of 01/02/2022 the Law on road transport has been amended in respect to the posting of employees and the change of their remuneration system, namely daily allowance paid to the driver's in road transport has been removed from the list of remuneration components. Unfortunately, the new regulations were implemented on 28/01/2022 and are effective as of 01/02/2022, and their application poses major problems for the carriers. Should you have any further doubts concerning the employment of a driver, please contact the relevant Head of the Region [województwo] and the General Inspectorate of Road Transport [Główny Inspektorat Transportu Drogowego] if your doubts concern the Law on road transport.

Best regards

Senior Labour Inspector

Jacek Skwirus

/signed electronically/

In accordance with Art. 13 of the Resolution of the European Parliament and Council (EU) 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (GDPR), we provide the information that:

1. the controller of your personal data is the Regional Labour Inspectorate in Łódź, with the registered office at al. Kościuszki 123, 90-441 Łódź.
2. The data controller has appointed a data protection inspector to supervise the correctness of the personal data processing. The data protection inspector can be contacted by e-mail at: iod@lodz.pip.gov.pl
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