

Employment of Ukrainian citizens

Employment of Ukrainian citizens has never been that easy. **All legally residing citizens of Ukraine may be employed** on the basis of an electronic notification from the poviats labor office. In light of the so-called special acts (the Act of 12 March 2022 on assistance to Ukrainian citizens in connection with an armed conflict in the territory of that state), a Ukrainian citizen is entitled to perform work in the territory of the Republic of Poland during the period of stay in accordance with applicable regulations, if:

- 1) his stay in the territory of the Republic of Poland is considered legal on the basis of art. 2 clause 1 of the special act, i.e. when he came to the territory of the Republic of Poland directly (according to the announcement, the requirement of directness is to disappear from the act soon, which will also allow those who came e.g. via Slovakia) from the territory of Ukraine in connection with military operations conducted on the territory of that state, and Ukrainian citizens who have a Pole's Card, who, together with their immediate family, came to the territory of the Republic of Poland due to these military operations, additionally, a declaration of intention to stay on the territory of the Republic of Poland is required;
- 2) is a citizen of Ukraine legally residing in the territory of the Republic of Poland.

The condition for the legality of work is **the notification within 14 days from the date of commencement of work by a citizen of Ukraine** to the poviats labor office competent for the seat or place of residence of the entity entrusting the work. The notification is made via the ICT system - praca.gov.pl. This system is now active. Submitting an application to a selected office requires that it be signed with a qualified electronic signature or a signature confirmed by an ePUAP trusted profile. The most important thing, however, is that the notification **can be made after beginning work**. This is an important novelty in Polish regulations, the previous procedures assumed obtaining

employment legalization documents before employment, which significantly extended the employment process.

In the notification, the entity entrusting the performance of work to a citizen of Ukraine shall provide:

- 1) information on the entity entrusting the performance of work to a citizen of Ukraine (employer, client);
- 2) personal data of the Ukrainian citizen;
- 3) type of agreement between the entity entrusting the performance of work and the citizen of Ukraine;
- 4) position and type of the performed work;
- 5) place of the performed work.

It should also be remembered that submitting the notification is not sufficient to taking up employment in the territory of the Republic of Poland. It is also necessary for **the foreigner to stay legally** (legally staying on the territory of the Republic of Poland). Stay enabling to perform work is considered legal, for example, on the basis of a visa, a temporary residence permit, a permanent residence permit or, finally, under the visa-free regime. With regard to the citizens of Ukraine who came to the territory of the Republic of Poland in connection with military operations conducted on the territory of that state, it should be clarified that their stay is considered legal **for a period of 18 months** from February 24, 2022, provided that they declare their intention to stay on the territory of the Republic of Poland. Subsequently, citizens of Ukraine will be entitled to submit an application for temporary residence. The application for a temporary residence permit should be submitted not earlier than 9 months from the date of entry, and not later than within 18 months from February 24, 2022.

So what does the above mean for Polish entrepreneurs? The new regulations provide for further significant facilitation in the field of employing foreigners. It seems that the notification, in the case of Ukrainian citizens, will replace the performance of work by a foreigner on the basis of a declaration on entrusting work to a foreigner

(referred to as the simplified procedure or "declaration procedure") and will be the basic method of employing foreigners, especially in the initial phase of cooperation.