



European Commission  
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**Solidarność**

# From the periphery to the centre – the role of agencies in recruitment of third country national drivers

Dominik Owczarek

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# Structure of the presentation

- Methodology and research questions
- Regulations in the context of third country nationals employment
- Scale of employment in the international road haulage sector
- Role of temporary work agencies
- Working conditions of third country national drivers

# Methodology

## Research questions:

- What is the scale of third-country nationals employment in Poland's road haulage sector in the context of broader employment tendencies in the sector?
- What are the legal procedures allowing third country nationals to stay and work in Poland and deliver transport services to other EU countries?
- What are the working conditions of third country nationals in the international transport sector, especially in terms of remuneration, contractual relations, working time, social infrastructure?
- What infringements of labour regulations occur/can occur when third country nationals are employed?
- What is the process of recruitment and training of third country nationals in the sector?
- How relevant is the role of recruitment agencies and temporary work agencies in this process?
- How are third country nationals supported in the case of infringements?



# Methodology

Qualitative approach – desk research and interviews:

- *Trade unions, companies and employers' organisations in the sector,*
- *Academic experts,*
- *Public institutions (National Labour Inspection, Social Insurance Institution)*
- *Temporary work and recruitment agencies*

*Timeframe: research study - June – August 2020, workshop: September 2021*



# Regulations & Data

- *a general work permit* - entitles to perform work for up to 3 years.
- *a seasonal work permit* – entitles to work up to 9 months in a calendar year (12 months) in the agriculture, horticulture, tourism sectors.
- *a statement on entrusting work to a foreigner (oświadczenie)* – is a simplified procedure to register workers from the group of six “Eastern partnership countries”, namely Armenia, Belarus, Georgia, Moldova, Russia and Ukraine and it entitles to perform non-seasonal work without a permit for 6 months within a period of 12 months (allowing for circular migration back and forth).

*In January 2022, the work permit has been extended up to 24 months.*

*In March 2022, most of administrative requirements were lifted (notification) in order to ease employment of refugees from Ukraine*

- *temporary residence and work permit* - a foreigner who is already legally residing in Poland may apply to a voivode (executive power at the regional level) for both temporary residence and work permit in one procedure.

# Regulations & Data



## Work permits and statements on entrusting work to a foreigner in Poland in the period 2009-2021

	2009	2011	2013	2015	2017	2019	2020	2021
<b>Work permits</b>	29,340	40,808	35,843	61,056	235,626	444,738	396,602	467,692
Migrants from UA (number)	9,504	18,669	20,416	50,465	192,547	330,495	290,312	320,369
Migrants from UA (in %)	32%	46%	57%	83%	82%	74%	73%	69%
<b>Simplified statements</b>	188,414	259,777	235,616	782,222	1,824,464	1,640,083	1,223,454	1,996,004
Migrants from UA (number)	180,133	239,646	217,571	762,700	171,4891	1,475,923	1,085,203	1,664,667
Migrants from UA (in %)	96%	92%	92%	98%	94%	90%	89%	83%

*Source: own elaboration on the basis of the Ministry of Family, Labour and Social Policy (2020)*

# Regulations & Data



## Types of contracts among workers registered under simplified statements in Poland in the period 2011-2019

	2011	2013	2015	2017	2019	2019+
<b>Employment contract</b>	15,136	31,999	118,974	457,699	623,808	Na
Migrants from UA (number)	12,373	25,561	110,555	419,807	403,019	Na
Share of employment contracts among Ukrainians (in %)	19%	12%	14%	24%	27%	Na
<b>Civil law contracts or other contracts</b>	59,416	203,617	663,248	1,366,765	1,188,356	Na
Migrants from UA (number)	54,012	192,010	652,145	1,295,084	1,072,904	Na
Share of civil law contracts and other contracts among Ukrainians (in %)	81%	88%	86%	76%	73%	Na

*Source: own elaboration on the basis of the Ministry of Family, Labour and Social Policy (2020)*

# Regulations & Data



**Work permits and statements on entrusting work to a foreigner in the transport and logistics sector in the period 2009-2019**

	2009	2011	2013	2015	2017	2019	2020	2021
<b>Work permits</b>	na	2,591	3,380	7,957	32,781	70,155	Na	Na
Migrants from UA (number)	na	na	1,926	5,916	25,458	54,025	na	na
Migrants from UA (in %)	na	na	57%	74%	78%	77%	Na	Na
<b>Simplified statements</b>	3,041	5,897	5,548	29,673	87,082	221,649	201,096	326,500
Migrants from UA (number)	2,413	4,358	4,009	26,893	76,267	194,747	Na	Na
Migrants from UA (in %)	79%	74%	72%	91%	88%	88%	na	na

*Source: own elaboration on the basis of the Ministry of Family, Labour and Social Policy (2020)*





# Regulations & Data

*Impact of the war in Ukraine on the labour market in Poland (rough estimations)*

- *Approx. 300 thousand Ukrainians came back to the country (mostly men, workers),*
- *No sectoral data so far*
- *Construction sector: 1/3 of Ukrainian workers came back to their country*
- *Refugees: mostly women with children and elderly (low employability → feminised occupations, if any)*
- **Questions:**

*How to fill the labour shortage gap (growing in paralel to economic recovery after the pandemic)?*

*How to integrate the refugees to the labour market?*

# Role of temporary work agencies



- *Recruitment*
- *Procedures related to the legalization of stay and work*
- *Verifying documents (residence and work permits), professional qualifications and entitlements to perform work (including medical examinations and health and safety training)*
- *Employee leasing*
- *Training*
- *Support in resolving relocation issues*



# Role of temporary work agencies

- *Large and medium TAWs* – operate in professional and transparent way and care for their reputation
  - *Small TAWs* – usually provide lower quality services and often perform fraudulent practices
  - *Fraudulent TAWs* – ‚hit and run companies‘
  - *Fraudulent TAW + fraudulent transport company*
  - *Letter box companies*
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- Unreliable verification of documents (work and residence permits) and certificates
  - Providing false information of drivers' experience
  - Irregularities in payment of remuneration, taxes and social contributions
  - Violations of working time, working conditions (e.g. sleeping in cabins), etc.



## Working conditions

- Remuneration
  - Minimum wage + per diem and flat rate for accommodation
  - Bonuses: bonus for obeying working time, bonus for safe driving, free language courses, vocational training courses, fitness packages and medical packages.
- Contracts
  - Civil law contract (no leave, no notice periods, limited social contributions)
  - Language version of the contract
  - Violation of contractual provisions
  - No contract
- Working time
- Social infrastructure



# Social partners on Third Country Nationals

## Transport companies

- Third Country Nationals enable operation and development of the sector and fill (partly) the labour shortage gap
- Companies are willing to support immigrants in the legalisation of stay and finding an accommodation and ensure comparable working conditions in order to attract qualified labour

## Trade unions

- Nuanced attitude:
- To protect workers regardless nationality in order to ensure comparable working conditions for all drivers
- But influx of migrant workers keeps high labour supply which undercuts bargaining position vis-a-vis employers



Thank you!

[dominik.owczarek@isp.org.pl](mailto:dominik.owczarek@isp.org.pl)