

## 20. Poland

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The Polish social insurance system provides for four different types of insurance: accident insurance, sickness and maternity insurance, pension insurance, and disability pension insurance. Health insurance is organised under a separate scheme managed by the National Health Fund. According to the provisions of the Polish social insurance system, all persons who are, among other things, employees, workers, contractors and persons running non-agricultural businesses are subject to mandatory pension and disability pension insurance. These forms of insurance (apart from special cases) also apply to foreigners who work in Poland. People who do not satisfy the conditions for compulsory pension and disability pension insurance have the right to join this insurance voluntarily.

### Box 1 Summary of the table

The Social Insurance System Act (13 October 1998; Journal of Laws 2022, item 1009 as amended) makes the payment of social insurance contributions dependent on citizenship, place of residence or stay, depending on the nature of the stay. Non-permanent residence excludes insurance coverage unless otherwise specified in an international agreement.

Table 1.20 Overview of the relationship between form of migration and entitlement to a particular social security service

Third-country-national categories	Social security categories					
	Health insurance	Pension contributions	Unemployment insurance	Basic security (social assistance)	Insurance against accidents at work	Child benefits
Posted workers	No	No	No	No	No	No
Intra-corporate transfers	Yes	Yes	No	Yes	Yes	It depends*
Seasonal workers	Yes	Yes	No	Yes	Yes	It depends*
Temporary agency workers	Yes	Yes	No	Yes	Yes	It depends*
High-level professionals	Yes	Yes	Yes	Yes	Yes	It depends*
Self-employed	Yes	Yes	No	Yes	Yes	It depends*

Notes: \* When it comes to child benefits, the situation of particular migrant worker depends both on their nationality and the type of benefit (benefits from the social security system or the social system). Entitlements to family benefits are granted on the same basis. Foreigners working in Poland enjoy social insurance benefits in the event of childbirth, including in particular maternity allowance, insofar as they are subject to the social security system.

Source: Author's analysis, 2022.

**Box 2 Sector-specific variations of social security rules**

In Poland there is no differentiation in terms of sectoral variations with regard to social security rules. The only difference is that high-level professionals are subject to unemployment insurance.

## Description of the Polish system

### 1. Overview of social security rights of short-term third-country-national migrant workers

The social insurance system distinguishes between:

- pension insurance;
- disability insurance;
- sickness and maternity insurance (known as sickness insurance); and
- insurance for accidents at work and occupational diseases (known as accident insurance). Health insurance, unemployment insurance (benefits) and social insurance (benefits) are covered by separate schemes.

An employer who employs a foreigner is obliged to pay social security contributions. Their level will depend on the gross remuneration of the employee or contractor. The amount of the contribution is calculated according to the same rules as for Poles.

There are some cases in which it is not necessary to pay social security contributions for foreigners. They include:

- foreigners whose residence on the territory of Poland is not permanent (the notion of ‘permanent residence’ should be understood as residence unchanged during a given period) and who are employed in foreign diplomatic representations, consular offices, missions, special missions or international institutions (unless international agreements provide otherwise);
- foreigners and Polish citizens residing permanently abroad, employed by Polish entities, whose place of work is beyond the borders of Poland.

Depending on the basis of employment (including whether the work is carried out as self-employment), both contributions and benefits vary.

All migrant workers, if they are covered by social security, have the same social security obligations and entitlements as Poles.

All insured persons are entitled to social security benefits depending on their individual situation. These include:

(i) in respect of sickness and maternity:

- sickness allowance,
- maternity allowance,
- care allowance,
- compensatory allowance,
- rehabilitation benefit;

(ii) in respect of a long-term incapacity for work:

- disability pension,
- training pension;

(iii) in respect of old age:

- old-age pension,
- nursing supplement to old-age pension;

(iv) in respect of accidents at work and occupational diseases:

- lump-sum compensation,
- benefits in respect of sickness, long-term incapacity for work and the death of a breadwinner,
- dentist services and prophylactic vaccinations,
- refund of costs incurred in respect of the purchase of orthopaedic equipment,
- refund of cost of tests required to determine the content of alcohol, narcotic drugs or psychotropic substances in the body.

As previously mentioned, the public health care system is organised separately from the social security system. A person covered by public health insurance (obligatory for all occupationally active persons) has the right to all its benefits. And public health insurance is the system responsible for the public funding of:

- preventive services,
- diagnostic services,
- medical services,
- rehabilitation services,
- provision of medicines, orthopaedic items and aids.

Unemployment insurance in Poland functions as unemployment benefits. Some short-term third-country-national migrant workers do have a right to gain the status of unemployed persons. They include:

- workers who hold a temporary residence and work permit;
- workers who have temporary residence and work permits and are on the management board of an enterprise, provided that immediately prior to their registration as unemployed they were employed in Poland for a continuous period of at least six months;
- foreigners holding a visa issued for the purpose of work in Poland provided that immediately prior to registration as unemployed they were employed in Poland for a continuous period of at least six months.

Differences regarding eligibility for child benefit arise from the different types of benefits. If a third-country national is subject to sickness insurance, they are entitled to all maternity benefits. In addition to such benefits, however, there is the most common social benefit in Poland, the so-called '500+' benefit, which pays 500 PLN for each child (person under 18). Foreigners who are parents or care givers are also entitled to this benefit and (in general):

- (i) the provisions on the coordination of social security schemes shall apply to them;
- (ii) this obligation arises from bilateral international social security agreements binding the Republic of Poland,
- (iii) they must hold a temporary residence permit for the purpose of highly qualified employment,
- (iv) they hold a residence card with the indication 'access to the labour market',

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- (v) they are residing on the basis of a temporary residence permit for the purpose of work within the framework of an intra-corporate transfer, or for the purpose of long-term mobility as a manager, specialist or trainee employee within the framework of an intra-corporate transfer;
  - (vi) they are resident in Poland for the purpose of short-term mobility as a manager, specialist or trainee in the context of an intra-corporate transfer.

## 2. Differences in social security rights of different categories of short-term third-country-national migrant workers

Under Polish law, foreign nationals whose residence in Poland is not permanent are not subject to social insurance, unless international agreements provide otherwise. Therefore, unless nothing else follows from social security agreements, third-country nationals posted to Poland are not subject to social insurance. The consequence of this is that there are no grounds for third-country nationals posted to Poland to benefit from compulsory health insurance.

The situation of third-country-national seasonal workers and temporary workers does not differ from the general situation.

## 3. Conditions for obtaining different social security rights

The right to sickness benefit from sickness insurance is acquired after 30 days of uninterrupted sickness insurance. In the case of maternity and care benefits, no waiting period applies. These benefits are payable from the date of registration for sickness insurance.

Unemployment benefits, on the other hand, are granted to persons who have lost their job and then registered with the labour office and presented documents showing that they have been in work for at least 365 days in the past 18 months and have received a salary of at least the minimum wage.

All migrant workers have the same rights as Polish citizens.

## 4. Portability of benefits between host country and country of origin

The portability of benefits is regulated by the relevant bilateral international agreements. Because of the scale of employment in that case, the agreement used most frequently is the one between Poland and Ukraine. The point in this case is that periods of insurance registered in one jurisdiction may be counted towards insurance entitlements in the other.

## 5. Social security rights of short-term third-country-national migrant workers during the Covid-19 pandemic

During the Covid-19 pandemic short-term third-country-national migrant workers did not gain any new/specific social security rights.

## 6. Overview of enforcement and monitoring

The Social Insurance Institution (ZUS) is monitoring social insurance system and prepares a study which analyses data on foreigners subject to social insurance in various cross-sections. It presents data on foreigners subject to retirement and disability insurance, as well as sickness insurance. It looks at changes in the number of foreigners and various characteristics of foreigners, such as citizenship, sex, age, place of residence, place of residence of contributor, and insurance entitlement.

Other data include benefits paid by the Social Insurance Institution to foreigners, as well as the account balance of insured foreigners.