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## **EMPLOYMENT OF FOREIGNERS IN AGRICULTURE IN POLAND**

Key words: employment, foreigners, agriculture, migration policy

**ABSTRACT.** This paper aims at the assessment of the status and conditions of employment of foreigners in agriculture, in Poland, in the years 2010-2018. The analysis concerns assessing how the level of employment of foreigners in agriculture has been changing and what considerations determined the direction of such changes. For some years now the employment of foreigners in Poland has lost its marginal nature and is permanently integrated into some industries, mainly Polish agriculture. Agriculture absorbs a significant number of foreigners. Reasons for this phenomenon may be found in formal conditions for obtaining work permits by foreigners, social and economic conditions of agriculture and features of immigrants. The research covers the economic and social conditions for agriculture in Poland. Empirical analysis encompasses reports and data of the Ministry of Labour, Family and Social Affairs concerning the number and structure of granted work permits for foreigners, declarations of intention to commission work to foreigners, as well as data of the Centre of Migration Research of Warsaw University. Results of analysis show that the number of employed foreigners was significant in Polish agriculture in the years 2010-2018. Simplification of foreigner employment procedures in the migration policy was assigned to the agricultural industry. Initially, procedures facilitating employment in agriculture should be assessed positively. By 2014, the participation of foreigners employed in agriculture was increasing on a year-to-year basis. It resulted from economic and social conditions for Polish agriculture and personal features of immigrants. After 2014, the participation of employment in agriculture regularly decreased.

## **INTRODUCTION**

In Poland, migration appeared relatively late, just after 1989. As a result of political changes, Poland applied the principle of the freedom of movement. Limitations hampering the departure of Polish citizens abroad and the arrival of foreigners in Poland were removed [Organiściak-Krzykowska 2017]. Together with visa-free travel in Poland, illegal migration, a flow of undesired foreigner groups and abuse began taking place [Szulecka 2016]. Due to geographic location, Poland has also become a route of illegal transit of people. All these phenomena forced the necessity of a re-definition of assumptions of migration policy.

Poland's migration policy defines the principles of migration, ensures the security and public order of the state, and establishes mechanisms of counteracting and combating illegal migration. Nowadays, a significant task of Poland's migration policy is to determine

the principles of the influx of people in order to strengthen labour supply – as required by the labour market. In Poland, immigration is mainly circular and short-term. Mechanisms of Polish migration policy in this light consider both the scope of work of foreigners, their qualifications, sectors in which they can be employed, and countries of immigrants. Some tools allow for effective the temporary suspension or limitation of an influx of foreigners.

The situation on the Polish labour market results in a necessity of changes in principles of the migration policy, in particular the influx of foreigners into Poland. Unfavourable demographic changes in society are reducing the number of people of a productive age. A decreasing trend in the share of the professionally active population in total population has been observed in Poland since 2010. Additionally, what can be observed in Polish economy is decreasing professional activity of the population, an important source of which is a group of unused labour resources, also observed in agriculture [Wyszyński 2016, Parzonko 2016]. Employment in economy has reached a high level, but labour demand in Poland is still increasing. The specificity of employment, its seasonality, has caused that there are periods of a lack of working persons and periods of excessive unemployment on the labour market [Radlińska 2018]. A significant increase in labour costs resulted from changes in the level and structure of employment. The average salary in the Polish economy from 2004 to 2018 increased approx. twice, however it is still lower than the average salary in the European Union. Difficulties observed on the labour market are intensified by the good macroeconomic situation of Poland, e.g. a recorded increase in real GDP, an increasing share of export and a decreasing turnover of current accounts. In this light, the need for changes in the formation of Poland's migration policy seems to be even clearer.

By 2014, agriculture constituted the main sector absorbing foreigners, taking into account the number of registered declarations of intention to commission work to foreigners. An increasing volume of agricultural production [GUS 2018] and the tendencies of young people to leave villages has made Polish agriculture the main place of foreigner migration. Factors favourable to the migration of foreigners to that economy sector include the nature of performed work in agriculture and production seasonality. Simple work is prevalent and in agriculture are performed by foreigners [Górny et al. 2018]. Seasonality of production, with an increase in demand for employees in summer and autumn months, is conducive to circular and seasonal migration [Kubiciel-Lodzińska 2013, Górny et al. 2018]. Formal simplifications in the employment of foreigners in agriculture, in particular from beyond the eastern border of Poland, constituted the most important reason for such a high share of agriculture in the sectoral structure of employment of foreigners. Since 2006, selected groups of foreigners have been able to find employment based on employer declarations of intention to commission work to a foreigner and, so far, such a selective migration policy has been conducted. At first, simplified regulations concerned obtaining work permits solely for the agricultural sector. However, since 2007, the employment of foreigners has become easier for other sectors, as other foreigner groups have regularly been included, such as Georgians. Sectoral considerations related i.a., to salary, the specificity of performed work, qualifications of migrants and their predispositions have resulted in a situation whereby today's agriculture is a sector in which fewer and fewer foreigners are employed.

This analysis aims at the assessment of the status and conditions of employment of foreigners in agriculture, in Poland, in the years 2008-2018. The main question raised aims at answering what changes in Polish migration policy have taken place and how these changes have impacted the size of employment of foreigners in agriculture in Poland. Formal aspects of employment of foreigners, with an indication of simplifications concerning employment in agriculture, were subject to detailed research. Empirical analysis encompassed reports and data of the Ministry of Labour, Family and Social Affairs concerning the number and structure of granted work permits for foreigners as well as declarations Warsaw University appeared beneficial.

## FORMAL CONDITIONS FOR EMPLOYMENT OF FOREIGNERS IN POLAND

In Poland, the principles and conditions for the arrival of foreigners, their stay and departure are regulated by the Act on Foreigners, dated 12 December 2013. Pursuant to this Act, a foreigner is every person who does not have Polish citizenship. This definition excludes members of diplomatic missions and consular posts of foreign countries and citizens of European Union Member States, Member States of the European Free Trade Association or members of family who join them or stay with them [Act dated 12 December 2013].

Foreigners staying on Polish territory should hold a valid document entitling them to stay thereon and a valid visa or other document authorising them to enter and stay, if required. In the case of transit, it is necessary to have a permit to enter another country or a permit to stay in another country, if such permits are required [Act dated 12 December 2013]. A travel document constitutes a document authorizing foreigners to stay on the territory of Poland.

Due to the purpose of the stay, indicated by the foreigner during visa issuance, foreigners in Poland may be divided into groups [Act dated 13 December 2013]. Basic groups include tourists, persons arriving for private and family purposes, athletes, entrepreneurs, employees, persons connected with culture, diplomats, students, scientists, and so-called transitors.

The employment of foreigners in Poland is regulated by the Act, dated 20 April 2004, on the promotion of employment and labour market institutions together with implementing acts. The provisions of the Act apply to foreigners performing work or intending to perform work on the territory of Poland, including citizens of EU Member States, citizens of the European Economic Area not belonging to the EU and citizens of countries other than parties to the EEA agreement, who may use the freedom of movement under agreements concluded by these countries with the European Community and its member states. Citizens of EU Member States, citizens of the European Economic Area not belonging to the EU and citizens of countries other than parties to the EEA agreement may use the freedom of movement and may work on the territory of Poland without any permit.

Foreigners who are citizens of so-called third countries are entitled to work in Poland, if they stay legally on its territory. The second condition is holding a work permit or being able to work without the necessity of having a work permit, i.e. based on the declaration of intention to commission work to the foreigner [Act dated 20 April 2004].

Pursuant to the Act [2004] and the Regulation of the Ministry of Labour and Social Affairs, dated 29 January 2009, on the issuance of a work permit to foreigners, six types of work permits for foreigners on the territory of the Republic of Poland were selected: work permits A, B, C, D, E, S. The A permit is issued most often, as it is granted to foreigners in connection with work performance on the territory of the Republic of Poland under an agreement with an employer, whose registered office and place of residence is located on the territory of the Republic of Poland. Since 1 January 2018, the amendment to the Act has introduced seasonal work permits – S permits. S permits are related to the performance of seasonal works by foreigners, i.e. the performance of seasonal work on the territory of Poland within the scope of activities specified by law as seasonal under an agreement with an entity whose registered office or place of residence or branch, facility or other form of organised activity is located on the territory of the Republic of Poland. The work permit is issued for a definite period, however not longer than three years, and may be extended. Permits are issued for a specific employer, specific foreigner and in a specific place and on a specific role, for a period designated with dates [Act dated 20 April 2004]. Permit S is the only exception to these conditions.

Polish legislation includes a simplified procedure of access to the Polish labour market. This procedure enables foreigners to commence work only on the basis of an entrepreneur's declarations of intention to commission work to the foreigner, registered in district labour offices. Entrepreneur declarations allow for the employment of foreigners in Poland for six months within a period of 12 months without any additional permits. The simplified procedure is not a new mechanism in Polish migration policy, as it has been functioning since 2006, but initially only concerned selected groups of foreigners and sectors. In 2006, it covered citizens of Belarus, Russia and the Ukraine, however since 1 January 2018, the simplified procedure of employment of foreigners has included citizens of Armenia, Belarus, Georgia, Moldova, Russia, and the Ukraine. In its first year of application, i.e. in 2006, the simplified procedure only concerned employers from the agricultural sector. Since 1 January 2007, entrepreneurs from all economy sectors have been entitled to issue declarations of intention to commission work to a foreigner. Enabling foreigners to work based on declarations of intention to commission work to a foreigner has become the key instrument of employment of foreigners in Poland, in particular in agriculture.

By the amendment to the Act, dated 1 January 2018, provisions simplifying the system of employment of foreigners for seasonal work, as well as a new type of work permit (S permits) were introduced. Simplification, i.e. a seasonal work permit, is valid in two sectors: agriculture and seasonal services of board and accommodation. This procedure concerns all groups of foreigners. As a result of changes, all foreigners may work on the territory of Poland under the seasonal work permit for nine months during the calendar year. 2018 was the first year of employment of foreigners under the seasonal work permit.

## RESEARCH METHOD AND DATA

This paper aims at the assessment of the status and conditions of employment of foreigners in agriculture, in Poland, in the years 2010-2018. The subject of interest is constituted by answering the main question about how changes in the Polish migration policy affect the size of employment of foreigners in agriculture in Poland. Formal conditions for the employment of foreigners in agriculture, in Poland, are subject to detailed analysis. The research also covers the economic and social conditions for agriculture in Poland, with an indication of conditions for the employment of foreigners. An empirical analysis encompasses reports and data of the Ministry of Labour, Family and Social Affairs concerning the number and structure of granted work permits for foreigners, and declarations of intention to commission work to foreigners. Reports of the Centre of Migration Research of the Warsaw University are applied for the formation of conclusions.

## RESEARCH RESULTS

In the 1990s, foreigners considered Poland to be sufficiently unattractive as a direction of migration. Migration policy was based on restrictive visa provisions hampering the immigration of foreigners. In addition, the unstable economic situation of post-transformation Poland discouraged foreigners from arriving in Poland. Regular liberalisation of law contributed to the commencement of a migration wave. Poland became more attractive, especially for several national groups of former Soviet countries – Ukrainians, Belarusians and selected Asian countries – Vietnamese and Chinese citizens. Its attractiveness was regularly supported by solutions facilitating economic migration. The procedure simplifying the employment of foreigners from neighbouring countries from beyond the European Union, introduced in 2006, contributed to an increase in migration, in particular of those national groups.

In the analysed period, a number of issued work permits and a number of employer declarations of intention to commission work to the foreigner regularly increased. The highest dynamics are observed after 2014. The largest number of work permits concerned A permits, i.e. permits for the performance of work by a foreigner based on an agreement with an employer, whose registered office, place of residence, branch, facility or other form of activity is located on the territory of the Republic of Poland. Since 2015, the largest number of work permits has considered the N section – Activity within the scope of administrative services and support services. In this section, activity is conducted by agencies for the recruitment of workers and temporary employment agencies, who professionally deal with the acquisition of employees from abroad for all economic sectors. Such an approach to the phenomenon prevents the sectoral analysis of employment of foreigners in Poland. Similarly, while analysing a number of employer declarations of intention to commission work to foreigners, its regular increase in the entire period of analysis is noticed. However, a rapid increase in a number of registered declarations is observed after 2014. 2014 is key for Polish immigration, which may be noticed in particular in reference to the number of registered employer declarations of intention to commission work to a

foreigner. The reason may be explained, on the one hand, by a national structure of Polish immigration. In the entire analysed period, Ukrainians constitute the largest group of foreigners with a work permit and employer declarations of intention to commission work. In 2014, the armed conflict in eastern Ukraine started, so this may have more strongly affected immigration pressures of Ukrainians. In addition, in 2014, the amendment to the Act on Foreigners, dated 12 December 2013, came into force, regarding simplifications of legalisation of their stay in Poland. Moreover, an increasing demand for employees forced the search for additional possibilities of its satisfaction outside Poland.

Poland's agricultural sector is historically privileged with regard to the employment of foreigners. Simplified procedures for agriculture, the nature of agricultural work and the specificity of employment in agriculture constituted reasons for an increasing interest of entrepreneurs and foreigners. Table 1 presents trends in the employment of foreigners in the agricultural sector in Poland.

Both numbers of issued work permits and employer declarations of intention to commission work to a foreigner in the agricultural sector regularly increased, accelerating after 2014. Ukrainians constitute the largest group of foreigners obtaining work permits and employer declarations of intention to commission work in agriculture in Poland. In 2018, the simplified procedure of application for seasonal work permits (S permits) was introduced and became available for all groups of foreigners allowing for work for nine months per calendar year, but only in selected sectors, i.e. agriculture and seasonal services of board and accommodation. In the first year of that mechanism, 121,436 seasonal work permits were issued, including 118,768 for the agricultural sector.

A number of permits for work on the territory of the Republic of Poland for foreigners and a number of registered declarations of employers stating intention to commission work to a foreigner in district labour offices in the agricultural sector have generally increased since 2010. However, the sectoral structure of issued permits and registered declarations has changed. From one year to another, the share of work permits issued for foreigners employed in the agricultural sector and the share of registered employer declarations in agriculture decreased (Figure 1).

Table 1. Permits for work on the territory of the Republic of Poland for foreigners and declarations of employers of the intention to commission work to a foreigner, registered by district labour offices in the years 2010-2018 (data for the agricultural sector)

Years	2010	2011	2012	2013	2014	2015	2016	2017	2018
Permits	831	1,676	1,719	1,842	2,333	3,178	4,506	6,391	3,653
$\Delta$ [%]	-	202	103	107	127	136	142	142	-43
Declarations	109,603	128,788	113,694	118,480	178,246	276,916	336,723	306,407	118,768*
									13,140**
$\Delta$ [%]	-	118	-12	104	150	155	122	-9	-

\* seasonal work permits issued by district labour offices

\*\* declarations of employers of intention to commission work to a foreigner

Source: own development based on data of the Ministry of Labour, Family and Social Affairs



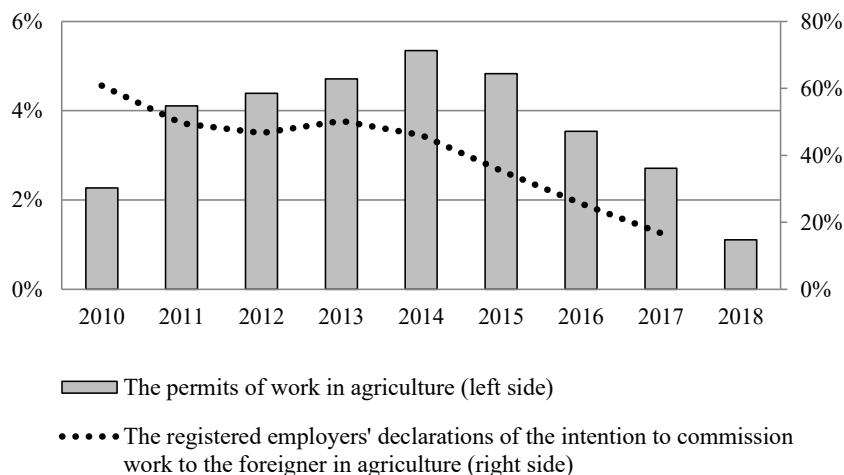


Figure 1. Share of issued work permits in agriculture and of registered employer declarations of intention to commission work to a foreigner in agriculture

Source: own development based on data of the Ministry of Labour, Family and Social Affairs

The trend presented in chart 1 unambiguously indicates that the share of agriculture in the structure of employment of foreigners in Poland is regularly decreasing. Although the number of work permits in the Polish economy is regularly increasing, in agriculture it is decreasing. A similar phenomenon takes place with the number of employer declarations of intention to commission work to a foreigner. Although the number of declarations is still relatively high, as in 2017 it came to 306,407, the significance of the agricultural sector has seen a large reduction, yet the significance of other sectors has increased.

The section of administrative services and support services, i.e. the section where temporary employment agencies and agencies for the recruitment of foreigners to work are operating, has become more significant but, in light of research, farmers use services of these types of entities to a small extent [Górny et al. 2018]. An unquestionable reason for the reduced number of issued work permits and declarations of intention to commission work is constituted by the remuneration of foreigners employed in the agricultural sector, which is significantly lower than the remuneration of foreigners in other economic sections [Kubiciel-Lodzińska 2013, Górny et al. 2018]. Personal features of immigrants constitute another reason. According to the research of the Centre of Migration Research of Warsaw University [Górny et al. 2018], immigrants working in Poland are young, learn quickly, are resourceful and not afraid of challenges. A common cultural background and language constitute significant facilitation. Therefore, these persons are regularly looking for a job that is better paid and requires the use of their skills. Currently, immigrants are not afraid of going beyond traditional immigration regions in Poland.



## CONCLUSIONS

In Poland, agriculture is the sector that uses the work of foreigners. Migration policy favours the agricultural sector, establishing simplified procedures of applying for a work permit in this sector. Immigrants working in agriculture have usually applied the simplified procedure of obtaining work permits, i.e. commencing work based on employer declarations stating intention to commission work to a foreigner registered in a labour office and S work permits. The agricultural sector absorbed the largest number of foreigners by 2014. Citizens from beyond the eastern border, in particular Ukrainians, constitute the largest group of employed foreigners. After 2014, immigrants have chosen employment in other sectors of the Polish economy rather than agriculture. It results from the low level of salaries in agriculture and good economic situation in Poland – there is larger demand for labour reported by other economic sectors. Personal features of modern immigrants also constitute an important factor of a lowering number of foreigners employed in agriculture.

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## ZATRUDNIANIE CUDZOZIEMCÓW W ROLNICTWIE W POLSCE

Słowa kluczowe: zatrudnienie, cudzoziemcy, rolnictwo, polityka migracyjna

## ABSTRAKT

Celem artykułu jest ocena stanu i uwarunkowań zatrudnienia cudzoziemców w rolnictwie w Polsce w latach 2008-2018. Podjęto próbę oceny, jak zmieniał się poziom zatrudnienia cudzoziemców w rolnictwie oraz jakie uwarunkowania decydowały o kierunku tych zmian. Zatrudnianie cudzoziemców w Polsce na stałe wpisało się w niektóre branże, w szczególności w polski sektor rolny. Rolnictwo absorbuje znaczną liczbę cudzoziemców. Przyczyny tego zjawiska tkwią w uwarunkowaniach formalnych uzyskiwania pozwoleń na pracę przez cudzoziemców i w warunkach społeczno-gospodarczych rolnictwa. Badaniem objęto uwarunkowania ekonomiczne i społeczne rolnictwa w Polsce. W analizie empirycznej wykorzystano raporty i dane Ministerstwa Rodziny, Pracy i Polityki Społecznej na temat liczby i struktury wydawanych zezwoleń na pracę cudzoziemców, oświadczeń o zamiarze powierzenia pracy cudzoziemcom oraz dane Instytutu Badań nad Migracjami UW. Wyniki analizy wskazują, że w polskim rolnictwie w okresie 2008-2018 zatrudniona była znaczna liczba cudzoziemców. Uproszczenie procedur zatrudniania cudzoziemców w polityce migracyjnej przypisane było sektorowi rolnemu. Początkowo procedury ułatwiające zatrudnianie pracy w rolnictwie należy ocenić pozytywnie. Do 2014 roku udział cudzoziemców zatrudnionych w rolnictwie zwiększał się z roku na rok. Wynikało to z uwarunkowań ekonomicznych i społecznych polskiego rolnictwa oraz cech osobowych imigrantów. Po 2014 roku udział zatrudnienia cudzoziemców w rolnictwie zmniejszał się systematycznie.

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