
*ACT of 20 April 2004
on the promotion of employment
and labour market institutions*

Legal status as of 01.01.2012

Ministry of Labour and Social Policy
— Department of Labour Market —

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ACT of 20 April 2004 on the promotion of employment and labour market institutions¹

Chapter 1 General provisions

Article 1.

1. This Act shall define the tasks of the State within the scope of employment promotion, mitigation of the effects of unemployment and vocational activation.
2. The tasks of the State within the scope of employment promotion, mitigation of the effects of unemployment and vocational activation shall be implemented by labour market institutions acting to achieve the objective of:
 - 1) attaining full and productive employment;
 - 2) developing human resources;
 - 3) attaining high quality of labour;
 - 4) strengthening integration and social solidarity;
 - 5) increasing mobility on the labour market.

Drawn up on the basis of: consolidated text Dz.U. of 2008 No. 69, item 415, No. 70, item 416, No. 134, item 850, No. 171, item 1056, No. 216, item 1367, No. 237, item 1654, of 2009 No. 6, item 33, No. 69, item 595, No. 91, item 742, No. 97, item 800, No. 115,

¹ This Act shall implement, within the scope governed by it, the following European Community directives:

- Council Directive of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families (68/360/EEC) (OJ EEC L 257 of 19.10.1968),
- Council Directive of 28 July 1990 on the right of residence (90/364/EEC) (OJ EEC L 180 of 13.07.1990),
- Council Directive of 28 July 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity (90/365/EEC) (OJ EEC L 180 of 13.07.1990),
- Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students (OJ EEC L 317 of 18.12.1993),
- Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ EC L 180 of 19.07.2000, p. 22; OJ EU Polish special edition, Chapter 20, vol. 1, p. 23),
- Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ EC L 303 of 02.12.2000, p. 16; OJ EU Polish special edition, Chapter 5, vol. 4, p. 79),
- Directive 2006/54/EC of the European Parliament and of the Council of 5 July 2006 on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation (recast) (OJ EU L 204 of 26.07.2006, p. 23).

The data indicated in this Act, concerning the publication of the acts of the European Union law, refer – on the day the Republic of Poland becomes a member of the European Union – to the publication of the acts in the special issue of the Official Journal of the European Union – special edition.

item 964, No. 125,
item 1035, No.
127, item 1052,
No. 161, item
1278, No. 219,
item 1706, of 2010
No. 28, item 146,
No. 81, item 531,
No. 238, item
1578, No. 239,
item 1593,
No. 254, item
1700, No. 257,
item 1725 and
1726, of 2011
No. 45, item 235,
No. 106, item 622,
No. 171, item
1016, No. 205,
item 1206 and
1211, Dz.U. of
2011 No. 291
item 1707

3. The Act shall apply to:
- 1) Polish citizens seeking and finding employment or other gainful work within the territory of the Republic of Poland and those seeking employment or other gainful work abroad with foreign employers;
 - 2) foreigners intending to perform or performing work within the territory of the Republic of Poland:
 - a) who are citizens of the European Union Member States,
 - b) who are citizens of the European Economic Area countries not belonging to the European Union,
 - c) who are citizens of countries, which are not parties to the agreement on the European Economic Area, but who can enjoy the freedom of movement of persons based on agreements concluded by these countries with the European Community and its Member States,
 - d) who have the status of a refugee in the Republic of Poland,
 - e) who have a settlement permit for the Republic of Poland,
 - f) who have a long-term resident's EC residence permit granted by Republic of Poland,
 - g) who have a residence permit for a fixed period for the Republic of Poland, granted in connection with the circumstances referred to in Article 53(1) point 13 of the Act of 13 June 2003 on foreigners (Dz.U. of 2006 No. 234, item 1694 and of 2007 No. 120, item 818 and No. 165, item 1170),
 - h) who have a residence permit for a fixed period in the Republic of Poland, as family members of the foreigner referred to in Article 53(1) point 13 or Article 54 of the Act of 13 June 2003 on foreigners,
 - i) who have a consent for tolerated stay in the Republic of Poland,
 - j) who enjoy temporary protection in the Republic of Poland,
 - k) who apply for a refugee status in the Republic of Poland and spouses, on whose behalf they apply for the refugee status, and persons who have a certificate issued on the basis of Article 36 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (Dz.U. of 2006 No. 234, item 1695, of 2007 No. 120, item 818 and of 2008 No. 70, item 416),
 - l) who were granted supplementary protection in the Republic of Poland;
 - 3) foreigners – family members of foreigners referred to in point 2 (a)-(c);

- 4) foreigners – family members of Polish citizens, who were granted a residence permit for a fixed period in the territory of the Republic of Poland or who, after submission of an application for a residence permit for a fixed period, settlement permit or a long-term resident's EC residence permit, stay within the territory of the Republic of Poland on the basis of a visa referred to in Article 61(3) or Article 71a(3) of the Act of 13 June 2003 on foreigners, if directly prior to submission of an application for a residence permit for a fixed period, settlement permit or a long-term resident's EC residence permit, they had a residence permit for a fixed period;
 - 5) foreigners intending to perform or performing work within the territory of the Republic of Poland.
4. Pursuant to the principles defined hereunder, unemployment allowances and other unemployment benefits can be granted to persons referred to in paragraph 3 points 1 and 2 (a)-(g) and (i), (j), (l) and to foreigners – family members of Polish citizens.

Article 2.

1. The terms in the Act are defined as follows:
 - 1) an academic career centre – shall refer to a unit that operates with the objective of vocational activation of students and university graduates and which is run by a university or students organisation, and whose tasks cover, in particular:
 - a) providing students and university graduates with information on the labour market and opportunities of improving vocational qualifications,
 - b) collection, classification and dissemination of job offers, placements and internships,
 - c) keeping a database of university students and graduates interested in finding a job,
 - d) assisting employers in recruiting suitable candidates for job vacancies and placements,
 - e) assistance in active job seeking;
 - 2) an unemployed – shall refer to a person referred to in Article 1(3) points 1 and 2 (a)-(g) or (i), (j), (l) or a foreigner – a family member of a Polish citizen, who is not employed and does not perform any other gainful work, while being able and ready to undertake full-time employment in a given occupation or service, or to undertake other gainful work or is a disabled person able and ready to undertake at least half-time employment; and who is not learning at any school

- with the exception of persons attending schools for adults or persons taking an extramural exam at that school within its thematic scope or at a higher school which the person attends within extramural studies –, and who is registered in the poviats labour office appropriate for the temporary or permanent place of residence, and is seeking employment or other gainful work, if:
- a) the person is over 18,
 - b) the person is under: 60 – woman or 65 – man,
 - c) the person is not eligible for retirement pension or disability pension in virtue of incapacity to work, a training pension, social pension, family pension in the amount exceeding half of the minimum remuneration for work or a person, who after completing employment, other gainful work, or after ceasing to carry out non-agricultural economic activity does not collect teachers' compensation benefit, pre-retirement allowance, pre-retirement benefit, rehabilitation benefit, sickness allowance, maternity allowance or an allowance equal in the amount to the maternity allowance,
 - d) the person is not a proprietor or an independent or dependent owner of a farming real estate, as understood in the provisions of the Act of 23 April 1964 – civil code (Dz.U. No. 16, item 93, as amended²) with the arable land area exceeding 2 calculation hectares, or is not subject to retirement pension or disability pension insurance on account of permanent employment on a farm and is not a spouse of the farm owner or household member on such a farm, which has the arable land area exceeding 2 calculation hectares,
 - e) the person does not earn income subject to taxation on account of income tax on special divisions of agricultural

² The amendments thereto were published in Dz.U. of 1971 No. 27, item 252, of 1976 No. 19, item 122, of 1982 No. 11, item 81, No. 19, item 147 and No. 30, item 210, of 1984 No. 45, item 242, of 1985 No. 22, item 99, of 1989 No. 3, item 11, of 1990 No. 34, item 198, No. 55, item 321 and No. 79, item 464, of 1991 No. 107, item 464 and No. 115, item 496, of 1993 No. 17, item 78, of 1994 No. 27, item 96, No. 85, item 388 and No. 105, item 509, of 1995 No. 83, item 417, of 1996 No. 114, item 542, No. 139, item 646 and No. 149, item 703, of 1997 No. 43, item 272, No. 115, item 741, No. 117, item 751 and No. 157, item 1040, of 1998 No. 106, item 668 and No. 117, item 758, of 1999 No. 52, item 532, of 2000 No. 22, item 271, No. 74, item 855 and 857, No. 88, item 983 and No. 114, item 1191, of 2001 No. 11, item 91, No. 71, item 733, No. 130, item 1450 and No. 145, item 1638, of 2002 No. 113, item 984 and No. 141, item 1176, of 2003 No. 49, item 408, No. 60, item 535, No. 64, item 592 and No. 124, item 1151, of 2004 No. 91, item 870, No. 96, item 959, No. 162, item 1692, No. 172, item 1804 and No. 281, item 2783, of 2005 No. 48, item 462, No. 157, item 1316 and No. 172, item 1438, of 2006 No. 133, item 935 and No. 164, item 1166 and of 2007 No. 80, item 538, No. 82, item 557 and No. 181, item 1287.

production, unless the income from special divisions of agricultural production calculated for determining the personal income tax does not exceed the average income from work in an individual farm with the area of 2 calculation hectares, as identified by the president of the Central Statistical Office based on the provisions on agricultural tax, or is not subject to retirement pension or disability pension insurance in virtue of permanent work on such a farm and is not a spouse of the farm owner or household member on such a farm,

- f) the person has not submitted an application for entry to the economic activity register or after its submission the person:
 - submitted to the economic activity register an application for suspension of the economic activity and the period of suspension has not yet expired; or
 - the period to commence economic activity defined in the application for entry to the economic activity register has not yet lapsed,
 - g) the person is not temporarily arrested, neither does the person serve a sentence of imprisonment, except for a sentence of imprisonment served outside a penitentiary establishment under a system of electronic monitoring,
 - h) the person does not earn monthly income that exceeds a half of the minimum remuneration for work, with the exception of income earned from interest or other income from financial means gathered on bank accounts,
 - i) the person does not collect a permanent allowance pursuant to the provisions on social assistance,
 - j) the person does not collect, pursuant to the provisions on family benefits, a nursing benefit or family allowance supplement for single parents and losing the right to the unemployment allowance due to the expiry of the statutory period for collecting the allowance,
 - k) the person does not collect a training pension referred to in Article 70(6),
 - l) the person is not subject, according to separate provisions, to the obligation of social insurance, excluding social insurance of farmers;
- 2a) (repealed);
- 3) an unemployed person under 25 – shall refer to an unemployed person who up to the day when the labour market services and measures were applied in relation to the person, was under 25 years of age;

- 4) an unemployed person over 50 – shall refer to an unemployed person who up to the day when the labour market services and measures were applied in relation to the person, was at least above 50 years of age;
- 5) a long-term unemployed – shall refer to an unemployed person who has been registered in the poviát labour office for a total period of over 12 months during the last 2 years, excluding periods of work practice and apprenticeship for adults;
- 6) an unemployed person without vocational qualifications – shall refer to an unemployed person who does not have qualifications to perform any job, which would be certified with a diploma, certificate, attestation of a training institution or other document entitling to perform a given occupation;
- 7) a foreigner – shall refer to a person who does not have a Polish citizenship;
- 8) a family member – shall refer to:
 - a) a person who is in the relation of matrimony, recognised by the law of the Republic of Poland, with a Polish or foreign citizen referred to in Article 1(3) point 2,
 - b) a descendant of a Polish or foreign citizen, who is under 21 years of age or who is dependent upon the citizen;
- 9) activation allowance – shall refer to the amount paid to an unemployed person with the right to an allowance, who undertook employment or other gainful work and did so independently or as a result of work appointment issued by the poviát labour office;
- 9a) occupational experience – shall refer to the experience gained during employment, other gainful work or conducting economic activity for a period of at least 6 months;
- 9b) EURES – shall refer to the European Employment Services of the countries referred to in Article 1(3) point 2 (a)-(c) implementing activities covering, in particular job placement together with guidance within the scope of labour market mobility, in cooperation with trade unions and employers' organisations;
- 10) (repealed);
- 10a) individual action plan – shall refer to an action plan covering the basic labour market services supported by labour market measures in order to find employment for an unemployed person or job-seeker;
- 11) other gainful work – shall refer to work performed or service provided on the basis of civil-law agreements, including agency agreement, mandate contract, contract for specific

- work or within the period of membership in a farming cooperative, cooperatives of farmers' associations or an agricultural services cooperatives;
- 12) training cost – shall refer to:
- a) the formerly agreed dues to be paid to the training institution,
 - b) the cost of personal accident insurance in case of persons that have no right to a scholarship and persons having the right to a scholarship referred to in Article 41(3b),
 - c) the cost of travel and, if the training is held in another place than the place of residence, also the cost of accommodation and boarding,
 - d) the costs of medical or psychological examinations required in separate acts of law,
 - e) the costs of examinations enabling to obtain certificates, diplomas, attestations, certain professional authorisations and professional titles, as well as the cost of obtaining licenses indispensable to practice a given occupation;
- 12a) minimum remuneration for work – shall refer to the amount of the minimum remuneration for work of employees which is awarded for full-time monthly work, announced in the Act of 10 October 2002 on minimum remuneration for work (Dz.U. No. 200, item 1679, of 2004 No. 240, item 2407 and of 2005 No. 157, item 1314);
- 13) illegal work or other illegal gainful work – shall refer to:
- a) employment of a person by an employer without confirming in writing the type and conditions of the concluded contract within the required deadline
 - b) failure to register an employed person or a person performing other gainful work for social insurance,
 - c) undertaking employment, other gainful work or activity by an unemployed person without informing the appropriate poviats labour office thereof,
 - d) (repealed),
 - e) entrusting work performance to a foreigner without a work permit in cases when work permit is required, or entrusting work performance on a different post or on different terms than those indicated in the work permit, subject to Article 88i,
 - f) (repealed);
- 14) illegal work performance by a foreigner – shall refer to performance of work by a foreigner without a valid visa or other document entitling the foreigner to stay within the territory of the Republic of Poland or who is not entitled

- to perform work based on the document allowing him/her the stay within the territory of the Republic of Poland, or a foreigner who performs work requiring permit without it, or performs the work on a different post or on different terms than those indicated in the work permit, subject to Article 88i, or a foreigner who performs work without concluding the required employment contracts or civil-law agreements;
- 15) (repealed);
 - 16) suitable work – shall refer to employment or other gainful work, subject to social insurance and for the performance of which the unemployed person has sufficient qualifications or occupational experience or which the unemployed can perform after prior training or apprenticeship for adults; the health condition of the unemployed allows him/her to perform it and the total time of commuting to the place of work and back by public transport does not exceed 3 hours, and for the performance of which the unemployed collects monthly gross remuneration in the amount of at least the minimum remuneration for work calculated as full-time equivalent;
 - 16a) a job offer – shall refer to a notification made by the employer to the poviats labour office of at least one vacancy or other gainful work in a defined occupation or specialisation, which is free from requirements breaching the principle of equal treatment in employment within the meaning of the provisions of the labour law, aimed at obtaining aid in finding a suitable employee;
 - 17) employment authorities – shall refer to the minister competent with respect to labour and voivodes, marshals of voivodeships and starosts;
 - 18) non-governmental organisation – shall refer to natural persons or bodies without legal personality established pursuant to the provisions of the act including foundations and associations, which are not entities of the public finance sector as understood in the provisions on public finance, and that do not operate for profit, excluding political parties and foundations established by them;
 - 19) a single parent – shall refer to a single person upbringing at least one child as understood in the provisions on the personal income tax;
 - 20) a cooperating person – shall refer to a person cooperating with the persons engaged in non-agricultural economic activities and with contractors as understood in the provisions on the social insurance system;

- 21) a dependant person – shall refer to a person in need of permanent care due to health condition or age, who is connected by family ties or kinship to the person covered by the services or measures of the labour market or sharing the household with such a person;
- 21a) EURES cross-border partnership – shall refer to actions taken up under EURES in the cross-border regions of the Republic of Poland approved by the European Commission based on separate procedures and implemented on the basis of a contract by employment services, trade unions and employers' organisations from countries referred to in Article 1(3) point 2(a)-(c);
- 21b) an entity entrusting work performance to a foreigner – shall refer to organisational entity, even if it does not have a legal personality, or a natural person that based on a contract or other employment relationship entrusts work performance to a foreigner;
- 22) a job seeker – shall refer to a person referred to in Article 1(3) points 1-3 or a foreigner – family member of a Polish citizen, who is seeking employment, other gainful work or other form of assistance defined in the Act, and who is registered in the poviát labour office;
- 23) non-agricultural economic activity – shall refer to non-agricultural activity as understood in the provisions on the social insurance system;
- 23a) works of social benefit – shall refer to works performed by the unemployed without the right to allowance, who were assigned thereto by the starost and works which are organised by a gmina in social assistance organisational units, organisations or institutions, whose statutory tasks cover charity or aid for local communities;
- 24) income – shall refer to the income that comes from other source than employment, other gainful work, economic activity, allowance or other benefit paid from the Labour Fund and subject to taxation pursuant to the provisions on personal income tax;
- 25) an employer – shall refer to an organisational unit even if it does not have legal personality, as well as a natural person as long as they employ at least one worker;
- 26) intervention works – shall refer to employing an unemployed by an employer as a result of a contract concluded by the employer with the starost with the aim of supporting persons in a special situation on the labour market referred to in Article 49;

- 26a) projects – shall refer to projects as understood in Article 5 point 9 of the Act of 6 December 2006 on the principles of development policy (Dz.U. No. 227, item 1658 and of 2007 No. 140, item 984) implementing activities within the scope of employment promotion, including preventing unemployment, mitigating the effects of unemployment and vocational activation following from the operational programmes co-financed from the European Social Fund and Labour Fund resources;
- 27) training loan – shall refer to a loan granted from the Labour Fund to finance the costs of training taken up by an unemployed without an assignment to training from the poviats labour office;
- [27a) job-training for adults – shall refer to a form of apprenticeship for adults enabling to obtain a professional title or the title of an apprentice;]*
- <27a) job-training for adults – shall refer to a form of apprenticeship for adults enabling to obtain a certificate confirming qualifications in a occupation or in case of persons having basic or secondary vocational education, a diploma confirming vocational qualifications after passing the exams confirming all qualifications determined for a given occupation or an apprentice certificate;>**
- 27b) special programmes – shall refer to a set of actions aimed at adjusting the qualifications already acquired or gaining new qualifications and professional skills and supporting jobs threatened with liquidation, or existing and newly created jobs;
- 27c) pilot projects – shall refer to undertakings initiated and implemented by public employment services independently or in cooperation with other labour market institutions, which consist in implementation of new methods, tools and forms of helping the unemployed seeking for job or employers, with the view of developing system solutions;
- 28) average remuneration – shall refer to the average remuneration in the previous quarter counting from the first day of the next month after announcing by the president of the Central Statistical Office in the "Monitor Polski" – the Government Official Journal based on Article 20 point 2 of the Act of 17 December 1998 on retirement and disability pensions from the Social Insurance Fund (Dz.U. of 2004 No. 39, item 353, as amended³);

New wording of point 27a in Article 2 shall enter into force as of 1.09.2012 (Dz.U. of 2011 No. 205, item 1206).

³ The amendments to the consolidated text of the aforementioned Act were published in Dz.U. of 2004 No. 64, item 593, No. 99, item 1001, No. 120, item 1252, No. 121, item 1264, No. 144, item 1530, No. 191, item 1954, No. 210, item 2135 and No. 236, item 2355, of 2005 No. 167, item 1397 and No. 169, item 1412.

- 29) reasons related to the employer – shall refer to:
- a) termination of the employment relationship or the service relationship for reasons not attributable to the employees in line with the provisions on detailed rules of terminating employment relationships for reasons not attributable to the employees or according to the provisions of the Act of 26 June 1974 – the labour code (Dz.U. of 1998 No. 21, item 94, as amended⁴), in case of terminating the employment relationship or the service relationship for the aforementioned reasons at the employer's employing less than 20 workers,
 - b) termination of the employment relationship or the service relationship for reasons of declaring bankruptcy by the employer, the employer's liquidation or liquidation of the work post for economic, organisational, production or technological reasons,
 - c) expiry of the employment relationship or the service relationship in case of the employer's death or, if separate provisions provide for termination of the employment relationship or the service relationship, following a transfer of the place of work or part thereof to a different employer or failure to propose by the employer new conditions of work and remuneration;
 - d) termination of the employment relationship by the employer basing of Article 55(1)¹ of the Act of 26 June 1974 – the labour code (Dz.U. 1998 No. 21, item 94, as amended⁵) given serious infringement of the basic obligations in relation to the worker;

⁴ The amendments to the consolidated text of the aforementioned Act were published in Dz.U. of 1998 No. 106, item 668 and No. 113, item 717, of 1999 No. 99, item 1152, of 2000 No. 19, item 239, No. 43, item 489, No. 107, item 1127 and No. 120, item 1268, of 2001 No. 11, item 84, No. 28, item 301, No. 52, item 538, No. 99, item 1075, No. 111, item 1194, No. 123, item 1354, No. 128, item 1405 and No. 154, item 1805, of 2002 No. 74, item 676, No. 135, item 1146, No. 196, item 1660, No. 199, item 1673 and No. 200, item 1679, of 2003 No. 166, item 1608 and No. 213, item 2081, of 2004 No. 96, item 959, No. 99, item 1001, No. 120, item 1252 and No. 240, item 2407, of 2005 No. 10, item 71, No. 68, item 610, No. 86, item 732 and No. 167, item 1398, of 2006 No. 104, item 708 and 711, No. 133, item 935, No. 217, item 1587 and No. 221, item 1615 and of 2007 No. 64, item 426, No. 89, item 589, No. 176, item 1239, No. 181, item 1288 and No. 225, item 1672.

⁵ The amendments to the consolidated text of the aforementioned Act were published in Dz.U. of 1998 No. 106, item 668 and No. 113, item 717, of 1999 No. 99, item 1152, of 2000 No. 19, item 239, No. 43, item 489, No. 107, item 1127 and No. 120, item 1268, of 2001 No. 11, item 84, No. 28, item 301, No. 52, item 538, No. 99, item 1075, No. 111, item 1194, No. 123, item 1354, No. 128, item 1405 and No. 154, item 1805, of 2002 No. 74, item 676, No. 135, item 1146, No. 196, item 1660, No. 199, item 1673 and No. 200, item 1679, of 2003 No. 166, item 1608 and No. 213, item 2081, of 2004 No. 96, item 959, No. 99, item 1001, No. 120, item 1252 and No. 240, item 2407, of 2005 No. 10, item 71, No. 68, item 610, No. 86, item 732 and No. 167, item 1398, of 2006 No. 104, item 708 and 711, No. 133, item 935, No. 217, item 1587 and No. 221, item 1615, of 2007 No. 64, item 426, No. 89, item 589, No. 176, item 1239, No. 181, item 1288 and No. 225, item 1672 and of 2008 No. 93, item 586, No. 116, item 740, No. 223, item 1460 and No. 237, item 1654.

- 29a) apprenticeship for adults – shall refer to an activation instrument in the form of job-training for adults or qualification upgrading for adults implemented without concluding an employment relationship with the employer according to the programme covering acquirement of practical skills and theoretical knowledge, which is concluded with an exam;
- 29b) qualification upgrading for adults – shall refer to a form of apprenticeship for adults enabling to obtain the selected vocational qualifications or skills confirmed in a certificate;
- 30) (repealed);
- 31) (repealed);
- 32) public works – shall refer to employment of an unemployed for a period not longer than 12 months to perform works organised by gminas, non-governmental organisations whose statutory tasks cover the issues of environmental protection, culture, education, physical culture and tourism, healthcare, unemployment or social assistance from the resources of a poviats selfgovernment, State budget, special-purpose funds, non-governmental organisations, water law company and associations thereto;
- 33) (repealed);
- 34) work practice – shall refer to obtaining by an unemployed the practical skills to perform work through the performance of tasks at the place of work without concluding an employment relationship with the employer;
- 35) scholarship – shall refer to the amount paid from the Labour Fund to the unemployed or other entitled person within the period of taking the training, apprenticeship for adults, postgraduate studies, work practice and within the period of studies in a post-gymnasium school or in a higher school, where a person studies under extramural system;
- 36) starost- shall refer to a poviats starost or a president of a city with a poviats status, who supervises the poviats labour office;
- 36a) specific employment supporting measures – shall refer to financing from the Labour Fund of the rational expenditure other than services and labour market measures necessary to implement the tasks tailored to individual needs of participants of a special programme adequate to the circumstances on the local labour market;
- 37) training – shall refer to non-school courses aimed at obtaining, supplementing or improving vocational or general skills and qualifications necessary for performing work, including employability skills;

- 38) contributions to social insurance – shall refer to contributions to retirement, disability and accident insurance financed from the resources of the payer of these contributions;
 - 39) (repealed);
 - 40) performance of work by a foreigner – shall refer to employment, other gainful work or fulfilling functions in the management board of natural persons, who obtained an entry to the register of entrepreneurs based on the provisions on the National Court Register or capital companies in an organisation;
 - 41) an allowance – shall refer to an unemployment allowance;
 - 42) activation courses – shall refer to courses for the unemployed and job seekers, which aim at preparing them to independent job seeking and undertaking employment or other gainful work;
 - 43) employment – shall refer to performance of work based on employment relationship, service relationship and a contract on home based work;
 - 43a) a work permit – shall refer to a decision of a competent body entitling a foreigner to perform work on the territory of the Republic of Poland under the conditions defined in the Act and in the aforementioned decision;
 - 44) outplacement – shall refer to the termination of the employment relationship or service relationship for reasons attributable to the employer, in relation to which labour market services are provided to employees subject to the notice on termination of the employment relationship or the service relationship, as well as at risk of receiving a notice;
 - 45) reserve soldiers – shall refer to the persons released from professional military service of the Armed Forces of the Republic of Poland; the status of a reserve soldier is awarded to a person for 36 months from the day of releasing a soldier from professional military service.
2. The following circumstances shall not prevent obtaining or holding the status of an unemployed:
- 1) performance of services by volunteers, which are equivalent to the performance of work under the rules set out in the provisions on public benefit activity and volunteer work, if the volunteer presents to the competent poviats labour office the agreement concluded with the beneficiary;
 - 2) taking a graduate traineeship under the rules defined in the Act of 17 July 2009 on postgraduate training (Dz.U. No. 127, item 1052), if the trainee presents to the competent poviats labour office the agreement on postgraduate training.

3. The costs of medical or psychological examinations aimed at:
 - 1) ascertaining the ability of an unemployed to perform work, participate in a training or apprenticeship for adults, work practice, performance of works of social benefit,
 - 2) determining the specific psychophysical predispositions required to perform a given occupation- conducted on the request of the poviata labour office shall be financed from the Labour Fund.

Article 2a.

The provisions of the Act protect the principle of equal treatment in access to and use of the labour market services and labour market measures, regardless of gender, race, ethnicity, nationality, religion, beliefs, opinions, disability, age or sexual orientation.

Article 2b.

The provisions of the Act of 3 December 2010 on the implementation of certain provisions of the European Union in the field of equal treatment (Dz.U. No. 254, item 1700) shall apply to the procedures on infringement of the principle of equal treatment.

Chapter 2

Labour market policy

Article 3.

1. The tasks of the State within employment promotion, mitigation of the effects of unemployment and vocational activation are implemented on the basis of the National Action Plan for Employment, hereinafter referred to as the “National Action Plan”, adopted by the Council of Ministers and setting forth the principles of implementing the European Employment Strategy on the basis of initiatives taken up by territorial governments of gminas, poviats, voivodeships and social partners.
2. The Draft National Action Plan shall be drawn up by the minister competent with respect to labour in collaboration, in particular, with: the minister competent with respect to economy, the minister competent with respect to training and education, the minister competent with respect to higher education, the minister competent with respect to rural development and the minister competent with respect to regional development.
3. The National Action Plan shall define in particular:
 - 1) objectives and directions of actions compliant with the priorities of the State policy within the scope of the labour market;
 - 2) expected amount of financial resources, including the Labour Fund and the State budget, to support financing actions following from the National Action Plan;
 - 3) indicators of National Action Plan’s effectiveness
4. On the basis of the National Action Plan, taking into account the voivodeship development strategy and the voivodeship strategy on social policy referred to in separate provisions, the local government of a voivodeship, shall prepare each year the Regional Action Plan for Employment specifying the priority groups of the unemployed and other persons requiring support – after obtaining the opinions of the poviat selfgovernment units and social partners.
5. The Council of Ministers can adopt under the National Action Plan governmental programmes of employment promotion and unemployment prevention aiming at vocational activation of the unemployed.
6. (repealed).

Article 4.

1. The minister competent with respect to labour shall implement tasks for the labour market by:
 - 1) preparing and coordinating the National Action Plan implementation;
 - 2) coordinating the public employment services, in particular through:
 - a) implementation of tasks following from the function of the Labour Fund administrator,
 - b) determination of the instruments stimulating the development of lifelong learning understood as learning in schools for adults, as well as acquiring and supplementing general knowledge, skills and vocational qualifications in relation to the unemployed, job seekers, employees and employers,
 - c) development, recommendation and dissemination of the information tools, methods and resources for the needs of vocational counselling, job placement, organisation of trainings, apprenticeship for adults or other forms of assistance set out in the Act,
 - d) implementation of tasks following from the right of free movement of employees between countries referred to in Article 1(3) point 2 (a)-(c), in particular through implementation and coordination of actions in voivodeships and poviats within the scope of participation of the public employment services in the EURES network and coordination of EURES cross-border partnerships on the area of their operation,
 - e) representation of the public employment services before public employment services of other countries,
 - f) implementation of provisions and coordination of actions following from international agreements and other agreements concluded with foreign partners within the scope of movement of employees;
 - 3) (repealed);
 - 4) ensuring the uniformity of the application of law, especially through:
 - a) providing explanations on how to apply the provisions of the act,
 - b) laying down the standards for the implementation of labour market services provided by the public employment services;

- 5) drawing up annual reports on the National Action Plan and their submission to the Council of Ministers;
 - 6) planning and implementing, in cooperation with the minister competent with respect to regional development, the tasks related to the employment promotion, including unemployment prevention, mitigation of the effects of unemployment and vocational activation of the unemployed implemented by the labour market institutions resulting from the operational programmes co-financed from the resources of the European Social Fund, within the scope belonging to the competences of the minister competent with respect to labour;
 - 7) driving at reaching the high quality of human resources and development thereof, in particular through:
 - a) labour market research and analyses,
 - b) definition of the classification of occupations and specialisations for the needs of the labour market,
 - c) coordination of the development and recommendation of professional qualification standards for occupations mentioned in the classification of occupations and specialisations,
 - d) coordination of the development and recommendation of the module programmes of vocational training for the labour market needs,
 - e) maintenance and provision of internet database within the scope of the labour market, in particular concerning job offers, training institutions, classification of occupations and specialisations, professional qualification standards, module programmes of vocational training,
 - f) initiation, implementation and coordination of pilot projects,
 - g) dissemination of information of the possibilities and scope of assistance defined in the Act and assistance provided by public employment services;
 - 8) implementation and development in the public employment services of the teleinformation systems providing a consistent system of labour market services and maintenance and provision of access to an Internet job offer database,
- 1a. The minister competent with respect to social security shall implement the tasks pertaining to coordination of social security systems of the countries referred to in Article 1(3) point 2 (a)-(c) within the scope of benefits for the unemployed, in particular, by performing the function of a liaison institution.
 2. The minister competent with respect to labour, in cooperation with the minister competent with respect to computerisation, shall determine, by way of an ordinance:

- 1) the rules of conduct within the scope of announcing the description of minimum requirements for the teleinformation system or a software used by public employment services including a structure, the required minimum functionality, the standardisation requirements within the scope of security, efficiency and development of the system and scope of communication between the elements of the system structure, including the list of structure of electronic documents, data formats and communication and encrypting protocols referred to in Article 13(2) point 2(a) of the Act of 17 February 2005 on computerisation of activities of entities performing public tasks (Dz.U. No. 64, item 565, of 2006 No. 12, item 65 and No. 73, item 501 and of 2008 No. 127, item 817),
 - 2) the rules of conduct pertaining to determining compliance of the software with the description of minimum requirements and announcement of the deadline for the software adjustment,
 - 3) the rules of conduct within the scope of announcing the description of requirements determining the minimum scope of information on the labour market provided by public employment services and standards applicable within the scope of presenting the information at the websites of public employment services
- taking into account the need to ensure compliance of the teleinformation systems applied by public employment services, in particular, within the scope of uniformity of the scope and type of data, which would make possible their aggregation into a central set, as well as maintaining compliance with the minimum standards and the manner of determining software compliance, defined on the basis of the Act of 17 February 2005 on computerisation of activities of entities performing public tasks.
3. The public employment services shall use software which is compliant with the requirements set out by the minister competent with respect to labour in the provisions issued based on the paragraph 2.
 4. The minister competent with respect to labour can create central registers containing data pertaining to the labour market, labour market institutions, projects, the provided assistance and benefits, as well as data regarding job seekers, the unemployed, employers and job offers collected by public employment services based on the provisions of the Act, and the minister can process the data under the rules defined in the provisions on personal data protection.

5. The public employment services shall transfer the data to the central registers created based on paragraph 4 and public employment services can use the data within the scope necessary to implement the tasks defined in the Act by using a software referred to in paragraph 3 or tools defined in Article 4(1) point 2(c).
6. The data from the register created based on paragraph 4 can be provided under a mode and rules defined in the Act of 17 February 2005 on computerisation of activities of entities performing public tasks to other entities performing public tasks on the ground of separate provisions or as a result of delegation or commission by public entities within the scope necessary to perform these tasks. The access to personal data is supervised and registered in line with provisions on personal data protection.

Article 5.

The minister competent with respect to labour acts as the coordinator of the public employment services.

Chapter 3

Labour market institutions

Article 6.

1. The labour market institutions implementing the tasks determined in the Act include:
 - 1) public employment services;
 - 2) Voluntary Labour Corps;
 - 3) employment agencies;
 - 4) training institutions;
 - 5) social dialogue institutions;
 - 6) local partnership institutions.
2. The public employment services shall establish employment bodies complete with poviats and voivodeship labour offices, the office servicing the minister competent with respect to labour and voivodeship offices implementing the tasks defined in the Act.
3. The Voluntary Labour Corps are a state unit specialising in youth-oriented activities aimed, in particular, at the youth at the risk of social exclusion and the unemployed under 25.
4. The employment agencies are entities contained in the register of entities conducting employment agencies providing services within the scope of job placement, job placement for foreign employers, vocational counselling, personal counselling or temporary work.
5. The training institutions are public and non-public entities conducting out-of school education based on separate provisions.
6. The social dialogue institutions on the labour market include:
 - 1) trade unions and organisations of trade unions,
 - 2) employers' organisations,
 - 3) organisations of the unemployed,
 - 4) non-governmental organisations- if their statutory tasks include implementation of tasks concerning employment promotion, mitigation of the effects of unemployment and vocational activation.
7. The local partnership institutions cover a group of institutions implementing labour market undertakings and projects under an agreement.
8. (repealed).
9. The public employment services cooperate with the head of the National Crime Information Centre within the scope necessary to implement its statutory tasks.

Article 7. (repealed).

Chapter 4

Public employment services

Article 8.

1. The tasks of a selfgovernmental authorities of a voivodeship within the scope of labour market policy shall include:
 - 1) establishment and coordination of the regional labour market policy and human resources development in respect to the national labour market policy through the development and implementation of a Regional Action Plan for Employment;
 - 2) allocation of the resources held by the Labour Fund to the tasks for employment promotion, human resources development and activation of the unemployed with respect to the directions and priorities defined in the Regional Action Plan for Employment,
 - 3) development of labour market analysis and labour demand research, including monitoring of deficit and surplus occupations;
 - 4) cooperation with the voivodeship employment council as regards establishment and implementation of the regional labour market and human resources development policy;
 - 5) (repealed);
 - 6) programming and delivering of the tasks implemented with the co-financing of the European Social Fund through:
 - a) (repealed),
 - b) performance of tasks following from the programmes referred to in the provisions on the National Development Plan or on the principles of development policy management;
 - 6a) coordination on the area of a voivodeship of the implementation of vocational activation programmes financed from the Labour Fund reserve remaining at the disposal of the minister competent with respect to labour;
 - 6b) initiation and implementation of pilot projects;
 - 7) initiation and implementation of undertakings aimed at solving or mitigating problems related to planned redundancies of groups of workers for reasons related to the employer.
 - 8) implementation of tasks following from coordination of social security systems of the countries referred to in Article 1(3) point 2 (a)-(c) within the scope of benefits for the unemployed and, in particular:

- a) acting as the competent institution,
 - b) accepting and considering applications of the unemployed for issuing relevant certificates concerning benefits for the unemployed,
 - c) issuing decisions concerning unemployment benefits;
- 9) implementation of the tasks derived from the right of free movement of employees between the countries referred to in Article 1(3) point 2 (a)-(c), in particular through:
- b) supporting, coordinating and implementing the tasks of the EURES network on the area of a voivodeship in cooperation with a minister competent with respect to labour, poviats, self-governments, trade unions and employers' organisations,
 - b) implementation of tasks related to the participation in the EURES cross-border partnerships in the area of their operation;
- 10) implementation of tasks related to the international movement of employees following from separate provisions, international agreements and other agreements concluded with foreign partners;
- 11) organisation and coordination, as well as provision of vocational counselling and guidance service as well as their development, on the area of a voivodeship;
- 12) development, collection, updating and dissemination of vocational information on the area of a voivodeship;
- 12a) cooperation with the minister competent with respect to labour within the scope of development, collection and updating vocational information of nation-wide character;
- 13) cooperation on the area of a voivodeship with the poviats labour offices within the scope of organisation of trainings, apprenticeship for adults and work practice, in particular, through:
- a) researching the demand for vocational qualifications and skills on the voivodeship labour market and dissemination of the results thereof,
 - b) running registers of training institutions and analysing their training offer as well as providing information on the offer,
 - c) methodological support of actions of the poviats labour offices within the scope of organisation of trainings, apprenticeship for adults and work practice,
 - d) conducting analyses of impact efficiency of trainings, apprenticeship for adults and work practice on the labour market, as well as dissemination of the results of these analyses,

- e) conducting a social dialogue within the scope of employment policy and lifelong learning,
 - f) promotion of the idea of lifelong learning and dissemination of good practices within the scope of organisation of trainings, apprenticeship for adults and work practice;
- 14) organisation, conduct and financing of trainings for the employees of the voivodeship and poviats labour offices;
 - 15) setting-up – after obtaining an opinion of the voivodeship employment council, on the basis of classification of occupations and specialisations referred to in Article 4(1) point 7(b) – a list of occupations, in which there can be a refund referred to in Article 12(6) for the apprenticeship for the youth; a list of occupations shall be subject to publication in a voivodeship journal of laws;
 - 16) cooperation with relevant education bodies, schools and higher schools as regards harmonisation of vocational education and training with the needs of the labour market;
 - 17) keeping a register of employment agencies and issuing certificates of entries in the register of employment agencies,
 - 18) cooperation with the minister competent with respect to labour in the area of establishment of central registers based on Article 4(4);
 - 19) disseminating information on the possibilities and scope of assistance defined in the Act and assistance provided by public employment services.
- 1a. Pilot projects referred to in paragraph 1 point 6b can be implemented on the request of the marshal of a voivodeship after submission of information characterising the given pilot project to the minister competent with respect to labour and after obtaining approval thereof for the implementation of the pilot project.
 - 1b. On the request of the marshal of a voivodeship, the minister competent with respect to labour can award resources from the reserve of the Labour Fund administrator for the implementation of the pilot project.
 2. In the administrative proceedings pertaining to cases referred to in paragraph 1 point 8(b) and (c), the minister competent with respect to social security shall act as the higher level body.
 3. The tasks referred to in paragraph 1 shall be implemented by the voivodeship labour office, which is an organisational unit of the selfgovernment of a voivodeship.
 4. (repealed).
 5. The marshal of a voivodeship can, in a written form, entitle the director of the voivodeship labour office or, on request thereof, other employees of the office – to handle for the marshal of

a voivodeship some issues, including issuance of decisions and resolutions under the mode of provisions on administrative proceedings. As for tasks following from the programmes co-financed from the Labour Fund, these tasks shall be performed by the director of the voivodeship labour office on behalf of the marshal of a voivodeship.

6. The marshal of a voivodeship shall appoint the director of the voivodeship labour office selected under a competition out of persons having higher education and at least 3 years of working experience in the public employment services or at least 5 years of working experience in other labour market institutions. The marshal of a voivodeship shall dismiss the director of the voivodeship labour office after obtaining an opinion of the voivodeship employment council. The opinion of the voivodeship employment council shall not be deemed necessary in cases referred to in Article 52 and 53 of the labour code, and in case of dismissal of the director of the voivodeship labour office on his/her own request.
7. The deputy directors of the voivodeship labour office shall be appointed and dismissed by the director of the voivodeship labour office.
8. The Vocational Information and Career Planning Centres operate under the voivodeship labour offices. The centres are specialised organisational units, which in particular:
 - 1) support the poviats labour offices within the scope of vocational counselling and guidance by providing specialist services pertaining to vocational career planning for the unemployed and job seekers, including with the use of teleinformation systems;
 - 2) develop and update, in cooperation with the poviats labour offices, vocational information and other information resources that are helpful in active job seeking, and they disseminate the information on the territory of the voivodeship;
 - 3) run activation courses for the unemployed and jobseekers;
 - 4) (repealed);
 - 5) cooperate with the poviats labour offices in development and implementation of individual action plans;
 - 6) (repealed);
 - 7) provide vocational counselling and guidance to employers and assist the poviats labour offices in this respect;
 - 8) provide information on the possibilities and scope of assistance provided by the labour offices under vocational counselling and guidance, as well as assistance in active job seeking;
 - 9) develop and update, in cooperation with the minister competent with respect to labour, vocational information and

other information resources that are helpful in active job seeking of nation-wide character.

- 8a. Establishment and liquidation of the Vocational Information and Career Planning Centre shall require approval of the minister competent with respect to labour.
9. At least once a year, the sejmik of the voivodeship assesses the situation on the labour market and implementation of tasks within the scope of labour market policy.

Article 9.

1. The tasks of a poviát selfgovernment within the scope of labour market policy shall include:
 - 1) development and implementation of a programme of employment promotion and local labour market activation, which constitutes a part of the poviát strategy for social problems solving, referred to in separate provisions;
 - 2) obtaining and managing financial resources for the implementation of tasks related to local labour market activation;
 - 2a) provision of information on the possibilities and scope of assistance defined in the Act;
 - 3) assistance to the unemployed and job seekers in finding a job through job placement, vocational counselling and guidance, as well as assistance in active job seeking;
 - 3a) assistance to employers in recruiting employees through job placement and vocational counselling and guidance;
 - 4) registration of the unemployed and job seekers;
 - 5) (repealed);
 - 6) initiation, organisation and financing of labour market services and measures;
 - 7) initiation and methodological support for the establishment of job clubs operating in other institutions and organisations than the poviát labour office;
 - 8) (repealed);
 - 8a) initiation, organisation and financing of trainings and apprenticeship for adults;
 - 9) development of analyses and reports, including monitoring of deficit and surplus occupations, as well as assessments regarding the labour market, for the needs of the poviát employment council and employment bodies;
 - 10) initiation and implementation of undertakings aimed at solving or mitigating problems related to the planned redundancies of groups of workers for reasons related to the employer;

- 11) cooperation with the poviats employment councils within the scope of employment promotion and use of the Labour Fund resources;
- 12) cooperation with gminas related to the dissemination of the job offers, information on vocational counselling services, trainings, apprenticeship for adults, work practice, organisation of public works and social employment based on separate provisions;
- 12a) cooperation with the voivodeship labour offices related to the provision of basic labour market services, including development and update of the vocational information and other information resources concerning the local labour market which can be helpful in job seeking;
- 13) awarding and payment of unemployment allowances and other benefits due to unemployment;
- 14) issuing of decisions concerning:
 - a) recognising or refusing to recognise a given person as an unemployed and loss of the status of the unemployed,
 - b) awarding, refusing to award, suspending or renewing the payment, as well as loss or deprivation of the right to allowance, scholarship and other benefits financed from the Labour Fund and not resulting from the concluded agreements,
 - c) the obligation to repay the unduly collected allowance, scholarship and other unduly collected benefits or costs of vocational trainings and preparation of adults financed from the Labour Fund,
 - d) postponement of the date of repayment, payment in instalments or redemption of a part or entirety of the unduly collected allowance awarded from the Labour Fund, due amounts for recovery of refund or awarded one-off resources referred to in Article 46 and other financial benefits from the Labour Fund referred to in Article 76(7a);
- 15) implementation of tasks following from coordination of social security systems of the countries referred to in Article 1(3) point 2 (a)-(c) within the scope of benefits for the unemployed and, including execution of decisions referred to in Article 8(1) point 8(c);
- 16) implementation of tasks following from the right of free movement of employees between the countries referred to in Article 1(3) point 2 (a)-(c), in particular through:
 - a) implementation of the tasks of the EURES network in cooperation with a minister competent with respect to

- labour, local governments of voivodeships, trade unions and employers' organisations,
- b) implementation of tasks related to the participation in the EURES cross-border partnerships on the area of their operation;
- 16a) implementation of tasks related to the international movement of employees following from separate provisions, international agreements and other agreements concluded with foreign partners;
 - 17) research and analysis of the situation on the local labour market in relation to the proceedings for issuing a work permit for a foreigner;
 - 18) organisation and financing of trainings for the employees of the poviats labour office;
 - 19) development and implementation of individual action plans;
 - 20) implementation of projects related to the employment promotion, including unemployment prevention, mitigation of the effects of unemployment and vocational activation of the unemployed resulting from the operational programmes co-financed from the resources of the European Social Fund and the Labour Fund;
 - 21) organisation and implementation of special programmes;
 - 22) making available information on the persons registered, within the scope necessary to implement the tasks defined in the Act, to other labour market institutions and entities referred to in Article 24(1) and other public entities or non-public entities implementing public tasks on the basis of separate provisions, or following delegation or commissioning of their implementation by a public entity;
 - 23) cooperation with the minister competent with respect to labour pertaining to the establishment of central registers based on Article 4(4);
 - 24) initiation and implementation of pilot projects.
- 2. The tasks referred to in paragraph 1 shall be implemented by the poviats labour office forming the poviats combined administration.
 - 2a. The minister competent with respect to labour shall transfer in 2006 and 2007 from the Labour Fund to the local governments of poviats 7% of the amount of resources (limit) of the Labour Fund established for the previous year, for the implementation of programmes for employment promotion, mitigation of the effects of unemployment and vocational activation referred to in Article 109(2), excluding the amounts awarded from the resources at the disposal of the local government of voivodeships and from the reserve of the Labour Fund administrator dedicated to the

financing of costs of remuneration and social insurance contributions of employees of the poviats labour office.

- 2a¹. The minister competent with respect to labour shall transfer until 31 December 2013 from the Labour Fund to the local governments of poviats 7% of the amount of resources (limit) of the Labour Fund established for the previous year, for the implementation of programmes for employment promotion, mitigation of the effects of unemployment and vocational activation referred to in Article 109(2), excluding the amounts awarded from the resources of the reserve of the Labour Fund administrator dedicated to the financing of costs of remuneration and social insurance contributions of employees of the poviats labour office.
- 2a². Resources referred to in paragraph 2a¹, for the financing of costs of remuneration and social insurance contributions of employees of the poviats labour office, shall be dedicated, in particular, for those employed on the posts referred to in Articles 92, 94, 96, 98 and 99.
- 2b. The amount of resources referred to in paragraph 2a¹ shall be transferred to the local governments of poviats in monthly periods to the level of 1/12 amount established for a given year.
- 2c. The amounts of resources referred to in paragraph 2a¹ that were transferred to a poviat selfgovernment constitute the income of the poviat referred to in Article 8(3) of the Act of 13 November 2003 on the income of the territorial local government unit (Dz.U. No. 203, item 1966, as amended⁶).
- 2d. The starost can refund, from the resources of the Labour Fund within the amount awarded for financing other optional tasks implemented by the poviat labour office, some part of the eligible costs – within the meaning of the provisions of Regulation (EC) No 1081/2006 of the European Parliament and of the Council of 5 July 2006 on the European Social Fund and repealing Regulation (EC) No 1784/1999 (OJ EU L 210 of 31.07.2006, p. 12) – borne by the poviat budget. These eligible costs of project implementation shall cover costs borne for:
- 1) assessment, within the meaning of the provisions on the principles of development policy, of projects co-financed from the European Social Fund and the Labour Fund,
 - 2) legal assistance and guidance to the poviat labour office within the scope of preparing and conducting the public procurement proceedings directly related to the implementation of projects co-financed from the European Social Fund and the Labour Fund,

⁶ The amendments to the Act were published in Dz.U. of 2005 No. 249, item 2104, of 2006 No. 141, item 1011, No. 225, item 1635 and No. 249, item 1828 and of 2007 No. 191, item 1370.

- 3) equipment purchase or amortisation, or purchase of office materials for the poviats labour office necessary and directly related to the implementation of projects co-financed from the European Social Fund and the Labour Fund, pursuant to the provisions of the Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999
- to the level of 3% of the amount awarded from the resources at the disposal of the voivodship selfgovernment for the implementation of tasks co-financed from the resources of the European Social Fund and the Labour Fund.
3. Establishment, liquidation or change of the area of operation of the poviats labour office shall require approval of the minister competent with respect to labour.
4. (repealed).
5. The starost shall appoint the director of the poviats labour office selected under a competition out of persons having higher education and at least 3 years of working experience in the public employment services or at least 5 years of working experience in other labour market institutions. The starost shall dismiss the director of the poviats labour office after obtaining an opinion of the poviats employment council. The opinion of the poviats employment council shall not be deemed necessary in cases referred to in Articles 52 and 53 of the labour code, and in case of dismissal of the director of the poviats labour office on his/her own request.
- 5a. The director of the poviats labour office referred to in Article 9a, who was selected under a competition out of persons meeting the conditions set out in paragraph 5 shall be appointed and dismissed by the competent starosts and presidents of cities with a poviats status working in cooperation with each other. The body competent with respect to activities pertaining to the scope of the labour law shall be determined by the competent starosts and presidents of cities with a poviats status working in cooperation with each other.
6. The deputy directors of the poviats labour office shall be appointed and dismissed by the director of the poviats labour office.
7. The starost can, in a written form, entitle the director of the poviats labour office or on request thereof, other employees of the office to handle for him the issues, including issuing decisions, resolutions and certificates under the mode of provisions on administrative proceedings.

Article 9a.

1. The poviats implementing tasks referred to in Article 9(1) covering with the area of its operation a number of poviats shall be co-financed from the budgets of these poviats.
2. The poviat, whose organisation unit is the poviat labour office referred to in paragraph 1, hereinafter referred to as the "leading poviat", shall be awarded targeted grants for the current expenditure from the budgets of other poviats, whose tasks it implements, hereinafter referred to as the "granting poviats".
3. The granting poviats and leading poviats shall conclude bilateral agreements defining the level, deadlines and rules of transferring the targeted grants for the co-financing of costs of operation of the poviat labour office taking into account a reduction of the grant with the amount of the refund from the Labour Fund resources referred to in Article 9(2d) for the implementation by the leading poviats of the projects co-financed from the resources of the European Social Fund and the Labour Fund concerning the granting poviat.
4. In case of failure to conclude the agreement referred to in paragraph 3, the amount of claim due to the leading poviat shall be established as a share in the entirety of the borne costs, including investments and investment purchases, which is equal to the ratio of the number of residents from the area of the granting poviat to the total number of residents from the overall area of operation of the poviat labour office, as of the end of the year preceding the financial year, in which the costs were borne – net the amount of the refund referred to in Article 9(2d) intended for the implementation by the leading poviat of the projects co-financed from the resources of the European Social Fund and the Labour Fund concerning the granting poviat.

Article 9b.

1. The vocational activation centres shall be established under the poviat labour offices. The centres shall be specialised organisational bodies of the poviat labour office, which implement tasks within the scope of labour market services and labour market measures.
2. It is possible, under the poviat labour offices and in cooperation with the local governments of gminas, to set up and run local information and consultation points, which on the territory of the gmina implement, in particular, the tasks related to the provision of information to the interested parties and employers on the possibilities and scope of assistance defined in the Act and

registering the unemployed and job seekers. These tasks shall be implemented, above all, with the use of teleinformation systems enabling access to the public registers kept by the poviats labour offices.

Article 9c.

1. The pilot projects referred to in Article 9(1) point 24 can be implemented on the request of the starost, after submission of information characterising the project to the minister competent with respect to labour and obtaining approval from the minister for the implementation of the pilot project.
2. On the request of the starost the minister competent with respect to labour can award resources from the reserve of the Labour Fund administrator to the implementation of a pilot project.

Article 10.

1. The tasks of the voivode within the scope of the labour market policy shall cover supervision over the implementation of tasks performed by the marshal of a voivodeship or the starost, voivodeship or poviats labour offices and other entities, hereinafter referred to as "control units", in particular, within the scope of:
 - 1) application of standards and conditions for the provision of labour market services referred to in Article 35(5) by the labour offices;
 - 2) meeting the eligibility requirements set out for the directors and employees of the labour offices;
 - 3) observance of the rules and procedure of disbursement of Labour Fund resources;
 - 4) correctness of commissioning the implementation of labour market tasks and services;
 - 5) control of implementation of other tasks, following from the Act, performed by the territorial local government or other entities.
2. The tasks of the voivode shall include also:
 - 1) organisation and financing of trainings for the employees of the voivodeship office, as well as voivodeship and poviats labour offices.
 - 2) issuance of licences to job placement agencies and vocational counsellors;
 - 3) issuance of work permits to foreigners;
 - 4) implementation of tasks of the higher level body in the administrative proceedings in cases concerning unemployment benefits.

3. The voivode after obtaining opinions from the marshal of a voivodeship and voivodeship employment council shall establish the criteria for issuing work permits to foreigners.
4. In the criteria referred to in paragraph 3 the voivode shall:
 - 1) determine the list of occupations and types of job, for which it is not necessary to consider the information from a starost prior to issuing a work permit; it can be issued based on the situation on the local labour market, in particular the number of registered unemployed and job seekers in individual occupations as compared to the number of job offers notified to the poviat labour offices;
 - 2) determine the cases, when the work permit can be issued for a period shorter than the one set out in the application taking into account, in particular, the past periods of stay and work of a foreigners in the Republic of Poland, the character and type of work performed by the foreigner and significance of the entity entrusting the performance of work by a foreigner for the economy.
5. The criteria referred to in paragraph 3 shall not include requirements discriminating in respect to gender, age, disability, race, nationality, ethnic origin, sexual orientation, political beliefs and religion or on grounds of membership in a trade union or employers' organisation.
6. The criteria referred to in paragraph 3 shall be subject to publication in the voivodeship journal of laws.
7. As for administrative proceedings in cases related to the performance of tasks following from the Act, if the act does not provide otherwise:
 - 1) the starost shall be the competent body;
 - 2) the voivodes shall be the higher level body.

Chapter 5

Voluntary Labour Corps

Article 11.

1. The Voluntary Labour Corps is a State budgetary unit.
2. The minister competent with respect to labour shall supervise the Voluntary Labour Corps.
3. As part of the supervision referred to in paragraph 2, the minister competent with respect to labour shall, in particular, approve annual labour plans and reports on labour plan performance of the Voluntary Labour Corps for the previous year.

Article 12.

1. The Voluntary Labour Corps shall fulfil the duties of the State in the field of employment and counteracting marginalisation and the social exclusion of the youth, as well as the tasks within the scope of training and education of the youth.
2. Within the scope of training and education of the youth the Voluntary Labour Corps shall, in particular, conduct activities aimed at:
 - 1) enabling young people who failed to complete the primary school or gymnasium, or who do not continue education after completing these schools, to acquire vocational qualifications and supplement the basic and gymnasium education;
 - 2) enabling young people to supplement the post-gymnasium general and vocational education.
3. The Voluntary Labour Corps, within the scope referred to in paragraph 2, shall organise recruitment of the youth to the Voluntary Labour Corps, pursue education and training activity, and in agreement with the school superintendents and entities running schools, direct the participants of the Voluntary Labour Corps to schools and establishments referred to in the provisions of the education system.
4. The young people covered with the protection of the Voluntary Labour Corps that reached the age of 15 not later than on the date of starting the teaching and education classes if:
 - 1) they have delays in the learning cycle and do not show prospects of completing the primary school or gymnasium for children and youth, or
 - 2) they have psychophysical conditions or difficult life situation restricting the possibilities of learning in school- can attend schools for adults.

- 4a. The Voluntary Labour Corps can also conduct trainings for persons above 18 in centres referred to in Article 14(1) point 4.
5. Within the scope of employment and counteracting marginalisation and social exclusion of the youth the Voluntary Labour Corps shall, in particular:
 - 1) conduct job placement, excluding actions provided for the EURES network and organise employment for:
 - a) young people aged above 15 who failed to complete the primary school or gymnasium or who do not continue education after completing these schools,
 - b) the unemployed below 25,
 - c) pupils and students;
 - 2) perform vocational counselling for the youth and mobile vocational information centres;
 - 3) initiate international cooperation and youth exchange;
 - 4) (repealed);
 - 5) refund costs borne by the employers for the remuneration and contributions to social insurance of young employees working on the basis of employment contract in order to acquire apprenticeship under general trainings as understood in the provisions on the admissibility of State aid for entrepreneurs.
6. The Voluntary Labour Corps can refund the costs borne by the employer for the remuneration and contributions to social insurance of young employees working on the basis of employment contract in order to acquire apprenticeship, considering the list of occupations referred to in Article 8(1) point 15, to the amount of the lowest rates determined in separate provisions binding in the period for which the refund is made based on the contract concluded with the employer or organisation associating employers.
7. The Voluntary Labour Corps shall cooperate, above all, with the government administration units, public employment services and other labour market institutions and territorial local government units.
8. The minister competent with respect to labour shall determine, by way of an ordinance, the detailed conditions and mode of refunding from the resources of the Labour Fund to the employers the remunerations paid to young employees and contributions to social insurance from the refunded remunerations, and in particular, the elements of an application for concluding a refund agreement, deadlines for application submission and criteria for application consideration, entities entitled to conclude refund agreement, elements of the refund agreement and the application for recovery of the costs borne by the employer taking into account the need to ensure to the young employees the proper conditions of apprentice

ship and the need to ensure compliance of granting the State aid to entrepreneurs with the conditions of admissibility of aid for trainings.

Article 13.

The cooperation between the Voluntary Labour Corps and territorial local government units shall take place under the conditions defined in the concluded contracts and agreements, which determine the objectives, tasks to be implemented for the youth and mutual organisational and financial obligations within this scope.

Article 14.

1. The tasks referred to in Article 12(1) and (2) shall be implemented by the Main Commissioner of the Voluntary Labour Corps, in particular, with the assistance of:
 - 1) Main Headquarters of the Voluntary Labour Corps;
 - 2) voivodeship Commissioners of the Voluntary Labour Corps;
 - 3) directors of training and education centres;
 - 4) directors of the vocational training centres.
2. The Main Commissioner of the Voluntary Labour Corps shall be appointed and dismissed by the minister competent with respect to labour.

Article 15. (repealed).

Article 16.

The minister competent with respect to labour shall determine, by way of an ordinance, the detailed tasks and organisation of the Voluntary Labour Corps bearing in mind the need to ensure effectiveness and efficiency of tasks implementation by the Voluntary Labour Corps.

Article 17.

The Council of Ministers shall determine, by way of an ordinance, how to organise the classes aimed at supplementing the general education of the youth in the Voluntary Labour Corps and acquiring by the youth the vocational qualifications taking into account, in particular, the needs within this scope of the youth recruited to the Voluntary Labour Corps.

Chapter 6

Employment agencies

Article 18.

1. Conducting economic activity within the scope of provision of services:
 - 1) job placement, consisting, above all, in:
 - a) helping job seekers to find a suitable employment or other gainful work, as well as employers in finding employees with the desired vocational qualifications,
 - b) acquiring and disseminating job offers,
 - c) providing employers with information on candidates for job vacancies, in relation to the notified job offer,
 - d) informing the candidates for job vacancies and employers about the current situation and expected shifts on the local labour market,
 - e) initiating and organising contacts between job seekers looking for suitable employment or other gainful work, and employers,
 - f) directing persons to work abroad with foreign employers referred to in Article 85(2),
 - 2) personal counselling , consisting, above all, in:
 - a) carrying out the analysis of employment at the employers', defining employees' qualifications and predispositions and other characteristics indispensable for performing a given occupation,
 - b) indicating sources and methods of acquiring candidates for given job vacancy,
 - c) verifying candidates in respect to the expected qualifications and predispositions,
 - 3) vocational counselling consisting, above all, in:
 - a) providing assistance in selection of suitable occupation and work place,
 - b) providing information necessary for making professional decisions, in particular about occupations, labour market and training and education opportunities,
 - c) initiating, organising and conducting group vocational counselling, activation workshops regarding assistance in active job seeking,
 - d) providing employers with assistance in the selection of candidates for the job, in particular providing information and guidance in this respect,

- 4) temporary work, which consists in employing temporary workers and delegating them, as well as persons who are not employed, to perform temporary work for and under the direction of the user employer, in accordance with principles specified in the provisions on the employment of temporary workers
 - shall be recognised as regulated activity within the meaning of the Act of 2 July 2004 on freedom of economic activity (Dz.U. of 2007 No. 155, item 1095, as amended⁷), hereinafter referred to as the “Act on freedom of economic activity”, and it requires entering the register of entities running employment agencies, hereinafter referred to as the “register”.
2. Moreover, also the provision of services referred to in paragraph 1 points 1-3 by territorial local government units, higher schools, associations, foundations, social and professional organisations, as well as other organisations, whose statutory tasks cover the provision of such services, shall be subject to the entry into the register.

Article 18a.

The employment agency shall conduct activity consisting in provision of one, several or all services referred to in Article 18(1).

Article 18b.

An entry to the register does not entitle to conduct job placement under the EURES network.

Article 18c.

1. The provision of the services referred to in Article 18(1) by the following entities shall not be subject to the entry to the register:
 - 1) Voluntary Labour Corps;
 - 2) social integration centres and social integration clubs referred to in the provisions on social employment;
 - 3) specialised military bodies referred to in the provisions on military service of professional soldiers performing these services for the professional soldiers to be released and released from professional military services;
 - 4) foreign employers entitled to and conducting according to the law the activity within the scope of job placement, personal

⁷ The amendments to the consolidated text of the aforementioned Act were published in Dz.U. of 2007 No. 180 item 1280, of 2008 No. 70, item 416, No. 116, item 732, No. 141, item 888, No. 171, item 1056 and No. 216, item 1367 and of 2009 No. 3, item 11.

counselling vocational counselling or temporary work on the territory of the Member States of the European Union, countries of the European Economic Area belonging to the European Union and countries that are not parties to the agreement on the European Economic Area, who can use the freedom to provide services based on the agreements concluded by these countries with the European Community and its Member States and intending to provide the same services on the territory of the Republic of Poland – using the freedom to provide services referred to in Article 49 of the Treaty establishing the European Community.

2. The following shall not require entry into the register:
 - 1) activity within the scope of delegation of own employees to work abroad with foreign employers if it follows from international agreements, to which the Republic of Poland is a party;
 - 2) activity within the scope of delegation to work abroad with foreign employers, which consists in temporary residence with a family in exchange for defined benefits in order to improve language or vocational skills, for a period of up to 2 years; provisions of Article 19d and Article 85(2) shall apply accordingly;
 - 3) the activity referred to in Article 18(1) point 1(f) conducted by the bodies defined in the provisions on the education system delegating teachers to work in Polish communities abroad;
 - 4) collection in the form of an electronic document and making available information on vacancies and job seekers through teleinformation systems;
 - 5) assistance of training institutions provided free of charge to the participants and graduates of trainings and apprenticeship for adults consisting in informing on the situation on the labour market and demand for qualifications;
 - 6) activity within the scope of organisation of the practical vocational training referred to in the provisions on the education system;
 - 7) activity within the scope of delegation of persons to entities in order to acquire practical skills, especially in order to take a graduate traineeship, internship or placement, not being a form of employment or other gainful work; provisions of Article 19d and – in case of delegating to work abroad with foreign entities – provisions of Article 85(2) shall apply accordingly.

Article 18d.

1. The register shall be kept by the marshal of a voivodeship competent with respect to the seat of the entity applying for the entry.
2. The register is open to the public and can be kept in a form of an electronic document.

Article 18e.

1. The marshal of a voivodeship shall make entries into the register based on a written application for an entry to the register submitted by an entity intending to run an employment agency, which includes the following data:
 - 1) designation of the entity applying for an entry to the register;
 - 2) residence address or the address of the seat of the entity as well as addresses under which the activity shall be pursued complete with the name of the gmina and voivodeship and phone number;
 - 3) designation of the legal form of the conducted activity;
 - 4) tax identification number (NIP);
 - 5) National Court Register number or the number in the register of economic activity, if it was granted, and the name and address of the registry body;
 - 6) e-mail address.
2. Together with the application referred to in paragraph 1, the entity shall:
 - 1) submit a declaration with the following contents:

“I hereby declare that:

 - 1) the data included in the application for an entry to the register are complete and true;
 - 2) I know and meet the conditions of running an employment agency, respectively, within the scope of job placement, personal counselling, vocational counselling or temporary work – as set out in the Act of 20 April 2004 on promotion of employment and labour market institutions.”;
 - 2) present, available for inspection, the evidence of making payment referred to in Article 18k(1), or copy thereof.
3. The declaration shall also include:
 - 1) designation of the entity running the employment agency and the residence address or the address of the seat;
 - 2) designation of the place and date of submitting the application;
 - 3) signature of the person entitled to represent the entity, with an indication of the name and surname, as well as function fulfilled by the person.

Article 18f.

1. The application for an entry to the register can be submitted in an electronic form. The application submitted in an electronic form should include data in an agreed electronic format, included in the application template referred to in the Article 19k, and it should also be also signed with a safe and dated electronic signature, in line with the principles defined in the provisions on the electronic signature.
2. Provisions of paragraph 1 shall apply accordingly to the information referred to in Article 19e and 19f.

Article 18g.

1. The data referred to in Article 18e(1) and the date of making the payment shall be subject to entry to the register, excluding the residence address, if it is other than the address of the seat of the entity.
2. Deletion from the registry or change of the entry shall be also deemed as an entry to the register.

Article 18h.

1. Before making an entry to the register the marshal of a voivodeship can:
 - 1) check the facts given in the application or the declaration referred to in Article 18e,
 - 2) request the entity to supply, within a fixed deadline:
 - a) the documents confirming the data referred to in Article 18e(1) points 1 and 3,
 - b) the certifications or declarations confirming the data referred to in Article 18e(1) points 4 and 5, and
 - c) the documents providing for meeting the conditions defined in Article 19
 - in order to check whether the entity meets the conditions for running of an employment agency.
2. The declaration referred to in paragraph 1 in point 2(b) shall be submitted on pain of criminal liability for giving a false testimony. The person submitting the declaration shall be obliged to include in it a clause with the following wording: "I am aware of the criminal liability for giving a false declaration". The clause shall replace the warning issued by an entity on criminal liability for giving a false testimony.

Article 18i.

1. The marshal of a voivodeship issued a certificate on making an entry to the register, which entitles to provide services referred to in Article 18(1), hereinafter referred to as the “certificate”.
2. The certificate should include the following data:
 - 1) the name of the entity;
 - 2) address of the seat of the entity;
 - 3) number in the register;
 - 4) date of making an entry to the register;
 - 5) date of making the first entry to the register in case of issuing a certificate for reasons of a change in the designation of the entity or address of the seat of the entity.

Article 18j.

1. The marshal of a voivodeship shall change the entry and issue a certificate taking into account the above changes in case of obtaining information on the change of data referred to in Article 19e point 1) within the scope of amending the designation of the entity and address of the seat of the entity.
2. The change of the place of residence or the seat of the entity shall be subject to the entry to the register kept by the marshal of a voivodeship that will be competent after a change. In case of incorrect submission of the information on change the marshal of a voivodeship shall immediately transfer the registration files to the marshal of a voivodeship competent with respect to the new place of residence or new seat.

Article 18k.

1. The issuance of a certificate shall be subject to a charge amounting to PLN 200, which constitutes the income of the local government of a voivodeship competent with respect to the seat of the entity.
2. The charge referred to in paragraph 1 shall not be returned in case of refusal of the marshal of a voivodeship to enter the entity to the register pertaining to cases referred to in Article 18l.
3. The issuance of a certificate in cases referred to in Article 18j shall be free from the charge referred to in paragraph 1.

Article 18l.

The marshal of a voivodeship shall refuse, by way of a decision, the entry to the register if:

- 1) the entity fails to meet any of the conditions referred to in Article 19;

- 2) the entity was deleted from the register for reasons referred to in Article 18m points 3 and 5-8 within a period of 3 years prior to the submission of the application for an entry;
- 3) a legally valid decision prohibiting the entrepreneur to pursue economic activity covered by the entry was issued.
- 4) the entity was established and is conducted by a natural person, who has previously infringed the provisions of this Act resulting in deletion of the entity run by this person from the register, in cases referred to in Article 18m points 3 and 5-8, within 3 years prior to the submission of the application for an entry.

Article 18m.

The marshal of a voivodeship shall delete, by way of a decision, the entity entered to the register in case of:

- 1) a written request of the entity;
- 2) liquidation or bankruptcy of the employer;
- 3) decision referred to in Article 71(1) of the Act on freedom of economic activity;
- 4) failure to run the employment agency within the scope of job placement, personal counselling , vocational counselling and temporary work, within the period of two subsequent years concluded based on the information referred to in Article 19f;
- 5) infringement by the entity of the conditions of running an employment agency defined in Article 19 points 2 and 3, Articles 19b-19d and Article 85(2)-(5);
- 6) failure of the entity to remove within the prescribed deadline the infringements of the conditions of running an employment agency defined in Article 19 point 1, Article 19a and Articles 19e-19h;
- 7) submission by the entity of a declaration referred to in Article 18e(2) point 1 and paragraph 3, or transfer of the information referred to in Article 19e point 1 and Article 19f, which are incompliant with the actual situation;
- 8) incompliance of data in the register with the actual situation after prior request addressed to the entity to provide explanations in this case within 7 days of the date of receiving the request.

Article 18n.

1. In case of issuance of a decision on deletion from the register, the entry shall be made after the decision becomes final.

2. In case of an entity entered into the register, the marshal of a voivodeship keeps registration files covering, in particular, the documents comprising the grounds for the entry.
3. As for administrative proceedings in cases concerning the entry to the register of employment agencies, the selfgovernment appeals shall act as the higher level body.

Article 18o.

The marshal of a voivodeship shall exercise control within the scope of observance of the conditions of running an employment agency referred to in Article 19, Article 19a, Article 19e and Article 19f.

Article 18p.

1. The marshal of the voivodeship shall forward to the minister competent with respect to labour in the form of an electronic document the collective information from the voivodeship concerning the information referred to in Article 19f by 31 March.
2. The information referred to in paragraph 1 shall also cover the data on the number of:
 - 1) entities registered in the register at the end of the reporting period considering the entities conducting activity within the scope of provided services: job placement, including delegation to work abroad with foreign employers, personal counselling , vocational counselling and temporary work;
 - 2) decisions on the deletion of an entity from the register, including for the reason of failure to observe the conditions of running an employment agency;
 - 3) decisions on the refusal to enter into the register;
 - 4) conducted controls, including the number of detected cases of failure to observe the conditions of running an employment agency;
 - 5) foreign employers submitting a notification referred to Article 19i giving the country of origin and type of provided services.

Article 18r.

The minister competent with respect to labour shall process the data on the employment agencies transferred in the form of an electronic document through marshals of voivodeships.

Article 19.

The entity intending to perform services or providing services referred to in Article 18(1) shall also meet the following conditions:

- 1) it shall not have arrears in respect to taxes, contributions to social insurance, health insurance as well as the Labour Fund and Fund of Guaranteed Workers' Benefits as far as they are obliged to pay them;
- 2) it shall have no criminal record for crimes or offences referred to in Article 121-121b;
- 3) it shall not be subject to liquidation or bankruptcy proceedings.

Article 19a.

The employment agency should:

- 1) have a premises intended as an office of the employment agency ensuring confidentiality of conducted talks;
- 2) be equipped in the basic technical equipment enabling to operate an employment agency;
- 3) as for operation of persons benefiting from the services within the scope of:
 - a) personal counselling and vocational counselling – the agency shall be obliged to provide personnel with higher education whose studies programme included personal or vocational counselling or persons with higher education and at least one year of working experience as a personal or vocational counsellor in public employment services or employment agencies,
 - b) job placement and temporary work – the agency shall provide personnel with at least higher education.

Article 19b.

The employment agency shall be obliged to process the personal data in accordance with the provisions on the personal data protection.

Article 19c.

The employment agency cannot discriminate the person for whom it searches employment or other gainful work on grounds of sex, age, disability, race, religion, ethnic origin, nationality, sexual orientation, political beliefs and religion or due to membership to a trade union.

Article 19d.

The employment agency cannot charge persons for whom it searches employment or other gainful work or persons to whom it provides assistance in the selection of suitable occupation and place of work, except for the amounts defined in Article 85(2) point 7.

Article 19e.

The employment agency shall be obliged to inform the marshal of the voivodeship about:

- 1) each change in data referred to in Article 18e(1) points 1 and 2 within a deadline of 14 days from the date of their occurrence, but the Article 18e(3) shall apply accordingly;
- 2) ceasing operation;
- 3) suspension or resumption of pursuing economic activity referred to in the provisions of the freedom of economic activity within the deadline of 14 days of the date of suspension or resumption of performance of the activity.

Article 19f.

The employment agency shall be obliged to present to the marshal of a voivodeship the information about the operation of the employment agency in the previous year by 31 January of each year, which includes especially the number of:

- 1) persons who were employed through the employment agency according to the groups of elementary occupations in accordance with the applicable classification of occupations and specialisations for the purpose of the labour market, including the information about the countries of employment;
- 2) employers and persons making use of personal counselling and vocational counselling;
- 3) persons delegated by the employment agency to perform temporary work according to the groups of elementary occupations in accordance with the applicable classification of occupations and specialisations for the purpose of the labour market, including the information about the countries of employment.

Article 19g.

In the documents, advertisements and offers, the employment agency shall be obliged to indicate its registry number, and the announced job offers for temporary work shall be marked as “temporary job offers”.

Article 19h.

The employment agency shall be obliged to cooperate with employment bodies within the scope of implementing the labour market policy.

Article 19i.

1. The foreign entrepreneur referred to in Article 18c(1) point 4, prior to starting activity within the scope of job placement, personal counselling , vocational counselling or temporary work on the territory of the Republic of Poland shall submit to the marshal of a voivodeship competent with respect to the place of services provision a notification including the following data:
 - 1) name of the country of origin of the entrepreneur;
 - 2) designation of the entrepreneur and seat thereof;
 - 3) estimated place and deadline of service provision and type of services to be provided on the territory of the Republic of Poland.
2. The notification referred to in paragraph 1 can be submitted in an electronic form.
3. If it is impossible to specify the basic place of service provision on the territory of the Republic of Poland the foreign entrepreneur shall submit a notification referred to in paragraph 1 to the marshal of a voivodeship.

Article 19j.

For issues not regulated by the provisions of this chapter within the scope of economic activity referred to in Article 18, including control of economic activity of the entrepreneur the provisions on the freedom of economic activity shall apply.

Article 19k.

The minister competent with respect to labour shall determine, by way of an ordinance, the template of the application for an entry to the registry, template of the certificate and the scope of submitted information on the employment agency operation, as well as templates of forms of submitted information taking into account the conditions for development of the employment agency.

Chapter 7

Training institutions

Article 20.

1. The training institutions offering trainings for the unemployed and job seekers can obtain a commission financed from the public resources for conducting these trainings after registry to the register of training institutions run by the voivodeship labour office competent with respect to the seat of the training institution.
- 1a. The register of training institutions is open to the public and can be kept in an electronic form.
2. (repealed).
3. The training institution can apply for an entry to the register of training institutions after submission of an application for an entry complete with an information about:
 - 1) thematic scope of the conducted trainings;
 - 2) personnel conducting the trainings;
 - 3) base of premises, their equipment and learning means;
 - 4) methods of assessing the quality of trainings;
 - 5) number of the unemployed and job seekers covered with the trainings in the last year;
 - 6) assistance provided free of charge to the participants and graduates of a vocational training or preparation of adults consisting in informing on the situation on the labour market and demand for qualifications.
4. The voivodeship labour office shall inform in writing the training institutions on making an entry to the register of training institutions and transfers the information to the minister competent with respect to labour.
5. The entry to the register of training institutions is free of charge.
6. The voivodeship labour office shall delete a training institutions from the register of training institutions:
 - 1) on the request of the training institution;
 - 2) if it is stated in a legally valid decision that the provisions of the Act were infringed;
 - 3) if the training institution ceases operation;
 - 4) if the training institution fails to inform the voivodeship labour office on the intention to conduct activity in the subsequent calendar year.
7. The training institution shall be obliged to inform the voivodeship labour office on the change of its seat, opening or liquidation of its branches or local offices, as well as on continuation of the training activity in the subsequent calendar year.

8. The minister competent with respect to labour shall process the information on training institutions entered into the register of training institutions transferred by the voivodeship labour offices.
9. The minister competent with respect to labour shall determine, by way of an ordinance, the method of making an entry into the register of training institutions or deletion thereof, as well as updating the data in the register, the template of the application for an entry and required documents taking into account the effective disbursement of public resources for trainings for the unemployed and job seekers, as well as the principle of reciprocity as regards the entities from the European Union Member States intending to obtain a commission financed from the public resources to conduct trainings.

Chapter 8

Social dialogue and partnership on the labour market

Article 21.

The labour market policy implemented by the public authorities is based on dialogue and cooperation with social partners, in particular within the framework of:

- 1) operation of employment councils;
- 2) local partnerships;
- 3) supplementation and expansion of the offer of the public employment services by social partners and employment agencies.

Article 22.

1. The central employment council is the consultative and advisory body of the minister competent with respect to labour as regards labour market policy issues.
2. The voivodeship employment councils are the consultative and advisory bodies in the area of labour market policy of the marshal of a voivodeship.
3. The powiat employment councils are the consultative and advisory bodies in the area of labour market policy of the starost.
4. The tasks of the central employment council include, in particular:
 - 1) inspiring projects aimed at full and productive employment and the human resources development;
 - 2) issuing opinions on the draft of the National Action Plan;
 - 3) issuing opinions on annual progress reports of the Labour Fund, as well as assessment of the rationality of its resources management;
 - 3a) carrying out tasks defined by provisions on the protection of employees claims in the case of insolvency of the employer;
 - 4) issuing opinions on annual reports of the National Action Plan;
 - 5) issuing opinions on draft acts concerning the employment promotion, mitigation of the effects of unemployment and vocational activation.
5. The tasks of the voivodeship employment councils include, in particular:
 - 1) inspiring projects aimed at full and productive employment in the voivodeship;

- 2) assessment of the rationality of the Labour Fund resources management;
 - 3) issuing opinions on the criteria of dividing the Labour Fund resources for local governments of poviats in a given voivodeship for the financing of programmes on the employment promotion and other optional tasks, as well as issuing opinions on proposals drawn-up by the voivodeship labour offices concerning the allocation of the Labour Fund resources being at the disposal of the local government of a voivodeship and reports on their use;
 - 4) submitting applications and issuing opinions in cases concerning the directions of education, vocational training and employment in a voivodeship;
 - 5) assessment of the interim reports of the voivodeship labour offices, as well as presenting the central employment council with interim reports and conclusions relating to employment issues;
 - 6) delegating representatives to the competition committee in a number totalling at least half of the composition of the committee selecting the candidate for the post of the director of a voivodeship labour office;
 - 7) issuing opinions on applications for the dismissal or applying for the dismissal of the director of a voivodeship labour office;
 - 8) delegating a representative to the central employment council;
 - 9) issuing opinions on voivodeship criteria concerning the granting of work permits to foreigners.
6. The provision of paragraph 5 shall apply accordingly to the scope of tasks of poviat employment councils. the poviat employment councils issue opinions on special programmes, including:
- 1) the usefulness of their implementation considering, in particular, the following:
 - a) the number of persons covered by the programme and the criteria of their selection,
 - b) expected results of the special programme, including the indicators and the assessment mode,
 - c) costs of special programme's implementation, including costs of individual undertakings;
 - 2) changes in the implementation of special programmes, suggested by the starost.

Article 23.

1. The central employment council is composed of persons appointed by the minister competent with respect to labour from among the representatives of:
 - 1) all representative trade union organisation and employers' organisations within the meaning of the Act of 6 July 2001 on the tripartite commission for socio-economic issues and voivodeship social dialogue commissions (Dz.U. No. 100, item 1080, as amended⁸);
 - 2) national organisations of territorial local government units represented in the Joint Committee of the Government and Territorial Selfgovernment;
 - 3) voivodeship employment councils;
 - 4) non-governmental organisations operating nationwide whose statutory tasks cover the labour market issues;
 - 5) science – delegated by the Committee on Labour and Social Policy Sciences of the Polish Academy of Sciences.
2. The voivodeship employment council is composed of persons assigned by the marshal of the voivodeship, coming from the following entities functioning in the voivodeship:
 - 1) voivodeship structures of each representative trade union organisation, as defined in the Act on the tripartite commission for social and economic affairs,
 - 2) voivodeship structures of each representative employers' organisation, as defined in the Act on the tripartite commission for social and economic affairs,
 - 3) social and professional organisations of farmers, including individual farmers' trade unions and agriculture chambers,
 - 4) (repealed),
 - 5) non-governmental organisations whose statutory tasks cover the labour market issues;
 - 6) representatives of science – delegated by the Committee on Labour and Social Policy Sciences of the Polish Academy of Sciences,and a representative of the voivode.
3. The powiat employment council is composed of persons assigned by the starost, coming from the following entities functioning within the powiat:

⁸ The amendments to the consolidated text of the aforementioned Act were published in Dz.U. of 2001 No. 154, item 1793 and 1800, of 2002 No. 10, item 89 and No. 240, item 2056 and of 2004 No. 240, item 2407.

- 1) field structures of each representative trade union organisation, as defined in the act on the tripartite commission for social and economic affairs;
 - 2) field structures of each representative employers' organisation, as defined in the Act on the Tripartite Commission for Social and Economic Affairs;
 - 3) social and professional organisations of farmers, including individual farmers' trade unions and agriculture chambers;
 - 4) territorial local government units;
 - 5) non-governmental organisations whose statutory tasks cover the labour market issues.
4. The members of the central employment council shall be appointed by the minister competent with respect to labour, the members of the voivodeship employment councils – the marshal of a voivodeship, and the members of the poviats employment councils – starost, out of candidates nominated by the bodies and organisations referred to in the paragraphs 1-3, respectively.
- 4a. If the poviats labour office implements tasks pertaining to employment promotion, mitigation of the effects of unemployment and vocational activation on the area going beyond the area of the poviats, a single poviats employment council is established, which is appointed by the president of the city with the poviats status or starost exercising supervision over the poviats labour office in agreement with the president of the city with poviats status or starost of the granting poviats.
5. A member of the employment council can be dismissed:
- 1) on the request of the body or organisation, which submitted his/her nomination for the council member;
 - 2) on the initiative of, respectively, the minister competent with respect to labour, marshal of the voivodeship and starost after obtaining an opinion of the body or organisation, which notified his/her nomination for the council member.
6. The term of office of employment councils shall be 4 years.
7. The minister competent with respect to labour shall define, by way of an ordinance, the organisation and mode of operation of an employment council, as well as conditions under which representatives of bodies, organisations and institutions not represented in the councils can participate in the meetings of the employment councils, as well as the mode of financing the costs of trainings of the council members taking into account the need to ensure effective social dialogue.
8. An employer shall be obliged to grant leave to an employee being a council member in order to make it possible for that employee to attend council meeting. For the time of the leave the employee

shall retain the right to remuneration calculated according to the rules applying to the calculation of remuneration for holiday leave.

9. At the request of the employment council members residing outside of the place of council meetings, the costs of travel by collective transport means are refunded from the Labour Fund resources, respectively by the minister competent with respect to labour, marshal of the voivodeship or starost to the amount and under the rules defined in the separate provisions for an employee working in a state or local government unit of the budgetary sector on account of business trip on the area of the country.

Article 24.

1. The marshal of a voivodeship or starost under the resources defined in the budget of a given local government can commission the implementation of labour market services referred to in Article 35(1) to:
 - 1) territorial local government units;
 - 2) non-governmental organisations whose statutory tasks cover the labour market issues;
 - 3) trade unions;
 - 4) employers' organisations;
 - 5) training institutions;
 - 6) employment agencies;
 - 7) social integration centres.
- 1a. When commissioning the labour market services, referred to in Article 35(1), the marshal of a voivodeship or starost shall ensure their implementation compliant with the standards of the labour market services.
2. Commissioning the performance of the labour market services or labour market services and measures shall take place after conducting an open competition of offers under the rules and in a mode established in the provisions on public benefit activity and volunteer work, or by way of purchase of the services under the rules and in a mode defined in the provisions on public procurement considering the mode of their implementation in compliance with the standards of the labour market.
3. Commissioning the implementation of the labour market services or labour market services and measures cannot refer to:
 - 1) cases subject to settlement by way of administrative decision;
 - 2) disbursement and management of the Labour Fund resources.
4. Volunteers can render services within the scope of labour market services implementation for entities defined in paragraph 1 points

1-4 and under the rules set out in the provisions on public benefit activity and voluntary work.

Article 25. (repealed).

Article 26. (repealed).

Article 27. (repealed).

Article 28. (repealed).

Article 29. (repealed).

Article 30. (repealed).

Article 31. (repealed).

Article 32. (repealed).

Chapter 9

Registration of the unemployed and job seekers and forms of support

Article 33.

1. The poviats labour offices shall register the unemployed and job seekers, and keep a record of those persons.
2. Registration of the unemployed and job seekers shall be made upon presentation by those persons of documents necessary to determine their status and privileges.
3. An unemployed person is obliged to report to the competent poviat labour office within the time prescribed by the office to accept a proposal for suitable work or other forms of assistance proposed by the office, or for any other purpose arising from the Act and specified by the labour office, including confirmation of readiness for work. In the case of an unemployed who is an alimony debtor, within the meaning of the provisions on assistance to persons entitled to alimony, the time limit cannot be longer than 90 days.
- 3a. If the unemployed does postgraduate training, it is a legitimate reason for failure to perform his/her obligation referred to in paragraph 3.
4. The starost, subject to Article 75(3), shall revoke the unemployed status of the unemployed who:
 - 1) does not meet the conditions referred to in Article 2(1) point 2;
 - 2) received a loan from the State Fund for Rehabilitation of the Disabled or institutions with participation of public resources to undertake non-agricultural activities or agricultural activity, or received one-off resources to undertake economic activity referred to in Article 46(1) point 2; revoking of the unemployed status occurs on the day following the date of receipt of resources to undertake the activity;
 - 2a) received a one-off resources from the State Fund for Rehabilitation of the Disabled or institutions with the participation of public resources to undertake economic activity, agricultural activity or to contribute to the social cooperative; revoking of the unemployed status occurs on the day following the date of receipt of resources for starting business or contribution;
 - 2b) started an individual programme of social employment or signed a social contract referred to in Article 50(2) point 2; revoking of the unemployed status occurs on the

- day following the date of commencement of the individual programme of social employment, or the date of signing the social contract;
- 3) without reasonable cause refused to accept proposal of suitable work or other form of assistance specified in the Act or refused to undergo a medical or psychological examination, to determine the ability to work or participate in any other form of assistance specified in the Act; revoking of the unemployed status occurs on the date of refusal for a period of:
 - a) 120 days in the case of first refusal,
 - b) 180 days in the case of second refusal,
 - c) 270 days in the case of third and each subsequent refusal;
 - 4) failed to appear in the poviats labour office within the prescribed period and has not notified within 7 days a reasonable cause of this failure to appear; revoking of the unemployed status occurs from the day of failure to appear in the poviats labour office, respectively for the period specified in point 3, depending on the number of failures to appear;
 - 4a) failed to appear in the poviats labour office within the period referred to in Article 73 (2a);
 - 5) (repealed);
 - 6) submitted an application to revoke the status of the unemployed;
 - 7) by his/her own fault interrupted training, work practice, or performance of work referred to in Article 73a, or other form of assistance specified in the Act; revoking of the unemployed status occurs on the date of termination for the period specified in point 3;
 - 8) after the referral did not take the training, apprenticeship for adults, work practice, execution of works referred to in Article 73a, or other form of assistance specified in the Act; revoking of the unemployed status occurs on the day following the date of referral for the period specified in point 3;
 - 9) remains unable to work due to illness or a stay in rehab treatment facility for a continuous period of 90 days, and continuous periods shall also be periods of incapacity to work due to illness and stay at a rehab treatment facility where each successive interval between periods of incapacity to work is less than 30 calendar days; revoking of the unemployed status occurs on the last day of that 90-day period;

- 10) failed to present a certificate of incapacity to work due to illness referred to in Article 80 (2);
 - 11) by his/her own fault interrupted the programme of apprenticeship for adults, did not take the qualifying, apprentice or verifying examination.
- 4a. The starost revokes a registered person of the job seeker status, if the job seeker:
- 1) does not maintain contact with the poviát labour office at least once every 90 days to confirm interest in assistance specified in the Act;
 - 2) failed to appear in the poviát labour office within the prescribed term, which was set between the job seeker and this office, and failed to notify within 7 days a reasonable cause of this failure to appear;
 - 3) did not take apprenticeship for adults or did not take or interrupted an individual action plan, training, postgraduate studies referred to in Article 42a, or participation in a special programme or did not take the examination referred to in Article 40(3a);
 - 4) submitted an application for cancellation of the assistance specified in the Act provided by the poviát labour office.
- 4b. Revoking of a job seeker status shall be made for the period of 120 days, respectively:
- 1) after 90 days from the date of last contact with the poviát labour office;
 - 2) from the date of failure to appear;
 - 3) from the day after the event referred to in paragraph 4a points 3 and 4.
- 4c. In the case of revoking of the unemployed or job seeker status for the indicated period, re-acquiring the status of unemployed or job seeker may occur as a result of re-registration, after that period, subject to compliance with the conditions of the Act regarding acquisition of these statuses.
- 4d. The starost cannot revoke the unemployed status in case of pregnant women and during 30 days after birth because of incapacity to work associated with pregnancy and childbirth for a continuous period of 90 days referred to in paragraph 4 point 9, except in the case of application for revoking of that status by the unemployed herself.
- 4e. The starost cannot revoke the unemployed status of the unemployed who was entered into the National Court Register, as founder of a social cooperative after the date of registration in the poviát labour office, in conjunction with taking into account by the starost of his/her request for resources for the establishment of

a social cooperative, until the day following the date of receipt of these funds.

- 4f. If the unemployed was granted unemployment allowance under the regulations on coordination of social security systems of countries referred to in Article 1(3) point 2 letters a-c, the decision of the starost about the loss of the unemployed status also means the loss of entitlement to this allowance.
5. The minister competent with respect to labour shall, by way of an ordinance, define the registration mode and manner of keeping the register of unemployed and job seekers, the ranges of the information necessary for registration and information about registered people, and the documents necessary to establish the status and rights of registered persons and the content of the declaration about the veracity of data submitted by the unemployed or job seeker under pain of criminal liability, with a view to obtain all necessary information affecting the rights of registered persons.
6. Information on registered persons are collected by poviats labour offices, in particular, in the form of electronic documents and processed and made available to the public employment services for the purposes specified in the Act, primarily with the use of teleinformation systems and electronic documents.
7. Information referred to in paragraph 6 may be made available in the manner and on terms specified in the Act of 17 February 2005 on the computerisation of entities performing public tasks on the basis of the application drawn up, in particular, in the form of an electronic document to other entities, in particular to social assistance agencies and entities handling family benefits, performing public tasks under separate legislation, or as a result of entrusting or commissioning by a public entity to the extent necessary to carry out these tasks. Access to personal data is monitored and recorded in accordance with the provisions on personal data protection.
8. Information referred to in paragraph 6 can be shared using teleinformation systems, if the poviats labour office and the other entity, implementing public tasks under separate legislation or as a result of entrusting or commissioning, satisfies the following conditions:
 - 1) has devices for the identification of a person obtaining the information in the system and the scope, date and purpose of its acquisition;
 - 2) implemented the safeguards to prevent use of information contrary to the purpose of its acquisition;
 - 3) access to personal data is monitored and recorded in accordance with the provisions on personal data protection.

9. Acquisition, from poviats labour offices or from individuals, of information referred to in paragraph 6, by the entities referred to in paragraph 7, is carried out primarily with the use of teleinformation systems and electronic documents.

Article 34.

The poviats labour offices shall conduct activities in job placement for registered persons, and in case of failing to provide suitable job opportunities:

- 1) provide vocational counselling and guidance services;
- 2) provide assistance in active job seeking;
- 3) initiate, organise and finance training, apprenticeship for adults and work practice and pay scholarships;
- 4) initiate and co-finance the creation of additional jobs;
- 5) initiate and finance other labour market measures to the extent specified in the Act;
- 6) grant and pay allowances and other benefits for the unemployed.

Article 34a.

1. The poviats labour office, when providing assistance specified in the Act, may prepare an individual action plan for the unemployed or job seeker in order for them to take up suitable work.
2. Individual action plan is prepared with the participation of the unemployed or job seeker and includes, in particular:
 - 1) actions applicable by the labour office under assistance defined in the Act;
 - 2) activities planned for self-implementation by the unemployed or job seeker in order to seek employment;
 - 3) planned deadlines for implementation of activities;
 - 4) forms, the planned number and dates of contacts with a job placement officer, vocational counsellor, or other employee of the labour office;
 - 5) date and conditions of completion of an individual action plan.
3. Preparation of an individual action plan is mandatory for:
 - 1) the unemployed below the age of 25,
 - 2) the unemployed above the age of 50,
 - 3) the unemployed with no vocational qualifications,
 - 4) the unemployed with no occupational experience,
 - 5) the unemployed who did not take up employment after imprisonment,
- as long as the unemployed remains continuously in the register referred to in Article 33(1), for a period of at least 180 days from

the date of registration, and an individual action plan has not been prepared for him/her earlier.

4. For the unemployed referred to in paragraph 3, who is undergoing training, work practice, apprenticeship for adults or who performs social benefit work, the powiat labour office prepares an individual action plan no later than 90 days after the completion of the participation in a particular form of assistance.
5. Preparation of an individual action plan must be completed no later than 30 days from the date of expiry of the period referred to in paragraph 3 or paragraph 4.

Chapter 10

Labour market services

Article 35.

1. Basic services in the labour market shall include:
 - 1) job placement;
 - 2) (repealed);
 - 3) vocational counselling and guidance
 - 4) assistance in active job seeking;
 - 5) organisation of trainings.
2. Labour market services performed pursuant to the provisions of the Act by public employment services are implemented in accordance with the standards of labour market services.
- 2a. (repealed).
- 2b. Labour market services performed pursuant to the provisions of the Act by public employment services may be implemented with the use of teleinformation systems and electronic documents.
- 2c. To the extent necessary to carry out labour market services, the public employment services may process personal data of the people using these services.
3. (repealed).
4. (repealed).
5. The minister competent with respect to labour shall, by way of an ordinance, define the standards and specific conditions of conducting labour market services by labour offices, taking into account the range of services, place and manner of their implementation and the need to respect the rights of service users, and considering the harmonisation of labour market services performed by public employment services and the need to ensure that State aid for entrepreneurs complies with the terms of its admissibility.

Article 36.

1. Job placement consists in particular in:
 - 1) helping the unemployed and job seekers in acquiring suitable work and helping the employers in acquiring employees with the expected vocational qualifications;
 - 2) obtaining job offers;
 - 2a) dissemination of job offers, including the transfer of jobs offers to the online database of job offers provided by the minister competent with respect to labour;

- 3) providing employers with information on candidates for job vacancies corresponding to the submitted job offer;
 - 4) informing the unemployed, job seekers and employers about the current situation and expected changes on the local labour market;
 - 5) initiating and managing contacts between the unemployed, job seekers and employers;
 - 6) cooperation between local labour offices concerning the exchanging of information on job and training possibilities within their jurisdiction;
 - 7) informing the unemployed on their rights and obligations.
2. (repealed).
 3. (repealed).
 - 3a. Job placement related to free movement of workers within the countries referred to in Article 1(3) point 2(a)-(c), is carried out by poviats and voivodeship labour offices only through the EURES network.
 - 3b. Voivodeship labour offices may carry out activities in job placement only with the above-poviat range and in cooperation with the competent poviat labour offices.
 4. Job placement for the unemployed, job seekers and employers is carried out by poviats and voivodeship labour offices free of charge, according to the rules on:
 - 1) the availability of job placement services for job seekers and employers;
 - 2) voluntariness – meaning use of job placement services free from compulsion;
 - 3) equality – meaning the obligation to provide all the unemployed and job seekers with assistance in finding employment or other gainful work, regardless of gender, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, religion or sexual orientation;
 - 4) openness – which means that each vacancy notified to the labour office is made available to the unemployed and job seekers.
 - 4a. The poviat labour office, which does not have the candidates who meet the requirements of the job offer, provides information about the lack of possibility to implement the offer to other poviat labour offices, at least through the internet database of job offer referred to in Article 4(1) point 8.
 5. (repealed).
 - 5a. The employer shall submit the job offer to one of the poviat labour offices, competent with respect to the seat of the employer or place of work or other office of his choice.

- 5b. The employer submitting a job offer to a poviata labour office can forbid publication of information, which would enable its identification by persons not registered in the poviata labour office.
- 5c. Tasks related to the dissemination of job offers, contacts with employers and registered individuals and directing registered persons to the employer, are carried out by the poviata labour office which took the job offer from the employer.
- 5d. Job offer, in connection to which the employer did not consent to publish the information enabling its identification, may be made available in full only to those unemployed or job seekers who meet the requirements specified in the offer and who are directed by the poviata labour office to work for the employer.
- 5e. The poviata labour office cannot accept a job offer, if the employer has job requirements that violate the principle of equal treatment in employment within the meaning of labour law provisions and may discriminate against candidates for job vacancies, in particular on grounds of gender, age, disability, race, religion, nationality, political beliefs, trade union membership, ethnic origin, religion or sexual orientation.
- 5f. The poviata labour office cannot accept a job offer, particularly if the employer within 365 days before submitting a job offer was penalised or convicted for the violation of labour law or is under consideration for a violation of labour law.
- 5g. Refusal to accept a job offer by the poviata labour office requires written justification.
- 6. (repealed).
- 7. (repealed).
- 8. The minister competent with respect to labour shall, by way of an ordinance, define the classification of occupations and specialisations for the labour market and the scope of its application, having regard to the occupations and specialisations occurring in the labour market and the needs of job placement and vocational counselling.

Article 37. (repealed).

Article 38.

- 1. Vocational counselling and guidance consist in providing:
 - 1) the unemployed and job seekers with assistance in selecting the right occupation and place of employment, in particular:
 - a) providing information about occupations, labour market and training and educational opportunities,

- b) providing counselling with the use of standardised methods facilitating the choice of occupation, retraining, taking up or changing jobs, including analysis of professional interests and skills,
 - c) directing to specialised psychological and medical examinations in order to issue opinion on vocational suitability for work and occupation or training,
 - d) initiating, organising and providing vocational group counselling for the unemployed and job seekers;
 - 2) employers with assistance:
 - a) in recruiting candidates for job vacancies from among the unemployed and job seekers,
 - b) in supporting their professional development, as well as professional development of their employees, through provision of vocational counselling.
- 2. Vocational counselling and guidance shall be implemented in accordance with the principles of:
 - 1) availability of vocational counselling services for the unemployed, job seekers and employers;
 - 2) voluntariness;
 - 3) equality regardless of gender, age, disability, race, ethnicity, nationality, sexual orientation, political beliefs, religion or trade union membership;
 - 4) freedom of choice of occupation and place of employment;
 - 5) provision of services are free of charge;
 - 6) confidentiality and data protection.
- 3. Vocational counselling and guidance shall be provided in the form of group counselling or individual advice.
- 4. (repealed).
- 4a. Providing assistance to employers referred to in paragraph 1 point 2 shall be implemented at the request of the employer.
- 4b. Assistance to employers referred to in paragraph 1 point 2 (b), shall be provided in the form of individual advice.

Article 39.

- 1. Assistance in active job seeking consists in preparation of the unemployed and job seekers to better manage seeking and taking up employment, in particular through:
 - 1) participation in training on job seeking skills;
 - 2) participation in activation classes;
 - 3) access to information and electronic databases to obtain job seeking skills and self-employment.
- 2. Assistance in active job seeking referred to in paragraph 1 point 1 and 2, shall be provided to the unemployed and job seekers.

3. Assistance in active job seeking shall be provided by poviats labour offices as part of job clubs and through information and career planning centres of voivodeship labour offices.
4. The costs of establishing and operating job clubs shall be financed from the resources allocated for the functioning of a poviat labour office, and from the Labour Fund for the operation of the club facilities and the cost of classes conducted by persons other than employees of the poviat labour office.
5. The starost initiates and supports the creation of job clubs by institutions or organisations, by giving them the organisational and substantive support.
6. The starost may enter into contract with a higher education institution or student organisation, which provides for the Labour Fund to finance part of the costs of equipping the newly opened academic career centres, in an amount not exceeding fifteen times the average remuneration. Financing the costs of equipping academic career centres conducting economic activity is made under the provisions for granting *de minimis* aid.

Article 39a.

Labour market services referred to in Article 36, subject to Article 36(5b), and in Article 38(1) point 1(a) and Article 39(1) point 3, can be used by persons not registered in the poviat labour office.

Article 39b.

Labour market services provided by the voivodeship labour office referred to in Article 38(1) point 1(a), (b) and (d), and Article 39(1) points 2 and 3, can be used by persons over 18 not registered in the poviat labour office.

Article 39c.

Labour market services referred to in Articles 36 and 38, to the extent specified for the employers, can be used by entrepreneurs under the Act on freedom of economic activity, other than employers within the meaning of the Act.

Article 40.

1. The starost shall initiate, organise and finance from the Labour Fund the training of the unemployed in order to raise their vocational qualifications and other qualifications to increase the chance of taking up or maintaining employment, other gainful work or economic activity, particularly in the case of:

- 1) lack of vocational qualifications;
 - 2) the need to change or supplement the qualifications;
 - 3) loss of ability to work in previously performed occupation;
 - 4) lack of active job seeking skills .
2. (repealed).
- 2a. Initiation of trainings consists of:
- 1) informing about the possibilities and conditions for benefiting from trainings offered by the labour office and the promotion of this form of activation;
 - 2) diagnosing the demand for occupations, specialisations and qualifications on the labour market and diagnosing training needs of persons entitled to training;
 - 3) preparation and dissemination of a training plan
- 2b. Organisation of trainings consists of:
- 1) choosing a training institution and concluding training contracts with training institutions, or entrusting the conduct of training by starost to the training institution established and conducted by the starost;
 - 2) referring people for training;
 - 3) monitoring the course of trainings;
 - 4) conducting analyses of effectiveness and efficiency of trainings.
- 2c. Financing the training of persons referred by the starost is carried out with public resources, particularly from the Labour Fund, the European Social Fund or from the European Union programmes, and consists of:
- 1) financing of training costs for training institutions;
 - 2) payment of scholarship to people referred to trainings;
 - 3) financing of travel costs or the cost of accommodation and boarding associated with participation in trainings;
 - 4) financing the costs of medical or psychological examinations.
- 2d. The starost, in order to provide the highest quality of trainings, shall select a training institution and commissions or entrusts trainings referred to in paragraph 2b point 1, subject to the applicable procedures and bearing in mind the principles of competition, equal treatment and transparency.
3. The starost may refer the unemployed to the training, if the relevance of this training is justified, and its cost in the part financed from the Labour Fund in a given year does not exceed 300% of average remuneration.
- 3a. The starost, at the request of the unemployed can finance from the Labour Fund, to the amount of the average remuneration, the cost of exams to obtain certificates, diplomas, attestations of certain vocational qualifications or professional titles, and costs of

obtaining licenses necessary to perform the occupation. Provision of paragraph 3 shall apply accordingly.

4. Training financed by the starost from the Labour Fund takes the form of a course, implemented according to a curriculum plan covering an average of not less than 25 clock hours per week, unless separate provisions provide for shorter training. Training can take up to 6 months, and in cases justified by the training programme for a given occupation no longer than 12 months, in the cases of persons without vocational qualifications, training can take up to 12 months, and in cases justified by the training programme for a given occupation no longer than 24 months.
5. Referral of the unemployed for training, in the case of occupations requiring specific psychophysical predispositions, should be preceded by determination made by a vocational counsellor of the poviast labour office of predispositions for the job, which the persons acquire as a result of training, in justified cases, training may be preceded by a referral to a medical or psychological examination financed from the Labour Fund.
6. Referring to trainings is subject to the principle of equality in the use of training regardless of sex, age, disability, race, ethnicity, nationality, sexual orientation, political beliefs, religion and trade union membership.
7. The minister competent with respect to labour, in consultation with the minister competent with respect to education, may determine, by way of an ordinance, the procedure for setting standards of vocational qualifications and their list, taking into account the needs of education and training.
8. The minister competent with respect to labour may specify, by way of an ordinance, the procedure for development of modular training programmes and a list of them, having regard to their use in the labour market.

Article 41.

1. An unemployed is entitled to a scholarship financed from the Labour Fund during the training for which the unemployed was referred by the starost.
 - 1a. (repealed).
 - 1b. The unemployed person entitled during the same period to a scholarship and an allowance can choose which benefit to receive.
2. Scholarship is not granted to the unemployed if during the training the unemployed is entitled in this respect to other scholarship, *per diem* or other benefit in cash in an amount equal to or greater than a scholarship financed by the Labour Fund.

3. Monthly scholarship amounts to 120% of allowance referred to in Article 72(1) point 1, if the monthly number of hours of training is at least 150 hours; in the case of a lower number of monthly training hours, the scholarship amount is determined in proportion, except that the scholarship cannot be lower than 20% of the allowance referred to in Article 72(1) point 1.
- 3a. The person referred by the starost to training, in case of taking up employment, other gainful work or economic activity during the training, has the right to complete the training without having to incur the costs.
- 3b. The unemployed referred by the starost for training, who during the training took up employment, other gainful work or economic activity, shall be entitled to a scholarship in the amount of 20% of the allowance referred to in Article 72(1) point 1, regardless of the number of hours of training, from the date of taking up employment, other gainful work or economic activity to the end of training. The amount of scholarship is not subject to social insurance contributions.
- 3c. The scholarship referred to in paragraph 3b is not subject to the principle of proportionate determination of the amount referred to in paragraph 3. The scholarship referred to in paragraph 3b, for an incomplete month, shall be determined by dividing the amount of scholarship by 30 and multiplying the resulting figure by the number of calendar days in the period for which the scholarship is granted.
4. In the case of referral of the unemployed to the training, the costs of this training are financed from the Labour Fund.
- 4a. The starost shall finance from the Labour Fund, in the form of refund, the costs of accommodation and boarding for the unemployed, referred to a training away from home, if it results from an agreement concluded with the training institution.
- 4b. The starost may agree to finance, in the form of refund, in whole or in part, the expenses for travelling to the place of training, paid by the referred unemployed.
- 4c. The starost may agree to finance from the Labour Fund in the form of refund, the costs borne by the unemployed for travelling to a place of examination referred to in Article 40(3a).
5. The starost, at the request of the unemployed, may agree to partially finance from the Labour Fund the training costs, if a referral for this training took place at the request of an unemployed person or an organisation or institution covering part of the cost of this training. Provisions of Article 40 shall apply accordingly.
6. A person who by his or her own fault did not complete the training, is obliged to reimburse the costs of training, except when the cause

- of failure to complete the training was taking up employment, other gainful work or starting economic activity.
7. People referred by the starost to training, with the exception of persons who have the right to scholarship in this respect, except for the scholarship referred to in paragraph 3b, are entitled to compensation in respect of insurance against accidents arising in connection with training and travel to the training place and back, paid by the insurance institution in which they were insured.
 8. Training institution is required to insure a person referred to in paragraph 7 against accidents.
 9. The starost may provide in the contract with the training institution for the award to this institution of one-off payment from the Labour Fund of up to 50% of the minimum remuneration for each referred unemployed participating in training, who due to the activities of the institution took up within 30 days of completion of training, employment, other gainful work or started business activity and carries them out for at least 6 months.
 10. Award of one-off payment referred to in paragraph 9 is subject to provisions on granting *de minimis* aid.
 11. The unemployed persons participating without a referral by the starost in trainings financed from public Community resources and national public resources under the agreement on project financing or the decision referred to in Act of 20 April 2004 on the National Development Plan (Dz.U. No. 116, item 1206, as amended⁹) or the Act of 6 December 2006 on principles of development policy (Dz.U. No. 227, item 1658, of 2007, No. 140, item 984 and of 2008, No. 216, item 1370), organised by an entity other than the powiat labour office, shall notify the powiat labour office about participation in training within 7 days before the starting thereof.

Article 42.

1. The starost may, at the request of the unemployed, provide a loan to finance the cost of training up to 400% of the average remuneration applicable at the date of signing the loan agreement in order to enable taking up or maintaining employment, other gainful work or economic activity.
2. The loan referred to in paragraph 1 is interest-free, and the repayment period may not exceed 18 months from the date of end of the training specified in the agreement.

⁹ Amendments to the Act were published in Dz.U. of 2005, No. 90, item 759 and No. 267, item 2251, of 2006, No. 149, item 1074 and No. 249, item 1832 and of 2008, No. 216, item 1370.

3. In case of using the loan for purposes other than those specified in the agreement, failure to start training or to complete training, the loan shall be repaid immediately in full, together with statutory interest. Statutory interest shall also be set on the amount of loans not paid on time.

Article 42a.

1. The starost, at the request of the unemployed, can finance from the Labour Fund the costs of postgraduate studies due to the organiser, up to 100% but not more than 300% of average remuneration.
2. The starost shall conclude with the person referred to in paragraph 1, an agreement for financing of postgraduate studies, which determines in particular the rights and obligations of the parties and the amount and mode of transferring funds to cover the cost of postgraduate studies in the form of direct payments to the account of the organiser of these studies.
3. If the unemployed during the postgraduate studies takes up employment, other gainful work or economic activity, funding of the costs of these studies is not suspended until the planned date of completion.
4. In case of interrupting postgraduate studies by own fault of the participant, the amount spent on funding them from the Labour Fund is refundable.
5. The unemployed person to whom the governor granted co-financing of the cost of postgraduate studies for the period of participation in these studies, is entitled according to the course of studies to a scholarship in the amount of 20% of allowance referred to in Article 72(1) point 1.
6. Participant of postgraduate studies, who during its course took up employment, other gainful work or economic activity, is not suspended the payment of scholarship referred to in paragraph 5, until the scheduled date of completion of these studies.
7. Participant of postgraduate studies referred to in paragraph 6, is entitled to compensation in respect of insurance against accidents arising from postgraduate studies and on the way to the place of study and back, paid by the insurance institution in which the participant was insured.
8. The starost insures from the Labour Fund the participant of postgraduate studies referred to in paragraph 7, against accidents, except when the participant already has such insurance.

Article 43.

1. For job seeker who:
 - 1) is during the notice period for the employment relationship or service relationship for reasons related to the employer,
 - 2) is employed by an employer who has been declared bankrupt or entered into liquidation, with the exception of liquidation for the purpose of privatisation,
 - 3) receives social benefit conferred on mining leave or mining social allowance, as defined in separate regulations,
 - 4) participates in activities at the centre of social integration or in an individual integration programme referred to in the provisions on social assistance,
 - 5) is a reserve soldier,
 - 6) takes training pension,
 - 7) takes training allowance referred to in Article 70(6),
 - 8) is subject to social insurance for farmers in full extent, pursuant to the provisions on social insurance for farmers as a member of the household or a spouse of a farmer, if he or she intends to take up employment, other gainful work or economic activity outside agriculture
- Provisions of Article 40, Article 41(4)-(7), Article 42 and Article 42a(1)-(4) shall apply accordingly.
2. A person referred to in paragraph 1, during training and postgraduate studies is not entitled to a scholarship.
3. To employees and persons engaged in other gainful work or economic activity at the age of 45 and more, interested in assistance in professional development, after registering at the labour office, the provisions of Article 40, Article 41(4)-(7), Article 42 and Article 42a.(1)-(4) shall apply accordingly.

Chapter 11

Labour market measures

Article 44.

Labour market measures in support of basic labour market services shall include:

- 1) financing of the cost of travel to the employer submitting the job offer or to the place of work, work practice, apprenticeship for adults or classes in vocational counselling or assistance in active job seeking in relation to the referral of the poviats labour office;
- 2) financing of the cost of accommodation at the place of work for the person who took up employment or other gainful work, work practice, apprenticeship for adults outside the permanent place of residence, in the case of the referral by a poviats labour office;
- 3) financing of the work place equipment, starting of economic activity, costs of legal guidance, consultation and advisory services;
- 4) refund of costs borne due to the paid social insurance contributions in connection with the employment of the referred unemployed person;
- 5) financing of activation allowances;
- 6) financing of costs of travel of the unemployed and job seekers to job fairs and exchanges organised by voivodeship labour offices as part of job placement, in particular those conducted under the EURES network.

Article 45.

1. The starost can make refunds of costs of travelling from the place of residence to the place of employment or other gainful work, or during the period of work practice, apprenticeship for adults, classes in vocational counselling or assistance in active job seeking from the Labour Fund for the period of 12 months to a person who meets the following requirements:
 - 1) the person took up employment or other gainful work, apprenticeship for adults, work practice on the basis of a referral from a poviats labour office, or was referred for classes in vocational counselling or assistance in active job seeking and commutes to his/her place of work;

- 2) the person has a monthly income below 200% of the minimum remuneration.
2. The starost can refund the costs of accommodation from the Labour Fund, for the period referred to in paragraph 1, to a person who meets the following criteria:
 - 1) the person took up employment or other gainful work, apprenticeship for adults or work practice, on the basis of a referral from a poviast labour office, outside of the place of residence, in a locality to which commuting takes 3 hours a day in total;
 - 2) the person resides in a hotel or a rented apartment in a locality or near a locality where the person is employed, performs other gainful work, work practice or apprenticeship for adults;
 - 3) the person has a monthly income below 200% of minimum remuneration, applicable in the month for which the refund of costs of accommodation is made.
3. The starost may refund to the unemployed the cost of commuting to the employer and back if the unemployed was referred to the employer who submitted job offer, if the seat of such employer is located outside the place of residence of the unemployed.
4. The starost may refund to the unemployed or the person referred to in Article 43, the costs of travelling to a medical or psychological examination from his/her place of residence, if the unemployed was referred to such examination by a poviast labour office and the unemployed has to travel to the place of that examination.
5. The starost may refund to the unemployed the costs of travelling to a place of work, referred to in Article 73a(1), and back to his/her place of residence or stay.

Article 46.

1. The starost from the Labour Fund may:
 - 1) refund to the entity conducting economic activity the costs of equipment or retrofitting workplace for the referred unemployed in the amount specified in the contract, but not more than 6 times the amount of the average remuneration;
 - 1a) refund to a natural person, legal person or organisational unit without legal personality, residing or established in the territory of the Republic of Poland, which is the owner of a farm within the meaning of the Act of 15 November 1984 on agricultural tax (Dz.U. of 2006, No. 136, item 969, as

amended¹⁰) or conducting a special branch of agricultural production, referred to in the Act of 26 July 1991 on income tax from natural persons (Dz.U. of 2010, No. 51, item 307, as amended¹¹) or in the Act of 15 February 1992 on income tax from legal persons (Dz.U. of 2000, No. 54, item 654, as amended¹²), employing over the last 6 months, in each month, at least one employee in full-time employment, the costs of equipment or retrofitting a workplace for the unemployed in the amount specified in the contract, but not more than 6 times the amount of the average remuneration, hereinafter called "agricultural producer";

- 2) grant to the unemployed one-off funds to take up economic activities, including costs of legal assistance, consultation and advice on entering the business, in the amount specified in the contract, but not more than 6 times the amount of the average remuneration, and if the activity is taken under rules laid down for social cooperatives, the amount of funds granted to the unemployed may not exceed 4 times the average remuneration for a founding member of the cooperative and 3 times the average remuneration for a member joining the social cooperative after its formation.

- 1a. Provision of paragraph 1 point 1 shall apply mutatis mutandis to non-public nursery schools and non-public schools referred to in

¹⁰ Amendments of the consolidated text of the aforementioned Act were published in Dz.U. of 2006, No. 191, item 1412, No. 245, item 1775 and No. 249, item 1825, of 2007, No. 109, item 747, of 2008, No. 116, item 730 and No. 237, item 1655, of 2009, No. 56, item 458 and of 2010, No. 96, item 620 and No. 226, item 1475.

¹¹ Amendments of the consolidated text of the aforementioned Act were published in Dz.U. of 2010, No. 57, item 352, No. 75, item 473, No. 105, item 655, No. 149, item 996, No. 182, item 1228, No. 149, item 996, No. 182, item 1228, No. 219, item 1442 and No. 226, item 1475 and 1478

¹² Amendments of the consolidated text of the aforementioned Act were published in Dz.U. of 2000, No. 60, item 700 and 703, No. 86, item 958, No. 103, item 1100, No. 117, item 1228 and No. 122, item 1315 and 1324, of 2001, No. 106, item 1150, No. 110, item 1190 and No. 125, item 1363, of 2002, No. 25, item 253, No. 74, item 676, No. 93, item 820, No. 141, item 1179, No. 169, item 1384, No. 199, item 1672, No. 200, item 1684 and No. 230, item 1922, of 2003, No. 45, item 391, No. 96, item 874, No. 137, item 1302, No. 180, item 1759, No. 202, item 1957, No. 217, item 2124 and No. 223, item 2218, of 2004, No. 6, item 39, No. 29, item 257, No. 54, item 535, No. 93, item 894, No. 121, item 1262, No. 123, item 1291, No. 146, item 1546, No. 171, item 1800, No. 210, item 2135 and No. 254, item 2533, of 2005, No. 25, item 202, No. 57, item 491, No. 78, item 684, No. 143, item 1199, No. 155, item 1298, No. 169, item 1419 and 1420, No. 179, item 1484, No. 180, item 1495 and No. 183, item 1538, of 2006, No. 94, item 651, No. 107, item 723, No. 136, item 970, No. 157, item 1119, No. 183, item 1353, No. 217, item 1589 and No. 251, item 1847, of 2007, No. 165, item 1169, No. 171, item 1208 and No. 176, item 1238, of 2008, No. 141, item 888 and No. 209, item 1316, of 2009, No. 3, item 11, No. 19, item 100, No. 42, item 341, No. 65, item 545, No. 69, item 587, No. 79, item 666, No. 125, item 1035, No. 127, item 1052, No. 157, item 1241, No. 165, item 1316 and No. 215, item 1664 and of 2010, No. 57, item 352, No. 75, item 473, No. 96, item 620, No. 127, item 857, No. 149, item 996, No. 219, item 1442, No. 226, item 1478 and No. 229, item 1496.

the Act of 7 September 1991 on the education system (Dz.U. of 2004, No. 256, item 2572, as amended¹³).

- lb. Provision of paragraph 1 point 2 shall also apply to graduates of centres of social integration and social integration clubs referred to in the provisions on social employment.
- 2. Economic operator, non-public nursery school, non-public school and agricultural producer who received a refund of the cost of equipping or retrofitting workplace for the unemployed person is obliged to repay received funds plus interest, if it employed at the created workplace the referred unemployed on a full time basis, in total for less than 24 months, or violated other conditions of the contract for a refund.
- 2a. Provision of paragraph 1 point 2 shall not apply to the unemployed who registered as unemployed in the period of suspension of business reported in the business register.
- 3. A person who has received from the Labour Fund one-off funds to undertake economic activity, to establish or join a social cooperative, is obligated to repay funds received plus interest, if the person ran a business or was a member of a social cooperative for a period of less than 12 months, or other terms of the agreement concerning the allocation of these funds have been infringed.
- 4. In case of failure to comply with the obligation referred to in paragraphs 2 and 3, claims arising from the contract are pursued on the basis of provisions of the Code of Civil Procedure.
- 5. The average remuneration referred to in paragraph 1 and 1a, is adopted in the amount applicable on the day of the contract with an entity engaged in economic activity, non-public nursery school, non-public school, agricultural producer or the unemployed.
- 5a. In proceedings concerning the allocation of funds referred to in paragraphs 1 and 1a, if security is made as a form of guarantee for the repayment of funds, the following personal data of a guarantor may be processed:
 - name and surname;
 - 2) address;
 - 3) PESEL number, if applicable, and name and number of identity document;

¹³ Amendments of the consolidated text of the aforementioned Act were published in Dz.U. of 2004, No. 273, item 2703 and No. 281, item 2781, of 2005, No. 17, item 141, No. 94, item 788, No. 122, item 1020, No. 131, item 1091, No. 167, item 1400 and No. 249, item 2104, of 2006, No. 144, item 1043, No. 208, item 1532 and No. 227, item 1658, of 2007, No. 42, item 273, No. 80, item 542, No. 115, item 791, No. 120, item 818, No. 180, item 1280 and No. 181, item 1292, of 2008, No. 70, item 416, No. 145, item 917, No. 216, item 1370 and No. 235, item 1618, of 2009, No. 6, item 33, No. 31, item 206, No. 56, item 458, No. 157, item 1241 and No. 219, item 1705 and of 2010, No. 44, item 250, No. 54, item 320, No. 127, item 857 and No. 148, item 991.

- 4) income with source and amount;
 - 5) current financial liabilities, with the amount of monthly repayment.
- 5b. Economic operator, non-public nursery school, non-public school, agricultural producer and the unemployed applying for the award of funds referred to in paragraphs 1 and 1a shall file a clean criminal record statement with respect to crimes against economic activity, within the meaning of the Act of 6 June 1997 – Penal Code (Dz.U. No. 88, item 553, as amended¹⁴) or the Act of 28 October 2002 on liability of collective entities for acts prohibited under penalty (Dz.U. No. 197, item 1661, as amended¹⁵), within 2 years prior to the application for grant funds.
6. Minister competent with respect to labour shall define, by means of an ordinance:
- 1) detailed conditions and manner of making a refund referred to in paragraph 1 point 1 and 1a, and paragraph 1a,
 - 2) detailed terms and procedure of granting to the unemployed and persons referred to in paragraph 1b, one-off funds to undertake economic activities referred to in paragraph 1 point 2,
 - 3) forms of securing the return of the refund received or the funds to undertake economic activities, in case of failure to adhere to the grant agreement
- with a view to increase mobility and employability of the unemployed, the rational management of resources of the Labour Fund, and the need to ensure compatibility of aid with the rules on granting *de minimis* aid in the case of refund of costs of equipment and retrofitting workplace for the unemployed and in case of aid granted to an unemployed person or persons specified

¹⁴ Amendments of the aforementioned Act were published in Dz.U. of 1997, No. 128, item 840, of 1999, No. 64, item 729 and No. 83, item 931, of 2000, No. 48, item 548, No. 93, item 1027 and No. 116, item 1216, of 2001, No. 98, item 1071, of 2003, No. 111, item 1061, No. 121, item 1142, No. 179, item 1750, No. 199, item 1935 and No. 228, item 2255, of 2004, No. 25, item 219, No. 69, item 626, No. 93, item 889 and No. 243, item 2426, of 2005, No. 86, item 732, No. 90, item 757, No. 132, item 1109, No. 163, item 1363, No. 178, item 1479 and No. 180, item 1493, of 2006, No. 190, item 1409, No. 218, item 1592 and No. 226, item 1648, of 2007, No. 89, item 589, No. 123, item 850, No. 124, item 859 and No. 192, item 1378, of 2008, No. 90, item 560, No. 122, item 782, No. 171, item 1056, No. 173, item 1080 and No. 214, item 1344, of 2009, No. 62, item 504, No. 63, item 533, No. 166, item 1317, No. 168, item 1323, No. 190, item 1474, No. 201, item 1540 and No. 206, item 1589 and of 2010, No. 7, item 46, No. 40, item 227 and 229, No. 98, item 626, No. 125, item 842, No. 127, item 857, No. 152, item 1018 and 1021, No. 182, item 1228 and No. 225, item 1474.

¹⁵ Amendments of the aforementioned Act were published in Dz.U. of 2004, No. 93, item 889, No. 191, item 1956 and No. 243, item 2442, of 2005, No. 157, item 1316, No. 178, item 1479, No. 180, item 1492 and No. 183, item 1538, of 2006, No. 120, item 826, of 2007, No. 75, item 492 and No. 166, item 1172, of 2008, No. 214, item 1344, of 2009, No. 20, item 106, No. 62, item 504, No. 166, item 1317 and No. 201, item 1540 and of 2010, No. 81, item 530 and No. 127, item 857.

in paragraph 1b as a single payment of funds to start a business or for the refund of costs of legal assistance, consultancy and advisory services relating to undertaking of such activities.

- 6a. Minister competent with respect to labour shall define, by means of an ordinance, detailed terms and procedure of granting to the unemployed and persons referred to in paragraph 1b, one-off funds to commence business under the terms specified for social cooperatives, referred to in paragraph 1 point 2, and the form of securing the return of funds for undertaking activities under the terms specified for social cooperatives, in the case of breach of contract concerning their allocation – with a view to increase the level of mobility and employability of the unemployed, the rational management of resources of the Labour Fund, and the need to ensure aid compliance with the rules on granting *de minimis* aid, in the case of an unemployed person or persons referred to in paragraph 1b, as a single payment of funds to commence business under the terms specified for social cooperatives.

Article 47.

1. Starost and an employer may conclude an agreement concerning one-off refund of costs borne due to paid social insurance contributions in connection with the employment of the referred unemployed person.
2. The refund can take place if:
 - 1) the employer employed the referred unemployed for a full time job for the period of at least 12 months, and
 - 2) after 12 months the referred unemployed still works for the employer.
3. The amount of refunded premiums referred to in paragraph 1 cannot exceed 300% of the minimum remuneration applicable on day of meeting the conditions specified in paragraph 2.

Article 48.

1. The unemployed who is entitled to an unemployment benefit can also receive a activation allowance, if:
 - 1) as a result of referral by a poviata labour office, the unemployed took up a part-time job in a given occupation of service and receives remuneration that is lower than the minimum remuneration,
 - 2) took up employment or other gainful work out of his/her own initiative.
2. In the case referred to in paragraph 1 point 1, activation allowance is granted in the amount which is the difference between the

minimum remuneration for work and remuneration derived, but not more than 50% of the benefit referred to in Article 72 (1), during the period in which the unemployed person would be entitled to the benefit.

3. In the case referred to in paragraph 1 point 2, the activation allowance is granted in the amount of up to 50% of the benefit referred to in Article 72 (1), for half the period in which the unemployed person would be entitled to the benefit.
4. Activation allowance is not available if
 - 1) the unemployed was referred by a poviát labour office for intervention works, public works or to a workplace, whose cost of equipping or retrofitting have been reimbursed in accordance with Article 46 (1) point 1;
 - 2) the unemployed took on his/her own initiative employment or other gainful work at the employer, with whom he was employed or performed other gainful work directly before registering as unemployed;
 - 3) the unemployed on his/her own initiative took up employment or other gainful work abroad outside Poland with a foreign employer.

Article 48a.

1. Starost may finance from the Labour Fund the costs of an organised travel of the unemployed or job seekers, referred by a poviát labour office to participate in job fairs and exchanges, organised in a different poviát by a voivodeship labour office as part of job placement service.
2. Poviát labour office indicates the places from which the organised travel of the unemployed or job seekers to the place of job fairs and exchanges and back, as mentioned in paragraph 1, is done.

Article 49.

In relation to people in a special situation on the labour market:

- 1) the unemployed below the age of 25,
long-term unemployed or persons who completed a social contract referred to in Article 50 (2) point 2, or women who did not resume employment after having a child,
- 3) the unemployed above the age of 50,
- 4) the unemployed without vocational qualifications, occupational experience or secondary education,
- 5) unemployed single parents taking care of at least one child below the age of 18,

- 6) unemployed, who after serving a sentence of imprisonment did not take up employment,
- 7) unemployed people with disabilities
- measures referred to in Articles 50 – 61a may be additionally applied.

Article 49a.

Special programs may be additionally used in relation to the unemployed and persons referred to in Article 43, who were chosen by starost, with regard to analyses and forecasts of the local labour market.

Article 50.

1. To unemployed referred to in Article 49 points 1, 3 and 6, a poviast labour office within 6 months from the date of registration should present offer of employment, other gainful work, training, work practice, apprenticeship for adults or employment in the intervention works or public works.
2. To unemployed referred to in Article 49, benefiting from social assistance allowances, a poviast labour office, within 6 months from the date of losing entitlement to unemployment benefit because of expiry of the period of its collection, and in case of the unemployed without entitlement to benefits, within 6 months from the date of registration:
 - 1) should present an offer of employment, other gainful work, training, work practice, apprenticeship for adults or employment in intervention works or public works, or
 - 2) at the request of social welfare centre, may refer to participation in a social contract, individual self-empowerment programme, local social assistance programme, referred to in the provisions on social assistance, or participation in the individual social employment programme referred to in the provisions on social employment.
3. In the case referred to in paragraph 2 point 2, a poviast labour office and a centre of social assistance are required to inform each other of planned measures for the unemployed in the manner specified in the agreement.

Article 51.

1. Starost returns to the employer who hired for intervention works for a period of up to 6 months targeting the unemployed referred to in Article 49, part of the costs borne for remuneration, bonuses and

social insurance contributions for referred unemployed in the amount previously agreed upon, but not exceeding the amount determined by multiplying the number of employees per month per full-time work and the amount of the benefit provided for in Article 72 (1), applicable on the last day of employment of each month, and social insurance contributions from refunded remuneration.

2. Starost returns to the employer who hired referred unemployed, mentioned in Article 49, for intervention works at least for half-time work for up to 6 months, part of the costs borne for remuneration, bonuses and social insurance contributions for the referred unemployed in the amount previously agreed upon, but not exceeding half the amount of minimum remuneration and social insurance contributions from refunded remuneration for each unemployed person.
3. Starost may, within the scope and under the terms of paragraph 1, reimburse the employer for the costs borne for employment for a period of 12 months of referred unemployed mentioned in Article 49, in the framework of intervention works, in the amount previously agreed upon, but not more than minimum remuneration and social insurance contributions from the refunded remuneration for every unemployed person, if the refund covers the costs borne for every second month of their employment.
4. If the employer immediately after completion of intervention works lasting at least 6 months, employed the referred unemployed for a further period of six months and after that period still employs him/her in full-time, the starost may reimburse employer one-off for remuneration in the amount previously agreed, but no higher than 150% of the average remuneration at the date of this condition.
5. Starost, when referring an unemployed to intervention works is required to take into account his/her age, health status and the types of previously performed work.

Article 52. (repealed).

Article 53.

1. Unemployed mentioned in Article 49, may be referred by starost for an work practice for a period not exceeding 6 months at the employer, agricultural production cooperative or an adult individual, living in Poland and conducting, personally and on their own account, the activity in plant or animal production, including horticulture, orchard, beekeeping and fish production, at a farm

which is in their possession covering agricultural land with an area exceeding 2 conversion hectares or conducting a special branch of agricultural production, referred to in the Act of 20 December 1990 on social insurance of farmers (Dz.U. of 2008, No. 50, item 291, as amended¹⁶).

- 1a. Starost may refer for an work practice for a period of 12 months the unemployed referred to in Article 49 point 1.
2. For the unemployed, during a period of 12 months from the date specified in the diploma, certificate or other document certifying completion of university, who is below 27, paragraph 1a shall apply accordingly.
3. (repealed).
4. Work practice is based on an agreement concluded by the starost and the employer, according to the programme specified in the agreement. When determining the programme one should take into account the psychophysical and health predispositions, education and previous vocational qualifications of the unemployed. The programme should specify:
 - 1) name of occupation or specialisation to which the programme relates;
 - 2) range of tasks performed by the unemployed;
 - 3) type of obtained qualifications or professional skills;
 - 4) a way of confirming the acquired qualifications or professional skills;
 - 5) a tutor for the person covered by the work practice programme.
5. Supervision of work practice is exercised by the starost. Employer after the completion of the programme referred to in paragraph 4, issues an opinion that contains information about the tasks undertaken by the unemployed and practical skills acquired during the work practice. Starost issues a certificate of completion of work practice to the unemployed.
6. Unemployed during the work practice has the right for a scholarship in the amount of 120% of the benefit referred to in Article 72 (1) point 1, paid by the starost, the provisions of Article 41 (6) and Article 80 shall apply accordingly. For the period during which the scholarship is available, the benefit is not.
7. (repealed).
- 7a. At the request of the unemployed who serves work practice, the employer is obliged to give 2 days off for every 30 calendar days of work practice. Scholarship is granted for days off. For the last

¹⁶ Amendments of the consolidated text of the aforementioned Act were published in Dz.U. of 2008, No. 67, item 411, No. 70, item 416, No. 180, item 1112, No. 227, item 1505, No. 228, item 1507 and No. 237, item 1654 and 1656.

month of work practice, the employer is obliged to grant days off before the end of work practice.

8. Provisions of paragraphs 1-7a shall apply mutatis mutandis to non-governmental organizations.
9. Minister competent with respect to labour shall, by means of an ordinance, specify detailed conditions of work practices, bearing in mind the need to ensure appropriate conditions for the acquisition of skills.

New wording
of point 1 in
Article 53a(2)
and Article 53c
shall enter into
force as of
1.09.2012 (Dz.U.
of 2011, No. 205,
item 1206).

Article 53a.

1. Starost initiates, organises and finances from the Labour Fund apprenticeship for adults unemployed and persons referred to in Article 43 (1), points 3-7, in order to obtain their qualifications or skills, confirmed by documents referred to in Article 53c (3) and Article 53d (3).
2. Adult vocational training takes the form of:
 - [1] *job-training to enable adults to take a qualifying examination for the professional title or apprentice examination;*
 - <1> **job-training to enable adults to take the examination of vocational qualifications or the apprentice examination**[^]
 - 2) qualification upgrading for adults seeking to gain vocational qualifications or skills necessary to perform specific professional tasks, appropriate to the occupation listed in the classification of occupations and specialisations for the labour market.
3. Adult vocational training is carried out under an agreement on the implementation of apprenticeship for adults to be concluded between the starost and the employer or between the starost, the employer and the training institution, entered in the register kept by the voivodeship labour office.
4. Job-training for adults takes from 12 to 18 months, while qualification upgrading for adults lasts 3 to 6 months.

Article 53b.

1. Adult vocational training is carried out according to the programme focused on acquiring practical skills and theoretical knowledge necessary to perform professional tasks, prepared by the employer or training institution in cooperation with the employer.
2. For the duration of the programme, the employer shall appoint a tutor for adult vocational training, having the qualifications specified in accordance with Article 53m.

[Article 53c.

1. *Practical vocational programme for adults includes in particular the standards of the requirements which are the basis for the examination for the professional title, the title of apprentice or core curriculum training in the occupation.*
2. *Apprenticeship for adults ends with an examination of qualification for the professional title, carried out by the examination committee, appointed by the chief education officer, in accordance with the provisions governing acquisition and completion of general knowledge, skills and qualifications by adults, in non-school forms with an apprentice exam, in accordance with the provisions governing carrying out examinations for titles of apprentice and master in the occupation, by committees of Chambers of Crafts.*
3. *Participant of job-training for adults, who passed the qualifying examination or examination for an apprentice with a positive result, receives a certificate in the form prescribed under the provisions referred to in paragraph 2.]*

<Article 53c.

1. **Apprenticeship for adults programme for adults includes in particular the requirements of the core curriculum training in the occupations or standards for carrying out the apprentice exam.**
2. **Job-training for adults ends with examinations confirming the qualifications in the occupation, carried out by the regional examining board, in accordance with the provisions on the conditions and method of evaluation, classification and promotion of pupils and students, and of conducting tests and examinations in public schools or with apprentice examination conducted by the examination committees of Chambers of Crafts, in accordance with the provisions on the examinations for apprentice and master titles in the occupation.**
3. **Participant in job-training for adults programme who passed the exams of formal qualifications in the occupation or apprentice exam with a positive result, receives appropriate certificate of vocational qualifications or professional diploma or apprentice certificate in accordance with the provisions referred to in paragraph 2>**

New wording of Article 53d shall enter into force as of 1.09.2012 (Dz.U. of 2011 No. 205, item 1206).

[Article 53d.

1. *Qualification upgrading for adults takes into account in particular the standards of vocational qualifications available in databases operated by the minister competent with respect to labour.*
2. *Qualification upgrading for adults ends with an exam, carried out by the committee referred to in Article 53c (2), or by a training institution designated by the starost, entered in the register kept by the voivodeship labour office.*
3. *Participant in Qualification upgrading for adults, who passed an examination with a positive result, receives a certificate of acquired skills.]*

<Article 53d.

1. **Qualification upgrading for adults takes into account in particular the standards of vocational qualifications available in databases operated by the minister competent with respect to labour or requirements of the core curriculum training in the occupations.**
2. **Qualification upgrading for adults ends with an exam carried out by the examination committee of the Chamber of Crafts, a training institution entered in the register kept by the voivodeship labour office or by other institution authorized to conduct examinations indicated by the starost.**
3. **Qualification upgrading for adults can end with examinations confirming the qualifications in the occupation, carried out by the regional examining board, if the qualification upgrading programme includes requirements specified on the basis of the core curriculum training in the occupations.**
4. **Participant in qualification upgrading for adults who have passed:**
 - 1) **examination referred to in paragraph 2 with a positive result, receives a certificate of acquired skills, or**
 - 2) **examinations referred to in paragraph 3, receives the certificate confirming qualifications in the occupation.>**

Article 53e.

1. Duration of apprenticeship for adults cannot exceed 8 clock hours per day and 40 clock hours per week.
2. Acquisition of practical skills takes at least 80% of the time of apprenticeship for adults and is done with the employer.
3. The employer provides the conditions for the acquisition of theoretical knowledge, by conducting theoretical training directly

at his premises or referring the participant to a training institution designated by the starost. If theoretical training is performed by a training institution, the employer is obliged to provide a participant in apprenticeship for adults with time off to attend classes at the time provided for the programme.

4. If the employer cannot provide the conditions to implement in full the job-training for adults, it is possible to implement parts of the programme by the Job-training Centre or Centre for Continuing Education indicated by starost, acting under the provisions of the education system, in time not exceeding 20% of programme time.

Article 53f.

The employer is obliged to provide adult participants in vocational training with 2 days off for every 30 calendar days; for the last month of apprenticeship for adults the employer is obliged to grant days off before the deadline for completion of apprenticeship for adults.

Article 53g.

1. Participant in apprenticeship for adults is entitled to a scholarship in the amount and on terms specified in Article 41 paragraphs 1-3, the provisions of Article 80 shall apply accordingly. For the period during which the scholarship is available, the benefit is not.
2. Scholarship is available for days off referred to in Article 53f.
3. Starost does not pay scholarship for the period of unexcused absences of participant in apprenticeship for adults.

[Article 53h.

1. *Professional in apprenticeship for adults, who interrupted the programme by his/her own fault or did not take the qualification examination, testing examination or examination for an apprentice, is obliged to reimburse the expenses of the training borne from the Labour Fund, except where the reason for discontinuation of the programme or not taking the qualifying examination, or examination for an apprentice or testing examination, was to take employment, other gainful work or economic activity.*
2. *Participant in apprenticeship for adults, who interrupted the training programme by his/her own fault or did not take the qualifying examination, examination for an apprentice or a testing examination, may be re-registered in the poviats labour office, not earlier than after 6 months of discontinuation of the programme or not taking the exam.]*

New wording of Article 53h shall enter into force as of 1.09.2012 (Dz.U. of 2011 No. 205, item 1206).

<Article 53h.

1. **Participant in apprenticeship for adults, who interrupted the programme by his/her own fault or did not take the examination confirming qualifications in a occupation, or examination for an apprentice or testing examination, is obliged to reimburse the expenses of the training borne from the Labour Fund, except where the reason for discontinuation of the programme or not taking the examination confirming qualifications in a occupation, or examination for an apprentice or testing examination, was to take employment, other gainful work or economic activity.**
2. **Participant in apprenticeship for adults, who interrupted the training programme by his/her own fault or did not take the examination confirming qualifications in a occupation, or examination for an apprentice or testing examination, may be re-registered in the poviata labour office, not earlier than after 6 months of discontinuation of the programme or not taking the exam.>**

Article 53i.

Starost refunds from the Labour Fund the employer, with whom he concluded an agreement on the implementation of apprenticeship for adults, for expenditure defined in the agreement, borne for the participant in apprenticeship for adults, particularly for materials and raw materials, operation of machinery and equipment, clothing, meals and other resources necessary for the implementation of adult vocational training programme up to 2% of the average monthly remuneration for each full month of programme implementation.

Article 53j.

1. Employer, with whom the starost entered into an agreement on the implementation of apprenticeship for adults, is entitled to a one-off bonus from the Labour Fund at the end of this form of activation, if the participant in apprenticeship for adults referred by the starost completed the job training for adults or qualification upgrading programme for adults and passed the exam, mentioned in Article 53c. (2) or Article 53d. (2).
2. The bonus is awarded in the amount of PLN 400 for each month of the programme of apprenticeship for adults, carried out for each referred participant, under an agreement mentioned in Article 53a (3).
3. The bonus amount referred to in paragraph 2 is subject to adjustment under the terms of Article 72 (6).

4. If the agreement on the implementation of apprenticeship for adults has been terminated for reasons beyond the employer and the person referred by the starost took up adult vocational training with another employer – the amount of bonus is divided among all employers in proportion to the number of months they implemented the training programme. The bonus is not available to the employer, with whom the agreement on the implementation of apprenticeship for adults has been resolved due to employer's fault.
5. Bonus is granted by the starost, who has entered into an agreement with the employer on the implementation of apprenticeship for adults, after the condition specified in paragraph 1 is met.
6. The bonus is granted at the request of the employer filed within 3 months from the date of the positive result of examination taken by a participant in adult vocational training. The application must include a copy of a diploma, certificate or a certificate confirming compliance with the condition specified in paragraph 1.

Article 53k.

Refund referred to in Article 53i, and the bonus referred to in Article 53j constitute a *de minimis* aid and are awarded in accordance with the terms of the admissibility of *de minimis* aid.

Article 53l.

1. The costs of apprenticeship for adults including:
 - 1) refund of expenditure borne for the participant in adult vocational training and necessary for implementing the programme, as referred to in Article 53i,
 - 2) single bonus granted to the employer, as referred to in Article 53j,
 - 3) receivable due to a training institution for the preparation and implementation of the portion of the programme,
 - 4) the costs of medical and psychological examinations to determine ability to participate in apprenticeship for adults,
 - [5) *the costs of qualifying examinations for the professional title, exams for an apprentice or testing exams shall be financed from the Labour Fund.*]
 - <5) the costs of examinations confirming the qualifications in the occupation, examinations for an apprentice or testing examinations are financed from the Labour Fund.>**
- [2. *If a participant in apprenticeship for adults failed the test, the cost of re-taking the qualifying examination, apprentice exam or testing exam cannot be financed from the Labour Fund.*]

New wording of point 5 in Article 2(1) and Article 53l shall enter into force as of 1.09.2012 (Dz.U. of 2011, No. 205, item 1206).

- [2. If a participant in apprenticeship for adults failed the test, the cost of re-taking the examination confirming qualifications in a occupation, apprentice exam or testing exam cannot be financed from the Labour Fund.>**
3. Starost can finance the costs of travel to the place of apprenticeship for adults, and if the adult vocational training takes place in a town other than the place of residence, the costs of accommodation, in accordance with Articles 44 and 45.

Article 53m.

Minister competent with respect to labour shall specify, by means of an ordinance, the detailed conditions, manner and mode of organising apprenticeship for adults, the manner of reimbursing an employer for expenses borne for participants in apprenticeship for adults and of payment of bonuses, the qualifications required of the tutors of participants in apprenticeship for adults, the pattern of the certificate of completion of adult vocational training, conditions and procedures for conducting a testing examination and a model certificate, with a view to efficiency of this form of acquiring qualifications and skills, as well as the need to ensure that the assistance complies with principles of granting *de minimis* aid.

Article 54.

Starost determines and pays, in the amount and on terms specified in separate provisions, the contributions for pensions and accident insurance from scholarships paid under Article 41 (3), Article 53 (6), Article 53g (1), and from scholarship paid under Article 42a (5) for the period during which a person who takes postgraduate studies is not in employment, does not perform other paid work or does not run a business.

Article 55.

1. Unemployed without vocational qualifications, who in the 12 months from the date of registration in a poviats labour office undertook further studies in a post-secondary school for adults, which is a public or non-public school with powers of a public school, or at university, where he takes part-time studies, the starost, on request of the unemployed, may award a scholarship in the amount of 100% of benefit referred to in Article 72 (1) point 1, paid over a period of 12 months from the date of commencement of studies.
2. Starost may decide to continue the payment of scholarship until finishing of the studies according to the curriculum.

3. The scholarship shall be granted provided that the amount of income per family member, within the meaning of provisions on social assistance, entitling to social assistance benefits, is not exceeded. Income does not include the amount of the scholarship.
4. The basis for payment of the scholarship is a certificate or statement made by the unemployed person confirming taking up or continuation of studies.
- 4a. Statement referred to in paragraph 4 is made under pain of criminal liability for false testimony. Person making the statement shall be obliged to include the clause which reads as follows: "I am aware of criminal liability for making a false statement". This clause replaces the instruction of authority about the criminal liability for false testimony.
5. The scholarship is not available in the event of interruption of studies. Provisions of Article 73 (5) shall apply accordingly.
6. Person to whom the starost awarded the scholarship referred to in paragraph 1, is entitled to a scholarship of 20% of the benefit referred to in Article 72 (1) point 1, from the date of taking up employment, other gainful work or economic activity. Provisions of Article 41 (3c) shall apply accordingly.

Article 56.

1. Starost can reimburse from the Labour Fund, for up to 12 months, the employer for full-time employment in intervention works of the referred unemployed, mentioned in Article 49 points 1, 2, 6 and 7, with respect to costs of remuneration, bonuses and paid social security contributions in the amount previously agreed upon, but not exceeding the amount of benefit specified in Article 72 (1), applicable on the last day of each settled month and social security contributions from refunded remuneration.
2. Starost can reimburse from the Labour Fund, for up to 18 months, the employer for full-time employment in intervention works of the referred unemployed, mentioned in Article 49 points 1, 2, 6 and 7, with respect to costs of remuneration, bonuses and paid social security contributions in the amount previously agreed upon, but not exceeding the amount of minimum remuneration for work and social insurance contributions from that remuneration, if the refund included costs borne for every second month.

Article 57.

1. Starost reimburses the organiser of public works, who employed the referred unemployed mentioned in Article 49 points 2-7 as well as the unemployed who are alimony debtors, during a period of up

to 6 months, for part of the costs borne for remuneration, bonuses and social security contributions, in the amount previously agreed upon, but not exceeding the amount determined by multiplying the number of employees per month per full-time work and 50% of the average remuneration applicable on the last day of employment of each settled month and social security contributions from reimbursed remuneration.

2. Starost can reimburse the organiser of public works, to the extent and on terms specified in paragraph 1, for costs of employment of referred unemployed, mentioned in Article 49 points 2-7, for up to 12 months, as well as the unemployed who are alimony debtors, under the provisions on assistance to persons entitled to alimony, in the amount previously agreed upon, but not exceeding the average remuneration and social insurance contributions from refunded remuneration for each unemployed person, if refund includes the costs borne for every second month of their employment.
3. At the request of the organiser of public works, the starost may grant advances from the Labour Fund on account of payment of remuneration and payment of social security contributions.
4. Unemployed persons referred to in Article 49 points 1 and 2, as well as unemployed who are alimony debtors within the meaning of the provisions on assistance to persons entitled to alimony, can be referred by starost, under the rules governing public works, to perform for up to 6 months work unrelated to a learned occupation, not exceeding $\frac{1}{2}$ FTE basis in public institutions and organizations dealing with issues of culture, education, sport and tourism, health care or social assistance.
5. Referral mentioned in paragraph 4, should apply in particular to unemployed obliged to pay alimony under separate regulations.
6. Starost reimburses employers who hire unemployed referred to work mentioned in paragraph 4, for part of the costs borne for remuneration, bonuses and social insurance contributions, in the amount previously agreed upon, but not exceeding the amount determined by multiplying the number of unemployed and half of the minimum remuneration applicable on the last day of employment of each settled month, including social insurance contributions from refunded remuneration.

Article 58.

Unemployed persons referred to in Article 49 point 3, after 6 months from the date of registration in a poviats labour office can apply for rights to pre-retirement benefits if they meet the conditions of this benefit, as defined in separate regulations.

Article 59.

1. Starost can refer the unemployed mentioned in Article 49 point 3, to perform work within the framework of intervention works for up to 24 months and reimburse the costs borne by the employer on remuneration and social insurance contributions.
2. Starost can refer the unemployed mentioned in paragraph 1, to perform work within the framework of intervention work with the employer for up to 4 years and reimburse the employer for costs of remuneration and social insurance contributions, if they include the costs borne for every second month of their employment.
3. (repealed).
4. If referral for intervention works applies to the unemployed who:
 - 1) fulfil the necessary conditions for retirement benefits – refund is made up to 80% of the minimum remuneration and social security contributions from refunded remuneration;
 - 2) do not meet the conditions necessary to obtain retirement benefits – refund is made up to 50% of the minimum remuneration and social security contributions from refunded remuneration.

Article 59a.

Intervention works referred to in Article 51, 56 and 59, cannot be organised at poviats and voivodeship labour offices.

Article 59b.

1. The lists of employers and individuals with whom contracts have been concluded, in the cases referred to in Article 46 (1) points 1 and 1a, paragraph 1a, Article 47 (1), Article 51 (1-4), Article 53 (1), Article 53a (1), Article 56, Article 57 (1), (2) and (4) and Article 59 (1-3), are made public by the poviats labour office by displaying them on the notice board at the headquarters of the office for a period of 30 days.
2. Poviats labour office after the end of each calendar year, by 31 January, provides the appropriate poviats employment council with a summary list of employers and individuals referred to in paragraph 1.
3. The lists referred to in paragraph 1, should include:
 - 1) employer's name or the name of the person with whom the contract was concluded;
 - 2) indication of the type of labour market measure;
 - 3) number of created jobs, apprenticeships and vocational trainings for adults.

Article 60.

Minister competent with respect to labour shall specify, by means of an ordinance, the detailed manner and mode of organisation for intervention and public works, the one-off refund for paid social insurance contributions borne in connection with employment of the referred unemployed, the content of the application for the organisation of public and intervention works, the procedure and conditions of contracts concluded with eligible employers, having regard for proper disbursement of funds from the Labour Fund, and the need to ensure that public compliance of assistance to entrepreneurs with rules of eligibility of employment aid.

Article 61.

1. Starost may, after documenting the borne costs, reimburse the unemployed referred to in Article 49 point 5, for the costs of child care of children under 7 years, in the amount agreed upon, but not more than half of the benefit referred to in Article 72 (1) point 1, for each child, on whose care the costs were borne, if the unemployed takes up employment or other gainful work or is referred to work practice, apprenticeship for adults or training, and provided that the unemployed receives a monthly income in this respect which does not exceed a minimum remuneration.
2. Refund referred to in paragraph 1 is available for up to 6 months.
3. In the case of referral for work practice, apprenticeship for adults or for training, refund of the cost of care for a child or children under 7 years of age is made for a period of work practice, apprenticeship for adults and training.
4. At the request of the person referred to in paragraph 1, the starost may make an advance payment on account of refund of child care costs.
5. The principles set out in paragraph 1-4 may also apply to refund for the costs of caring for a dependent.

Article 61a.

1. Unemployed person may be referred for work practice, apprenticeship for adults and for intervention works to the entrepreneur not employing on terms stipulated for employers.
2. Apprenticeship for adults at the entrepreneur not employing on terms stipulated for employers can be attended by a person referred to in Article 43 (1) points 3-7.

Article 61b.

1. Starost may enter into agreement with an employment agency to bring the unemployed in a special situation on the labour market for a full-time employment for at least a year.
2. The agreement referred to in paragraph 1, sets out in particular:
 - 1) date of employment contract with referred unemployed;
 - 2) conditions and mode of transmission of Labour Fund resources available to employment agencies for bringing referred unemployed to employment;
 - 3) amount of transferred funds not greater than 150% of the average remuneration applicable on the date of the contract, for one referred unemployed person;
 - 4) rules for documenting fulfilment of the condition referred to in paragraph 1.
3. Amounts allocated to the employment agency:
 - 1) on the date of contract referred to in paragraph 1, it cannot be higher than 30% of the total amount of funds available to employment agency;
 - 2) after fulfilling the condition referred to in paragraph 1, it cannot be less than 50% of this total amount.
4. In case of failure to comply with a condition by the employment agency, as referred to in paragraph 1, the funds transferred to the agency must be returned.
5. In the event of termination of the employment contract with the unemployed for the reasons referred to in Article 52 of the Act of 26 June 1974 – labour code, before the period referred to in paragraph 1, the employment agency is not obliged to refund monies received.

Chapter 11a. (repealed).

Chapter 12 Benefits for dismissed farmers

Article 62.

1. A person covered by the farmers' social insurance, the employment relationship or service relationship of which was terminated for reasons attributable to the employer, and who is not entitled to allowance:
 - 1) is entitled to:
 - a) covering farmers' social insurance contributions within first four quarters after the termination of the employment relationship or service relationship,
 - b) the scholarship referred to in Article 41,
 - c) compensation in respect of insurance against accidents arising in connection with training, according to the conditions specified for the unemployed;
 - 2) may receive from the starost:
 - a) financing the costs of the training aimed at undertaking employment or non-agricultural activity outside the household; provision specified in Article 41(6) shall apply accordingly,
 - b) one-off funds, referred to in Article 46(1) point 2, to undertake non-agricultural activity or for the purchase of land, not excluding manufacturing activity and services in agriculture.
2. Benefits shall be granted to a person referred to in paragraph 1, if:
 - 1) within 18 months before the day of submission of an application for allowance they maintained the employment relationship or service relationship, and received remuneration being a contribution assessment base for social insurance and Labour Fund equal to at least the minimum remuneration for work during 365 days, and the relationship was terminated for reasons attributable to the employer;
 - 2) tax on agricultural household or a special division does not exceed the amount of agricultural tax on 5 calculation hectares, or does not exceed the amount of agricultural tax on 1 calculation hectare per 1 household member having no permanent non-agricultural sources of income.

3. Covering contributions referred to in paragraph 1 point 1(a) means paying amounts of quarterly instalments with resources from the Labour Fund for certain farmers' social insurance funds, in accordance with the decision issued by the starost on the request of the farmer. The abovementioned allowance shall apply from the first quarterly instalment due after the day of the termination of the employment relationship of service relationship.
4. Funds, referred to in paragraph 1 point 2(b), shall be granted as *de minimis* aid in accordance with the conditions of *de minimis* aid admissibility.

Chapter 13. (repealed).

Articles 63-66 (repealed).

Chapter 13a Special programmes

Article 66a.

1. The starost, independently or in cooperation with other labour market bodies, organisations and entities, as well as employers, shall initiate and implement special programmes aimed at vocational activation of people referred to in Article 49a.
2. Special programmes are implemented after the approval of the poviats employment council.
3. Special programmes are financed from the Labour Funds, based on algorithm, granted for financing tasks at the poviats level, and may be supported by other resources.
4. The total amount of expenditure borne in connection with the implementation of special programmes may not exceed 10% of the Labour Fund resources, based on algorithm, granted for financing tasks at the poviats level.
5. The maximum amount of the Labour Fund resources granted under one special programme for actions per one participant amounts to ten times of the average remuneration as at the day when the special programme started.
6. The total amount of expenditure borne for specific employment supporting measures, connected with the implementation of a special programme, may not exceed 20% of the amount of Labour Fund resources granted for the implementation of the special programme.
7. On the request of the starost, the minister competent with respect to labour may grant additional resources for the implementation of special programmes from the reserve of the Labour Fund administrator.
8. Labour market measures or services provided by labour offices under the special programme shall be financed by the Labour Fund resources within the scope specified in Article 108(1).
9. Special programmes may cover the period longer than a budget year.
10. The special programme may be implemented by the poviats labour office – independently or in cooperation with the employer or the entity specified in Article 24(1).

11. The special programme may be commissioned to the entity specified in Article 24(1) if:
 - 1) it is impossible to implement the special programme individually, or
 - 2) commissioning the special programme ensures its more efficient implementation.
12. In the case of commissioning the implementation of the special programme to entities, referred to in paragraph 10, provisions of Article 24(1a)-(4) shall apply accordingly.

Article 66a¹.

If intervention works, public works or the one-time reimbursement of costs borne due to the paid social insurance contributions in connection with the employment of the referred unemployed person are an element of the special programme, aid is granted in accordance with *de minimis* aid conditions.

Article 66b.

The minister competent with respect to labour will specify, by means of ordinance, detailed principles for special programmes organisation and implementation, the scope of their application, the method of qualification and selection of the programme participants, and the method of financing these programmes from the Labour Fund, considering the disbursement compliance with the rules of awarding *de minimis* aid.

Chapter 14

Human resources development instruments

Article 67.

1. Within the means at their disposal, employers may open the company's training fund, hereinafter referred to as the "training fund".
2. The purpose of the training fund is to finance and co-finance the costs of the employees' and employers' lifelong learning.
3. The training fund may be established by more than one employer in the form of an agreement.
4. Establishment, operations and liquidation of the training fund shall be regulated by the collective labour agreement or the training fund regulation.

Article 68.

1. The training fund income includes:
 - 1) payments of the employers, in accordance with the provisions of the collective labour agreement or the training fund regulation, in the amount not lower than 0.25% of the remuneration fund;
 - 2) other receipts.
- 1a. Payments, referred to in paragraph 1, charge the costs of the employers' activity.
2. The training fund resources shall be disbursed in accordance with the employer's decision agreed with the employee referred to the training.
3. (repealed).
4. (repealed).

Article 69.

1. On the request of the employer who established the training fund the starost may reimburse, in accordance with the provisions specified in the agreement, the costs of employees' or employer's training from the Labour Fund in the amount of up to 50%, however, not more than up to the amount of the average remuneration as at the day of concluding the agreement, per one person, and in the case of people aged 45 and older – in the amount of up to 80%, however, not more than up to 300% of the average remuneration as at the day of concluding the agreement per one person.

- 1a. The employer who established the training fund, and uses the reimbursement of part of the training costs, referred to in paragraph 1, from the Labour Fund resources shall be obliged to provide access for the starost, on their request, to the document certifying the establishment of the training fund, lists of names of the persons referred to trainings co-financed by the Labour Fund, as well as the documents certifying the costs of the training.
2. On the request of the employer who refers an employee to a training lasting at least 22 working days on a full working time basis of the referred employee, gives them paid training leave, and employs an unemployed person referred by the poviát labour office for the training period, the starost shall reimburse from the Labour Fund:
 - 1) the costs of the employee's training – in the amount of up to 80 % of the average remuneration as at the day of the beginning of the training, per one employee;
 - 2) remuneration of a person referred by the poviát labour office, including social insurance contributions, in the amount not exceeding 40% of the average remuneration as at the day of the beginning of the training, for each referred person/
- 2a. Provisions of paragraph 2 shall also apply to an employer who did not establish the training fund.
3. (repealed).
4. The minister competent with respect to labour will specify, by means of ordinance, detailed conditions of reimbursement of costs of trainings, and remuneration and social insurance contributions, referred to in paragraphs 1 and 2, considering the correctness of funds disbursement, and the need for the State aid compliance with the conditions of the admissibility of aid for trainings in the case of reimbursement of the costs of trainings, referred to in paragraph 1 and paragraph 2 point 1, and with the principles of granting *de minimis* aid in the case of reimbursement of remuneration and social insurance contributions, referred to in paragraph 2 point 2.

Article 70.

1. An employer intending to dismiss at least 50 employees within 3 months is obliged to agree with the poviát labour office competent with respect to the employer or their place of work on the scope and form of assistance for the employees to be dismissed as regards in particular:
 - 1) job placement;
 - 2) vocational counselling;

- 3) trainings;
- 4) assistance in active job seeking.
2. In the case of outplacement, the employer is obliged to undertake actions aimed at providing labour market services implemented in the form of a programme for employees to be dismissed or the ones during the period of notice or within 6 months of termination of employment relationship or service relationship.
3. The programme may be implemented by a poviát labour office, employment agency or training institution.
4. The programme may be financed:
 - 1) by the employer;
 - 2) by the employer and the competent public administration units;
 - 3) in accordance with the agreement between the organisation and the legal persons with the participation of the employer.
5. Under the programme, referred to in paragraph 2, the employers may finance training pension on the request of the employee.
6. The training pension shall be granted by the employer on the request of the employee after the termination of the employment relationship or service relationship for the time of the employee's participation in trainings, for the period not longer than 6 months.
7. In the period of receiving training pensions, a dismissed employee is entitled to assistance in terms of vocational counselling provided by the poviát labour office competent with respect to the dismissed employee. The employee may be referred to the one-time training organised and financed by the poviát labour office, according to the conditions specified in the act.
8. After granting the training pension by the employer, the poviát labour office shall reimburse the employer for contributions to retirement pension or disability pension insurance financed from their own resources in the amount specified in separate regulations.
9. Every month the employer shall pay the training pension to the dismissed employee, in accordance with the agreement concluded with the employee, starting from the month when the employee started the training. The training pension shall be equivalent to the amount of the remuneration of the employee calculated as for holiday leave, however, not higher than 200% of the minimum remuneration for work.

Chapter 15

Benefits for the unemployed

Article 71.

1. An unemployed person is entitled to the benefit for each calendar day after 7 days from the day of registration in the competent poviát labour office, subject to Article 75, if:
 - 1) there is no suitable job offer, work practice offer, apprenticeship for adults, trainings, intervention works or public works, and
 - 2) within 18 months before the day of registration, jointly for the period of at least 365 days:
 - a) were employed and received remuneration in the amount of at least the minimum remuneration for work and were obliged to pay contributions to the Labour Fund, subject to Article 104a-105; the abovementioned period shall not include non-paid leaves lasting longer than 30 days in total,
 - b) worked under the contract on home based work, and obtained income in the amount of at least the minimum remuneration for work,
 - c) provided services in accordance with the agency agreement, the mandate contract or other contract on the provision of services that, in accordance with the Act of 23 April 1964 – civil code, provisions on outsourcing shall apply to; or worked on preparing these contracts, while the contribution assessment base for social insurance and the Labour Fund amounted to at least the minimum remuneration for work calculated for a full month period, subject to Article 104b(2),
 - d) paid social insurance contributions in respect of the non-agricultural activity or cooperation, while the contribution assessment base for social insurance and the Labour Fund amounted to at least the minimum remuneration for work,
 - e) performed work during the pre-trial detention or when serving the custodial sentence, while the contribution assessment base for social insurance and the Labour Fund amounted to at least half of the minimum remuneration for work,
 - f) performed work in agricultural production cooperative, agricultural circles cooperative or agricultural services cooperatives as a member of the cooperative, while the contribution assessment base for social insurance and

- the Labour Fund amounted to at least the minimum remuneration for work,
- g) paid contributions for the Labour Fund in relation to employment or performing other gainful work abroad at the foreign employer in a country not specified in Article 1(3) point 2(a)-(c) in the amount of 9.75% of the average remuneration for each month of work,
 - h) were employed abroad for at least 365 days in the period of 18 months before registration in the poviats labour office, and came to the Republic of Poland as a repatriate,
 - i) were employed, performed duty or other gainful work, received remuneration and obtained income and were obliged to pay contributions for the Labour Fund.
2. The period of 365 days, referred to in paragraph 1 point 2, includes the periods of:
- 1) compulsory military service, extended military service, military training, preparatory service, trainee service, contracted professional military service, military drill, temporary military service or military service in the case of mobilisation and during the war, and obligatory service performed in civil defence and alternative service, as well as service as an officer, referred to in the Act of 18 February 1994 on pensions of officers of the Police, the Internal Security Agency, the Foreign Intelligence Agency, the Military Counter-Intelligence Service, the Military Intelligence Service, the Central Anticorruption Bureau, the Border Guard, the Government Protection Bureau, the State Fire Service and the Penitentiary Service as well as their families (Dz.U. of 2004 no. 8, item 67, as amended¹⁷);
 - 2) parental leave granted in accordance with separate regulations;
 - 3) receiving disability pension due to incapacity to work or perform duty, referred to in point 1, training disability pension and periods of receiving sickness allowance, maternity allowance, allowance in the amount of maternity allowance of rehabilitation benefit after the termination of employment, performing other gainful work or non-agricultural activity, if the assessment base for these allowances and the benefit, including the amount of social insurance contributions, amounted to at least the minimum remuneration for work;

¹⁷ Amendments to the consolidated text of the aforementioned Act were published in Dz.U. of 2004 No. 121, item 1264 and No. 191, item 1954, of 2005 No. 10, item 65, No. 90, item 757 and No. 130, item 1085, of 2006 No. 104, item 708 and 711, of 2007 No. 82, item 558, of 2008 No. 66, item 402 and 409 and No. 220, item 1410 and of 2009 No. 24, item 145 and No. 95, item 786.

- 4) not specified in paragraph 1 point 2, the social insurance contributions and the Labour Fund were paid, if the contribution assessment base amounted to at least the minimum remuneration for work;
 - 5) periods for which compensation was granted due to the illegal termination of the employment relationship or service relationship by the employer, and the period for which the compensation was granted to the employee due to shortening term of notice.
3. The unemployed released from correction units and detention facilities registered within 30 days from being released shall be entitled to allowance if the sum of periods, referred to in paragraph 1 point 2 and paragraph 2, within the period of 18 months before the last imprisonment and performing work during the imprisonment amounted to at least 365 days, while the contribution assessment base for social insurance and the Labour Fund amounted to at least the minimum remuneration for work before the imprisonment and 50 % of the minimum remuneration for work during the imprisonment. In the case of the imprisonment in the period of receiving allowance, after being released from a correction unit and a detention facility the unemployed shall be entitled to allowance for the period shortened by the period of receiving allowance before the imprisonment and during prison leaves.
 4. The unemployed released from the compulsory military service or the temporary military service shall be entitled to allowance if the service period amounts to at least 240 days and falls within 18 months before the day of registration in the poviát labour office.
 5. (repealed).
 6. If the unemployed person documents the period authorising to the allowance after 7 days from registration in the poviát labour office, however in the period of unemployment, they are entitled to the allowance from the day of documenting this entitlement for the period, referred to in Article 73(1).
 7. (repealed).
 8. The minister competent with respect to labour will specify, by means of ordinance, detailed conditions and the procedure of payment of contributions to the Labour Fund by persons undertaking employment or other gainful work abroad with a foreign employer in a country not specified in Article 1 (3) point 2(a)-(c), considering principles of paying social insurance contributions, impossibility to pay contributions back and to return them, unless they were paid in the amount higher than required.

Article 72.

1. The amount of the allowance shall be:
 - 1) PLN 717 per month in the period of first three months of being entitled to the benefit;
 - 2) PLN 563 per month in the period of subsequent months of being entitled to the benefit.
2. An unemployed for whom the total periods referred to in Article 71(1) point 2, paragraph 2 point 1, 2, 4 and 5 and paragraph 7, hereinafter referred to as “a allowance eligibility period”, amount to less than 5 years shall enjoy the right to allowance equalling 80% of the allowance amount specified in paragraph 1.
3. An unemployed for whom the allowance eligibility period amounts to at least 20 years shall enjoy the right to allowance equalling 120% of the allowance amount specified in paragraph 1.
4. The allowance eligibility period, on which the allowance collection amount and period depend, shall also cover the periods of collection of temporary guaranteed allowance, periods of employment on the basis of an employment contract for apprenticeship of junior employees, periods of abroad employment of persons who have moved to a country pursuant to repatriation conditions within the meaning of provisions on repatriation and periods of leave without pay granted on the basis of regulations on leaves without pay for working mothers taking care of small children, other leaves without pay granted for that purpose and non-work periods before 8 June 1968 that are a break in employment caused by childcare:
 - 1) aged up to 4 – up to 3 years per child and jointly with the periods referred to in Article 71(2) point 2, irrespective of the number of children – up to 6 years;
 - 2) for which, due to its physical, mental or psychophysical condition, attendance allowance is granted – additionally up to 3 years per child.
5. The allowance eligibility period, on which the allowance collection amount and period depend, shall also cover the employment periods referred to in Article 89.
- 5a. The allowance eligibility period, on which the allowance collection amount and period depend, shall also cover:
 - a) the periods of employment or other gainful work prior to 1 January 1997, provided that the contribution assessment base for social insurance or pension and Labour Fund represented the amount equalling at least half of the applicable minimum remuneration for an employee specified on the basis of separate regulations; the period of non-

- agricultural activity prior to 1 January 1997 shall be included, provided that social insurance and Labour Fund contributions on that account have been paid, in so far as the contribution assessment base for them was represented by the amount equalling at least half of the applicable minimum remuneration for work,
- b) periods of employment or other gainful work completed prior to 1 May 2004 abroad at an abroad employer in a state referred to in Article 1(3) point 2(a)-(c) for which Labour Fund contributions were paid.
6. The allowances shall be subject to indexation on 1 June by the average annual total consumer price index for the previous year. Indexation of allowances shall not be applied in case when the average annual total consumer price index has not changed or has decreased.
 7. The provision of paragraph 6 shall apply accordingly to scholarships and activation allowances referred to in Article 48(1) point 2.
 8. The minister competent with respect to labour-related matters shall announce amounts of allowances after indexation by way of official announcement in the "Monitor Polski" – the Government Official Journal on the basis of the notification of the president of the Central Statistical Office.
 9. The average annual total consumer price index referred to in paragraph 6 shall be determined on the basis of the notifications of the president of the Central Statistical Office promulgated in the "Monitor Polski" – the Government Official Journal on the basis of Article 94(1) point 1 of the Act of 17 December 1998 on retirement and retirement pensions from the Social Insurance Fund.
 10. The allowances shall be paid in monthly periods in arrears. The allowance for an incomplete month shall be determined by dividing the amount of granted allowance by 30 and multiplying the resulting figure by the number of calendar days in the period for which the allowance is granted.
 11. The Act of 14 June 1960 – code of administrative procedure (Dz.U. of 2000, No. 98, item 1071, as amended¹⁸) as far as the deadlines are concerned and the Act of 23 April 1964 – civil code

¹⁸ Amendments to the consolidated text of the aforementioned Act were published in Dz.U. of 2001, No. 49, item 509, of 2002, No. 113, item 984, No. 153, item 1271 and No. 169, item 1387, of 2003, No. 130, item 1188, No. 170, item 1660, of 2004, No. 162, item 1692, of 2005, No. 64, item 565, No. 78, item 682 and No. 181, item 1524 and 2008, No. 229, item 1539.

(Dz.U. No. 16, item 93, as amended¹⁹) as far as the method for calculating the deadlines shall not apply to calculation of the allowance eligibility periods.

12. Recipient of allowance, scholarship and other benefits paid by the Labour Fund shall have the right to statutory interest if the powiat labour office has not disbursed them within the deadline due to reasons not attributable to the recipients.
13. A starost shall determine and pay the retirement and disability pension insurance contributions for the allowances paid to the unemployed pursuant to the rules and an in the amount specified in separate regulations.

Article 73.

1. The allowance collection period shall amount to:
 - 1) 6 months – for the unemployed domiciled within the allowance collection period within the territory of a powiat if the unemployment rate within this area on 30 June of the year preceding the day when the right to allowance was granted did not exceed 150% of the average national unemployment rate;
 - 2) 12 months – for the unemployed:
 - a) domiciled within the allowance collection period within the territory of a powiat if the unemployment rate within this area on 30 June of the year preceding the day when the right to allowance was granted exceeded 150% of the average national unemployment rate, or
 - b) who are aged over 50 and have the allowance eligibility period of at least 20 years, or
 - c) who maintain at least one child aged up to 15, and the spouse of the unemployed persons is unemployed as well

¹⁹ Amendments to the aforementioned Act were published in Dz.U. of 1971, No. 27, item 252, of 1976, No. 19, item 122, of 1982, No. 11, item 81, No. 19, item 147 and No. 30, item 210, of 1984, No. 45, item 242, of 1985, No. 22, item 99, of 1989, No. 3, item 11, of 1990, No. 34, item 198, No. 55, item 321 and No. 79, item 464, of 1991, No. 107, item 464 and No. 115, item 496, of 1993, No. 17, item 78, of 1994, No. 27, item 96, No. 85, item 388 and No. 105, item 509, of 1995, No. 83, item 417, of 1996, No. 114, item 542, No. 139, item 646 and No. 149, item 703, of 1997, No. 43, item 272, No. 115, item 741 and No. 117, item 751, of 1998, No. 106, item 668 and No. 117, item 758, of 1999, No. 52, item 532, of 2000, No. 22, item 271, No. 74, item 855 and 857, No. 88, item 983 and No. 114, item 1191, of 2001, No. 11, item 91, No. 71, item 733, No. 130, item 1450 and No. 145, item 1638, of 2002, No. 113, item 984 and No. 141, item 1176, of 2003, No. 49, item 408, No. 60, item 535, No. 64, item 592 and No. 124, item 1151, of 2004, No. 91, item 870, No. 96, item 959, No. 162, item 1692, No. 172, item 1804 and No. 281, item 2783, of 2005, No. 48, item 462, No. 157, item 1316 and No. 172, item 1438, of 2006, No. 133, item 935 and No. 164, item 1166, of 2007, No. 80, item 538, No. 82, item 557 and No. 181, item 1287 and of 2008, No. 116, item 731, No. 163, item 1012, No. 220, item 1425 and 1431 and No. 228, item 1506.

and lost the right to allowance due to expiration of the period for its collection after the day when the right to allowance was granted to the unemployed person.

2. The allowance collection period for an unemployed person shall be changed if after its collection period the place of residence of the unemployed person changes or the town/city in which they live is covered by the area of operation of another poviát.
- 2a. In case of change in the place of residence of the unemployed person, resulting in change in the jurisdiction of the poviát labour office, the unemployed person shall be obliged to notify of that fact the Labour Office in which they are registered and to visit the poviát labour office competent with respect to the new place of residence within 14 days of the date when the permanent residence address changed.
- 2b. (repealed).
3. In case of childbirth by a woman who collects an allowance in the period referred to in paragraph 1 or within a month of the delivery, this period shall be extended by the time when she would enjoy the right to maternity allowance pursuant to separate regulations.
4. The allowance collection period referred to in paragraphs 1 and 3 shall be reduced by the period of employment as part of intervention work or public work and by the period when vocational apprenticeship, training or preparation for adults was attended that fell to the period when an allowance would be granted and for the periods of allowance non-eligibility referred to in Article 75(1)-(3).
5. An unemployed person – who lost the status of an unemployed person for a period shorter than 365 days because of started employment, other gainful work, non-agricultural activity or generation of income that exceeds the half of the minimum monthly remuneration for work and have registered with the poviát labour office as an unemployed person within 14 days of the date when employment expired, other gainful work, non-agricultural activity, sickness allowance collection after expiration of employment was discontinued, or the exercise of other gainful work, non-agricultural activity or generation of income that exceeds the half of the minimum monthly remuneration for work was discontinued – shall have the right to collect the allowance for a duration reduced by the allowance collection period prior to the losing the status of an unemployed person and by the periods referred to in paragraph 4.
6. The provisions of paragraph 5 shall apply accordingly in case:
 - 1) of conscription for and release from compulsory military service, extended compulsory military service, military training, preparation service, candidate service, contract-based

- professional military service, military drills, temporary military service or military service provided in case of call-up or in time of war and compulsory service in civil defence and alternative military service;
- 2) of the unemployed persons who attend training and apprenticeship organised by an entity other than a poviát labour office.
 7. A person who lost the status of an unemployed person for a period not longer than 365 days, and on the day of next registration they met the conditions specified in Article 71 shall be granted the right to allowance for a period reduced by the previous allowance collection period and by the periods referred to in paragraph 4.
 8. The periods of employment, other gainful work, non-agricultural activity, sickness allowance collection after termination of employment, discontinuation of other gainful work or non-agricultural activity and generation of income referred to in paragraph 5 shall be included in the periods referred to in Article 75(2).

Article 73a.

1. Upon request by a gmina, the starost shall be allowed to refer an unemployed person without the right to allowance who uses the social assistance benefits to perform work of social benefit within the territory of the gmina in which the unemployed person resides or stays in an amount of up to 10 hour per week.
 - 1a. The persons who participate in a social contract, participate in an individual independence programme, local social assistance programme or individual social employment programme can be referred to perform work of social benefit, provided that they started the participation in these programmes because they were referred there by a poviát labour office pursuant to Article 50(2).
2. Performance of work of social benefit takes place on the basis of an agreement entered into by and between the starost and the Gmina for which work of social benefit will be performed.
3. An unemployed person and a person referred to in paragraph 1a who does not have the right to allowance shall enjoy the right to a benefit amounting to no less than PLN 6 per hour of work of social benefit. The benefit is subject to indexation pursuant to the rules defined in Article 72(6).
4. The benefit shall not be granted for a period when no work was performed, including the period of documented inability to perform work.
5. The starost shall refund up to 60% of the minimum benefit amount that was borne by a gmina and was granted to an unemployed person and a person referred to in paragraph 1a.

6. The minister competent with respect to labour shall specify – by way of an ordinance – the detailed method and procedure for organising the work of social benefit, including the conditions for determination of the benefit referred to in paragraph 3, taking into account the well-being of the local community, the need for activation of unemployed persons and the persons referred to in paragraph 1a.

Article 74.

An unemployed person shall be obliged to notify within 7 days the poviát labour office of the undertaken job, other gainful work or of submission of request to have a economic activity registered with the register of economic activities and of the fact that circumstances that emerged and caused the deprivation of the status of an unemployed person or deprivation of the right to allowance.

Article 75.

1. The right to allowance shall not be exercised by an unemployed person who:
 - 1) refused – with no justified reason – to accept a proposed appropriate job, other gainful work, training, work practice, apprenticeship for adults, to perform intervention work, public work, to undergo medical or psychological examinations aimed at establishing the ability to work or participate in another form of assistance defined in this Act;
 - 1a) after the referral did not attend the training, adult vocational training, apprenticeship, execution of works referred to in Article 73a, or other forms of assistance specified in the Act;
 - 2) within 6 months of registration with the poviát labour office, terminated the employment relationship or the labour-based relationship by giving a notice or by mutual agreement, unless the mutual agreement resulted from the bankruptcy, liquidation of an enterprise or redundancies caused by reasons attributable to the employer, or when the employment relationship or the labour-based relationship by giving a notice or by mutual agreement was terminated due to change in the place of residence or because the employee has terminated the employment contract under the procedure specified in Article 55(11) of the Act of 26 June 1974 – the labour code;
 - 3) within 6 months before the registration with the labour office, has caused the employment relationship or the labour-based

- relationship without prior notice to be terminated through the fault of the unemployed person;
- 4) has received a benefit provided for in other regulations in the form of one-off money equivalent of miner's leave, one-off social severance payment, allowance severance payment, financial severance payment after social allowance, one-off conditional severance payment or financial unconditional severance payment;
 - 5) has received compensation for reduced employment termination notice period;
 - 6) (repealed);
 - 7) attends postgraduate training without remuneration and receives a monthly financial benefit amounting to more than half of the minimum remuneration for work;
 - 8) has registered as an unemployed person within the period of business suspension reported to the register of economic activities.
2. An unemployed person referred to in paragraph 1 who meets the conditions referred to in Article 71 shall exercise the right to allowance:
 - 1) following the expiration of the period indicated in Article 33(4) point 3 – in the cases referred to in paragraph 1 point 1 and point 1a;
 - 2) following a period of 90 days after registration with a poviats labour office – in the cases referred to in paragraph 1 point 2 and 8;
 - 3) following a period of 180 days after registration with a poviats labour office – in the cases referred to in paragraph 1 point 3;
 - 4) following the expiration of the period for which the unemployed has received an equivalent, a severance pay or compensation referred to in paragraph 1 point 4 and 5.
 3. An unemployed person who, within a period no longer than 10 days, stays abroad or is in another situation resulting in inability to undertake a job shall not be deprived of the status of an unemployed person, provided that the planned stay abroad or situation resulting in inability to undertake a job has been notified by them to the poviats labour office. Allowances shall not be granted for that period. The total period of the reported stay abroad and period of inability to undertake a job due to another reason must not exceed 10 days in total within one calendar year.
 4. An unemployed person who was granted the right to benefits on account of unemployment in the Republic of Poland and leaves for another country referred to in Article 1(3) point 2(a)-(c) with a view to finding a job shall preserve the right to these benefits

pursuant to the rules specified in the regulations on coordination of social security systems.

5. (repealed).
6. An unemployed person shall be obliged to submit or send to a poviát labour office a declaration in writing about the income under the pain of penal responsibility, as well as other documents necessary to determine their rights to the benefits provided for in the Act within 7 days of obtaining the income.

Article 76.

1. The person who took undue pecuniary benefit, is obliged to return, within 14 days of receipt of the decision, the amount of benefits received, together with advance personal income tax payment and health insurance premium transferred from the benefit.
2. Undue pecuniary benefit shall be:
 - 1) pecuniary benefit paid in spite of circumstances causing the cessation of rights to its collection, if the receiving party has been advised of these circumstances;
 - 2) pecuniary benefit paid on the basis of false statements or false documents or in other cases of deliberate misleading of the poviát labour office by the person collecting the benefit;
 - 3) benefit, scholarship or other pecuniary benefit financed from the Labour Fund paid to the person for the period for which that person acquired the right to a pension, pre-retirement benefit, pension for incapacity for work, training pension, family pension, social pension, maternity benefit, unemployment benefit in the amount of maternity benefit, sickness or rehabilitation benefits if the pension authority, which awarded the benefit, has not reduced it on the principles set out in Article 78;
 - 4) training costs, in the case referred to in Article 41 (6);
 - 4a) the costs of vocational training of adults, in the case referred to in Article 53h (1);
 - 5) benefit paid for the period for which, in connection with the ruling of the court, remuneration was paid for the period of unemployment or compensation for defective notice of termination of employment;
 - 6) pecuniary benefit paid from the Labour Fund for the period after the death of the holder;
 - 7) pre-retirement benefit paid in advance amount, if the pension authority refused to issue a decision fixing the amount of retirement in order to determine the amount of pre-retirement benefit.

3. Claims for benefits, scholarships and other pecuniary benefits financed from the Labour Fund shall be barred by limitation after 3 years from the date of fulfilment of the conditions for their acquisition by an authorised person, and the claims of the poviats labour office claims are barred by limitation after a period of 3 years from the date of payment.
- 3a. Claims for due and uncollected unemployment allowances and other benefits financed from the Labour Fund shall be barred by limitation after 6 months from the date of making them available.
4. Claims of employers for reimbursement of benefits due from the Labour Fund are barred by limitation after a period of 12 months from the date on which the claim became due.
5. In matters not covered in paragraphs 2-4, the provisions of the Act of 23 April 1964 – civil code apply, concerning the interruption of the limitation period.
6. Amounts of unduly received benefits are subject to collection under the provisions of administrative enforcement proceedings.
7. Starost may postpone the date of payment or arrange instalments for repayment of unduly collected benefit, return of refund and one-off funds in the cases referred to in Article 46 (2) and (3), or after consultation with the poviats employment council redeem these receivables in full or in part if one of the conditions occurred:
 - 1) during enforcement proceedings or under other circumstances or documents, it was found that a person or other entity that collected the undue benefit, refund or received one-off funds, referred to in Article 46 (1), do not have assets from which to pursue charges;
 - 2) debt recovery would deprive a person who took undue benefit or received one-off funds referred to in Article 46 (1) point 2, or a person dependent, of the necessary means of subsistence;
 - 3) person who took undue benefit or received one-off funds referred to in Article 46 (1) point 2, died, leaving no assets from which to pursue charges;
 - 4) there is reason to believe that enforcement proceedings would not obtain the sums of unduly collected benefits, refunds, or one-off funds, referred to in Article 46 (1), in excess of expenses of enforcement.
- 7a. Provision of paragraph 7 shall apply respectively to the other benefits not listed in that provision and financed from the Labour Fund, in particular, to refunds from contracts on organisation of intervention works and public works.
8. (repealed).

9. For receivables with deferred payment period or instalments arranged for their payment, no interest will be charged, if such interest shall result from the provisions of the Act, or provisions issued on the basis thereof, for the period from the date of a decision to the expiry date of payment specified in the decision. If, however, within the period specified in the decision, the payment of deferred charges or charges arranged in instalments is not made, the outstanding amounts shall bear interest on arrears from the due date referred to in paragraph 1.
10. (repealed).

Article 77.

Unemployment benefits available to the unemployed and other eligible persons are their property rights and are transferred after their death, in equal parts, to the spouse and other persons who fulfil the conditions required to obtain a family pension under the law on pensions from the Social Insurance Fund. In the absence of such persons the rights are included in inheritance.

Article 77a.

The obligation to repay benefits improperly collected, referred to in Article 76 (2) point 6, encumbers in equal parts a spouse and other persons who fulfil the conditions required to obtain a family pension under the provisions on pensions from the Social Insurance Fund.

Article 78.

1. In case of awarding an unemployed person or a person referred to in Article 43, the right to a pension, pre-retirement benefit, pension for incapacity for work or services, referred to in Article 71 (2) point 1, training pension, social pension, maternity benefit, unemployment benefit in the amount of maternity benefit, sickness benefit, rehabilitation benefit or family pension in excess of half the minimum remuneration for the period for which they collected the benefit, scholarship, activation allowance or other pecuniary benefit for unemployment, sums collected in this respect, in the amounts taking into account the amount of advance personal income tax payment and the health insurance premium shall be credit towards the benefits awarded by pension authority. These amounts are treated as benefits payable in the advance amount under the provisions of pensions from the Social Insurance Fund.
2. The amount credited towards the granted benefit may not be higher than the amount of pensions, retirement benefits, pension for

incapacity for work or services referred to in Article 71 (2) point 1, training pension, social pension, maternity benefit, unemployment benefit in the amount of maternity benefit, sickness benefit, rehabilitation benefit or pension, determined for each month of the period referred to in paragraph 1.

3. Pension authority shall transfer the amount credited towards the granted benefit, as referred to in paragraph 1, to the bank account of the Labour Fund of the poviát labour office, which paid the benefit, scholarship, activation allowance or other pecuniary benefit for unemployment.
4. In case the unemployed person is entitled to a pension, pre-retirement benefit, pension for incapacity for work or services referred to in Article 71 (2) point 1, training pension, social pension, maternity benefit, unemployment benefit in the amount of maternity benefit, sickness benefit, rehabilitation benefit or family pension in excess of half the minimum remuneration for the period in which the person was unemployed, deprivation of the unemployed status and of rights to benefits is made for a period of granted pension, retirement benefit, pension for incapacity for work or services referred to in Article 71 (2) point 1, training pension, social pension, maternity benefit, benefit in the amount of maternity benefit, sickness benefit, rehabilitation benefit or family pension in excess of half the minimum remuneration.

Article 79.

1. Periods of collection of unemployment benefit and scholarship awarded on the basis of Article 41 (1), Article 53 (6) and Article 53g (1) are counted in the work period required to acquire or preserve employee rights and contributory periods under the provisions on pensions from the Social Insurance Fund.
2. Periods of collection of unemployment benefit and scholarship do not count in to:
 - 1) periods required for entitlement to and duration of unemployment benefit;
 - 2) period of employment upon which depends the entitlement to annual leave;
 - 3) seniority as defined in separate regulations, required to perform certain jobs.
3. The provisions of paragraph 1 and paragraph 2 points 2 and 3 shall apply *mutatis mutandis* to the period of collection of social benefits available during mining leave, mining social security benefits, the eligibility period for the mining benefit or the period of collection of scholarship for retraining, as defined in separate regulations.

Article 80.

1. Unemployed person retains entitlement to benefit and scholarship for a period of documented incapacity for work, which falls during the period of eligibility for benefit or work practice, adult vocational training and training, for which under separate provisions the employees retain the right to remuneration or are entitled to social insurance benefits in case of illness or maternity.
2. Unemployed, with the exception of persons taking treatment in detoxification, are required to submit certificates of incapacity for work due to illness or caring for sick family member on the form specified in separate regulations. Failure to present the certificate in the prescribed form results in the deprivation of the unemployed status on the first day of incapacity for work.

Article 81.

The amounts of benefits, scholarships and other unemployment benefits financed from the Labour Fund for the prescribed period are rounded up to 10 gr.

Article 82.

President of the Central Statistical Office, by 30 September each year, announces by public notice in "Monitor Polski" – the Government Official Journal, the average unemployment rate in the country and in poviats, as of 30 June of the given year.

Article 83.

Minister competent with respect to labour shall specify, by means of an ordinance, the detailed procedure for granting benefits, scholarships and activation allowances, with a view to ensuring the proper award of benefits and a reasonable spending of Labour Fund resources.

Chapter 16

Taking jobs abroad for foreign employers and work performance by a foreigner in the Republic of Poland

Article 84.

Taking jobs abroad for foreign employers shall be effected in the mode and under the rules binding in the country of employment and specified in international agreements.

Article 85.

1. Taking jobs abroad shall occur as a result of direct arrangements made by people taking jobs with foreign employers or through public employment services and employment agencies providing services referred to in Article 18 (1) point 1.
2. Directing to work abroad for foreign employers through the employment agency shall be conducted on the basis of a written agreement concluded by these agencies with people directed. The agreement shall define in particular:
 - 1) foreign employer;
 - 2) the period of employment or other gainful work;
 - 3) the type and conditions of work and remuneration, and the social benefits vested in the person directed to work abroad;
 - 4) the conditions of social insurance and casualty insurance and insurance against the consequences of tropical diseases;
 - 5) the obligations and rights of the person directed to work abroad and of employment agency;
 - 6) the scope of civil liability of the parties in the case of failure to execute or improper execution of the agreement concluded between the employment agency and a person directed, which includes the party obliged to pay the cost of travel to work and back of the person directed, in the case when the foreign employer fails to comply with the conditions of the agreement, as well as the procedure for enforcing the relevant claims;
 - 7) the amount to be paid to the employment agency in virtue of actually born costs, related to sending a person to work abroad:
 - a) travel to work and back of the person directed,
 - b) issuing visa,

- c) medical examination,
 - d) documents' translation,
- 8) the information on the procedure and conditions of admitting foreigners to participate in the labour market in the target country;
- 9) other obligations of the parties.
- 3. Employment agency shall be obliged to conclude written agreement with a foreign employer, to whom it shall intend to direct people to work abroad, defining in particular:
 - 1) number of jobs;
 - 2) the period of employment or other gainful work;
 - 3) the type and conditions of work, principles of remuneration, and social benefits vested in people taking jobs;
 - 4) the scope of civil liability of the parties in the case of failure to execute or improper execution of the agreement concluded between the employee and employer, which includes the party obliged to pay the cost of travel to work and back of person directed, in the case when the foreign employer fails to comply with the conditions of the agreement, as well as the procedure for enforcing the relevant claims;
- 4. Employment agency shall be obliged to inform in writing the person directed to work abroad about the person's rights referred to in Article 86.
- 5. Employment agency shall be obliged to comply with international agreements, memoranda of understandings and programmes related to employment that bind the Republic of Poland, and with employment provisions and regulations related to employment agencies binding in the target country.

Article 86.

- 1. Documented periods of employment, completed abroad for the foreign employer. are included in the periods of employment in the Republic of Poland in terms of employee entitlements.
- 2. (repealed).
- 3. (repealed).
- 4. (repealed).
- 5. (repealed).
- 6. The minister competent with respect to the economy shall, by means of ordinance, define required documents, mode and criteria of employment limit of Polish employees abroad in order to perform contracts for specific work by Polish employers, if it was defined in the international agreement, considering existing needs in this regard.

Article 87.

1. The foreigner shall be entitled to perform work on the territory of the Republic of Poland, if:
 - 1) they have the status of a refugee in the Republic of Poland;
 - 2) they were granted subsidiary protection in the Republic of Poland;
 - 3) they have a settlement permit in the Republic of Poland;
 - 4) they have a long-term resident's EC residence permit in the Republic of Poland;
 - 5) they have a consent for tolerated stay in the Republic of Poland;
 - 6) they enjoy temporary protection in the Republic of Poland;
 - 7) they are citizens of the European Union Member States;
 - 8) they are citizens of the European Economic Area countries not belonging to the European Union;
 - 9) they are citizens of countries, which are not parties to the agreement on the European Economic Area, but who can enjoy the freedom of movement of persons based on the agreement concluded by this country with the European Community and its Member States;
 - 10) they are members of the foreigner's family, who is referred to in points 7-9, or is descendant of the foreigner's spouse, who is under 21 years old or who is dependent upon the foreigner or foreigner's spouse or is a ascendant of the foreigner or of the foreigner's spouse, who is dependent upon this foreigner or the foreigner's spouse.
 - 11) they are persons, referred to in Article 19(2)-(3) of the Act of 14 July 2006 on the entry into, residence in and exit from the Republic of Poland of Nationals of the European Union Member States and their family (Dz.U. No. 144, item 1043, and of 2007 No. 120, item 818, and of 2008 No. 216, item 1367);
 - 12) they have work permit and reside on the territory of the Republic of Poland:
 - a) on the basis of visa, excluding visa referred to in Article 26 (1) point 1, 20, 25 and 26 of Act of 13 June 2003 on foreigners, or
 - b) on the basis of Article 61 (3) or Article 71a (3) of the Act of 13 June 2003 on foreigners, if directly before the submission of the application they were entitled to perform work on the territory of the Republic of Poland, or
 - c) on the basis of residence permit for a fixed period, excluding permit granted in connection with the

- circumstances, referred to in Article 53a (2) of the Act of 13 June 2003 on foreigners, or
- d) on the basis of visa issued by the other states of Schengen area, or
 - e) on the basis of stay document issued by the other state of Schengen area, or
 - f) in visa-free regime, if provisions of visa-free agreement provide possibility to perform work by foreigners.
2. The foreigner shall be exempted from the duty to have work permit if they:
- 1) have a residence permit for a fixed period for the Republic of Poland, granted in connection with the circumstances referred to in Article 53(1) points 10,11, 13 and 15-18 of the Act of 13 June 2003 on foreigners;
 - 2) are married to the Polish citizen or foreigner, referred to in point 1 and paragraph 1, points 1-6, who have a residence permit for a definite period of time on the territory of the Republic of Poland issued in connection with enter the state of matrimony;
 - 3) are descendants, referred to in Article 2 (1) point 8 (b), Polish citizen or foreigner, referred to in points 1-2 and paragraph 1 points 1-6, who have a residence permit for a fixed period within the territory of the Republic of Poland;
 - 4) have a residence permit for a fixed period for the Republic of Poland, granted on the basis of Article 53(1) point 7 or 14 of the Act of 13 June 2003 on foreigners;
 - 5) reside on the territory of the Republic of Poland on the basis of Article 61 (3) or Article 71a (3) of the Act of 13 June 2003 on foreigners, if directly before the submission of the application they were exempted from the duty to have a working permit on the basis of points 1-4;
 - 6) have valid Polish Card;
 - 7) apply for a refugee status or spouses, on whose behalf they apply for the refugee status, under the condition of having a certificate issued on the basis of Article 36 of the Act of 13 June 2003 on granting protection to foreigners within the territory of the Republic of Poland (Dz.U. of 2006 No. 234, item 1695, as amended²⁰);
 - 8) are entitled to reside and perform work on the territory of the EU Member State or European Economic Area countries

²⁰ Amendments to the consolidated text of the aforementioned act have been announced in Dz.U. of 2007, No 120, item 818 and of 2008 No. 70, item 416, No. 216, item 1367 and No 234, item 1570.

which do not belong to the European Union or the Swiss Confederation, who is employed by the employer seated on the territory of this country and temporarily posted by this employer in order to provide services on the territory of the Republic of Poland;

- 9) towards whom international agreements or separate regulations allow for performing work without the need to have a permit.

Article 88.

The work permit shall be required if foreigner:

- (1) performs work on the territory of the Republic of Poland on the basis of the agreement with the entity, whose seat, place of residence or section, institution or other form of organised activity is localised on the territory of the Republic of Poland;
- (2) due to performing function in the management board of legal person who entered the register of entrepreneurs or being a capital company in the organisation, reside on the territory of the Republic of Poland for period exceeding 6 months within the following 12 months;
- (3) performs work with foreign employer and is posted to the territory of the Republic of Poland for a period exceeding 30 days in calendar year to the department or institution of the foreign entity or of affiliated entity, within the meaning of Act of 26 July 1991 on natural persons' income tax, with foreign employer;
- (4) performs work for foreign employer, who does not have department, institution or other form of organised activity on the territory of the Republic of Poland and is posted to the territory of the Republic of Poland in order to provide service of temporary and occasional nature (export service);
- (5) performs work for foreign employer and is posted to the territory of the Republic of Poland for period exceeding 3 months within the following 6 months for other purpose than specified in points 2-4.

Article 88a.

1. Work permit shall be issued on the request of the entity entrusting work performance to a foreigner.
2. In the proceedings for issuing, prolonging or repealing the work permit to a foreigner the party of the proceeding is exclusively entity entrusting work performance to a foreigner.

Article 88b.

1. Work permit is issued by voivode:
 - (1) in the case referred to in Article 88 point 1 and 2 competent with respect to the seat or place of residence of the entity entrusting work performance to a foreigner;
 - (2) in the case referred to in Article 88 point 3 appropriate due to the seat of the entity to which the foreigner shall be posted;
 - (3) in the case referred to in Article 88 point 4 appropriate due to the seat or place of residence of the entity provided with service, if this entity is seated or reside abroad – due to the main place of work performance by the foreigner on the territory of the Republic of Poland;
 - (4) in the case referred to in Article 88 point 5 appropriate due to the main place of work performance by the foreigner on the territory of the Republic of Poland.
2. In the case of change of voivode competences due to the change of seat or place of residence of the entity entrusting work performance, the seat of entity, to which the foreigner is posted or the main place of work performance, the voivode competence to conduct proceeding for prolonging of permit shall be defined on the day of submission of the application.
3. In the case when specificity of the work performed by the foreigner does not make it possible to indicate the main place of its performance, permit is issued by the Mazowiecki voivode.

Article 88c.

1. In the case referred to in Article 88 point 1 voivode shall issue work permit if:
 - 1) The amount of remuneration, which will be defined in the agreement with the foreigner is not lower than remuneration of employees performing work of comparable type or on comparable work post;
 - 2) they receive information of starost appropriate due to the seat or place of residence of the entity entrusting work performance to a foreigner about lack of possibilities to meet workforce needs of the employer on the basis of the register of the unemployed and job-seekers or about negative result of recruitment organised for the employer.
2. The information referred to in paragraph. 1 point 2 shall be issued by starost within period:
 - 1) not longer than 7 days from the day of submission of the offer in the poviast labour office, if analyses of registers of

- the unemployed and job-seekers does not result in possibility to organise recruitment;
- 2) not longer than 14 days from the day of submission of the offer in the case of organising recruitment among the unemployed and job-seekers.
 3. Voivode shall issue permit without the need for obtaining information referred to in paragraph 1 point 2 if:
 - 1) occupation, which a foreigner is to perform or type of work, which is to be given to them is defined in the list referred to in Article 10 (4), point 1;
 - 2) they issue prolonging of work permit for the same foreigner on the same work post;
 - 3) lack of such need results from separate provisions.
 4. In the case referred to in Article 88 point 2 voivode shall issue work permit if the entity, of whose management board member is to be a foreigner:
 - 1) in the fiscal year preceding submission of the application reached income at least 12 times higher than average monthly remuneration in the voivodeship in the third quarter of the year preceding submission of the application, announced by the president of the Central Statistical Office on the basis of Article 90 (7) and employs for indefinite period of time and full-time for period not shorter than a year preceding submission of the application of two employees, who are not subject to obligation to have work permit or
 - 2) demonstrate possession of funds or conducting activities enabling to meet requirements in the future defined in point 1, in particular through performance of activities contributing to investment growth, technology transfer, introduction of beneficial innovation or creating jobs.
 5. Voivode may, in cases justified with the situation on the labour marker, limit in work permit the scope of tasks performed by the foreigner to managing activities and representation of the entity.
 6. In the case referred to in Article 88 points 3-5 voivode shall issue permit if:
 - 1) work performance of the foreigner is conducted under the conditions pursuant to Article 673 of Act of 26 June 1974 – labour code;
 - 2) amount of remuneration, which will apply to a foreigner for work performance will not be lower by more than 30% of average monthly remuneration in the voivodeship announced by the president of the Central Statistical Office on the basis of Article 90 (7);

- 3) foreign employer has indicated person residing on the territory of the Republic of Poland, who have documents confirming fulfilment of obligations specified in point 1 and 2 and entitled to represent employer towards voivode and bodies, referred to in Article 88f (3), if period of posting foreigner exceeds 30 days in calendar year.
7. In the case of submission of the application for work permit for a foreigner for part-time work or on the basis of the civil-law agreement, voivode considers the amount of remuneration, which will be defined in the agreement with the foreigner proportionally to the working hours or expected period of fulfilment of obligations following the agreement.
8. Voivode shall issue work permit without considering obligations, referred to in paragraph 1-5 and 7, in the case of foreigner who:
 - 1) in the period of 3 years preceding submission of the application for issuing work permit graduated from school or university seated on the territory of the Republic of Poland or other country of European Economic Area, Swiss Confederation, or
 - 2) for 3 years preceding submission of application for issuing work permit resided legally on the territory of the Republic of Poland, excluding cases specified in Article 110 of Act of 13 June 2003 on foreigners and their residence was interrupted within the meaning of Article 64 (4) of Act of 13 June 2003 on foreigners.
9. If a foreigner is to perform work due to implementation of the agreement, which considers providing or renting employees by the entity seated in the country other than EU Member States, countries of European Economic Area or Swiss Confederation, voivode shall issue the work permit in the situation when the entity entrusting work performance to a foreigner conducts economic activity on the territory of the Republic of Poland through department, which pursuant to Article 18 was entered into register of entities maintaining employment agencies.
10. If the entity entrusting work performance to a foreigner is temporary employment agency and work permit considers foreigner's work as temporary employee, requirements specified in paragraphs 1-3 apply accordingly due to the seat and place of residence of the user employer.

Article 88d.

Obtaining work permit does not exempt from requirements defined in separate provisions, on fulfilment of which depends on performance of regulated occupations or activity.

Article 88e.

1. Work permit shall be issued for definite period of time not longer than 3 years and may be prolonged.
2. In the case when a foreigner performing a function in the management board of legal person, who as of the day of submission of the application employs more than 25 people, voivode may issue work permit for period not longer than 5 years.
3. In the case of posting foreigner by foreign employer in order to provide export service, voivode shall issue work permit for period of posting.
4. In cases defined in the criteria, referred to in Article 10 (3), voivode may limit period, for which the work permit is issued.
5. To prolong work permit relevant provisions concerning issuing of work permits apply.

Article 88f.

1. Work permit is issued for a specific foreigner. Work permit shall define entity entrusting work performance to a foreigner, work post or type of work performed by the foreigner and validity period of the permit. In the case referred to in Article 88 point 3 and 4 work permit defines entity, to which the foreigner shall be posted. If the permit concern foreigner's work as temporary employee, work permit shall define user employer.
2. Work permit shall be issued in three copies, two of which are given to the entity entrusting work performance to a foreigner.
3. On the request of other voivode, the head of competent tax office, field organisational unit of the Social Insurance Institution (ZUS), consul, bodies of National Labour Inspectorate, Border Guard or Police voivode shall submit copies of issued decisions on work permits and information referred to in Article 88h (1) point 7 and Article 88i (1)(2).
4. The minister competent with respect to labour, voivodes and voivodeship and powiat labour offices store and process data on foreigners, work permits, control of compliance with provisions of the Act and proceedings conducted in this cases in the scope necessary for implementation of provisions of the Act.

Article 88g.

1. Commitment to perform activities following the civil-law agreement or obligation to provide work on the territory of the Republic of Poland terminates in the case, when a foreigner ceased to fulfil requirements defined in Article 87.

2. In the case referred to in paragraph. 1, parties keep the right to indemnity, if refusal or repealing of the work permit resulted from not exercising due diligence unless specific provisions or content of the agreement provide otherwise.

Article 88h.

1. The entity entrusting work performance to a foreigner, who is required to have work permit shall be obliged to:
 - 1) take into account in the agreement with the foreigner requirements referred to in Article 88c, included in the application for work permit;
 - 2) adjust, in the case referred to in Article 88c (6) the amount of remuneration for a foreigner to the current amount of remuneration referred to in Article 90 (7) at least once a year;
 - 3) conclude an agreement with the foreigner in writing and present to the foreigner before conclusion of the agreement its translation into language understandable for the foreigner;
 - 4) submit to the foreigner one copy of work permit, which considers them and copy of information referred to in Article 88i (1) and (2);
 - 5) inform the foreigner on activities taken in connection with proceeding for obtaining or prolonging of work permit, decision on issuing, refusal or repeal of the permit or submission of information referred to in Article 88i (1) and (2);
 - 6) exercise due diligence in proceedings for permit or prolonging of the working permit for a foreigner;
 - 7) immediately inform body issuing permit in the case of not undertaking work by the foreigner within 3 months from the starting date of validity of the work permit or when the foreigner ends performing work by the foreigner earlier than 3 months before termination of validity of work permit;
 - 8) provide to entities referred to in Article 88f (3) on their request documents confirming fulfilment of requirements defined in points 1-6, drawn up in Polish or translated into Polish.
2. Towards foreigner performing function in the management board of legal person entered to the register of entrepreneurs or being a capital company in the organisation, provisions of paragraph 1 points 1-3 do not apply.
3. In cases referred to in Article 88 points 3-5 in the situation of refusal, repealing of work permit or when a foreigner ceased to fulfil requirements defined in Article 87, the entity entrusting work

performance on the territory of the Republic of Poland shall be obliged to immediately dismiss the foreigner from the posting.

4. In the case of stating violation of law of paragraphs 1-3, the entity entrusting work performance to a foreigner shall be obliged to:
 - 1) immediately conduct activities referred to in paragraphs 1-3;
 - 2) pay to a foreigner the required remuneration for period of work performance in the amount pursuant to the amount included in the application for work permit and pay connected with it social insurance contribution and advance payments for the income tax.

Article 88i.

1. Work permit is valid in the case:
 - 1) when the entity entrusting work performance to a foreigner intends to provide them with work performance of different nature or on different work post than defined in the work permit for periods jointly not exceeding 30 days in calendar year,
 - 2) of change of seat or place of residence, name or legal form of activity of the entity entrusting work performance to a foreigner and takeover of the employer or its part by different employer,
 - 3) of transfer of the place of work or its part to a different employer,
 - 4) of change of person representing the employer referred to in Article 88c (6) point 3,
 - 5) of occurrence of circumstances referred to in Article 12 (1) of Act of 1 July 2009 on mitigating the effects of economic crisis for workers and entrepreneurs (Dz.U. No. 125, item 125)
 - if the entity entrusting work performance to a foreigner immediately informed, in writing, the voivode who issued permit about the change and if requirements defined in Article 88c and 88d, excluding Article 88c (1) point 2 are fulfilled.
2. Work permit may be valid in the case, when:
 - 1) a foreigner in cooperation with the entity which entrusted him work performance on the territory of the Republic of Poland did not undertake work performance within 3 months from the starting date of validity of work permit,
 - 2) a foreigner, in cooperation with the entity which entrusted him work performance, stopped work performance for a period exceeding 3 months

- if the reason of delay or break in work performance is justified and the entity entrusting work performance to a foreigner immediately informed in writing voivode who issued the permit.
3. If the change referred to in paragraph 1 is connected with change of the body competent with respect to issuing work permits, voivode, who issued permit immediately being notified submits copy of the application and issued decision to the competent voivode after change.

Article 88j.

1. Voivode shall issue decision on refusal of issuing work permit for a foreigner, when the entity entrusting work performance to a foreigner:
- 1) in proceeding:
 - a) submitted application including false personal data, false information or attached documents including such data or
 - b) gave false evidence, suppressed the truth or in order to use it as authentic falsified or changed document or used such document as authentic;
 - 2) did not fulfil the requirements defined in Article 88c and 88d;
 - 3) by the final judgement of the court was convicted of the crime of transgression defined in Article 120 (3)-(5);
 - 4) within two years after being convicted of commitment the act referred to in Article 120 (1), was again convicted of the crime of similar transgression;
 - 5) is a natural person, punished for commitment of the act under Articles 218-221 of the Act of 6 June 1997 – criminal code (Dz.U. No. 88, item 553, as amended²¹);
 - 6) is a natural person, punished for commitment in connection with proceeding for work permit of the act under Articles 270-275 of the Act of 6 June 1997 – criminal code, or is an entity governed or controlled by such person;

²¹ Amendments to the consolidated text of the aforementioned Act were published in Dz.U. of 1997, No 128, item 840, of 1999 No 64, item 729 and No 83, item 931, of 2000 No 48, item 548, No. 93, item 1027 and No 116, item 1216, of 2001 No 98, item 1071, of 2003 No. 111, item 1061, No. 121, item 1142, No. 179, item 1750, No 199, item 1935 and No 228, item 2255, of 2004 No. 25, item 219, No. 69, item 626, No. 93, item 889 and No 243, item 2426, of 2005 No 86, item 732, No. 90, item 757, No. 132, item 1109, No. 163, item 1363, No 178, item 1479 and No 180, item 1493, of 2006 no 190, item 1409, No. 218, item 1592 and No 226, item 1648, of 2007 No 89, item 589, No. 123, item 850, No. 124, item 859 and No 192, item 1378 and of 2008 No. 90, item 560, No. 122, item 782 and No 161, item 1056, No. 173, item 1080 and No 214, item 1344.

- 7) is a natural person, punished for act, referred to in Article 253 (1) of the Act of 6 June 1997 – criminal code or in other country on the basis of provisions of Protocols to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention Against Transnational Organised Crime, or is a subject governed or controlled by such person;
 - 8) failed to fulfil the requirements referred to in Article 88h (4) or Article 88i (1)(2);
 - 9) applies for work permit towards the foreigner who:
 - a) does not meet qualifying requirements and other conditions in the case of intention to ensure work performance in regulated occupation,
 - b) in connection with the proceeding for work permit was punished for act defined in Articles 270-275 of the Act of 6 June 1997 – criminal code.
2. Voivode shall issue decision on refusal to issue work permit also in the case when data of person, who is concerned in the application, was included in the register of foreigners, whose residence on the territory of the Republic of Poland is undesirable.
 3. Provisions of paragraph 1 shall not apply in cases of submission of application for prolonging of work permit for a foreigner, who is not responsible or co-responsible for activities or abandonments, which are premises to refuse issuing of work permit.

Article 88k.

The voivode shall revoke the permit issued, if:

- 1) circumstances or evidence referring to the issued decision have changed, subject to Article 88i;
- 2) the reason underlying the issuance of the work permit expired;
- 3) received notification referred to in Article 88h (1) point 7 or situation referred to in Article 88h (1) point 7 has been determined as a result of conducted control;
- 4) the entity entrusting work performance failed to meet obligations referred to in Article 88h (4) or Article 88i (1) (2)
- 5) the foreigner no longer meets the obligations referred to in Article 88d;
- 6) the foreigner stopped work performance for period exceeding 3 months, subject to Article 88i (2) point 2;
- 7) received information that the foreigner's data are entered into the register of foreigners whose stay in the territory of the Republic of Poland is undesirable.

Article 89.

1. Periods of employment of Polish nationals in the former German Democratic Republic and the former Czechoslovak Socialist Republic based on international contracts and agreements before December 1 1991 shall be regarded as periods of employment in the Republic of Poland in terms of employee entitlements.
2. The period of unpaid leave granted to an employee for the period of delegation to perform employment abroad pursuant to the ordinance of the Council of Ministers of December 27, 1974 on certain rights and obligations of the employee delegated to work abroad in order to perform export building works and export-related services (Dz.U. of 1990, No 44, item 259, of 1991 No 78, item 346 and of 1993 no 99, item 452), as well as the period of inability to perform work due to illness or quarantine due to infectious disease, immediately following expiry of the unpaid leave – shall be included to the period of employment determining employee entitlements, if the employee has undertaken employment with their original employer within the period specified in the ordinance herein.
3. The period of employment abroad of an employee who was not remaining in the employment relationship before being delegated to perform work abroad pursuant to the ordinance referred to in paragraph 2, shall be regarded as period of employment in the Republic of Poland in terms of employee entitlements. The aforementioned refers also to an employee who has been granted unpaid leave for the period of delegation to undertake employment abroad and who has undertaken employment with their original employer after the termination of employment abroad or has undertaken employment with their original employer but after the period specified in the ordinance referred to in paragraph 2.

Article 90.

1. The minister competent with respect to labour shall specify by way of ordinance:
 - 1) the type of work permits,
 - 2) the proceedings procedure in respect of work permits,
 - 3) the procedure of conducting activities by the starost, referred to in Article 88c (1) (2)
 - 4) the pattern and procedure of providing information to the starost on the possibility to meet workforce needs of the employer,
 - 5) the list of documents that should be produced in the proceedings by an entity entrusting work performance to a foreigner,

- 6) templates of application forms for the issuance or prolongation of work permit, templates of declarations of entities entrusting work performance to a foreigner relating to the fulfilment of the conditions specified in the act, templates of information referred to in Article 88h (1) point 7 and Article 88i (1) (2), as well as templates of permit forms and permit prolongation forms that may contain personal data of the foreigner and or the entity entrusting work performance to the foreigner,
 - having regard to the specificity of the situation referred to in Article 88, as well as to ensuring proper organization of the proceedings in respect of the issuance and prolongation of work permits.
2. (repealed).
3. (repealed).
4. The minister competent with respect to labour shall specify, by way of ordinance, cases in which entrusting work performance to a foreigner within the territory of the Republic of Poland is admissible without the necessity of obtaining work permit, considering cases referred to in international contracts and agreements and in educational programmes or advisory implemented within the framework of activities of the European Union or other international aid programmes, Polish foreign policy, specificity of the occupation performed, the character of work, the period of work, conditions relating to the entity entrusting work performance and the specific status that formed the basis for the issuance of residence permit for a fixed period in the territory of the Republic of Poland.
5. The minister competent with respect to labour may specify, by way of ordinance, cases in which work permit is issued by the voivode irrespective of the conditions referred to in Article 88c, guided by the rule of reciprocity, the specific character of the occupation performed or by the character of work.
6. (repealed).
7. The president of the Central Statistical Office publishes in the "Monitor Polski" – the Government Official Journal the amount of the average monthly remuneration in the national economy accordingly with voivodeships in the third and the fourth quarter of a given year, excluding public benefit enterprises "Poczta Polska" and "Telekomunikacja Polska" – Spółka Akcyjna. Profit share payments or balance surplus payments and additional annual remuneration for employees of public sector entities shall not be applied for the for the purpose for calculation of the average monthly remuneration.

8. The minister competent with respect to labour in agreement with the minister competent with respect to computerisation may specify, by way of ordinance, the procedure and technical conditions for submission and processing of applications in the proceedings in respect of the issuance of work permit for a foreigner through ICT systems, having regard to ensuring efficiency of proceedings with the participation of national and foreign entities and having regard to the coherence with systems referred to in Article 4 (2).

Article 90a.

1. The entity entrusting work performance to a foreigner submits application for the issuance of work permit or for prolongation of work permit after making one-off payment in the amount of the minimum remuneration for work for each foreigner.
2. Payment referred to in paragraph 1 constitutes the national budget revenue.
3. The minister competent with respect to labour shall specify, by way of ordinance, the amount of payment referred to in paragraph 1, considering:
 - 1) type of the performed work, qualifications of a foreigner and their dependence on supply and demand on the labour market or
 - 2) international contracts and agreements in respect of employment, or
 - 3) the period of performing work by a foreigner, or
 - 4) the number of applications for the issuance of work permit or applications for the prolongation of work permit submitted by an employer.

Chapter 17

Employees of public employment services

Article 91.

Employees of public employment services are workers employed in these services, including:

- 1) job placement officers;
- 2) vocational counsellors;
- 3) professional development specialists;
- 4) experts on programmes;
- 5) job club leaders;
- 6) EURES advisers and EURES assistants.

Article 92.

1. Job placement tasks shall be carried out by:
 - 1) trainee job placement officers;
 - 2) job placement officers;
 - 3) 1st level job placement officers;
 - 4) 2nd level job placement officers.
2. A person who has received a professional licence may become a job placement officer if:
 - 1) they have the full legal capacity;
 - 2) they have not been sentenced for an intent crime or intent tax offence;
 - 3) they have at least secondary education;
 - 4) they have carried out tasks as part of a work post referred to in paragraph 1 point 1 in relation to job placement in public employment services for at least 12 months;
 - 5) they have Polish citizenship or demonstrate a knowledge of Polish sufficient to perform the tasks.
- 2a. Requirements referred to in paragraph 2 points 3–5 shall not apply to the nationals referred to in Article 1 (3) point 2 (a)-(c) with a decision on the recognition of vocational qualifications issued in accordance with separate provisions.
3. (repealed).
- 3a. A trainee job placement officer performs tasks in the area of job placement under the supervision of a job placement officer with a professional licence or that of a superior.
4. A person meeting all the conditions referred to in paragraph 2 may become a 1st level job placement officer and they shall:
 - 1) have at least 24 months experience as a job placement officer working in public employment services;

- 2) (repealed).
- 3) have a university degree.
5. A person meeting all the conditions referred to in paragraph 2 points 1, 2 and 5 may become a 2nd level job placement officer and they shall:
 - 1) have a Masters degree or equivalent;
 - 2) have at least 36 months experience as a 1st level job placement officer working in public employment services;
 - 3) have completed postgraduate studies in the field of job placement.
6. (repealed).

Article 93.

1. At the request of an interested person a voivode, by way of an administrative decision, shall grant a professional licence in job placement to a person satisfying the conditions referred to in Article 92 (2), (2a), (4) and (5).
2. The following levels of professional licences in job placement shall be used:
 - 1) job placement officer professional licence;
 - 2) 1st level job placement officer professional licence;
 - 3) 2nd level job placement officer professional licence;

Article 94.

1. The tasks in the area of vocational counselling and guidance shall be carried out by a:
 - 1) trainee vocational counsellor;
 - 2) vocational counsellor;
 - 3) 1st level vocational counsellor;
 - 4) 2nd level vocational counsellor;
2. A vocational counsellor may be a person who has received a professional licence if:
 - 1) they have the full legal capacity;
 - 2) they have not been sentenced for an intent crime or intent tax offence;
 - 3) they have a university degree;
 - 4) they have carried out tasks as part of the work post referred to in paragraph 1 point 1 in relation to vocational counselling in public employment services for at least 12 months;
 - 5) they have Polish citizenship or demonstrate a knowledge of Polish sufficient to perform the tasks.
- 2a. The requirements referred to in paragraph 2 points 3–5 shall not apply to the nationals referred to in Article 1 (3) point 2 (a)-(c)

with a decision on the recognition of vocational qualifications issued in accordance with separate provisions.

3. (repealed).
- 3a. A trainee vocational counsellor performs tasks in the field of vocational counselling under the supervision of a vocational counsellor with a professional licence or that of a superior.
4. A 1st level vocational counsellor may be person meeting all the conditions referred to in paragraph 2 and they shall:
 - 1) have at least 24 months experience as vocational counsellor in public employment services and have a Masters degree or at least 12 months experience as vocational counsellor in public employment and a Masters degree in psychology or vocational counselling;
 - 2) (repealed).
5. A 2nd level vocational counsellor may be person meeting all the conditions referred to in paragraph 2 points 1,2 and 5 and they shall:
 - 1) have completed postgraduate studies in vocational counselling;
 - 2) have at least 36 months experience as 1st level vocational counsellor.
6. (repealed).
7. Vocational counsellors referred to in paragraph 1 points 2-4 may carry out vocational activation activities referred to in Article 8 (8) point 3.

Article 95.

1. At the request of an interested person, a voivode, by way of an administrative decision, shall grant a professional licence for vocational counsellor at a given level to a person satisfying the conditions referred to in Article 94 (2),(2a),(4) and (5).
2. The following levels of professional licences in vocational counselling shall be used:
 - 1) vocational counsellor professional license;
 - 2) 1st level vocational counsellor professional license;
 - 3) 2nd level vocational counsellor professional license;

Article 96.

1. Tasks in the planning of human resource development and organisation of training and apprenticeship for adults shall be performed by a/an:
 - 1) trainee professional development specialist;
 - 2) professional development specialist;

- 3) senior professional development specialist;
- 4) independent professional development specialist.
2. A professional development specialist may be a person who:
 - 1) has the full legal capacity;
 - 2) has not been sentenced for an intent crime or intent tax offence;
 - 3) has a university degree;
 - 4) has carried out the tasks referred to in paragraph 1 for a period of at least 12 months in public employment services.
- 2a. A senior professional development specialist may be a person who satisfies all the conditions referred to in paragraph 2 points 1 and 2 and they shall:
 - 1) have a Masters degree or equivalent;
 - 2) have at least 24 months experience as a professional development specialist in public employment services.
3. An independent professional development specialist may be a person who satisfies all the conditions referred to in paragraph 2 points 1 and 2 and they::
 - 1) have a Masters degree or equivalent;
 - 2) have carried out tasks as a senior professional development specialist for at least 24 months;
 - 3) have completed postgraduate studies in human resource development as certified by relevant documents.
- 3a. A person who does not fulfil the condition referred to in paragraph 1 point 4 may perform tasks as a trainee professional development specialist under the supervision of a professional development specialist referred to in paragraph 2 and 3 or that of a superior.
4. (repealed).

Article 97.

1. The tasks of preparing, implementing and evaluating the effects of programmes and projects to promote employment, mitigate the impact of unemployment and those on vocational activation shall be carried out by a/an:
 - 1) trainee programme specialist;
 - 2) programme specialist;
 - 3) independent programme specialist.
2. A programme specialist may be a person who:
 - 1) has the full legal capacity;
 - 2) has not been sentenced for an intent crime or intent tax offence;
 - 3) has a university degree;

- 4) has carried out tasks related to designing, implementing or evaluating programmes and projects referred to in paragraph 1 for at least 12 months in public employment services;
 - 5) (repealed).
3. An independent programme specialist may be a person who:
 - 1) has a Masters degree or equivalent;
 - 2) has carried out tasks as a programme specialist for at least 24 months;
 - 3) has completed postgraduate studies in programmes and projects related to labour market certified by relevant documents.
 - 3a. A person who does not fulfil the condition referred to in paragraph 1 point 4 may perform tasks as a trainee programme specialist under the supervision of a programme specialist or that of a superior.
 4. (repealed).

Article 98.

1. The tasks consisting in granting assistance in respect of active job-seeking shall be performed by a:
 - 1) trainee job club leader;
 - 2) job club leader;
 - 3) senior job club leader.
2. A job club leader may be a person who:
 - 1) has the full legal capacity;
 - 2) has not been sentenced for an intent crime or intent tax offence;
 - 3) has at least secondary education;
 - 4) has performed tasks as a trainee job club leader for at least 12 months in public employment services or in Voluntary Labour Corps;
 - 5) has Polish citizenship or demonstrates a knowledge of Polish sufficient to perform the tasks.
- 2a. A senior job club leader may be a person meeting all the conditions referred to in paragraph 2 points 1, 2, 4 and 5, with 24 months experience as job club leader in public employment services or in Voluntary Labour Corps and a university degree:
- 2b. A person who does not fulfil the condition referred to in paragraph 2 point 4 may perform tasks as a trainee job club leader under the supervision of a job club leader, senior job club leader or a superior.
3. (repealed).

Article 99. (repealed).

Article 99a.

1. The tasks envisaged for the EURES network at the voivodeship labour office shall be carried out by a EURES adviser or a EURES assistant and by a job placement officer in the case of a poviat labour office.
2. An EURES adviser may be a person who:
 - 1) satisfies the requirements contained in separate procedures defined by the European Commission applicable to the Member States of the European Union;
 - 2) has the full legal capacity;
 - 3) has not been sentenced for an intent crime or intent tax offence;
 - 4) has a university degree;
 - 5) has a knowledge of English, French or German which is sufficient to perform the tasks;
 - 6) has been employed for at least 12 months as a EURES assistant in public employment services or has a job placement officer licence or vocational counsellor;
 - 7) has Polish citizenship or demonstrates a knowledge of Polish sufficient to perform the tasks.
3. A EURES assistant may be a person who:
 - 1) has the full legal capacity;
 - 2) has not been sentenced for an intent crime or intent tax offence;
 - 3) has at least secondary education;
 - 4) has a job placement officer licence or has been employed for at least 12 months as a trainee job placement officer in public employment services;
 - 5) has Polish citizenship or demonstrates a knowledge of Polish sufficient to perform the tasks.
4. The EURES adviser and EURES assistant may be a 1st level job placement officer if they meet all the conditions referred to in Article 92 (2) points 1,2 and 5 and they::
 - 1) have at least 24 months experience as a job placement officer or EURES assistant or EURES adviser working in public employment services after the obtainment of a job placement officer licence;
 - 2) has a university degree;
5. The EURES adviser and EURES assistant may be a 2nd level job placement officer if they meet all the conditions referred to in Article 92 (2) points 1, 2 and 5 and they:

- 1) have a Masters degree or equivalent;
- 2) have at least 36 months experience as a 1st level job placement officer or EURES assistant or EURES adviser working in public employment services after the obtainment of a 1st level job placement officer licence;
- 3) have completed postgraduate studies in the field of job placement.

Article 99b.

Employees referred to in Article 91 points 1–6 shall be required to improve their vocational qualifications, in particular by participation in training with the use of training module programmes for public employment services available in databases kept by the minister competent with respect to labour matters.

Article 99c.

27th of January shall be the public employment services Employee Day.

Article 100.

1. For employees of voivodeship and powiat labour offices referred to in Article 91 points 1 and 2 an allowance may be granted in addition to the remuneration dependent on the license level and upgrading of vocational qualifications and the quality of work done.
2. For employees of voivodeship and powiat labour offices referred to in Article 91 points 3-6 an allowance may be granted in addition to the remuneration dependent on the license level and upgrading of vocational qualifications and the quality of work done.
3. The allowances referred to in paragraphs 1 and 2 shall be financed from the resources of the Labour Fund.
4. A Minister competent with respect to labour matters shall, by way of an ordinance, determine the procedure for granting professional licenses for job placement officers and vocational counsellors having professional development of public employment services in mind.
5. The Minister competent with respect to labour matters shall determine, by way of an ordinance, the amount, procedure and terms of the award and payment of remuneration supplements to employees referred to in Article 91 points 1-6 having increased effectiveness and professional development of public employment services in mind.

Article 101.

1. The provisions of Articles 92, 94, 96-98 and 100 shall apply mutatis mutandis to the persons employed in Voluntary Labour Corps.
2. (repealed).

Article 102. (repealed).

Article 102a. (repealed).

Chapter 18 Labour Fund

Article 103.

1. The Labour Fund is a national special purpose fund.
2. The Labour Fund shall be administered by the minister competent with respect to labour matters.

Article 104.

1. Mandatory contributions to the Labour Fund calculated based on the amounts used as a contribution assessment base for the retirement and disability pension scheme without applying the restrictions referred to in Article 19 (1) of the Act of 13 October 1998 on the social insurance scheme (Dz.U. of 2007, No 11, item 74, as amended²²) which when calculated for a period of one month amount to at least the minimum remuneration for persons referred to in Article 6 (10) of the Act of 10 October 2002 on the minimum remuneration (Dz.U. No. 200, item 1679, of 2004, No. 240, item 2407 and of 2005 No. 157, item 1314), at least the minimum remuneration referred to in this provision and for persons working when serving a prison sentence or in detention at least 50% of the minimum remuneration and these shall be paid by:
 - 1) the employer and other organisations for persons:
 - a) in an employment relationship or service relationship,
 - b) who perform work under a home-based work contract,
[c) that perform work on the basis of an agency contract or mandate contract or service contract which according to the provisions of the Act of 23 April 1964 – civil code, provisions on outsourcing shall apply, and for individuals cooperating with them,]
 - <c) performing work based on an agency contract or mandate contract or other service contract to which in accordance with the Act of 23 April 1964 – civil code, provisions on outsourcing shall apply and for individuals cooperating with them, except for individuals performing work under an activating contract, referred to in the Act of 4 February 2011 on the care of children under 3 years (Dz.U. No. 45, item 235),>**

The new wording of (c) in point 1 in paragraph 1 in Article 104 shall enter into force as of 1.10.2011 (Dz.U. of 2011 No. 45, item 235).

²² Amendments to the consolidated text of the aforementioned Act were published in Dz.U. of 2007 No. 17, item 95, No. 21, item 125, No. 112, item 769, No. 115, item 791, 792 and 793 and No. 176, item 1243 and of 2008 No. 63, item 394.

- d) who perform work in the period of imprisonment or detention,
 - e) who receive sport grants,
 - f) in receipt of social allowance for persons on a mining leave, mining benefit or mining social allowance or remuneration that one is entitled to during the period of receiving a mining benefit, retraining scholarship or training contract provided for in various separate provisions,
 - g) for professional soldiers and officers who do not meet the requirements that entitle them to acquire the rights to retirement or invalidity pension laid down in the provisions on the pension scheme for soldiers and pension scheme for the officers of the Police, Office for State Protection, Internal Security Office, Foreign Intelligence Agency, Military Counter-Intelligence Service, Military Intelligence Service, Central Anticorruption Bureau, Border Guard, Government Protection Bureau, State Fire Service and Penitentiary Service for whom after the release from service or termination of an employment relationship, pension and disability scheme contributions were paid based on emolument or remuneration paid in the period of service or employment under separate provisions,
 - h) for officers, who at the time of release from service only meet the conditions for the acquisition of the right to police invalidity pension in the case of transferring contributions to a pension and disability scheme;
- 1a) (repealed);
 - 2) farming production cooperatives, farmers' associations or agricultural services cooperatives – for their members except for members who have made a land contribution of an area of agricultural land greater than 2 calculation ha;
 - 3) other persons than those mentioned in points 1 and 2 subject to retirement or disability scheme or receiving pension with the exception of:
 - a) clergy,
 - b) those who receive permanent allowance under the provisions on social assistance,
 - c) those who receive an attendance allowance under the provisions on family benefits or a supplement in addition to a family allowance for single parents,
 - d) famers subject to social insurance,
 - e) non-professional soldiers in active service,

(i) was added in point 3 in paragraph 1 in Article 104 and shall enter into force on 1.10.2011 (Dz.U. of 2011 No. 45, item 235).

- f) individuals taking an alternative form of military service,
- g) individuals on parental leave and collecting maternity allowance,
- h) individuals collecting training pension referred to in Article 70 (6),

<i>persons performing work under an activating contract referred to in the Act of 4 February 2011 on the care of children under 3 years.>

2. The amount of contribution to the Labour Fund shall be specified by the budget act.
3. Where the amounts referred to in paragraph 1 come from different sources, the obligation to pay contributions to the Labour Fund applies when the overall amount used as the contribution assessment base determined in accordance with paragraph 1 is at least equal to the minimum remuneration for work, and in the case of individuals referred to in Article 6 paragraph 2 of the Act of 10 October 2002 on the minimum remuneration, at least the minimum remuneration for the work referred to in that provision.
4. The individual to whom the provision of paragraph 3 applies shall make a relevant declaration to each employer or regional unit of the Social Insurance Institution if they pay social insurance contributions on their own.

Article. 104a.

Employers and other organisational units shall not pay contributions to Labour Fund for employees returning from maternity leave, additional maternity or parental leave during a period of 36 months commencing as of the first month after returning from maternity leave, additional maternity or parental leave.

Article. 104b.

1. Employers and other organisational units shall not pay contributions to the Labour Fund for a period of 12 months commencing as of the first month after the conclusion of an employment contract for employed persons who are over 50 years of age and who, over a period of 30 days prior to employment, remained in the records of unemployed persons of the poviat labour office.
2. The contributions to Labour Fund referred to in Article 104 (1) shall be paid to persons listed in Article 104 (1) points 1-3, who have not reached the age of at least 55 years for women and at least 60 years for men.

Article. 105.

Entrepreneurs of the Polish Association of the Deaf and Polish Association of the Blind, Association of Visually Impaired Soldiers of the Republic of Poland, Association for the Care of the Blind People, Centre for the Care of the Blind People in Laski and vocational activation centres shall not pay contributions to the Labour Fund for employed workers with a significant or moderate level of disability.

Article. 106.

1. Revenues of the Labour Fund shall be:
 - 1) mandatory contributions to the Labour Fund;
 - 2) state budget grants;
 - 3) funds from the budget of the European Union to co-finance projects financed by the Labour Fund;
 - 4) interest on the Labour Fund resources on the bank account of the Labour Fund administrator and local governments in voivodeships, poviats, Volunteer Labour Corps and voivodes;
 - 4a) interest on the Labour Fund resources on separate bank accounts which must be created under the existing laws or agreements concluded on their basis with the Fund administrator, at the disposal of the head of the organisational unit carrying out the tasks financed from the resources of the Labour Fund;
 - 5) repayments and interest on loans granted from the Labour Fund;
 - 6) funds from the budget of the European Union earmarked for the co-financing of activities related to the participation of public employment services in EURES;
 - 6a) funds from the sale of stocks and shares referred to in Article 56 (3) of the Act of 30 August 1996 on commercialisation and privatisation (Dz.U. of 2002, No. 171, item 1397, as amended²³ and the reimbursement of funds by the Bank Gospodarstwa Krajowego which come from the payment of loans for individuals undertaking economic activity
 - 6b) funds from the budget of the European Union earmarked for co-financing of public employment services other than the projects co-financed by the European Social Fund;

²³ Amendments to the consolidated text of the aforementioned Act were published in Dz.U. of 2002 No. 240, item 2055, of 2003 No. 60, item 535 and No. 90, item 844, of 2004 No. 6, item 39, No. 116, item 1207, No. 123, item 1291 and No. 273, item 2703 and 2722, of 2005 No. 167, item 1400, No. 169, item 1418, No. 178, item 1479 and No. 184, item 1539 and of 2006 No. 107, item 721 and No. 208, item 1532.

- 6c) interest on free resources provided for management in accordance with the provisions on public finances;
- 7) other revenues.
- 2. Revenues of the Labour Fund also include fees, contributions, penalties and fines referred to in Article 115 and Article 119-123, and cash transferred to the Labour Fund under Article 19 of the Act of 27 April 2006 on social cooperatives (Dz.U. No 94, item 651).
- 3. With the consent of the Minister competent with respect to public finance, the Labour Fund administrator may take credits and loans to supplement the funds necessary for the payment of allowances.
- 4. (repealed).

Article 106a.

- 1. Resources of the Labour Fund may be allocated for the financing of some activities of the public employment services related to participation in the EURES network.
- 2. The nature of the activities referred to in paragraph 1 and the expenses for their implementation shall be specified by:
 - 1) agreements concluded between the Minister competent with respect to labour matters, voivodeship local governments or poviats local governments or
 - 2) agreements concluded between the Republic of Poland and the European Union, or
 - 3) agreements concluded between the states referred to in Article 1 (3) point 2 (a)-(c) and the European Union to finance the EURES cross-border partnerships.
- 3. The expenses referred to in paragraph 2 shall be subject to a refund from the resources of the budget of the European Union up to the amount specified in the agreements referred to in paragraph 2 points 2 and 3.
- 4. The agreements referred to in paragraph 2 shall specify in particular the procedure and the rules of granting and settlement of the resources referred to in paragraph 1 in accordance with the provisions on public finance including the periods and time limits arising from the agreements referred to in paragraph 2 points 2 and 3.

Article 106b.

- 1. Resources of the Labour Fund may be allocated for the financing of the activities of public employment services specified in the Act, those co-financed by the European Union budget, other than the projects co-financed by the European Social Fund.

2. The nature of the activities referred to in paragraph 1 and expenditure for their implementation shall be specified by agreements concluded between the Minister competent with respect to labour matters and voivodeship or poviats local governments or agreements concluded between employment authorities and the European Union.
3. The expenses referred to in paragraph 2 shall be subject to a refund from the resources of the budget of the European Union up to the amount specified in the agreements referred to in paragraph 2.
4. The agreements referred to in paragraph 2 shall specify in particular the procedure and the rules of granting and settlement of the resources referred to in paragraph 1 in accordance with the provisions on public finance including the periods and time limits arising from the agreements referred to in paragraph 2.

Article 107.

1. Contributions to the Labour Fund shall be paid for the duration of compulsory pension and disability scheme under the terms and conditions for social security contributions.
2. Collection of contributions to the Labour Fund shall be done by the Social Security Institution into a separate bank account for contributions to the Labour Fund and the Employee Fund Contribution and it passes, onto the bank account of the Labour Fund immediately but not later than within 3 working days of their receipt, in the form of advances, a part of the contributions collected on the account corresponding to the share of contributions to the Labour Fund in the total of interest rates of contributions to the Labour Fund and Employee Fund Contribution. The Social Security Institution shall carry out final settlements of the contributions collected to the Labour Fund until the 20th day of the following month.
3. In the event of non-payment of contributions to the Labour Fund or their payment to an amount lower than the amount payable, the Social Security Institution may charge the employer or the person under social insurance with an additional fee to the amount of 100% of due contributions.
4. The Social Security Institution shall charge interest for late payment on the contributions to Labour Fund under the terms and to the amount specified by the provisions of the Act of 29 August 1997 – Tax ordinance (Dz.U. of 2005 No 8, item 60, as amended²⁴).

²⁴ Amendments to the consolidated text of the aforementioned Act were published in Dz.U. of 2005 No. 85, item 727, No. 86, item 732 and No. 143, item 1199, of 2006 No. 66, item 470, No. 104, item 708, No. 143, item 1031, No. 217, item 1590 and No. 225, item 1635 and of 2007 No. 112, item 769, No. 120, item 818, No. 192, item 1378 and No. 225, item 1671.

These contributions and receivables due to interest for late payment and the additional fee referred to in paragraph 3 unpaid on time shall be subject to recovery under the procedure provided for in the provisions on enforcement proceedings in administration. Contributions, interest and additional fees shall be transferred on the bank account of the Labour Fund administrator.

5. All the costs of the collection of contributions to the Labour Fund shall be debited on this fund and reimbursed to the Social Insurance Institution to the amount of 0.5% of the contributions transferred to the Labour Fund administrator's bank account.
6. Statutory interest shall be receivable from the Social Insurance Institution in the event of failure to transfer within the time limits referred to in paragraph 2 of the interest charged and additional fees referred to in paragraph 4 on the Labour Fund administrator's bank account.

Article 108.

1. Labour Fund resources are allocated to finance:
 - 1) costs of medical, psychological and specialist examinations referred to in Article 2 (3), Article 38 (4) and Article 40 (5);
 - 2) costs associated with the organisation of local partnership referred to in Article 6 (7), covering the costs of organization by of employment bodies of meetings and conferences with representatives of local partnership institutions and institutions implementing partner initiatives in the labour market;
 - 3) (repealed);
 - 4) reimbursement of costs of remuneration and social insurance contributions, contributions to the Labour Fund and contributions to the Company Social Benefits Fund of employees of voivodeship labour offices referred to in Article 109 (7a);
 - 4a) costs of remuneration and social security contributions of employees of poviat labour offices referred to in Article 9 (2a) and (2a¹);
 - 4b) eligible costs of projects referred to in Article 9 (2d) and Article 109 (7c);
 - 5) costs of remuneration paid to adolescent workers employed on a contract of employment for vocational training and costs of social security contributions from reimbursed remuneration referred to in Article 12 (6);
 - 5a) costs of correspondence, communications, transfer of funds and other documents necessary to implement the

- reimbursement of costs of remuneration and social contributions of adolescent workers;
- 6) costs of training and travel of members of employment councils, as referred to in Article 23 (7) and (9);
 - 7) (repealed);
 - 8) (repealed);
 - 9) costs of training employees, the unemployed and other eligible persons referred to in Article 41 (4) and (5) and in Article 43;
 - 10) one-off amounts granted to training institutions referred to in Article 41 (9);
 - 11) loans to finance the cost of training referred to in Article 42;
 - 12) costs of travel and accommodation referred to in Article 45 and Article 48a;
 - 13) reimbursement of costs of equipping or retrofitting workplace for the referred unemployed, one-off funds to undertake economic activities, costs of legal assistance, consulting and advisory services referred to in Article 46;
 - 14) costs of paid social insurance contributions reimbursed to the employer, as referred to in Article 47;
 - 15) activation allowances referred to in Article 48;
 - 16) partial reimbursement of costs borne by the employer in respect of employment of the unemployed in intervention works, referred to in Article 51, 56 and 59;
 - 17) scholarships referred to in Articles 41, 42a, 53, 53g and 55;
 - 17a) costs of vocational training for adults, referred to in Article 53l (1);
 - 18) social security contributions paid from scholarships, referred to in Article 54;
 - 19) reimbursement of costs borne by the organiser of public works for employment of the unemployed persons, as referred to in Article 57;
 - 20) (repealed);
 - 21) costs of child care and dependent person referred to in Article 61;
 - 21a) costs of agreements concluded with employment agency referred to in Article 61b;
 - 22) benefits available to farmers dismissed from work, as referred to in Article 62;
 - 23) reimbursing the employer for costs of training employees, as referred to in Article 69 (1) and (2) point 1;
 - 24) reimbursing the employer for remuneration and social security contributions referred to in Article 69 (2) point 2;
 - 24a) benefits referred to in Article 73a (3);

- 25) reimbursing employers for social security contributions referred to in Article 70 (8);
- 26) benefit referred to in Article 71, and social insurance contributions from those benefits, as referred to in Article 72 (13);
- 27) reimbursement of benefit referred to in Article 100;
- 27a) (repealed);
- 28) costs of collection of premiums referred to in Article 107 (5);
- 29) costs of development, dissemination and implementation of the classification of occupations and specialisations, standards of vocational qualifications and modular training programs for the unemployed and job seekers;
- 30) development and dissemination of professional information and equipment for the purpose of job placement or vocational counselling by public employment services and the Voluntary Labour Corps;
- 30a) costs of creating vocational activation centres, operated under poviats labour offices;
- 30b) costs of creating local information and consultation points, operated under poviats labour offices;
- 31) development, issuance or dissemination of information about services provided by employment authorities and other partners in the labour market, for the unemployed, job seekers and employers;
- 31a) development, issuance or dissemination of information about the tasks and activities of public employment services performed within the EURES network, or resulting from the representation to the public employment services of other countries;
- 32) costs of subpoenas, notices, purchase or printing of registration cards and other printed documents required to establish eligibility for benefits and other unemployment benefits, transfer of pecuniary benefits to the unemployed and costs of communicating with employers, the unemployed, job seekers, pension authorities and tax offices;
- 33) research, development of programs, surveys, studies, publications and competitions on the labour market;
- 34) costs of introducing, developing and operating IT systems and digital technologies in public employment services and the Voluntary Labour Corps, for the implementation of tasks arising from the Act;
- 35) expenses related to the promotion and legal assistance for persons employed abroad under international agreements;

- 36) costs of processing and distribution by public employment services and the Voluntary Labour Corps of information and training materials relating to the acquisition of skills to seek and obtain employment;
- 36a) costs of external audit of projects under the European Social Fund co-financed from the Labour Fund;
- 37) costs of equipping job clubs and conducting activities by persons other than employees of employment agencies referred to in Article 39 (4), and costs of equipment for academic careers offices referred to in Article 39 (6);
- 38) costs of training of public employment services and personnel of Voluntary Labour Corps;
- 38a) cost of conferences, seminars, or meetings, including international ones, organised by the minister competent with respect to labour, particularly for staff of public employment services and the Voluntary Labour Corps;
- 39) (repealed);
- 40) integration benefits granted under the provisions on social employment and social security contributions from these benefits;
- 41) supported employment, to the extent and on terms specified in the regulations on social employment, and support referred to in Article 12 (3a) of the Act of 27 April 2006 on social cooperatives;
- 42) restructuring of employment to the extent and on terms specified in the regulations on public aid for entrepreneurs of special significance for the labour market;
- 42a) costs of support and its implementation by Bank Gospodarstwa Krajowego to the extent and on principles defined in the regulations on state aid in the repayment of some housing loans granted to people who lost their jobs;
- 42b) costs associated with the implementation of tasks of poviats governments specified in the provisions referred to in paragraph 42a;
- 43) costs of litigation and enforcement in matters concerning unduly collected pecuniary benefits and other payments from the Labour Fund;
- 44) interest for late payment of liabilities covered by the Labour Fund and the costs of operating separate bank accounts of the Labour Fund;
- 45) repayment and servicing of loans, including interest, borne by the Labour Fund resources;
- 46) pre-retirement benefits, pre-retirement allowances and funeral grants referred to in Article 141;

- 47) (repealed);
 - 48) costs referred to in Article 42a;
 - 49) expenses associated with participation of public employment services in EURES network, referred to in Article 106a;
 - 50) expenses associated with participation of public employment services in the activities co-financed from the budget of the European Union, as referred to in Article 106b;
 - 51) specific employment supporting measures, carried out under special programs, not listed in paragraphs 1-50;
 - 52) commissioned special programs referred to in Article 66a (11);
 - 53) costs of implementing pilot projects;
 - 54) pre-retirement benefits, pre-retirement allowances and funeral grants, together with their operating costs, as referred to in the provisions on pre-retirement benefits;
 - 55) co-financing costs borne by employer for training of adolescent workers to the extent and on the terms specified in the regulations on the education system;
 - 56) costs of training, postgraduate studies, scholarships and social security contributions and benefits referred to in the provisions on mitigating the effects of economic crisis for employers and entrepreneurs.
- 1a. Labour Fund in 2009 finances:
 - 1) postgraduate internships and specialist training for doctors and dentists, as referred to in the provisions on occupations of doctor and dentist;
 - 2) postgraduate internships and specialisations of nurses and midwives, as referred to in the regulations on occupations of nurse and midwife.
 - 1b. Labour Fund in 2010 finances:
 - 1) postgraduate internships and specialist training for doctors and dentists, as referred to in the provisions on occupations of doctor and dentist;
 - 2) postgraduate internships and specialisations of nurses and midwives, as referred to in the regulations on occupations of nurse and midwife.
 - 1c. Labour Fund in 2011 finances:
 - 1) postgraduate internships and specialist training for doctors and dentists, as referred to in the provisions on occupations of doctor and dentist;
 - 2) postgraduate internships and specialisations of nurses and midwives, as referred to in the regulations on occupations of nurse and midwife.

- 1d. Labour Fund in 2012 finances:
 - 1) postgraduate internships and specialist training for doctors and dentists, as referred to in the provisions on occupations of doctor and dentist;
 - 2) postgraduate internships and specialisations of nurses and midwives, as referred to in the regulations on occupations of nurse and midwife.
2. Administrator of the Labour Fund may make transfers provided for in the plan for the Labour Fund of amounts for financing individual tasks and for financing of new, unforeseen tasks in case of their implementation by the Act, but the total amount of funds for financing of tasks to combat unemployment should be reduced to use it for other purposes.
3. Minister competent with respect to labour in consultation with the Minister competent with respect to public finance shall determine, by means of an ordinance, detailed rules for financial management of the Labour Fund and the rules and procedure for entrusting banks and other institution by employment authorities with payments of pecuniary benefits for the unemployed and other eligible persons, with regard to ensuring the reasonableness of management of the Labour Fund.

Article 109.

1. Minister competent with respect to labour shall transfer funds of the Labour Fund, to separate bank accounts of voivodeship and poviats governments, to finance the tasks performed in a voivodeship to the amounts determined in accordance with paragraphs 2-11.
2. Amounts (limits) that can be spent in the fiscal year for programs to promote employment, mitigate unemployment and on professional activation, and other optional tasks in a voivodeship, are determined by the minister competent with respect to labour according to the algorithm.
3. Minister competent with respect to labour determines and transmits to a separate bank account of a Voluntary Labour Corps Labour Fund, the funds from the Labour Fund. for the purpose of reimbursement of remuneration and social contributions of adolescent workers, training of Voluntary Labour Corps staff and to perform other tasks financed from the Labour Fund.
4. The minister competent with respect to labour determines and transmits to separate bank accounts of voivodeship offices the Labour Fund resources, to finance the costs of:
 - 1) training of employees of voivodeship offices and voivodeship and poviats labour offices;

- 2) introduction, development and operation of ICT systems and digital technologies in voivodeship offices, to implement the tasks under the Act.
5. Labour Fund resources to pay benefits and other mandatory benefits are transferred to voivodeship and poviats governments to the amount of actual needs.
6. (repealed).
7. The basis for spending in a given budget of the Labour Fund resources to finance projects co-financed by the European Social Fund in a voivodeship, is the agreement between the voivodeship board and the minister competent with respect to regional development, with prior agreement of the content of contract and the amount of Labour Fund resources to finance these projects with the minister competent with respect to labour. Copies of contracts are immediately transferred by the minister of regional development to the minister of labour.
- 7a. The basis for spending in a given budget year of the Labour Fund resources to reimburse costs of remuneration and social insurance contributions, contributions to the Labour Fund and contributions to the Company Social Benefits Fund for employees of voivodeship labour offices performing tasks resulting from the implementation in the voivodeship of projects co-financed by the European Social Fund and the Labour Fund, is the agreement between the voivodeship board and the minister competent with respect to labour, specifying the amount of funds for this purpose and the manner of spending.
- 7b. Voivodeship marshal informs the minister competent with respect to labour about the amount of Labour Fund resources allocated in the financial year for implementation by poviats of projects co-financed by the European Social Fund under the respective measures, including from the Labour Fund resources at the disposal of the voivodeship government and from the Labour Fund resources at the disposal of poviat governments.
- 7c. Minister competent with respect to labour can refund from the Labour Fund part of the eligible costs borne from the budget under the provisions of Regulation (EC) No 1081/2006 of the European Parliament and of the Council of 5 July 2006 on the European Social Fund and repealing Regulation (EC) No 1784/1999 borne on projects implementation:
 - 1) assistance and legal advisory services for the office of the minister competent with respect to labour, in preparing for and conducting public procurement directly linked to the implementation of projects co-financed by the European Social Fund and the Labour Fund,

- 2) purchase or depreciation of equipment and purchase of office supplies, necessary and directly related to the implementation of projects co-financed by the European Social Fund and the Labour Fund, in accordance with the provisions of Council Regulation (EC) No 1083/2006 of 11 July 2006 laying down general provisions on the European Regional Development Fund, the European Social Fund and the Cohesion Fund and repealing Regulation (EC) No 1260/1999
 - up to 0.5% of the value of project.
- 7d. Minister competent with respect to labour may spend funds from the reserve of the administrator of the Labour Fund for pilot projects.
- 7e. The basis of spending Labour Fund resources on a pilot project, implemented by the voivodeship or poviats government, is the contract concluded between voivodeship or poviats government and the minister competent with respect to labour, specifying in particular the amounts allocated for this purpose and manner of spending.
8. The amounts of Labour Fund resources to finance programs to promote employment, mitigate effects of unemployment and professional activation, and other optional tasks performed by poviats, are determined by the voivodeship board, according to the criteria set by the voivodeship council, within the amount referred to in paragraph 2. When determining the criteria, the voivodeship council should take into account in particular:
 - 1) the scale of inflows into unemployment and outflows from unemployment;
 - 2) participation of people in a special situation on the labour market in the total number of unemployed;
 - 3) unemployment rate;
 - 4) indicator of the effectiveness of labour market services or measures;
 - 5) amounts of Labour Fund resources allocated in the poviats for projects co-financed by the European Social Fund.
9. Decision on the choice of forms of professional activation of the unemployed and other eligible persons, in the total amount determined for the poviats to fund programs for the promotion of employment, mitigation of unemployment and professional activation, is made by the starost, after consultation with the poviats employment council.
10. Employment authorities and Voluntary Labour Corps may enter into agreements, contracts and make orders relating to the implementation of labour market programs financed from the Labour Fund, causing the formation of commitments passing on to

the next year up to 30% of the funds (limits) established for the calendar year, and together with the commitments arising from projects co-financed by the European Union, to the amount determined by the minister competent with respect to labour. These commitments encumber the amount (limit) of Labour Fund resources established for the next year.

11. The council of ministers, after consultation with the supreme employment council and the joint commission of government and local government, shall establish by ordinance:
 - 1) the algorithm referred to in paragraph 2;
 - 2) share in the amount of the Labour Fund determined for the voivodeship to finance programs for the promotion of employment, mitigating the effects of unemployment and for professional activation, at the disposal of the voivodeship government, to be used for projects co-financed by the European Social Fund;
 - 3) method of determining the amount of funds from the Labour Fund for voivodeship and poviats governments and the amount and purpose of the reserve which is at the disposal of the minister competent with respect to labour.
- 11a. When determining the amount of funding for programs to promote employment, mitigate unemployment and for professional activation in the voivodeship, the algorithm should take into account in particular:
 - 1) the scale of inflows into unemployment and outflows from unemployment;
 - 2) participation of people in a special situation on the labour market in the total number of unemployed;
 - 3) unemployment rate;
 - 4) amounts of Labour Fund resources allocated in the voivodeship for projects co-financed by the European Social Fund.
12. Fixed assets or equipment purchased from the Labour Fund by:
 - 1) employment authorities or Voluntary Labour Corps for the implementation of the tasks defined in the Act become the property of the Treasury or the relevant local government for the exclusive use respectively: by office of the minister competent with respect to labour, voivodeship labour office, poviat labour office as well as a separate organisational unit of the office supporting voivode competent with respect to implementing the tasks set out in the Act;
 - 2) businesses and the unemployed referred to in Article 46, become their property;

- 3) universities or student organisations referred to in Article 39 (6), become their property.

Article 109a.

1. Costs of trainings, referred to in Article 108 (1) point 9 cannot exceed ten times the minimum remuneration per one person over the next three years.
2. The total amount for the costs of trainings, referred to in Article 108 (1) point 38, during the next three years cannot exceed the product of ten times the minimum remuneration and the average number of employees at the office in terms of full time employment, as of 1 January in the first year of funding trainings.
3. Costs of trainings, referred to in Article 108 (1) point 6 cannot exceed five times the minimum remuneration per one person over the next three years.

Article 109b.

1. Minister competent with respect to labour shall transfer Labour Fund resources to a separate bank account to the Social Insurance Institution, to finance pre-retirement benefits and allowances and funeral grants, including the costs of their operation in the period allowing for the payment of benefits.
2. The basis for the transfer of funds referred to in paragraph 1, is the agreement concluded between the minister competent with respect to labour and the Social Insurance Institution.
3. The agreement should specify in particular the amount of resources, the mode of transmission and the amount of the costs associated with operation of payment of benefits.
4. Social Insurance Institution settles funds received within 20 days after the end of the month in which the payment of benefits was made.

Article 109c.

1. Minister competent with respect to labour, at the request of the voivode, transfers to a separate bank account of the voivodeship office, the Labour Fund resources intended for gminas to co-finance training costs of adolescent workers to employers.
2. The basis for the transfer of funds referred to in paragraph 1, is the agreement concluded between the minister competent with respect to labour and the voivode.
3. The contract should specify in particular the amounts allocated and the mode of transmission for implementation of tasks referred to in paragraph 1.

4. Voivode settles the funds received within 20 days after the end of the month in which funds were transferred for the implementation of tasks referred to in paragraph 1.

Article 109d.

1. Minister competent with respect to labour transfers funds from the Labour Fund for the purpose of state aid in the repayment of certain mortgage loans granted to people who lost their jobs, on the principles specified in separate regulations.
2. Minister competent with respect to labour transfers the Labour Fund resources to a separate bank account of the poviast labour office, to cover the cost of poviast government tasks specified in the provisions referred to in Article 108 (1) point 42a, in the amount of 1% of the funds granted under these provisions on aid.

Article 110.

In matters of related to management of special purpose funds and not regulated in this chapter, the provisions on public finances apply accordingly.

Chapter 19

Supervision and Control

Article 111.

The voivode shall exercise supervision referred to in Article 10 (1) especially through:

- 1) examination of information, documents and data necessary for conducting supervision and control;
- 2) preparing copies, excerpts from documents or from photocopies as well as balance sheets and calculations drawn based on documents, necessary for the purpose of supervision or control;
- 3) conducting visual inspection of objects and premises and observation of the course of activities subject to supervision or control;
- 4) demanding from employees of a supervised unit to provide information in oral and in written form, in connection to supervision or control activities;
- 5) summoning and interrogating witnesses;
- 6) applying for an opinion of an expert witness or a specialist within the scope of labour market.

Article 112.

1. The activities referred to in Article 111, shall be conducted on behalf of and upon authorization of the voivode by a team of employees of a department competent with respect to labour at the voivodship office, composed of at least 2 persons, hereinafter referred to as "team of inspectors".
2. The team of inspectors, when conducting the activities referred to in Article 111 shall be obliged to produce their official identification cards and authorisations.

Article 113.

1. The voivode, as a result of the activities performed by the team of inspectors, as referred to in Article 111, may issue to a supervised unit post-control recommendations, admonitions and may file comments and conclusions.
2. A supervised unit may rise reservations to recommendations, comments and conclusions, within 14 days from the date of the receipt thereof.
3. 14. The voivode shall issue an opinion on such reservations within 14 days of the date of their delivery.

4. In the event that the voivode does not consider the reservations, the controlled unit shall be obliged to notify the voivode about the implementation of any recommendations, comments or conclusions within 30 days.
5. 30. In the event that the voivode considers the reservations, the controlled unit shall be obliged to notify the voivode on the implementation of any recommendations, comments or conclusions referred to in paragraph 1, taking into consideration any changes arising from the reservations.
6. In the event that material defaults have been revealed in the implementation of statutory tasks, especially in the application of standards of labour market services by the voivodeship labour office or by the poviats labour office, the voivode, independently of other measures the person is entitled to apply, the voivode shall notify the marshal of the voivodeship or the starost.
7. 30. The marshal of the voivodeship or the starost to which the notification on the revealed material defaults has been sent shall be obliged to notify the voivode about the activities they have undertaken within 30 days of the receipt of the notification on the revealed material defaults.

Article 114.

1. In the event that, as a result of activities referred to in Article 111, material default have been revealed in the implementation of statutory tasks, especially in the application of standards of labour market services by the voivodeship labour office or by the poviats labour office, the voivode may commission a territorial local government unit to prepare a comprehensive rehabilitation programme or call the territorial local government unit to appoint a substitute contractor within the period not exceeding 2 months from the date of the receipt of the notification.
2. 3. In the event of failure of the unit of territorial local government to appoint the substitute contractor within the specified limit referred to in paragraph 1, or to prepare or implement the comprehensive rehabilitation programme, the voivode may lodge a complaint to the administrative court in relation to the inactivity of the territorial local government unit.

Article 114a.

The voivode shall provide the minister competent with respect to labour, by 31 January, information on the exercise in the previous year of the supervision and control referred to in Article 10 (1) together with the results and evaluation thereof, especially including:

- 1) evaluation of content-related or formal correctness of tasks subject to supervision and control;
- 2) evaluation of the implementation of basic labour market services, with particular emphasis of the observance of the course of action specified in the standards of labour market services.

Article 115.

1. Whoever fails to implement the recommendations of the voivode referred to in Article 113 – shall be subject to a financial penalty in the amount of PLN 6,000.
2. Whoever fails to apply the standards of the labour market – shall be subject to a financial penalty in the amount of PLN 10,000.
3. The financial penalty shall be inflicted by the voivode by way of administrative decision, taking into account the scope, level and the social danger of the revealed defaults.
4. On the penalties not paid on time statutory interest shall be calculated.
5. Execution of the financial penalties together with the interest for the delayed payment shall be performed pursuant to the regulations on administrative enforcement proceedings.

Article 116. (repealed).

Article 117. (repealed).

Article 118. (repealed).

Article 118a

1. The Labour Fund Administrator may conduct, in the public employment services and in other organisational entities and organizational units that received Labour Fund means, control in respect of:
 - 1) disbursement of Labour Fund means in accordance with their objective;
 - 2) observance of rules and procedure of disbursement of Labour Fund means;
 - 3) proper documentation and settlement of received and disbursed Labour Fund means;

- 4) not exceeding, specified by the minister competent with respect to labour, of the amounts (limits) of Labour Fund means referred to in Article 109 (2)-(4) for the financing of tasks implemented in the budgetary year.
2. The controlled entities shall be obliged to provide any documents and provide explanations in cases within the scope of control.

Chapter 20

Responsibility for transgression of the statutory provisions

Article 119.

1. (repealed).
2. An unemployed person who undertakes employment, other gainful work or economic activity without notifying an appropriate poviat labour office about this fact, shall be subject to financial penalty in the amount of PLN 500.
3. The culprit shall not be subject to responsibility if the obligation referred to in Article 74 had been fulfilled before the date of the control.

Article 120.

1. Whoever entrusts illegal work performance to a foreigner, shall be subject to financial punishment in the amount not lower than PLN 3,000.
2. A foreigner who performs work illegally, shall be subject to financial punishment in the amount not lower than PLN 1,000.
3. Whoever forces a foreigner to perform illegal work by way of deception, exploiting error, exploiting professional dependency or exploiting the inability to properly comprehend the undertaken action, shall be subject to financial penalty not exceeding PLN 10,000.
4. Whoever demands from a foreigner financial benefit for undertaking actions aimed at obtaining work permit or another document entitling to perform work, shall be subject to financial penalty of not less than PLN 3,000 .
5. Whoever by means of deception, exploiting error or exploiting the inability to properly comprehend the undertaken action, forces another person to entrust illegal work to a foreigner, shall be subject to financial penalty not exceeding PLN 10,000.
6. Whoever fails to fulfil the obligation referred to Article 88 h (1) point 7 shall be subject to financial penalty of not less than PLN 100.

Article 121.

1. Whoever runs an employment agency without registering in the employment agency register, shall be liable to a fine of not less than PLN 3,000.

2. Whoever, while running an employment agency and collecting additional fees, other than those defined in Article 85 (2) (7), from the person for whom the agency is seeking employment or other gainful work or provides assistance in the choice of a proper occupation and work place, shall be liable to a fine of not less than PLN 3,000. 85 (2) point 7 shall be subject to financial penalty of not less than PLN 3,000.
3. The same financial penalty shall be imposed on those who run an employment agency without abiding the prohibition to discriminate persons against their sex, age, disability, race, religion, ethnic origin, nationality, sexual preferences, political beliefs and faith, or against trade union membership.
4. (repealed).
5. (repealed).
6. Whoever, while running an employment agency providing service referred to in Article 18 (1) point 1 (f) does not conclude a contract referred to in Article 85 (2) shall be subject to financial penalty of not less than PLN 4,000.

Article 121a.

Whoever charges a person delegated to an entity in order to acquire practical skills, especially in order to take a graduate traineeship, internship or placement which are not forms of employment or other gainful work, with a fee other than referred to in Article 85 (2) point 7, shall be subject to financial penalty of not less than PLN 3,000.

Article 121b.

Whoever, while delegating a person abroad to a foreign entity in order to acquire practical skills, especially in order to take a graduate traineeship, internship or placement which are not forms of employment or other gainful work, does not conclude an agreement referred to in Article 85(2) with that person, shall be subject to financial penalty of not less than PLN 4,000.

Article 122.

1. Whoever:
 - 1) fails to fulfil the obligation to pay contributions to the Labour Fund or fails to conclude the payment within the statutory period,
 - 2) fails to provide data or provides counterfeit data having influence on the amount of Labour Fund contributions or in

- this respect provides false information or refuses to provide thereof
- shall be subject to financial penalty of not less than PLN 3,000.
2. The culprit shall not be subject to responsibility if the overdue Labour Fund contributions had been paid in the required amount before the date of the control.

Article 123.

Whoever refuses to employ a candidate in a vacant job or apprenticeship position on the grounds of gender, age, disability, race, religion, nationality, political beliefs, ethnic origin, religion or sexual orientation, shall be subject to a fine of no less than PLN 3,000.

Article 124. (repealed).

Article 125.

1. Cases regarding acts specified in Article 119-123 shall be judged in accordance with the provisions of the Act of 24 August 2001 – Code of Criminal Procedure (Dz.U. No. 106, item 1148, as amended).²⁵
2. Adjudged and executed fines referred to in Article 119-123, courts shall transfer to the account of the Labour Fund Administrator with the observance of procedure and periods specified to in the provisions relating to the manner of execution of the state budget.

²⁵ Amendments to the aforementioned Act were published in Dz.U. of 2003 No. . 109, item 1031 and No. 213, item 2081, of 2004 No. 128, item 1351, of 2005 No. 132, item 1103 and No. 143, item 1203, of 2006 No. 226, item 1648 and of 2007 no 89, item 589 and No. 99, item 664.

Chapter 21

Amendments to applicable provisions

Articles 126 – 138. (repealed)²⁶

Chapter 22

Transitional provisions

Article 139.

1. Allowances, training supplements and other unemployment benefits awarded to the unemployed before the date of entering into force of the act herein, shall be paid in accordance with the principles specified in the applicable provisions, except for their valorisation and suspension which shall be conducted in compliance with the principles specified in the act herein.
2. To the amounts of allowances, training supplements and other unemployment benefits awarded pursuant to the applicable provisions for the period until the date of entering into force of the act herein, principles specified in Article 78 shall apply accordingly.
3. Persons who within the period until the date of entering into force of the act herein have been delegated to work place, training, intervention works, public works and other forms of activation, shall continue to perform these forms of activation compliant with the principles specified in the applicable provisions.
4. Agreements concluded before the date of entering into force of the act herein shall be continued in accordance to principles specified in the applicable provisions.
5. Loans from the Labour Fund received based on agreements concluded before the date of entering into force of the act herein shall be remitted, spread into instalments or the date of repayment of the loans shall be postponed in accordance with applicable provisions.
6. To the reimbursement of social insurance contributions of adolescent workers employed on the basis of employment contracts for the purpose of vocational training, concluded before the date of entering into force of the act of 20 December 2002 on amending

²⁶ Published in the announcement

of the act on employment and counteracting unemployment and of the act on the educational system (Dz.U. of 2003 No. 6, item 65) provisions applicable before the date of entering into force of the act shall apply, however no longer than until 30 June 2005.

7. By 30 June 2005 poviats labour offices shall reimburse, in accordance with applicable provisions, remuneration and social insurance contributions from these remunerations of adolescent workers employed for the purpose of vocational training on the basis of reimbursement agreements concluded by 31 August 2004.
8. From the date of 1 July 2005 the Voluntary Labour Corps shall become, by virtue of law, a party of agreements on reimbursement of remunerations and social insurance contributions concluded by 31 August 2004 between the starosts and employers or employers' organisations.

Article 140.

By December 31, 2005, Poviats may organise social works for all unemployed persons.

Article 141.

1. Pre-retirement allowances and pre-retirement benefits awarded pursuant to applicable provisions shall be paid and financed from the Labour Fund for the period from the date of taking over the payments by the Social Insurance Institution.
2. Funeral allowances paid to a person who has borne costs of the funeral of a person who received the pre-retirement allowance or the pre-retirement benefit or a family member dependent financially on that person and fulfilling conditions for the award of family pension, shall be financed from the Labour Fund for the period from the date of taking over of the payment by the Social Insurance Institution, on condition that they are not vested in entitled persons pursuant to separate provisions.
3. Funeral allowances referred to in paragraph 2, shall be vested in entitled persons in the amount specified in the provisions on retirement pensions and disability pensions from the Social Insurance Institution.

Article 142.

1. Central employment council and voivodeship and poviat employment councils in the composition existing on the date of entering into force of the act shall function until June 30, 2004.

2. Directors of voivodeship labour offices and deputy directors performing their function on the date of entering into force of the act, shall become, by virtue of law, the directors of the voivodeship labour offices within the meaning of the act without the necessity of their renewed appointment.
3. Managers of the poviats labour offices and deputy managers performing their functions on the date of entering into force of the act, shall become by virtue of law respectively directors and deputy directors of the poviats labour offices within the meaning of the act, without the necessity of their renewed appointment.
4. Persons employed in labour offices or in Voluntary Labour Corps on the date of entering into force of the act, if for the period of at least 12 months have been employed on the position of an employment officer or performed tasks in respect of job placement, on the date of entering into force of the act shall become by virtue of law, employment officers referred to in Article 92(2) 2.
5. Persons employed in labour offices or in Voluntary Labour Corps on the date of entering into force of the act, if for the period of at least 12 months have been employed on the position of a career guidance practitioner or performed tasks in respect of career guidance, on the date of entering into force of the act shall become, by virtue of law, career guidance practitioners referred to in Article 94(2) 2.
- 5a. Persons referred to in paragraphs 4 and 5 may apply do the voivode for a professional licence referred to in Article 93 (2) point 1 and in Article 95 (2) point 1, however not later than by April 30, 2009.
6. Persons employed in labour offices or in Voluntary Labour Corps on the date of entering into force of the act, if for the period of at least 12 months have been working with the performance of tasks related to preparation and implementation of international programmes and projects in respect of labour market, on the date of entering into force of the act shall become, by virtue of law, specialists on programmes within the meaning of the act herein.
7. Persons employed in labour offices or in Voluntary Labour Corps on the date of entering into force of the act, if for the period of at least 12 months have been working with the performance of tasks related to the organization of training courses for the unemployed shall become, by virtue of law, specialists on professional development within the meaning of the act herein.

Article 143.

Training institutions may conduct activity within the scope specified in the act without the necessity of obtaining the entry to the register referred to in Article 20 (1) within the period not exceeding 6 months after the entry into force of the act.

Article 144.

Rights acquired pursuant to the provisions on facilitation of access to employment for school graduates shall be continued in accordance with the applicable principles until their expiration.

Article 145.

Whenever the applicable provisions mention the act on employment and counteracting unemployment through the reference to separate provisions or immediately to the act on employment and counteracting unemployment, it shall mean reference to the act herein.

Article 146.

Cases in which before the entry into force of the act, appeal proceedings or proceedings before administrative court have been instituted, shall be examined pursuant to the applicable provisions.

Article 147.

Postsecondary schools educating in the occupation of “social worker” shall conduct the last recruitment in the school year 2004/2005.

Article 148.

Provisions of Article 106 (2) shall apply accordingly to rising a credit or a loan for supplementation of financial means necessary for the payment of pre-retirement allowances and pre-retirement benefits for the period in which payment of pre-retirement allowances and pre-retirement benefits is made from the Labour Fund.

Article 149.

1. Applicable executor provisions drawn pursuant on Article 10 (7), Article 22 Article 36 (1) point 1-5, Article 36 (3) ,Article 37 (18) Article 37b (6) ,Article 45, Article 49 (1) point 1 Article 49 (2) ,Article 51 (1)-(5) Article 57 (6) and (8), Article 57a (9) and Article 61 (3) of the Act of December 14, 1994 on employment and counteracting unemployment (Dz.U. of 2003 No 58, item 514,

as amended).²⁷⁾ shall remain in force until new executor provisions based on the act herein are drawn.

2. Ordinance of the Council of Ministers, by virtue of Article 37h (1) of the Act on employment and counteracting unemployment, shall remain in force by 31 December 2005.

Article 150.

The minister competent with respect to public finance shall be authorised to, upon application of the minister competent with respect to labour, transferring planned expenditures for financing tasks related to employment and counteracting unemployment specified in the budget act for the year 2004 among appropriate parts, sections, chapters and paragraphs.

Article 150a.

1. The right to the pre-retirement allowance or to the pre-retirement benefit in accordance with the principles specified in provisions of the act of 14 December 1994 on employment and counteracting unemployment, within the wording applicable on 31 December 2001, shall be vested in a person who, by 12 January 2002, fulfilled conditions for acquisition of the right herein, subject to paragraph 2.
2. The right to the pre-retirement allowance or the pre-retirement benefit referred to in paragraph 1 shall be vested also in a person who, by 12 January 2002, did not fulfil the condition of completing the pre-retirement allowance or benefit eligibility period, if on 31 December 2001 the person was receiving unemployment allowance, and in the result of incorporation of the period during which the person was receiving the unemployment allowance to the pre-retirement allowance or benefit, eligibility period, this person would acquire the right to the pre-retirement allowance or the pre-retirement benefit.
3. The right to the pre-retirement allowance or to the pre-retirement benefit shall be vested for the period from the date of fulfilment of the conditions for the acquisition of the allowance specified in the act referred to in paragraph 1, within the meaning applicable on 31 December 2001, however not earlier than from 1 January 2002, subject to paragraph 4.

²⁷⁾ Amendments to the consolidated text of the aforementioned act were published in Dz.U. of 2003 No. 90, item 844, No. 122, item 1143, No. 128, item 1176, No. 135, item 1268, No. 137, item 1302, No 142, item 1380, No 166, item 1608, No. 203, item 1966, No. 210, item 2036 and 2037 No. 223, item 2217 and No 228, item 2255 and of 2004 No 64, item 593, No. 69, item 624 and No 96, item 959.

4. For a person referred to in paragraph 2 the right to the pre-retirement allowance or to the pre-retirement benefit referred to in paragraph 1 shall be vested from the date of submission of application for the award of the allowance, unless on the date of submission of the application, the persons meets the conditions to acquire the right specified in the act referred to in paragraph 1, within the wording applicable on 31 December 2001.
5. A person referred to in paragraph 1 and 2 may submit application for the award of the right to pre-retirement allowance and to the pre-retirement benefit by 28 February 2006, to the poviats labour office appropriate for the place of residence of a person.
6. The starost shall process applications referred to in paragraph 5, issue decisions and pay from the Labour Fund the pre-retirement allowance or the pre-retirement benefit for the period from 31 July 2004.
7. The starost, after processing applications and paying the pre-retirement allowance and the pre-retirement benefit, for the period from 31 July 2004 shall transfer the documentation of the person entitled to the pre-retirement allowance or pre-retirement benefit to the pension entity appropriate for the place of residence of that person.
8. The pre-retirement allowance or the pre-retirement benefit referred to in paragraph 7 shall become as of 1 August 2004 respectively the pre-retirement allowance and the pre-retirement benefit within the meaning of the act of 30 April 2004 on pre-retirement benefits.
9. The pre-retirement allowance or the pre-retirement benefit vested:
 - 1) by 31 July 2004 shall be paid by an appropriate poviats labour office, in accordance with the principles and the procedures applicable within this period;
 - 2) from 1 August 2004 shall be paid by an appropriate pension entity, in accordance with principles and procedures applicable within this period.

Article 150b.

1. Employees of former agricultural economy enterprises are entitled to the pre-retirement benefits if within the period from 1 January 2002 till 31 July 2004 they have met the conditions specified in Article 37k. (9) of the act of 14 December 1994 on employment and counteracting unemployment within the wording applicable on 1 January 2002, excluding words "on 7 November 2001"
2. The right to the pre-retirement allowance or to the pre-retirement benefit shall be vested for the period from the date of fulfilment of

the conditions for the acquisition of the allowance specified in the act referred to in paragraph 1, within the meaning applicable on January 1, 2002, however not earlier than from January 1, 2002, subject to paragraph

3. Provisions of Article 150a. (5)-(9) shall apply accordingly.

Article 150c.

Pre-retirement benefits and pre-retirement allowances awarded pursuant to Article 150a. and 150b. shall be paid without statutory interest.

Article 150d.

1. The right to pre-retirement benefits awarded by the poviata labour office pursuant to provisions on employment and counteracting unemployment and their amount shall be determined anew in accordance with the principles and procedures specified in these provisions upon application of an entitled (interested) person or ex officio, if after taking over of the payments by the Social Insurance Institution, the following circumstances are revealed:
 - 1) specified in Article 145(1) and Article 156(1) of the code of administrative procedure causing reinstatement of proceedings or statement of invalidity of administrative decision;
 - 2) having influence on the right to the pre-retirement benefit or on its value, existing after the date of acknowledging the right to the benefit.
2. Provisions of paragraph 1 shall apply accordingly in the event of calculating by a pension institution of the amount of retirement pension for the purposes of determining the amount of the pre-retirement benefit resulting from:
 - 1) including retirement eligibility period not considered to date, completed before the acquisition of the right to the pre-retirement benefit,
 - 2) determining anew the contribution assessment base pursuant to Article 111 of the act on retirement pensions and disability pensions from the Social Insurance Institution or including income not considered to date – income constituting the retirement or disability insurance contribution assessment base pursuant to regulations of Polish law for the period indicated for determining the base for calculation of the amount of retirement pension
 - except that the amount of retirement pension shall be calculated with the application of contribution assessment basis determined for calculation of the amount of the retirement pension.

3. In the event that circumstances referred to in paragraph 1 are revealed recovery of unduly received pre-retirement benefits for the period before the date of taking over of the payment of these benefits by the Social Insurance Institution, shall be conducted by the poviats labour offices in accordance with the principles specified in the provisions on employment and counteracting unemployment.
4. Provisions of paragraphs (1) and (3) shall apply respectively to pre-retirement allowances.

Article 150e.

Documented periods of employment or other gainful work undertaken abroad with foreign employers in countries specified in Article 1 (3) point 2 (a)-(c) completed within the period from 1 November 2005 until 25 August 2006 shall be included in the allowance eligibility period on condition that contributions to the Labour Fund have been paid. Provisions related to the procedure of payment of contributions to the Labour Fund by persons undertaking employment or other gainful work abroad with a foreign employer shall apply respectively.

Chapter 23

General provisions

Article 151.

No longer valid:

- 1) Act of 14 December 1994 on employment and counteracting unemployment (Dz.U. of 2003 No 58, item 514, as amended²⁸ except for Article 23(1) point 2 (g), which shall become invalid as of 30 April 2004;
- 2) Act of 18 September 2001 on facilitation of access to employment for school graduates (Dz.U. no 122, item 1325 and No 154, item 1793 and of 2002 No. 112, item 975 and No 241, item 2074).

Article 152.

The act enters into force on the first day of the month following the month of publication except for:

- 1) Article 138 point 5-7, which enter into force on 1 May 2004
- 2) Article 12 (2), which enters into force on 1 September 2004
- 3) Article 101 (2), which enters into force on 1 January 2005

²⁸ Amendments to the consolidated text of the aforementioned act have been published in Dz.U. of 2003, No. 90, item 844, No. 122, item 1143, No. 128, item 1176, No. 135, item 1268, No. 137, item 1302, No 142, item 1380, No 166, item 1608, No. 203, item 1966, No. 210, item 2036 and 2037 No. 223, item 2217 and No 228, item 2255 and of 2004 No 64, item 593, No. 69, item 624 and No 96, item 959.