

Accessible guide for insured workers and employers about social insurance when seconding to work abroad

Poland

GENERAL INFORMATION	
Name of the organisation	Association of Employment Agencies (SAZ)
Type of organisation	Other Employers' association
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Member State	Poland
GOOD PRACTICE - GENERAL INFORMATION	
Title of the good practice	Accessible guide for insured workers and employers about social insurance when seconding to work abroad
Topic of the good practice	Preventing social security fraud
Geographical focus	Cross-country (please specify) EU Member States
Duration	07-2023 – 07-2028
Summary of the good practice	The Association of Employment Agencies (SAZ) has led the development and publication of a guidebook aimed at informing Polish posted workers about their social security entitlements and rights, while being posted. Awareness and understanding of these rights pose a challenge due to the complex and technical regulations. The guidebook is the first of its kind, and the objective is to present the information in an understandable format, thereby reducing vulnerability to exploitation for posted workers, and minimising risk of mismanagement by the employer. It is

	freely available online, published by SAZ and stakeholders.
OBJECTIVES AND ACTIVITIES	
Background/context	<ul style="list-style-type: none"> ▶ The EU Posted Worker Directive safeguards posted workers by establishing mandatory provisions regarding working conditions and the protection of workers' health and safety during the posting period. ▶ Polish labour law governs posted workers' rights in Poland, aligning with the legislative principles of the EU Directive. ▶ A common challenge for both employees and employers is the awareness and understanding of mandatory rules concerning terms and conditions of employment during postings. This challenge often arises from the technical jargon and complex legalities associated with the subject, making posted workers particularly vulnerable to exploitation. ▶ The Association of Employment Agencies (SAZ) collaborates with companies to help them understand their legal obligations for posted workers, both in Poland and abroad. Employers commonly face barriers due to the intricate nature of labour law and social security obligations. ▶ In Poland, there was no centralised source for aligned information on social security and labour law obligations for posted workers. The information was siloed, creating difficulties in understanding and awareness for both employers and posted employees. ▶ In 2023, a working group (WG) led by SAZ was established to address this challenge. The group conducted collaborative consultations and collectively developed a guidebook for employers and employees. The WG included various stakeholders: <ul style="list-style-type: none"> ▷ Association of Employment Agencies and Sections of Care Agencies (work coordinator)

	<ul style="list-style-type: none"> ▷ Joanna Torbé & Partners Law Firm (substantive preparation of the guide) ▶ Substantive consultations of the Guide with: <ul style="list-style-type: none"> ▷ Social Security Institution (ZUS) ▷ General Labour Inspectorate (GIP) ▷ Ministry of Family and Social Policy (MRiPS) ▷ International Organization for Migration
<p>Objectives</p>	<p>Main Objective:</p> <ul style="list-style-type: none"> ▶ Promote awareness towards obligation and rights related to posted work. <p>Specific Objective:</p> <ul style="list-style-type: none"> ▶ Use simple and easily understandable language to present social insurance rights for mobile seconded (posted) employees and “solo businesses” (who temporarily transfer the operation of their business to the territory of another country) in an accessible way. ▶ Develop a unified standpoint from authorities.
<p>Main activities</p>	<ul style="list-style-type: none"> ▶ Consultations for the preparation of the guidebook were carried out with the following stakeholders: <ul style="list-style-type: none"> ▷ Social Security Institution (ZUS) ▷ General Labour Inspectorate (GIP). ▷ Polish Ministry of Family and Social Policy. ▷ International Organization for Migration. ▶ The guidebook was published and approved by all stakeholders. It was released to the public online from October 2023 and disseminated by all stakeholders. ▶ The guidebook will be updated periodically as rules and standards change. ▶ The guidebook will be provided in Polish, English, German and Ukrainian.

	<ul style="list-style-type: none"> ▶ Online workshops will be organised to further increase awareness and understanding for employers and employees.
<p>Did you previously provide information about this particular good practice under the European Platform tackling undeclared work?</p> <p>(if yes, is it possible to provide the year and the title of good practice or a link of the good practice in ELA Virtual library?)</p>	No
<p>Funding/organisational resources</p>	The preparation of the guidebook was funded by the Association of Employment Agencies (SAZ).
PARTICIPATION	
<p>Stakeholders involved</p>	<ul style="list-style-type: none"> ▶ Association of Employment Agencies (SAZ). ▶ 39 company representatives which are part of SAZ. <p>Stakeholders involved in the consultations:</p> <ul style="list-style-type: none"> ▶ Social Security Institution (ZUS) ▶ General Labour Inspectorate (GIP). ▶ Polish Ministry of Family and Social Policy. ▶ International Organization for Migration.
<p>Target groups</p>	<ul style="list-style-type: none"> ▶ Polish posted workers.
<p>Final beneficiaries</p>	<ul style="list-style-type: none"> ▶ (Potential) posted workers ▶ Self-employed who temporarily transfer the operation of their business to the territory of another country. ▶ Employers' trade organisations.
GOOD PRACTICE CRITERIA	
<p>Achievements/ Results and outcomes (Alignment of good practice with the priorities of the Call (if</p>	<ul style="list-style-type: none"> ▶ Production and dissemination of the guidebook online.

<p>not applicable, alignment with the field of EU labour mobility)</p>	<ul style="list-style-type: none"> ▶ Increased awareness of posted workers about their social insurance rights. ▶ Increased awareness of employers about their obligations towards posted workers. ▶ Agreement and publication of stakeholders view on the challenges of social security coordination and corresponding solutions.
<p>Recognition (has this good practice been recognised on regional, national or EU level)</p>	<p>▶ N/A</p>
<p>Cost effectiveness (the degree to which the practice was successful in reaching objectives and producing clear and measurable outcomes at the lowest possible cost)</p>	<p>Given that the guidebook will be published online it will be available for free and will have a wide outreach.</p>
<p>Transferability (how the experience from this practice could be transferred to other contexts i.e. what would another Member State/group/sector need to have or put in place for this measure to be successful in their country/group/sector)</p>	<ul style="list-style-type: none"> ▶ The practice can be replicated in a range of Member States and sectors. As the EU Directive underpins all Member State regulation on posted work, such a guidebook can be replicated for minimum EU standards. ▶ Within Member States, the online nature of the document and work means logistics should not be a barrier to producing such a document. Further, as posted work exists across sectors, stakeholders can have a wide range of interests, strengthening the resources available for the project.
<p>Sustainability (how the practice is sustainable from a social, financial or environmental perspective)</p>	<p>To guidebook increase the legal security of employers and employees.</p>
<p>Innovativeness (innovative features of the good practice)</p>	<p>The guidebook is an innovative tool as there are currently no measures in Poland to provide information on social security fraud and guides which increase availability of information in Poland.</p>
<p>Digitalisation (Design, development and/or utilisation of digital tools, policies or plans for digitalisation, business processes and data digitalisation, data sharing digital initiatives, the use of digitalisation to</p>	<p>The guide will be issued in digitalised form and published on the websites of public bodies dealing with social security and secondment.</p>

facilitate the access to data in real time
and detection of fraud and error, etc.)