

A Foreigner's Guide to Wage Theft and What To Do About It



A picket at a Żabka shop. Żabka shops often commit wage theft and ZSP has helped many workers get their pay. This Żabka shop was closed down because of this wage theft.



Union of Syndicalists
Multi-branch Union, Warsaw

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If you live and work in Poland, there is a chance that you may experience problems with getting your salary paid correctly. Unfortunately, this problem is not uncommon and it affects Polish people as well as foreigners.

What is Wage Theft?

Not getting paid at all, or being paid less than you should is known as „wage theft”. Wage theft can take different forms, including:

- not getting paid at all for your work
- getting paid less than agreed or for fewer hours than actually worked
- being forced to work for an unpaid trial period
- getting paid less than the minimum wage
- not getting paid for overtime
- getting certain deductions from your pay
- being employed the wrong way, thus not getting certain benefits such as paid vacations or paid sick days
- not getting money paid to your social security
- having money taken by middlemen

There are even some other forms of wage theft, but these are among the most common in Poland.

How Can I Avoid Wage Theft?

The first thing is try never to work without a written contract. This is sometimes difficult, especially when there is someone who always promises you the contract „tomorrow”. It is the law that a contract has to be signed BEFORE you start work. Not having a written contract should be a red flag. It is a sign that maybe the boss is not honest and might cheat you.

Unfortunately, we know some people have started work without a contract because they are desperate for work. Also, sometimes bosses try to convince workers that it would be „better” for them not to have a contract. Finally, we know that some people are here on student visas which don't allow them to work full-time jobs. While some of these situations may encourage people to accept work without a contract, you must be aware of the risks. If you are already at work without a contract, we can give some advice.

⇒The boss may try to convince you that YOU are doing something illegal, but the boss is the one breaking the law. Do not be afraid of your status if you come into conflict over unpaid wages.

⇒The boss is required to keep official evidence of the hours you have worked. Most bosses who function illegally don't do this and then may claim you worked fewer hours than you did. So, always keep evidence of your working hours. Keep a notebook with information about how many hours you worked each day. Keep any kind of evidence you can of your work. Keep emails and SMS-es related to your working time. Take photos of any written logs. Take photos with time stamps of yourself at work. Get phone numbers or contacts to people who you have worked with. If your boss decides to claim you didn't work these hours, you need to rely on your own calculations of working hours. (This is also accepted as evidence in court, if necessary).

Some Common Problems

Deductions

Don't let the bosses steal your money with illegal deductions. If you work in a place that has deductions, it must be written in the work contract or regulations, stating how much deduction could be for what. For example, maybe they deduct 10 zloties for being late. If you have not signed such a document, the boss cannot just impose deductions. Any time the boss wants to deduct something, they must put it in writing and you have to sign it. If this hasn't happen, the deduction is illegal and you can demand this money back.

Late Payments

The boss should pay your by the 10th of the next month. If the payment is late, remind the boss of this obligation. You can charge the boss interest for late payments.

Minimum Wage

The minimum wage changes frequently in Poland. It is common that an employer offers you a wage „in hand” and sometimes this doesn't correspond to the minimum wage.

Until the end of December 2024, the minimum hourly wage is 28,10 zł before taxes. If you have a contract called „umowa zlecenia” in Polish, your net salary depends if you have sick leave insurance or not. In Poland, unfortunately, the bosses are not obliged to pay sick leave on these types of contracts. You have to pay for yourself! When you pay sick leave insurance, if you are ill, you can get some compensation for days you miss (after a few months of paying insurance). If you pay this insurance, your net salary should be 22,07. If you don't get this insurance, you should get 22,70 per hour.

At the beginning of 2025, the minimum wage should go up. It will be 30,50 per hour gross. As of 2025, people under the age of 26 will not have to pay income tax up until a certain limit, which the minimum wage does not exceed. The calculation of how much you should

get net can be different, as there are now different factors to include, but it should be around 26 zloties net.

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You should never work for less than the minimum wage.

Unpaid Trial Period

This is illegal. Do not accept an unpaid trial period.

Middlemen. Work agents or the Uber Model

Unfortunately, some foreign workers have made deals with work agencies that take part of their money. If this is the case, contact us to see if we can argue against the legality of this arrangement.

One of the employers that a lot of foreigners got jobs with is Uber. They have a very dishonest scheme. They have some B2B contracts with middlemen who subcontract, often without a legal contract, to other people. Then the middlemen pay the subcontracted workers from the money they receive from Uber, taking a percent.

We have seen some bad situations with this, like when one such person went to India and didn't pay people. We managed to get the money paid to the workers, but it might not have worked. It is lucky for us. The best thing is not to agree to such an arrangement. Unfortunately, this is a way that Uber uses people who don't have the correct permits and sometimes the cheated workers are afraid they will get in trouble. However, we must understand that it is Uber that is involved in these unethical and sometimes illegal practices.

Overtime and Benefit Theft

The rules about overtime may be different depending if you have a work contract (umowa o pracę) or civil contract called „umowa zlecenia”. However, in reality, many contracts called „umowa zlecenia” actually should legally be work contracts. This is a way that widespread wage theft occurs, especially theft of benefits such as paid vacation.

This is a very difficult topic to explain in a few words. We hope to make a guide to this topic in English soon. In the meanwhile, if you have doubts about if you are entitled to overtime, please contact us about your situation.



ZSP - Effective in Fighting Wage Theft

The Union of Syndicalists (Związek Syndykalistów Polski), is a union open to all working people - unlike most unions in Poland. We do not care if a worker has a permanent employment contract or not, because millions of workers have more casual working relations. We don't care if you were born here or not. What we care about is solidarity between workers. What we care about it being able to fight the abuses that workers face on the job.

Fighting wage theft can be difficult. Or it can be easy. A lot depends on the situation, but, most of all, it depends on you. We have been able to recover unpaid wages sometimes in difficult cases - like when the boss never provided a written contract. We have been involved in situations with all sorts of workers, including workers from places like Ukraine, Belarus, China and India.

We are members of the International Workers' Association and have sister unions in other countries around the globe.

You can always contact us at is@zsp.net.pl for more information or to meet us and talk.

Direct Action or State Inaction?

There is an institution in Poland called the State Labor Inspectorate. It is almost useless. Many workers who contact them have no resolution to their problem. The first reason is that it does not really deal with people on civil contracts. The second reason is that it informs the bosses of inspections before they carry them out. We have seen many times how bosses hurry to make workers sign backdated contracts for work inspections, not giving workers a copy, and tearing them up afterwards. It is a joke.

Or we can talk a recent situation we saw. A boy from Ukraine was working in Żabka and was not paid. The labor inspector came and made the owner pay a fine, but did not order the owner to pay the worker.

Our union does not refuse to use courts or the Labor Inspectorate, but we don't count on them and know that it is dangerous for workers to do it. We've seen how court cases can take years and how judges made decisions which don't even correspond to the law. In the meanwhile, in the case of wage theft, confronting the bosses can usually work just as well as any other way.

Going directly to the boss and demanding the unpaid wages, making pickets, public information, etc. can get the job done as well. This is what we call „Direct Action”, because we deal with the problem directly - not waiting for some institution that will

take too much time to deal with it, or not deal with it at all.

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Members of ZSP and our supporters believe in workers' solidarity. That's why we encourage people to support each other in such situations.

For more information about ZSP or to discuss a problem with wage theft, contact us at is@zsp.net.pl. Remember to tell us what city you are writing from so that our nearest local group can contact you.



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**14-20 PAŹDZIERNIKA
2024**



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October 14-20, 2024 is the annual International Week Against Unpaid Wages

... but we fight wage theft every day of the year!