

Fourth Study Commission Public and social law 2011

Poland

1. What means of improving the economic security of the unemployed are used in your country? Give an overview.

According to "Law on Promotion of Employment and Labour market" right to obtain unemployment benefit has a person who is registered in District Employment Agency and there are not for him or her any job, training course or public works. Next condition is to have been employed for minimum 365 days on employment contract earning minimal during last 18 months period before registering in the District Employment Agency. It is also possible to be a party of civil contract for specific task, fee for task agreement or run his or her own business. During that period the employer or the actual unemployed person had to pay social insurance fee and contribution to Labour Found.

The amount of unemployment benefit depends of work experience of unemployed person. When the work experience is 5 years – the unemployment benefit amounts to 80 % basic benefit. When the work experience is between 5 – 20 years – unemployment benefit amount is to 100 % of basic benefit. When work experience is at least 20 years unemployment it amounts to 120 % basic benefit.

The unemployment benefit can be paid for 12 months. The unemployment benefit depends on the rate of unemployment in local district. When unemployment rate is smaller than average in the country the unemployment benefit is paid only for 6 months however the unemployment benefit is paid for 12 months to people over 50 years old and people who have been working for at least 20 years at least provided that employer paid social insurance fee.

The unemployment benefit is valorisated every year on June, 1st. The valorisation is based on the inflation rate.

2. Have you got a social security system regarding unemployment ?

According to regulation regarding healthcare which is financed from public budget the unemployed who is not insured from different title (i.e. as the member of a family of employee) is entitled to have social insurance fee paid by the Unemployed Agency. Discharged of duty to pay healthcare insurance is the unemployed person who has family ties with somebody who is employed (i.e. spouse). The District Employment Agency is

obliged to register the unemployed to healthcare security system within 7 days after registering the person as unemployed. When unemployed persons are going abroad to European Union countries they have to fill a special questionnaire in order to obtain access to healthcare system in other European Union countries (it works the same as for employees). It works until such a person finds a legal job position abroad.

3. Is this social security system mandatory?

Yes.

4. Who pays contributions to this social security system.

For unemployed persons – District Employment Agency

5. How high are these contributions.

9% of unemployment benefit.

6. What are the conditions for entitlement to unemployment benefits (time of paying contributions; availability to work; leaving the last job only with good cause.....)?

The answer was given in response to the first question. In case when the employee resigned from work (it was his or her decision) or agreed with the employer on leaving the position, needs to wait for 90 days before he or she can get unemployment benefit. When employee was dismissed on disciplinary grounds the unemployed benefit is paid after 180 days. Getting the unemployment benefit rules out working at the same time. The unemployed must be ready to accept any job proposition.

7. How high are unemployment benefits (percentage of last income)?

The basic is 717 zloty (approximately 180 euro) but this is basic. If the unemployed has been employed for less than 5 years he or she is entitled to receive only 80 % of basic benefit. The rest of the answer was given in response to the first question.

Answers were prepared by Judge Aleksandra Rutkowska – Sąd Rejonowy dla Wrocławia – Śródmieście we Wrocławiu (District Court Wrocław – Center in Wrocław).