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***Care needs and migration for domestic work:  
Ukraine-Poland***

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Global Action Programme on Migrant Domestic Workers and their Families  
An ILO/UE project

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## Abbreviations and acronyms

CBOS	Centrum Badania Opinii Społecznej (Public Opinion Research Centre)
CIS	Commonwealth of Independent States
CMS	Centre of Migration Research
CSO	Central Statistical Office
DW	domestic worker
EC	European Commission
EMN	European Migration Network
EofDW	employer of domestic worker
EU	European Union
FRA	European Union Agency for Fundamental Rights
GDP	gross domestic product
HDI	Human Development Index
IFAD	International Fund for Agricultural Development
IOM	International Organization for Migration
LMD	Labour Market Department
MDW	migrant domestic worker
MIA	Ministry of Internal Affairs
MPC	Migration Policy Centre
NFZ	National Health Fund
NGO	non-governmental organization
OECD	Organisation for Economic Co-operation and Development
PDW	Polish domestic worker
PIP	Państwowa Inspekcja Pracy (Labour Inspection Agency)
PKD	Polish Classification of Activities
PLN	Polish Zloty (currency)
REGON	National Official Business Register
UAH	Ukrainian Hryvnia (currency)
UNDP	United Nations Development Programme
ZUS	Office for Social Insurance



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## Introduction

Migrant domestic work in Poland is a new occurrence. It started in the mid-1990s, when the economic decline of the former Soviet Union was accompanied by a relaxation of border regimes, facilitating international mobility. Migrants, predominantly from western Ukraine, started circulating between their place of origin and Poland in search of work. Their movement was based on social networks. Many of the Ukrainian migrant women who work in Poland in the domestic work sector fit the definition of so-called “incomplete” migration. In contrast to what can be understood as “complete” migration (which leads to long-term settlement), incomplete migration refers to intense circulation between the country of origin and the country of immigration. A person engaged in incomplete migration spends the majority of the year in the country of immigration and the income earned abroad constitutes an important part of the overall household income in the country of origin (Jaźwińska and Okólski 2001).

For migrant women, domestic work in Poland has provided a relatively fast and easy access to a source of income. By the 1990s a revival of the domestic work sector had begun, with both Polish and Ukrainian women working – mainly without a formal legal contract – as cleaners and caregivers. However, changes in the access of migrant domestic workers to the Polish labour market have occurred, with preference given to those responsible for care, due to Poland’s changing demographics (accelerated ageing). In 2014 the implementation plan of the document Poland’s migration policy: Current state of affairs and recommended actions was accepted, which lists, among foreign workers with the necessary qualifications, “nationals of Belarus, Georgia, Moldova, Russia or Ukraine carrying out care or house work for private households” (MIA, 2014, section 1.1.3, our translation) and recommends facilitated access to the labour market for them. As a result, nationals of Ukraine do not have to go through the labour market test to receive a work permit to be employed as caregivers.

This report outlines the main characteristics of Ukrainian migrant domestic work in Poland. Its structure is as follows. Section 1 provides basic economic, labour market and migration information on Poland. Section 2 concerns Poland’s regulatory framework applicable to national domestic workers (DWs) and to migrant domestic workers (MDWs). Migration modalities, regulation and policy are discussed in section 3. Section 4 analyses the perceptions, attitudes and behaviour of employers of DWs and MDWs, based on qualitative research results. Section 5 follows with a detailed discussion of care policies and practices in Poland. A brief assessment of the extent to which MDW issues are currently of political relevance can be found in section 6. The report also includes a short analysis of data and knowledge development on Ukrainian MDWs in Poland. It provides conclusions and a set of recommendations.

The report recommends improving knowledge of the topic and enhancing the match between employees (their skills and qualifications) and the sector’s particularity (visible demand, required increase in lawful employment and guarantees of labour rights). It calls for a simplification of the existing labour regime to make legal employment of domestic workers appealing to both employers and employees. It advocates the empowerment of and provision of voice to MDWs, so that they are able to defend their rights. All of this should be accompanied by a cultural change, backed up by appropriate political developments, to increase the social value of domestic work and to introduce family-friendly working environments and policies.





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## 1. Basic economic, labour market and migration information

In 2007, 3 per cent<sup>1</sup> of Polish households (approximately 400,000) declared hiring a person for domestic services (Grabowska-Lusińska and Żylicz, 2008).

The following factors influence the demand for domestic work and labour supply to this sector in Poland.

- The demand for domestic workers is shaped by:
  - the overall economic situation of Polish society, which provides the economic potential to outsource domestic work;
  - the labour market participation of women, creating demand for delegating care and household tasks;
  - the demographic characteristics of Polish society, especially fertility and ageing as phenomena connected to the demand for care; and
  - the migratory patterns of Polish citizens, with their potential to create care drain.
- The supply of domestic workers from Ukraine is affected by:
  - the degree of economic polarization of Polish society and the overall labour market situation (i.e. unemployment), affecting the supply of Polish domestic workers; and
  - the socio-economic situation of Ukraine (including the demographic and labour market situation and differences in economic potential).
- Migration from Ukraine is affected by:
  - the perception of migration as an economic strategy of Ukrainian households;
  - the characteristics of Poland as a receiving country (estimates of number of migrant workers, their personal and labour characteristics; cross-border data, etc.); as well as the modalities of MDWs in Poland; and
  - the political situation of Ukraine.

### The demand for domestic workers

#### ***Overall economic situation of Polish society: Economic potential to outsource domestic work***

The current condition of the Polish economy can be described as rather favourable, especially in comparison with most European economies hit by the post-2008 economic crisis (see table 1). The income gap and the development gap, as measured by the Human

<sup>1</sup> Official data on DWs in general and on MDWs in particular is highly limited due to unofficial character of their work. The information available through official sources does not reflect the existing reality of the domestic work sector.

Development Index (HDI), are declining. Since 2009 Poland has belonged to the ‘Very High Human Development’ group (top 49 countries with highest HDI levels; see UNDP, 2013). GDP per capita has grown continuously to achieve 66 per cent of the EU-27 level in 2013. The 2013 employment rate was as high as 60 per cent, i.e. significantly higher than in the pre-accession period to the European Union (around 51 per cent in 2003), but still low in comparison with other EU countries (mainly due to high unemployment, relying on social benefits and a significant grey economy). The group of individuals with the capacity to afford outsourcing domestic work is growing in Poland. Meanwhile, due to the economic polarization process (see table 1), the group of individuals lacking economic stability is also increasing. The average monthly salary in Poland is considerably lower than in other EU Member States, equivalent to approximately US\$780 net in 2015 (compared to US\$2,400 in Germany or US\$3,000 in the United Kingdom). Those seeking better wages look for employment outside their home localities, in larger cities and abroad.

**Table 1. Selected macroeconomic indicators for Poland, 2001–13**

Measure	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Real GDP growth	1.2	1.4	3.9	5.3	3.6	6.2	6.8	5.1	1.6	3.9	4.5	1.9	1.3*
GDP per capita in Purchasing Power Standards (PPS) (EU-27 = 100)	47.5	48.3	48.9	50.6	51.4	52.3	53.8	57.6	61.0	62.0	63.0	65.0	66.0
General government surplus/deficit as % of GDP	-5.1	-5.0	-6.3	-5.7	-4.1	-3.6	-1.9	-3.7	-7.5	-7.9	-5.0	-3.9	n.d.
General government consolidated gross debt as % of GDP	37.6	42.2	47.1	45.7	47.1	47.7	45.0	47.1	50.9	54.9	56.2	55.6	n.d.
FDI, flows as % of GDP	3.0	2.1	2.2	5.1	3.4	5.7	5.5	2.8	3.2	3.0	3.7	0.7	n.d.
FDI, stocks as % of GDP	22.0	21.8	24.0	31.1	31.4	35.1	38.8	32.2	41.5	45.3	41.1	n.d.	n.d.
Consumer price index (%)	5.5	1.9	0.8	3.5	2.1	1.0	2.6	4.2	4.0	2.7	3.9	3.7	0.9**
Employment rate (15-64)	53.4	51.5	51.2	51.7	52.8	54.5	57.0	59.2	59.3	58.9	59.3	59.7	60.0
Unemployment rate (LFS)	18.3	20.0	19.8	19.1	17.9	13.9	9.6	7.1	8.1	9.7	9.7	10.1	10.4***

Notes: n.d.= no data. \* Forecast value (EUROSTAT). \*\* Percentage change m/m-12 (as for September 2013). \*\*\* As for September 2013.

Source: SOPEMI 2013 report based on Eurostat, CSO and National Bank of Poland data (Kaczmarczyk, 2013).

### ***Labour market participation of women, creating demand for delegating care and household tasks***

From the beginning of the political and economic transformation in 1989 women’s employment rate declined significantly, and unemployment among women was more pronounced than among men (Gawrycka, Wasilczuk and Zwiech, 2010; Janowska, Martini-Fiwek and Góral, 1992; Mandal and Ratajczak, 1995). In addition, although the employment rate has been steadily growing for both sexes since the mid-2000s, the gender gap within the employment rate has remained and even expanded, from 13 per cent in 2001 to 15.5 per cent in 2013 (see table 2). The economic activity rate however, also growing from the beginning of the 2000s for both sexes, shows a diminishing gap between men and women, from 10 to 8 per cent between 2003 and 2013 (table 3).

More women than men work in the public sector, which is more stable but offers lower earnings; more often women are employees and not employers or running their own company. Women are underrepresented amongst higher officials and managers (CSO, 2012).

Despite the official propaganda of gender equality during communism, women did face lower expectations in terms of work achievements, had lower earnings and fewer opportunities to develop a professional career (Okólski, 2006; Jarska, 2011). At present, women – although still discriminated against in the labour market – experience high pressure to have fully-fledged labour market careers, the ever-present “double burden” (Marody and Giza-Poleszczuk, 2000; Sokołowska, 1977), lack of renegotiation of the division of household tasks (Duch-Krzystoszek, 1996; CBOS, 2013) and worse child-care facilities (Hardy, 2009).

Women’s situation in the labour market, namely lower employment and economic activity rates, the earnings gap, long working hours and overtime, combined with unequal distribution of household and care responsibilities, are said to be responsible also for the very low fertility rate in Poland (Matysiak, 2009). The concurrent demands of the labour market and of household needs have to be coped with primarily by women, who eventually, if they can afford it, turn to delegation of household tasks to non-household members.

**Table 2. Employment rate for Poland, 2001–13**

Employment rate, persons aged 20-64	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Males	66.0	63.6	63.1	63.5	65.1	67.3	70.2	73.0	72.6	71.3	71.9	72.0	72.1
Females	53.0	51.4	51.2	51.2	51.7	53.1	55.5	57.3	57.6	57.3	57.2	57.5	57.6
Total	59.4	57.4	57.1	57.3	58.3	60.1	62.7	65.0	64.9	64.3	64.5	64.7	64.9

Source: Eurostat, available at: <http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&plugin=1&language=en&pcode=tsdec420>.

**Table 3. Economic activity rate for Poland, 2003–13**

Economic activity rate, persons aged 20-64	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Males	75	75	75	75	75	76	76	77	77	77	78
Females	65	65	65	64	64	65	66	67	68	69	70

Source: CSO, 2012, 2014b.

### ***Demographic characteristics of Polish society, especially fertility and ageing as phenomena connected to the demand for care***

Poland is a country of net emigration with a very low fertility rate – TFR at 1.256 in 2013 (CSO, 2014a) – and in the process of an accelerated ageing of the population; currently people aged 65+ form 13.4 per cent of the population but by 2060 their share is estimated at 34.7 per cent (European Migration Network and European Policy Committee, 2011). Due to the low fertility rate, the demand for paid child care will probably not increase – although the hiring of a nanny is one of the ways to cope with the labour market pressures on young parents, especially as institutional care services for infants aged 0–3 are scarce (Grotkowska and Sztandar-Sztanderska, 2009). However, due to the ageing of population and future shortages of those who can provide care within the framework of the Polish (informal) family care regime (Wóycicka, 2009), the demand for paid care for the elderly will be on the rise.

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As we explain in section 5 on care policies, the public services are already insufficient, expensive and culturally resisted. After a reform introduced in 2004 the system changed. From being fully state-funded it became mixed, with part paid by local governments and part by the elderly people themselves or their families. The number of people granted places in nursing homes has decreased and the elderly are often kept for exceedingly long period so time in care-treatment hospital wards financed by the public National Health Fund [NFZ] (Augustyn 2010). Between 2003 and 2008 the number of public nursing homes in Poland fell from 169 to 143, and the number of residents decreased from 13,000 to 10,000. (Augustyn 2010). Preliminary results of the MIG/AGEING project's study show that this results in yet stronger resentment of nursing homes, now both cultural and economic (<http://migageing.strony.uw.edu.pl/>). At the same time, private nursing homes are flourishing. There are various possible explanations of what seems to be a contradiction between the resentment of potential clients towards nursing homes and the growing number of these homes. Assuming that the criticism actually translates into refusals to move to residential homes, those opening such homes have either adopted the wrong business strategy or are counting on future changes in attitudes towards such institutions, changes deriving from different perception of private in contrast to public facilities, as well as on clients from abroad (since the private residential homes in Poland are cheaper than those in Germany). It is estimated that due to labour shortages caused by ageing, in 2050 Poland will need as many as almost 160,000 immigrants annually to compensate (Strzelecki, 2012), one of the employment sectors in need of labour force being the care sector. All this may contribute to a rise of private home-based and institutional care, including providers employing migrant workers, for those groups that can afford these solutions.

### ***Migratory patterns of Polish citizens: Care drain and care chains***

Poland's demographic situation is atypical. Although it is characterized by the low fertility rate and accelerated ageing common to other European countries, these processes coincide with a substantial emigration of Polish citizens and a low level of immigration. According to the 2011 population census, 52 per cent of Poles emigrating abroad are women (Slany and Ślusarczyk, 2013). Most (62 per cent) of the migrants are young (aged 20–39). Polish women undertake jobs in the domestic work sector in such countries as Austria, Belgium, Germany, Italy or the United Kingdom. Some Polish grandparents, among them especially women, migrate to look after their grandchildren abroad, as “flying kin” (Kilkey and Merla, 2013).

There are no documented examples of care chains – a situation where a household sending a person abroad to carry out care work itself employs an immigrant to perform remunerated care work. There is anecdotal evidence of neighbours being paid for care work in migrant households, but no research was carried out concerning payment to family members for carrying out such work (excluding here the remittances sent by migrants to support the everyday expenses of the household). However, we assume that some of the women who emigrate would otherwise undertake domestic jobs in other Polish (mainly urban) households, so the situation is close to what is called care drain. This is especially visible in those regions with high outflows and poses a challenge to local governments. For example, in the Opolskie region, the county authorities have to cover the full costs of home-based care or social assistance provided to the elderly from emigrant families, as it is often difficult to find evidence on the real income of those working abroad (Solga, 2013).

To summarize, the demand for household services in Poland will be increasing due to a relatively stable economic situation and rising incomes, especially in economically advanced urban regions (rising demand for elderly care), as well as due to the more intense participation of women in the labour market.

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## The supply of domestic workers

### ***Economic polarization of Polish society and overall labour market situation***

Since the systemic transformation began in 1989, Polish society has experienced the negative effects of major structural economic change. This was visible in a high unemployment rate (with its peak in 2002 at 20 per cent) and the precarization of work, a decrease in the availability of public services including child care, as well as a deterioration in the housing situation due to higher rents on the free market and lack of investments in public housing (Hardy, 2009). At the same time, the capitalist market economy led to a rapid economic advancement of a few, the so called “winners of transformation”, majority experienced ambivalent changes, with the situation of many people worsened. E.g. 7.4 per cent of the Polish population, around 2.8 million, lives below the subsistence minimum, which means having to survive daily on around 6 US\$ per person (in single households) – 5 US\$ per person (in shared households) (CSO, 2015). Thus the overall result was an economic polarization of society.

Poland’s accession to the European Union (EU) in 2004 and the simultaneous opening of the United Kingdom’s and Ireland’s labour markets to citizens of the new EU Member States were followed by significant emigration to those countries. This resulted in a decrease in the unemployment rate to below 10 per cent in 2007 (see table 4; there was a slight increase by 2013 to 13.4 per cent) and a general improvement in the economic indexes.<sup>2</sup> For the past 20 years remittances have played a growing role in the Polish economy, increasing from 0.5 to 1.5 per cent of GDP in the years 1995–2011, with a peak of 2.5 per cent of GDP in 2006–07. Remittances have contributed to the growth of real disposable income and to an increase in household consumption contributing a further 0.1 percentage points to GDP from 4.3 to 4.4 per cent (Barbone et al., 2012).

Socio-economic conditions vary greatly among Poland’s regions. In 2014, in the Mazowieckie region, which includes the capital city Warsaw, the unemployment rate was 10.1 per cent, in Warsaw itself the unemployment rate was 4.6 per cent. The overall rate for Poland was 11.7 per cent, but in the Warmia-Masuria region, for example, it was 18.4 percent.

There is currently a local labour force willing to undertake domestic work, especially in regions with high unemployment and in rural areas (Krzyszowski, 2007). Unemployment rates continue to be higher among women, which make them more eager to seek employment outside of their localities in the domestic work sector. Women from smaller towns and rural areas are found in the domestic work sector in Warsaw (Kordasiewicz, 2012).

<sup>2</sup> Central Statistical Office (CSO), data on unemployment in Poland <http://stat.gov.pl/obszary-tematyczne/rynek-pracy/bezrobocie-rejestrowane/bezrobotni-oraz-stopa-bezrobocia-wg-wojewodztw-podregionow-i-powiatow-stan-na-koniec-sierpnia-2014-r-,2,23.html>.

**Table 4. Unemployment rate for Poland, 2005–12**

Unemployment rate	2005	2007	2009	2012
Males	16.6	9	7.8	9.4
Females	19.4	10.4	8.6	10.9
Total	17.9	9.6	8.1	10.1

Source: OECD, 2013.

According to survey data results from 2003 and 2007, respondents declared that they employed Poles more often than foreigners in their households. Only around 10 per cent of those employed to work in private households were foreigners (Domaradzka and Morecka, 2004; Grabowska-Lusińska and Żylicz, 2008, respectively).

### ***The socio-economic and labour market situation of Ukraine***

Poland and Ukraine share a historical legacy. In the early 1990s the paths of the two countries diverged. Poland gradually reformed its economy, initially within the framework of the so-called “Balcerowicz plan” that enacted the transformation from a centrally planned economy to a capitalist market economy with the support of the International Monetary Fund and the World Bank. Following this, Poland adapted its economic, legal and political institutions to EU structures and finally became an EU Member State in 2004. These reforms did not take place in Ukraine.

The low fertility rates and population ageing are comparable in the two countries (table 5). However, key indexes differ substantially: life expectancy (high mortality rates in Ukraine, especially for males); the Human Development Index (HDI) (Ukraine –0.74, Poland 0.821); and the economic indexes, which are much more favourable for Poland in terms of GDP as well as GDP per capita (Hofmann and Reichel, 2011; MPC, 2013).

**Table 5. Ukraine and Poland, basic demographic data, 2011**

2011	Ukraine	Poland
Surface (square kilometre)	603,550	312,680
Population (millions)	45 190	38 299
Population density (per square kilometre)	74.9	122.8
Fertility rate	1.5	1.4
Life expectancy at birth (females and males, years)	74.6/63.5	80.6/72.2
GDP (million current US\$)	165 245	514 115
GDP per capita (current US\$)	3 657.0	13 424.0
Unemployment rate (%)	7.9	9.6

Source: UNDP (UN data, available at: <http://data.un.org/CountryProfile.aspx?crName=UKRAINE>).

### **The migratory situation of Ukraine**

Ukraine currently is a migrant-sending and migrant-receiving as well as transit country. In 2012 there were estimated 1,869,255 Ukrainian citizens residing abroad, 4.1 per cent of the

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total population (MPC, 2013).<sup>3</sup> The European Union is a major destination for over one million Ukrainian migrants, 56.3 per cent of those emigrating. Among EU countries the most important destinations are: Poland (227,446, 12.2 per cent), Italy (201,830, 10.8 per cent) and Germany (153 393, 8.2 per cent). Other major destinations are the United States (18.8 per cent) and Israel (13.8 per cent). CIS countries and Georgia host 6.1 per cent of Ukrainian migrants (MPC, 2013).

### ***The perception of Ukrainian (female) migration as an economic strategy***

In the first decade of the 21st century cross-border labour migration became a crucial strategy for Ukrainians, undertaken by 20 per cent of the working-age population (10 per cent of total Ukrainian population) (Strielkowski, Glazar and Weyskrabová, 2012). By 2006 almost 16 per cent of Ukrainian households had at least one member who had experienced working abroad (Siar, 2008). According to a survey carried out in 2008, around two-thirds of Ukrainian emigrants were male, but there were also gender patterns for receiving countries: e.g. Germany, Greece and Italy received a larger share of female immigrants. According to the same study, in Poland there were more males than females among Ukrainian immigrants, but the share of Ukrainian women immigrants was larger than the overall ratio for women immigrants to Poland (MPC, 2013).<sup>4</sup>

Officially, remittances contribute to 3 per cent of Ukrainian GDP (MCP, 2013), but some studies show that it could be as high as 8 per cent (IFAD, 2006) or even 20 per cent (Markov, 2009) if we take unofficial channels into account.<sup>5</sup> The role of women in sending remittances is vital; according to studies on migration they are more reliable than men as senders and managers of remittances (Tolstokorova, 2012). There are currently no estimates as to the proportion of women's versus men's contributions to the remittances, as the issue is highly debatable and estimations vary (ibid.). It is worth observing that while female migrants contribute to the economic and social well-being of the family back home, at the same time the migration experience has a limited empowering impact on the women themselves (ibid.).

### ***Characteristics of Poland as a receiving country***

Poland is currently a country of both emigration and immigration, a massive increase in trans-border mobility, including out-migration, was observed after 1989. The peak of this mobility was noted in 1995 at around 89 million arrivals of foreigners. After the Polish accession to the European Union in 2004 the number of arrivals stayed relatively stable at the level of 50–60 million annually, but dropped in 2009, mostly due to unfavourable

<sup>3</sup> Migratory statistics for Ukraine often show a double set of figures, one including, one excluding those Ukrainian migrants who were born in the Soviet era on Ukrainian territory, but were so-called “ethnic Russians”, not Ukrainians, who are mobile mostly between Ukraine and the Russian Federation (MPC, 2013). The figures presented in this section exclude “ethnic Russians”.

<sup>4</sup> Another study shows Ukrainian emigration as distinctly feminized. Concerning the gender ratio of Ukrainian citizens in the EU, women are clearly overrepresented: almost 60 percent of Ukrainians residing in the EU were female in 2009. Particularly in Italy, Austria, Bulgaria, the Netherlands, Poland, Slovenia and Sweden women represent 70 percent or more of all Ukrainian immigrants. This high share of females among Ukrainian immigrants is not observable in all EU countries. Especially in the Czech Republic, Denmark, Portugal and the Baltic countries the percentage of men among Ukrainian immigrants is considerably higher (Hofmann and Reichel, 2011).

<sup>5</sup> For data on remittances for Ukraine see <http://www.bank.gov.ua/doccatalog/document?id=80651>.

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economic conditions Europe-wide. Since 2010 the scale of border crossings has been rising: in 2013 a total of 31.8 million crossings was reported at the Polish part of the EU external border. According to data for the fourth quarter of 2014, half of the total crossings were between Poland and Ukraine (3,972 million), an increase of 20 per cent in comparison to the previous year, and between these two countries Ukrainians comprised 97.5 per cent of persons crossing the border (CSO, 2012; for further details see Kaczmarczyk, 2013).

The scale of immigration to Poland is to some extent reflected in the data on residence permits. In 2013, 121,000 foreigners possessed valid residence cards. About half of them authorized migrants to a temporary stay and 42 per cent to a permanent stay; 31 per cent of valid residence cards belonged to Ukrainian citizens, followed by citizens of Viet Nam (11 per cent), Russian Federation (10 per cent), Belarus (10 per cent), China (4 per cent) and Armenia (4 per cent).<sup>6</sup>

The large share of grey zone economy in Poland (Łapiński, Peterlik and Wyznikiewicz, 2014) and the social acceptance of unofficial work, especially in the domestic work sector, is a pull factor for migrants. Undeclared employment of foreigners is estimated at between 50,000 and 300,000 (Górny et al., 2010); although according to unofficial sources this number may amount to even one million. Although the law on access to the labour market for foreigners has been liberalized (see section 2), and restrictions on controlling the legality of work performed by foreigners have been introduced (in 2009 such competency was also given to the Border Guard the National Labour Inspectorate had been responsible for this since 2007), it is not yet clear whether this has actually translated into a decrease in unofficial work. As experts claim, the visibility of MDWs in the registers seems much lower than the actual scale of their presence in the labour market. The official data on declared employment of migrant domestic workers in Poland show, for instance, 12,984 work permits for MDWs issued between 2010 and 2012, about 11 per cent of all work permits issued in this period; whereas declarations of intent to hire a foreigner registered in this period for MDWs amounted to about 3.7 per cent of all declarations registered.<sup>7</sup> This means that while the majority of MDWs enter with visas issued on the basis of employers' declarations, these are not declarations to hire them in the domestic work sector, but rather in agriculture.

The main group of immigrants in Poland are Ukrainians, who are often involved in "circular" labour migration (that is, circulating between Poland and Ukraine every two or three months; see Kaczmarczyk, 2013). Poland is characterized by geographical, cultural and linguistic proximity, and generally perceived as "safe" and familiar by Ukrainian migrants, but with lower wages than other EU countries such as Germany or Italy (Kindler, 2011). There are also historical ties between Poland and especially Western Ukraine, which was part of the Polish State before World War II. A number of Ukrainians have Polish roots and thus can apply for a special residence status, for instance through the Polish Charter (Karta Polaka, see section 3), which again allows them to circulate freely between the two countries or to keep a legal status of stay and work in Poland. This circulation allows migrants to care for their families in Ukraine (Kordasiewicz, 2011).

The domestic work sector in Poland is part of the grey sphere of the economy. Ukrainian migrant women find jobs in the domestic work sector primarily through social networks. Their duties range from cleaning, washing and cooking to child and elderly care. However, it seems that child care is the type of domestic work least available to immigrants from

<sup>6</sup> Data from the Office for Foreigners, available at: [www.udsc.gov.pl](http://www.udsc.gov.pl).

<sup>7</sup> According to statistics provided in interview with the representative of the Ministry of Labour and Social Policy.



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Ukraine, due to language barriers and the circular nature of their migration, while cleaning work and elderly care are the most accessible to them. Care of the elderly is the most strenuous physically and mentally, and Polish women are less willing to carry out this type of care and to live in (Samoraj, 2007; Kordasiewicz, 2010a). Working conditions range from a combination of weekly cleaning jobs paid per hour or per workload and live-in jobs with 24 hours care work. The crucial difference is between those who are living in and living out, with live-out domestic workers having more autonomy and usually better earnings than those living in. Although Ukrainian women often start their migration experience living in (wanting to minimize their expenses), in general with time they shift to living out and this form seems to be predominant (Kindler, 2011). This is also partly related to overall housing conditions and the fact that Poles have rather small apartments, unable to accommodate another person in a separate room. Also, those who are living in work mainly for one employer, with some ad hoc cleaning jobs, which means greater dependency on the employer and thus the risk of precarious work. Those living out and working as cleaners work for multiple employers and have more opportunities to change unfavourable working conditions.

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## 2. Regulatory framework applicable to national DWs and MDWs

Although there are legal possibilities for declared work in the domestic work sector, it must be borne in mind that: (i) the informal economy is widespread (Schneider, 2013; Łapiński et al., 2014); (ii) even in cases of official employment, employment regulations are notoriously violated in all sectors of the labour market (PIP, 2013); and (iii) services such as cleaning, delivered in private houses, are often short-term and the receivers of these services rarely pay attention to formalizing the work relationship, especially if they need the services of a domestic worker on an ad hoc basis.

### General regulatory framework for domestic workers

Domestic workers are identified as workers and categorized into different jobs in the classification of professions and specializations (*klasyfikacja zawodów i specjalizacji*).<sup>8</sup> The classification of social and household activities (*klasyfikacja działalności gospodarczej*)<sup>9</sup> in 2008 includes the category “domestic household employing workers”.

According to the general regulations, regular work in the domestic work sector should be based either on an employment contract or on a contract of mandate (see table 6).

**An employment contract** remuneration cannot be lower than the minimum wage (in Poland: in 2015 for the full time employment it was PLN 1,750 gross (approximately US\$470). Working time as well as start and end times should also be included in the contract, which may be fixed term (temporary) or indefinite (permanent). Health and social contributions are mandatory, giving an employee rights to paid holiday leave, sick pay (for the first month paid by the employer and if the leave is longer or if it is maternity (26 weeks) or parental leave (an additional 26 weeks), paid fully by the state Office for Social Insurance), and unemployment benefits. The duration of work during full-time employment is limited to 40 hours per week, and extra hours or work during holidays (Sundays, Christmas, Easter, etc.) should be paid extra. Moreover, an increase in the length of employment is used as the basis for future entitlements, which means that the longer the official employment lasts, the higher the remuneration of the employee.

<sup>8</sup> Attachment to the Regulation by the Minister of Labour and Social Policy of 27 April 2010 (*Journal of Laws*, No. 28, item 537), changed by the Regulation of the Minister of Labour and Social Policy of 12 November 2012 (*Journal of Laws*, item 1268). The following jobs are listed: child-care worker, home-based child-care worker, elderly-care worker, home-based care worker, as well as in the category of workers carrying out simple tasks: household aid and cleaners.

<sup>9</sup> Regulation of the Council of Ministers, 24 December 2007, on the Polish Classification of Activities (PKD) (*Journal of Laws*, No. 251, item 1885, with amendments). This classification has been changed since 2009 into the National Official Business Register (REGON).

**Table 6. Overview of legal provisions for domestic work in Poland\***

Type of legal service provision	Legal basis	Character of work	Covered by the Labour Code	Social and health contributions	Taxes	In use
Employment contract ( <i>umowa o pracę</i> ). Temporary or permanent.	Regulated by the general Labour Code (Act of 26 June 1974).	Work is provided on a regular daily basis under the supervision of the employer, in an assigned place.  Examples of benefits stemming from this contract: paid vacation, minimum wage, previous work experience taken into account in level of remuneration and contribution to future pension.	Yes	Yes, paid by employer, calculated in two forms: as employer and employee cost depending on wages; for minimum wage of PLN 1,750 (approx. US\$470) the health contribution is approx. PLN 136 (approx. US\$36.5), social insurance is approx. PLN 560 (approx. US\$150), labour fund approx. PLN 43 (approx. US\$11.5); total equal to US\$198).*** Amounts based on the sum of remuneration.	Yes, employer responsible for paying taxes on a regular basis (amount depending on the contract).	Rarely (mainly care work; often covers only part of work performed, not full-time contracts).
Contract of mandate ( <i>umowa zlecenie</i> ). Temporary – specified period of work.	Civil Code (Act of 23 April 1964).	Work is carried out in a limited time frame and involves specific actions. Benefits with this type of contract are limited (no paid vacation, no minimum wage). Health and social contributions paid.	No	Yes, paid by employer (no labour fund). If there is no other basis for social insurance, all contributions apart from the labour fund have to be paid (amounts based on the sum of remuneration).	Yes, employer responsible for paying taxes on a regular basis (amount depending on type of contract).	Frequent
Task-specific contract ( <i>umowa o dzieło</i> ). Temporary.	Civil Code (Act of 23 April 1964).	Signed for performing specific tasks till specified deadline.  No additional benefits.	No	No, health contributions paid if the signed contract relates to work for the same employer, with whom the work contract is already signed.	Yes, employer responsible for paying taxes on a regular basis (amount depending on type of contract).	Relatively frequent
Private business ( <i>działalność gospodarcza</i> )****.	Freedom of Business Activity Act (2 July 2004).	Specified by business owner.	No	Yes, paid by business owner (about PLN 1,000, approx. US\$300 monthly); if this is additional work and social insurance is paid by an employer in another employment contract, it is possible to lower the social contribution, offset by the cost of running a private business.	Yes, paid by business owner (domestic worker).	Rarely

Notes: \*Information in this table assumes that the work carried out under the contracts is the main source of income. \*\*Contribution rate for 2015. \*\*\*See Office for Social Insurance (ZUS), available at: <http://www.zus.pl/seminariaprognozy/default.asp?p=1&id=35>. \*\*\*\* Restrictions apply for foreign citizens to establish and run own business, see next section Regulatory framework for migrant domestic workers.

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However, employment in this sector usually remains unofficial. Employers are rarely willing to sign employment contracts with domestic workers, mainly due to the high share of contributions they have to pay (see table 6) and the formalities required: before starting any work on the basis of an employment contract, an employee must undergo a medical examination and training in security and hygiene issues. As the interviews with DWs and MDWs show, when employees want an employment contract employers are only willing to agree when the employee will bear the cost of formal employment. As a result, employees are not interested in having a signed contract since it means lower remuneration. In some cases employees, especially foreigners agree to sign such contracts and pay contributions from their own salary; the contract helps them to prove that they are working legally when they wish to prolong their residence permit or get a new visa with the right to work. Those who sign contracts often engage in “falsely declared employment”; for example, the contract stating that employment is part-time whereas the employee works full-time. All these discrepancies stem from the obligation to offer at least the minimum wage, which also implies the obligation to pay all contributions in accordance to the wage offer.

There are two kinds of **civil law contract**: contract of mandate (signed for a specified time and specified activities to be carried out) and task-specific contract (signed for performing specific tasks with a specified deadline). **The contract of mandate** requires paying not only tax but also health and social contributions, if the social contributions are not paid for the employee at another place of work. Thus, this type of contract still is too costly for employers and employees, although its signing does not require so many formalities as in case of an employment contract.

In the case of a **task-specific contract**, the scope of the necessary formalities is very narrow. Only taxes need to be paid, unless this contract is not signed with the same employer who hires the domestic worker on a work contract. The task-specific contract provides no means of security (insurance, paid annual leave, paid sick leave, limit of working hours, etc.), so that neither employees nor employers are very interested in signing this type of contract, although this type of contract may give the formal confirmation of work relation between the employee and the employer. Nevertheless, signing such a contract would mean the obligation to pay taxes, which is often avoided in the domestic work sector.

Although such civil law contracts enable flexible work and do not attach a DW to one employer, they provide a very narrow scope of protection. They are even called “trash contracts” (*umowy śmieciowe*), since while they formalize the employment relation they do not constitute a sufficient basis for accessing labour rights.

As the interviews carried out during this research and other studies show, employers are more willing to employ DWs on the basis of contracts when they have their own businesses. Then they employ the DW in their companies, but the services provided are performed in the private house of the company’s owner allowing the employer to deduct taxes.<sup>10</sup>

Domestic workers potentially can also start their **own business**<sup>11</sup> and issue invoices for the services they deliver. In this case they are required to pay the full amount of health and

<sup>10</sup> If the employer runs his/her own business, hiring a person to clean counts as a cost of running the business and thus decreases company profits and consequently the tax to be paid. If the DW works also in the private household, it means that the cost of having the private house cleaned is also the basis for calculating the taxes.

<sup>11</sup> Act of 2 July 2004 on Freedom of Economic Activity (*Journal of Laws*, 2013, item 672).

social contributions as well as taxes (approximately US\$300) even in those months when they are without work. Thus, owning a business in the domestic work sector does not seem to be common. It is even less common among migrant domestic workers due to restrictions for foreigners in starting one's own business as will be discussed in the following section.

## Regulatory framework for migrant domestic workers

To access the Polish labour market, Ukrainian MDWs<sup>12</sup> require a work permit or a declaration of intent by the employer to hire a foreigner (see table 7).

**Table 7. Legal requirements regarding access of Ukrainian nationals (including domestic workers) to the labour market in Poland**

Type of legal access to the labour market	Legal basis	Duration of access	Costs
Work permit	Act on Promotion of Employment and Labour Market Institutions of 2004, also Act on Aliens of 2013.	Indicated in the permit, but no longer than 3 years.	PLN 50–200 (approx. US\$15–60), depending on the type of a permit; application submitted by an employer or, since 2014, by an employee.
Declaration of employer's intention to hire a foreigner	A Decree by the Ministry of Labour and Social Policy to determine the cases, when a work permit is issued without the conditions needed to issue work permits to foreigners (Journal of Laws, 2009, item 85 with amendments).	6 months per year.	None; declaration registered by an employer.

A **work permit** may be applied for by an employer (since 1 May 2014 also by a foreigner within applying for a single work and stay permit), and it can be issued for up to three years. In general, its issuance should be preceded by a labour market test proving that no Polish worker can perform the duties offered. In the case of care work as well as cleaning services for private households, the labour market test is not required. From 2012 to 2014 the regional (voivodship) administrative offices issued 12,984 work permits without the labour market test. This constituted 11.14 per cent of all work permits issued in that period.

An employer has to pay an application fee for a work permit, from PLN 50–200 (approximately US\$15–60) depending on the type of permit, and has several obligations related to signing a contract, informing relevant institutions if an employee does not appear at work, or in case work conditions are changed, and so on. A contract signed with a foreigner having such a permit must include the same conditions as are stated in the work permit (remuneration, working time, post to be occupied, place of work).

A **declaration of intent to hire a foreigner** (*oświadczenie pracodawcy o zamiarze powierzenia pracy cudzoziemcowi*), which allows Ukrainians to work without a permit during six months in any one year, is a very important form of accessing the labour market. The number of declarations registered annually is high – in 2013 about 217,000 Ukrainian

<sup>12</sup> Unless they have permanent residence permit or EU long-term resident's permit or enjoy unlimited access to the labour market due to other reasons, such as possessing the Polish Charter.

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nationals were registered, of whom about 5,400 were registered by private households hiring workers (LMD, 2013), potentially domestic workers but also agricultural workers.

The employer has to register a declaration with an offer of temporary seasonal employment to a Ukrainian national; the declaration is then submitted to the county labour office and a copy sent to the potential employee serves as the basis for issuing a visa. The period between filing the application and receiving the visa varies between 7 to 30 days.<sup>13</sup> This solution does not entail any costs related to registering such a declaration, and no consequences if the potential employee will not start working for the employer or the employer is no longer interested in hiring a migrant when he or she comes to Poland to start work. The relation between potential employer and employee is only declarative.

However, if the employee starts working for another employer than the one who registered the declaration and/or the employer hires the foreigner unofficially, both the employee and the employer may be fined. The foreigner may be also issued a return order due to infringement of the conditions stated in the visa or short-term residence permit.

According to the Ministry of Labour and Social Policy, over 50 per cent of the contracts signed by foreigners working on the basis of declarations are task-specific contracts (no social security, etc.) and over 30 per cent are contracts of mandate (see table 6).

Since 2009 employers, who have employed a foreigner who entered on the basis of the mentioned declaration and work for at least 3 months, can apply for a work permit without the labour market test. However, in order to avoid labour informality, a decree by the Ministry of Labour and Social Policy introduced new requirements that are obligatory since January 2014 regarding the re-employment of migrants: it has to be the same job and a written work contract has to be signed; the work contract of the first job and social security proof of payment have to be attached to the application.

All in all, getting documents authorizing MDWs from Ukraine to work is relatively easy. However, for many employers the procedure is still too complex or time-consuming, although since 2007 the procedures have been simplified and become much cheaper. A further facilitation similar to the employer's declaration system is planned in the future not only for additional countries, but also for specific types of employment – potentially including domestic work, as declared by the expert from the Ministry of Labour and Social Policy.

Those immigrants who have a long-term legal status in Poland (such as a permanent residence permit or EU resident's card) have equal rights with Polish citizens in accessing the labour market. Foreign students are allowed to work (during the whole year or only during vacations, depending on the migratory status). This facilitated access of foreign students to the labour market is of relevance to the domestic work sector, as students in general, both Polish and foreign, tend to search for temporary types of jobs in child care or cleaning. Foreign graduates of Polish institutions of higher education (above high school) also do not need a work permit to access the labour market.

There are no special schemes or regulations regarding the employment of MDWs. They may be employed by both companies and individuals (not being a legal entity). Where they are officially employed, they are covered by the same regulations and have the same rights as Polish DWs. However, foreigners who want to start their **own business** in the domestic work sector have fewer opportunities than Polish citizens. Nationals of third countries (foreigners who are neither citizens of the European Union nor delegated by companies

<sup>13</sup> Due to dramatic increase in the number of visa applications submitted the time of processing visa applications became much longer, lasting even 3 months.

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based in EU territories) have to have a work permit to start a business. They may apply for a temporary stay permit on the basis of starting a business, but they can start only a particular type of a company (*spółka*) and the business has to be of profit to Poland, meaning that it has to either bring in 12 times the average remuneration<sup>14</sup> per year (equal to approximately US\$12,263) or employ two full-time persons, or prove that it has the financial resources to fulfil one of those two criteria in the near future.<sup>15</sup> These requirements make it difficult for immigrants to start their own businesses. Ukrainian immigrants, who are at the top of the list of foreigners having their own businesses in Poland, still constitute mere one percent of all Ukrainian migrants' working in Poland.<sup>16</sup>

On 1 January 2014 the Agreement between Poland and Ukraine on social insurance came into force. This is an important change and probably a motivation for MDWs from Ukraine to work officially in Poland. Those Ukrainian nationals who can prove that they have been officially employed (i.e. a basis for social contributions regardless of the place where these contributions were paid) will have their work experience recognized and counted towards the calculation of pension or retirement benefits. The Agreement includes the following transfers of financial benefits (portability of rights): sickness, accident, maternity or paternity leave, unemployment and funeral benefits, as well as disability benefits and pensions (EMN, 2014).

## Irregular migrant domestic workers

The legal conditions of entry, residence and work of third-country nationals in Poland strongly shape the situation of Ukrainian MDWs. Their legal status in general is characterized by the terms “façade/false legal stay” or “semi-legality”. Before the visa regime between Poland and Ukraine was reintroduced in 2003, Ukrainians usually travelled to Poland as tourists and worked in an undeclared fashion. Later on they applied for tourist visas, which enabled them to enter Poland legally. However, they predominantly worked undeclared, with a status in Poland that might be described as semi-legal. After Poland joined the Schengen zone, the visa system became more complex; however, the facilitations (such as declarations of intent to hire a foreigner) in accessing the labour market for the citizens of neighbouring countries, including Ukraine, were simultaneously introduced. An unknown number decide to overstay, through fear of not being able to obtain another entry visa; these migrants are living in a “twilight of legality” which reinforces their precarious status. More and more Ukrainians are considering acquiring residence permits that allow for a longer stay and work in Poland; this process may be intensifying due to the on-going unstable situation in Ukraine, as data from the Office for Foreigners show.<sup>17</sup>

<sup>14</sup> In the third quarter of 2014, average remuneration in Poland was PLN 3,781.14 (approximately US\$1,022); see <http://www.zus.pl/default.asp?p=1&id=24>.

<sup>15</sup> Act of 12 December 2013 on Foreigners (*Journal of Laws*, 2013, item 1650). Four categories of third-country nationals are able to undertake all the same types of business as Polish nationals: those who have a permit for long-term settlement, those who fall under the Polish Charter (*Karta Polaka*), those who are married to a Polish national, and those who have so-called “tolerated status” or refugee status.

<sup>16</sup> By June 2014, 2012 businesses were set up in Poland by Ukrainian nationals – data from Central Data Base and Information on Business Activity (*Centralna Ewidencja i Informacja o Działalności Gospodarczej*).

<sup>17</sup> See [www.udsc.gov.pl](http://www.udsc.gov.pl), information on Ukrainian citizens.

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Apart from their legal status, the situation of Ukrainian MDWs in Poland can also be characterized in terms of their mobility, predominantly a temporary form of movement, circulating between Poland and Ukraine every two to three months.

Overall, the situation of Ukrainian women working as undeclared MDWs can be described as precarious and linked to a number of risks:

- Irregularity and instability of stay due to: (i) increased costs of entry, both formal (costs related to arranging travel documents) and informal (bribes); (ii) the so-called “time corridor” related to the restrictions in entering via the declaration system, which allows migrants entering on a short-term visa to spend only 180 days a year in Poland. Their irregular status places them at risk of financial extortion (lost migration savings).
- Lasting temporariness, with circulation between Ukraine and Poland by migrant women continuing for several years. On the one hand, the high frequency of crossing the Polish–Ukrainian border has meant that the migration has become “normalized” and familiar. On the other hand, a new risk has come to the fore: some of the women’s ties to Poland increase while lessening those to Ukraine, even though they have no prospects for a stable legal status in Poland. In addition, the women are less inclined to circulate due to more entry restrictions, and some decide to overstay. Finally, the temporary and circulatory character of migration, which at first might be seen as an opportunity (the purchasing power of profits from migration is much higher in Ukraine than in Poland), with time may become a “trap”. Having sustained or even upgraded their social status in Ukraine thanks to migration, these women may become fully dependent on their migration income. This source of income can potentially no longer be accessible if and when refused entry, which means a return to an undesirable status quo in Ukraine.
- Providing care at a distance to one’s own family is certainly a challenge – both for those having (young) children and for those with elderly parents who need assistance.

The following risks related to MDW status in Poland can be identified:

- Being without work in Poland: this is a risk for inexperienced immigrants without proper social capital, as it is difficult to enter the sector.
- Health risks, both physical and psychological. MDWs are usually uninsured; being unable to access public health-care services, the private health-care sector seems the only choice. Medical services delivered in urgent situations have to be paid for out-of-pocket, and financial constraints are thus the main barrier to MDWs receiving proper medical attention. Finally, there are health risks related to the nature of domestic work: physical effort, stress, and contact with chemical substances in the case of cleaners.
- Social risk: the higher the women’s social and professional status was in Ukraine, the stronger they feel that their involvement in the domestic work sector in Poland poses a risk to this status.
- Risk of labour exploitation due to:
  - having one employer or an ad hoc work schedule and thus not being able to quit a job with unfavourable conditions; this is usually linked to lack of migratory experience;



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- dependence on the employer for entry and stay, for example through the employers' declaration of intent to hire a foreigner or falsely declared employment;
  - over-familiarity that could compromise the financial premise of their work, for example an employer expecting someone to do additional work due to emotional attachment and without additional pay;
  - lack of definition of duties and tasks in the contract or oral agreement, leading to the employer adding new duties without discussing this with the domestic worker or raising her wages; and
  - far-reaching depersonalization together with exploitative emphasis on efficiency.

MDWs are aware that without a contract they are in a vulnerable position in case their employers want to fire them or refuse to pay them full remuneration. Nevertheless, informal employment does not necessarily mean risk for domestic workers, including immigrants. The experiences of both local and immigrant DWs interviewed show that employers usually pay for the services provided. The relationship between employers and DWs is based on mutual trust and readiness to discuss problems or requests as they appear.

### **Draft bills under discussion, and regulations that would apply to or otherwise affect national and migrant domestic workers**

The Senate Committee on Family and Social Issues has been working since 2012 on a draft bill on aid to dependent people.<sup>18</sup> The bill has been developed on the basis of a “Green book” concerning the state of long-term care of dependent persons in Poland (Augustyn, 2010). The “Green book” defines a dependent person as someone unable to exist independently and whose level of disability is identified on the basis of regulations<sup>19</sup> and confirmed by the relevant administrative bodies. The focus is mainly on those who are dependent due to old age but also covers those with disabilities. The emphasis here is on long-term care. The bill aims also to bring caregivers out of the shadow economy and professionalize long-term care work by providing standards and qualifications requirements, professional training and the introduction of new job positions: professional care worker, and assistant to a dependent person. The aim is to create a flexible system of employment and also to provide opportunities for employment to those over 50 and 60 years old, with a modern care provision sector in the labour market providing employment for up to 200,000 persons. The family is assumed to be the main partner of the State and the main care provider, since it is estimated that 80 per cent of dependent persons today receive care from their families. According to the project, it is the family together with the dependent person who will receive the financial aid and select the service provider. The

<sup>18</sup> The Senate is the upper chamber of the Polish Parliament. For further information on the bill, see <http://www.senat.gov.pl/aktualnosci/art,7602,konferencja-pomoc-osobom-niesamodzielnym-prezentacja-projektu-ustawy.html>, <http://mieczyslawaugustyn.pl/wp-content/uploads/2014/12/projekt-21-11-2014.pdf>.

<sup>19</sup> According to the draft law, there are three levels of dependency, as follows: level 1: persons not able to exist independently, completely dependent on others, care must be provided every day for at least six hours a day; level 2: persons who are dependent on others to a high degree, care must be provided for at least four hours a day; level 3: persons who are dependent on others to a moderate degree; care must be provided for at least 1.5 hours a day and comprise at least two nursing activities.

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level of dependency influences the amount of monthly aid, between PLN 1,000 and 650 (approx. US\$330-220); such aid can be used for care services and necessary equipment. It will be given to those whose level of dependency is confirmed by the county commissions responsible for assessing disability levels. The project is in compliance with the long-term government policy aimed at senior citizens.

The Government also has plans (elaborated mostly by the Ministry of Labour and Social Policy) regarding MDW employment in Poland. These plans take into account the monitoring of labour market needs (demand, shortages); they concern the whole labour market, including domestic work and especially care work.<sup>20</sup> They address the commonly raised issue of lack of proper information about labour market needs and mismatches between labour demand and supply in general, not only with regard to foreigners. The monitoring process in place so far has been criticized as insufficient and inadequate; overall, it does not allow efficient management of the labour market, whether for foreigners or Poles. In 2012 new methodological recommendations were introduced.

The Ministry of Labour and Social Policy has been working on a change to the regulations concerning employers' declarations of intent to hire a foreigner. The draft ordinances in this respect assume introducing more restrictions in applying this procedure and establishing a register of the declaration, which was so far lacking and thus made control activities challenging.

<sup>20</sup> This is not linked to issuing permits and labour market tests directly. However, if shortages are seen in some sectors, we may expect that the labour market test will be waived.

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### 3. Migration modalities, regulation and policy

In 2012 a document called *Poland's migration policy: Current state of affairs and recommended actions* containing guiding principles was approved by the Polish Government (MIA, 2012a). Among other provisions, the document stresses that Poland's immigration policy should be tailored to the needs of the Polish labour market. A priority is to be given to certain types of immigrants, including those from specific countries, among them Ukraine. After several years of exchanging comments between different ministries and consulting on the plan with civil society organizations, in December 2014 the implementation plan was accepted by the Council of Ministers (MIA, 2014).

In the section on legal immigration, the implementation plan allows foreign workers with the necessary qualifications (1.1.3) to enjoy facilitated access to the labour market; these include “nationals of Belarus, Georgia, Moldova, Russia or Ukraine carrying out care or house work for private households” (our translation).

By the end of 2014, the Ukrainian Government was not yet equipped to issue biometric passports, and it was not possible for Ukrainian nationals to take advantage of the visa-free regime for biometric passport holders. Issuing biometric passports to Ukrainian citizens became available in January 2015. However, using them to enter the European Union without a visa will be possible only after the EU issues a corresponding decision, which will be the confirmation of fulfilling all the goals set up in the visa liberalisation plan for Ukraine.<sup>21</sup>

MDWs not having residence permits in Poland must submit until now the appropriate visa application at the Polish consulates in Ukraine. Here informal intermediaries play a role and the risk of abuse appears; some intermediaries requiring payment for the submission of documents on behalf of the migrant or for an employment promise – while these are in fact free. To be granted a visa, a third-country national has to declare: their purpose in entering Poland (due to the irregular character of work in the case of most migrant domestic workers, this tends to be false – tourism, work in another sector than domestic work or visiting family are the reasons usually given); the planned duration of stay; and proof of sufficient financial resources for stay, as well specifying the address where they intend to stay.<sup>22</sup>

At border crossing points documents are checked (including health insurance coverage and sufficient resources/means of subsistence for their stay in Poland) and it is not uncommon to use informal services for advisory to enter Poland. MDWs who are working unofficially in Poland try to hide this fact at the border. Using informal services to obtain visas to enter Poland runs the risk that MDWs may be refused entry at the border, if the Border Guard officers suspect that the real destination and purpose (here, undeclared work) are different from those stated in the documents possessed by the MDW.

<sup>21</sup> See for instance “Fifth Progress Report on the Implementation by Ukraine of the Action Plan on Visa Liberalisation”, accessible at [http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/international-affairs/general/docs/fifth\\_progress\\_report\\_on\\_the\\_implementation\\_by\\_ukraine\\_of\\_the\\_action\\_plan\\_on\\_visa\\_liberalisation\\_en.pdf](http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/international-affairs/general/docs/fifth_progress_report_on_the_implementation_by_ukraine_of_the_action_plan_on_visa_liberalisation_en.pdf).

<sup>22</sup> The Act on Foreigners of 2013 waived the obligation to present a legal title to the place where the foreigner intended to stay or stayed. This obligation constituted a huge barrier for immigrants, since it was difficult for them to present such legal title (as confirmed in interview with the specialist from the Ministry of Internal Affairs).

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Importantly, MDWs need evidence of health insurance for their period of residence in Poland. They usually buy this insurance from private insurance companies, and medical services provided through such insurance are limited. Foreigners also have to prove that they possess sufficient resources or means of subsistence for the duration of their stay and for returning to their country of origin. MDWs sometimes borrow money from bus drivers or other travelers just to present the sufficient sources at the border control.

There are two main types of visa: a Schengen and a national visa. A Schengen visa allows the holder to stay in Poland or in any other country in the Schengen area for three months in the period of half a year. This form of visa is preferred by those Ukrainian migrants who are not focused on staying only in Poland and would like to have the opportunity to travel to other countries. Holders of Schengen visas are usually not entitled to work in Poland or other countries, unless they obtain this right in the course of other procedures (application for a work permit by a potential employer, etc.). Nevertheless, Schengen visas – often issued for tourist purposes – are sometimes used to enter countries where migrants engage in commercial activities.<sup>23</sup> National visas allow for a longer stay in Poland, up to one year. Ukrainian migrants most often obtain national visas with a right to work or linked to business activities. Often visas are issued on the basis of registered declarations of intent to hire a foreigner, or – less often – a work permit.

If MDWs wish to prolong their legal stay in Poland without leaving the country, they must apply for a fixed-term residence permit or visa at the regional voivodship office. According to the Act on Foreigners of 2013, a temporary residence permit is granted for a maximum of three years (instead of two years as provided in the Act on Aliens of 2003). However, a new requirement was introduced for foreigners who apply for permanent and EU long-term residence permits, namely proficiency in Polish at least at the minimum level of A2.<sup>24</sup> After a few years of legal stay in Poland, foreigners may apply for a permanent residence permit or a residence permit for an EU resident.<sup>25</sup>

The 2013 Act on Foreigners facilitates the obtention of legal stability for all those foreigners who can prove their official involvement in the Polish economy (e.g. employment contract, having one's own company). It also simplifies acquiring work and stay permits, making it possible to apply for both in one procedure. The new law may encourage longer stays, especially if work is declared. Although the 2013 law is more liberal for those who want to stay and work in Poland and can prove that their situation is in accord with the immigration and labour market laws, in the case of some Ukrainian MDWs the possibility of easy travel across the border is more attractive than the opportunity for longer stays in Poland. This is usually because Ukrainian MDWs have left their families in the home country and they will naturally try to spend some time with them if they can. However, due to the push factors in Ukraine (especially the armed conflict in its Eastern part) and pull factor in Poland (more liberal law on legalisation procedures) in 2014 there was a significant rise in applications for residence permits observed. Although temporary residence permits are more convenient because they allow a longer stay (currently up to three years), the procedure is too complex and too costly for some immigrants. Travelling with visas is less costly and troublesome for those more

<sup>23</sup> Such conclusions can be found in, for instance, information published by the Polish Border Guard ([www.strazgraniczna.pl](http://www.strazgraniczna.pl)).

<sup>24</sup> For further information see: <http://www.migrant.info.pl/temporary-residence-permit.html>.

<sup>25</sup> The precise conditions for granting a permanent residence permit depend on the migration history of a foreigner, his/her legal status in previous years as well as the current situation (e.g. marriage with a Polish citizen). For further information see: <http://www.migrant.info.pl/permanent-residence-permit.html>.

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experienced immigrants. However, many immigrants still encounter problems in obtaining travel documents on their own, and turn to the informal intermediaries whom they pay to arrange documentation.

At the macro-level (the State) the Ministry of Labour and Social Policy is responsible for the implementation of providing access to the labour market for foreigners on the basis of the Act on Promotion of Employment and Labour Market Institutions (*Journal of Laws*, 2004, No. 99, item 1001) and the relevant implementation Acts. The Act on Foreigners of 2013 also provides the possibility to apply for a single residence and work permit in case a foreigner is already staying and/or working in Poland legally (implementation of EU Directive).

At the micro-level, the crucial actors involved are Polish employers, both those who employ in a formal way – through arranging a work permit or a declaration of intent to hire and employing in accord to the rules (the minority) and an informal way (the majority) – through providing an incentive in the form of a promise of work to immigrants and at times also facilitating the obtention of a visa by providing a formal invitation to the immigrant. The procedure for granting work permits to foreigners was time-consuming and expensive for employers until 2007. The legal changes starting in 2007 regarding the labour market and promotion of employment simplified the process and speeded it up, as well as considerably reducing the fees paid by employers when applying for a work permit or for an extension of a work permit.

A limited role in the migration of Ukrainian MDWs to Poland is played by intermediary employment or placement agencies, which predominantly employ immigrants from Ukraine in seasonal types of work – agriculture and construction. Domestic workers are a difficult group to recruit in large numbers because the employers are individual households who need only one or two workers. These agencies attempt to monitor the working conditions of the workers they place in Poland. However, the representative of a job placement agency claimed in an interview that while numerous individuals approach them who are interested in employing domestic workers from Ukraine, the working conditions they propose (including wages) are often below the expectations of potential workers.

In the wake of the EU Regulation on establishing a local border traffic regime at the external land borders of the Member States, the Polish–Ukrainian local border traffic agreement with Ukraine has been in force since July 2009. This regulation has facilitated the cross-border mobility of those entering Poland to purchase goods that can later be sold in Ukraine for a profit, or that are more attractive and cheaper than in Ukraine. However, it is of little significance to MDWs who travel to large urban centres such as Warsaw.

## **Extending stay and work permits, and regularization procedures**

Apart from the requirements and mechanisms for obtaining a regular status, discussed above, a number of rules concerning keeping it should be indicated. In general, prolonging a regular stay through applying for a temporary residence permit when staying on a visa requires an immigrant to document the purpose of stay, and such purpose (e.g. character of business or work in Poland) should correspond to the norms of Polish security and public order. Prolonging the regular stay of an immigrant may require the engagement of his/her employer. In order to obtain a work permit, the potential employer has to apply for it at a regional labour office and should indicate clearly where, in what position and at what wage the foreigner will work. In the case of immigrants who are already working in Poland, it is necessary to prove that such employment is legal. As previously discussed, this requirement is a barrier for many MDWs; the majority when applying for documents

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authorizing a longer stay do not have sufficient evidence of having a source of income in Poland.

Keeping a regular status is relatively easy if MDWs' work is declared and they can prove this in the voivodship office where they apply for a residence permits or particular visas. In case MDWs cannot prove that their employment in Poland is legal, they usually prefer to keep their regular status through obtaining new visas. This is, however, acceptable for those migrants who travel between Poland and Ukraine and the nature of their work (e.g. cleaning) allows them to rotate, exchanging their work duties with other Ukrainian MDWs. For some migrants this way of prolonging legal status is more economical (no need to pay for residence permit applications and residence cards), assuming that they do not use expensive informal services to obtain a new visa allowing their next entry.

Some Ukrainians try to document their relationship to Poland, searching for Polish ancestors that may be the basis for being granted a Polish Charter. Having a Polish Charter means facilitation in getting visas, fewer restrictions in accessing the labour market and shorter ways to more permanent legal status, such as a permanent residence permit or Polish citizenship. In general, recognized Polish roots facilitate even long-term legalisation of stay.

If MDWs lose their regular status, for instance due to overstaying on their visa, it may be very difficult for them to regain documents allowing them to stay in Poland. The Act on Foreigners of 2013 has introduced some possibilities<sup>26</sup> for legalizing the stay of irregular immigrants, but this mechanism does not allow for long-term regularization. It provides opportunities for irregular immigrants who face such problems as serious illness or death of a family member in Poland. The 2013 Act on Aliens introduced the possibility of individual regularisation based on humanitarian grounds (e.g. linked to right to family and private life; being a victim of trafficking; the children's rights).

Three regularization programmes have been introduced in Poland, in 2003, 2007 and 2012. The first two were offered to long-term irregular foreign residents. Migrant domestic workers employed in Poland could hardly apply for residence permits under this scheme, due to shorter periods of stay in Poland than required by the programme (for more on regularizations in Poland see for instance Dzhengozova, 2009; Reichel, 2014, Górny et al., 2010). However, Ukrainian immigrants have benefited from the third regularization programme, since they have been able to meet the very liberal requirements (proof of living in Poland for at least five years, having no permit to stay in Poland at the moment when the law was introduced, namely 1 January 2012).

## **Government measures to protect and assist immigrants**

There are no specific programmes focusing on the protection of or assistance to MDWs. The migration policy and the Act on Foreigners of 2013 give a broad legal framework for foreigners' work in the domestic work sector in Poland, but in general this does not provide any specific instruments addressed to MDWs. General programmes targeted to immigrants include various information campaigns conducted by the Government, often in

<sup>26</sup> Such possibilities were also accessible in the framework of the Act on Aliens, but their scope was very narrow.

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cooperation with non-governmental bodies or international organizations such as the International Organization for Migration (IOM).<sup>27</sup>

In order to inform immigrants about the new law on foreigners (the 2013 Act), the Office for Foreigners (supervised by the Ministry of Internal Affairs) has been involved in a wide information campaign, including the creation of a website accessible in several languages (including Ukrainian) with detailed information about the rules of entry, stay and work in Poland.

With the aim of preventing abuses by informal or illegal intermediaries, the Ministry of Labour and Social Policy has prepared information leaflets addressed to those interested in temporary work in Poland, in the languages of nationals able to enter on the basis of the employment declaration. Another information leaflet is addressed to employers, informing them about the consequences of hiring a foreigner without proper documents; this on the basis of the Act of 15 June 2012 on the consequences of hiring a foreigner against the law of the Republic of Poland (*Journal of Laws*, 2012, item 769).

In January 2011 Poland implemented the Anti-Discrimination Act, which protects against discrimination due to ethnicity, nationality, race, religion, sexual orientation, but it has been reported that lack of power and resources hampers its implementation. (Klaus & Wencel 2009; Szulecka 2013). Foreigners often do not reveal or report discriminatory practices to the courts, due to lack of information and confidence about regulations, procedures and results. This applies to MDWs as well.

There are a few programs to prevent illegal migration and abuse of migrant workers' rights. Among other, the "Rights of migrants in practice", a project implemented by IOM in partnership with the Labour Inspection Agency (PIP) and the Ministry of Internal Affairs. It includes an information campaign in Poland as well as in sending countries, among them Ukraine; assistance to immigrants in critical situations (legal assistance, mediation with the employer, assistance to persons who are victims of human trafficking); and anti-discrimination training for labour inspectors. The government provides assistance in integration to only two groups of migrants: persons seeking international protection, and repatriates. In general, MDWs are not targeted, as they are economic migrants, only to be benefitted by integration programmes or initiatives (for example language courses or professional advice).

## **Complaint mechanisms and access to the judicial system**

The 2013 Act on Foreigners obliges the authorities to inform the foreigner in a language understood by him/her about the terms and conditions of the conduct of matters and of his/her rights and obligations. In case a foreigner is refused a work permit, the potential employer may appeal within 14 days from receipt of the decision, through the intermediary of the competent voivodship, to the Minister of Labour and Social Policy, a mechanism that stems from the Act on Promotion of Employment and Labour Market Institutions. Having ordered the return of a foreigner, the authorities are obliged (in the language understood by the foreigner) to inform him/her about the possibility of appeal.

Irregular MDWs have very limited access to justice. In theory, they may turn to the Polish control bodies (such as Border Guard or Police) or the agencies of the justice system;

<sup>27</sup> For instance, the webpage coordinated by IOM, within the project conducted in cooperation with the Ministry of the Interior and the General Labour Inspection: <http://www.migrant.info.pl/>.

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however, this also means that they reveal their legal status and may be ordered to return. Only where MDWs are potential or identified victims of trafficking and remain irregular is their situation different. During the so-called reflection period the person will receive a permit to stay for three months; after starting to cooperate with the authorities they will receive a temporary permit for from six months to three years (art. 170 et seq.). Individuals using the reflection period (who are staying in Poland pursuant to a certificate) do not have the right to work. However, human trafficking victims who have started cooperation with law enforcement organs are entitled to work. They can apply for welfare benefits and are also entitled to claim compensation as well as damages. Compensation proceedings are settled in the district court and are initiated upon the motion of the victim or other authorized party.

The Labour Inspection Agency (PIP) can intervene where work is based on a labour contract and the problem is reported by the employee, or where the Agency itself uncovers irregularities during one of its regular inspections. However, inspections are not carried out in private households. This means that, taking into the account the fact that most domestic workers are working without a contract and for a private household, there is little chance for PIP to intervene.

As the experience of NGOs offering legal assistance to immigrants shows,<sup>28</sup> MDWs are usually working undeclared. They do not insist on having signed contracts with the employer, since this would usually mean lower wages. Even if they are aware of experiencing abuses, they are not interested in exercising their rights through reporting their case to the courts, even if they are offered legal aid provided by NGOs.

Ukrainian MDWs are not totally unprotected. Many of them are aware of the existence of NGOs that provide information and assistance to migrants and are generally more versatile with the regulations and conscious about their rights. On the contrary, Polish DWs interviewees relied on own knowledge and informal contracts solely and did not know how to get assistance or support regarding their rights as domestic workers.

More extensive workloads or pay different from that agreed in oral contracts seem to be tolerated by MDWs, especially if they are in an insecure situation such as having irregular status or short-term visas. However, the informal employment of MDWs does not necessarily imply abuse: the relation between them and their employers may become closer with time and this becomes a kind of guarantee that the expectations of both parties are accepted. All in all, MDWs are very reluctant to report problems that may become the subject of a court case, whether to non-governmental, governmental or judicial bodies.

<sup>28</sup> Based on interview with a representative of the Association for Legal Intervention.



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## 4. Perceptions, attitudes and behaviour of employers

### Attitudes and socio-cultural changes leading to an increasing presence of domestic workers

The “come-back” of domestic workers is visible in cultural representations: such workers (including Ukrainians) are again being portrayed in TV series, books and films, after decades of being barely present (some exceptions are described in Kordasiewicz, 2011). This presence of domestic workers in the media shows the widening discursive acceptance of the role of paid household worker and provide the opportunity to build a new definition of such work; as the situation is new and still rare, employers and workers are often puzzled by their mutual expectations and reactions to one another, and have to carefully figure out terms in everyday negotiations. Apart from this, it would seem that the socialist idea that to keep servants is a form of human exploitation (Trotsky 1936; Witowska 1951; Najdus 1976) is still deeply rooted in the Polish subconscious. There is a general interpretation of Polish contemporary society as being unaware of the huge social revolution it underwent under the communist regime (Leder, 2014); according to some analyses it is common for employers in Poland to experience a sense of guilt which stems from a lack of acceptance of the class gap between them and the workers. This has also been pointed out in other cultural contexts (Ozyegin, 2001; Lan, 2006; Parreñas, 2001), in Poland however it is formulated not in a collective but rather individual terms; hence it can be dubbed a “personal sense of class guilt” (Kordasiewicz, 2015).

This notwithstanding, the popularity of hiring a cleaner, housekeeper, nanny or carer for an elderly person seems to be growing. The following section describes patterns and problems in domestic work in contemporary Poland, including prejudices, expectations and reasons for hiring a MDW.

### Patterns of recruitment and employment

From Polish and Ukrainian DWs own descriptions it transpires that domestic work is less strenuous than some other jobs (e.g. agriculture), safer, more stable and better paid. The preference for a domestic job may be surprising, as it rarely offers an official contract and is connected with low social esteem, being one of the “dirty jobs”. However, it is still perceived as granting more stability than other low-skilled occupations – especially temporary jobs such as seasonal work in agriculture, which is more physically demanding, offers lower wages and is more isolated, and has more documented cases of forced labour (Dąbrowski, 2014).

The interviewed women all agree that it gives them a sense of stability, so choosing this type of job is a rational choice for them compared to other possible choices. One says:

Well, it is a better job than to work in a greenhouse or a hen house, where I had to work for 12–14 hours a day, and then the season was over and one had to say bye-bye, the same story was with [picking] cherries, apples, strawberries, because it is all seasonal work. Looking after a child is a sort of stability, because until the child is grown up, I do not need to prepare for job termination. More so because, if you have a nanny that you trust, or a housekeeper, such a person is difficult to find because you have to entrust her, a stranger, with the dearest things in the world, your child, your home. (MDW8, a 33-year-old Ukrainian live-in child care worker)

Most of the Ukrainian women interviewed had taken up different jobs within the sector, switching between child care, elderly care and cleaning houses. Some of them also cleaned or are cleaning in institutional settings such as offices, courts of law, churches or restaurants. Just as generally there is a flow between 3D jobs, so also there is a flow

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between jobs in the domestic work sector. There are also two different approaches to domestic work: specialized and general. Some of the care workers do not take up other tasks, and some are eager to clean or cook as well. Specialization is also present to some extent in the cleaning sector – one interviewee separated cleaning from household maintenance such as laundry or tidying wardrobes, which she would not do. It seems that specialized/professional workers earn more than their general counterparts.

For recruitment and jobseeking, domestic workers rely mainly on social networks. Previous research has shown that Ukrainian domestic workers, especially cleaners, are generally more networked than Polish workers. Ukrainians form strong networks involving other workers as well as employers, whereas Polish workers form networks mainly with employers. These networks are structures of opportunity when it comes to job offers, useful information and the circulation of goods, everyday support and emergency help, but they are also a powerful tool in exerting control over other network members due to their hierarchical character and expectations of reciprocity (Kordasiewicz, 2010b).

The Ukrainian participants in our study were highly involved in a rotation system (Polish “*zastępstwo*”, lit. “substitution”, “replacement”), an informal organization scheme that allows workers to interchange: when one worker needs to return to Ukraine, she agrees with another migrant to replace her. Some MDWs mentioned paying for such “job placement” (e.g. MDW3, a 43-year-old Ukrainian live-out cleaner). But sometimes it is just an arrangement between three parties that form a stable configuration operating sometimes over several years (EofDW1, a 65-year-old employer of cleaners on a weekly basis). Most of our participants found their jobs via workers’ or employers’ recommendations. Workers’ networks are also efficient when it comes to jobseeking in cleaning, as told by a Ukrainian cleaner:

[*researcher*] And where can one find information about domestic jobs in Poland?

[*interviewee*] Well, today my friend called me, they ask me: there is a job, who can? And so it goes, one tells the other, and so the information is circulated. But I pay attention whether it is circulated within “my circle”, because you do not want to recommend a person you do not know. [You have to be responsible] because it is for the Poles [employers], you do not want to recommend a bad person. Because then they call you and complain, that you referred them to such and such a woman.

Other ways of seeking jobs mentioned by interviewees included announcements at church, on the Internet or in the press.

Networks are also about particular power relations and competition between domestic workers, which some of the interviewees referred to as “stealing jobs”. In general there is both (cooperation and prejudice) among Ukrainian and Polish domestic workers.

Just as work in the sector is generally undeclared, many of our interviewees were also not officially working. All of them, however, had valid travel or residence documents. It is worth mentioning the cases of those who were regulated: of eight Ukrainian women, four declared some form of job registration. All four of the Polish workers interviewed were working or had worked irregularly.

The most widespread solution, according to both the senior experts from the Ministry of Labour and the expert from the job placement agency, is work in the framework of a civil law contract (a contract of mandate or a task-specific contract, see also section 3 ). One Ukrainian woman, MDW7, a 42-year-old live-out cleaner, works on a contract of mandate.

A second solution is to work in the framework of an employment contract under Labour Code regulations. One interviewee works in this manner, also as a cleaner (MDW2). However, it is only with one employer that she has a contract; for her two other employers she is unregistered. According to our knowledge, this is quite a widespread practice among

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household workers in Poland: one contract provides the benefits of social security, and declining to register other contracts means more money in your pocket, so as MDW2 comments on the question about the possibility to register other jobs: “Well, if you have a contract, you have to pay the social security [ZUS] so it means the remuneration is reduced, and how much can one bear to pay [to the social security fund]?”

All employees who do not have registered contracts declare the will to regularize their work situations but see numerous obstacles, such as cost, formalities, the need for trust and finding the “right people” eager to help them fight with the bureaucracy. A 36-year-old Ukrainian live-out cleaner comments on the possibility of regularizing her situation:

Well, there is a problem, because who on earth would employ me legally? ... It is a responsibility, because if they employ me legally as a domestic worker, they have to pay taxes. Only people who really trust me would agree, that I will meet my commitments that I will work for them for sure, that I will not give them up tomorrow, and leave them with a tax to pay...

A 33-year-old Ukrainian live-in child-care worker would be very eager to register her work through a contract because she sees many benefits in doing so:

I would like to have official free time and to be entitled to free health service. And I would like to start to arrange for my pension as well. I do not have the possibility right now. Because I do not have an employment contract. I work unofficially. I would like to have a contract, but the employer does not want it, she would have to pay taxes and contributions, and she does not want to pay extra money.

With regard to general working conditions and potentially exploitative practices emerging in domestic work, the following were mentioned by most of the interviewees in informal employment as being their personal experience or someone else’s: paying less than was orally contracted, long working hours, no free time in elderly care work, more care or household burdens than initially contracted, even one case of a refusal of payment. One of the interviewees, a 50-year-old Ukrainian live-out cleaner, was threatened by an employer who did not want to pay the sum orally contracted, that she would call the police to accuse the worker of stealing, and so she felt compelled to accept the lower remuneration. Most Ukrainian workers feel helpless when faced with such situations. Those who manage to cope attribute it to their personal qualities such as a strong personality rather than to systemic arrangements.

In a comparison of earnings for different domestic jobs, participants reported remuneration in cleaning between PLN 8 (US\$2.4) per hour in the 1990s, to PLN 20 (US\$6) per hour in 2014, or PLN 100–200 (US\$30–60) per apartment or house. In child care, the reported earnings were PLN 1,500–3,000 (US\$454–909) per month. In elderly care, the care worker could earn PLN 1,700–4,000 (US\$515–1212) per month. MDWs reported lower hourly wages than Polish workers, but the same remuneration “per apartment” in cleaning.<sup>29</sup>

When it comes to the quality of relationships with employers, some of our interviewees appreciate closeness and a friendly attitude or even being included as “part of the family”, widely described in the MDW literature as an exploitative strategy (see for example Anderson, 2000; Constable, 2003; Lan, 2006; Romero, 1992; Parreñas, 2001; Kordasiewicz, 2008). However, for Poland, Marta Kindler’s (2011) research shows that engaging in “kinship”-like relations is a conscious strategy of workers to become better

<sup>29</sup> We refer here to actual payments mentioned by interviewees, irrespective of the legal status; in situations where there was an employment contract, pay would fall under general employment regulations, including the minimum wage, working hours, paid leave, etc.

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embedded in the employers' social networks. Some of our interviewees mentioned bad treatment from their employers: exclusion or demeaning practices in comparison with Polish workers, such as not being allowed to eat at the same table as their employers. Although living-in is not preferred by immigrants, it is seen as a way of saving more of their income, but at the same time as a situation where it is difficult to set limits on working time and employers' expectations.

### **Differences between national and migrant domestic workers.**

According to Kordasiewicz (2010a), Polish employers can be divided between those who prefer to employ Polish workers, those who prefer to employ Ukrainian workers, and those for whom the nationality of the worker is irrelevant – the latter group being the majority.<sup>30</sup>

Those who preferred Ukrainian workers said it was difficult to find a good Polish worker, and that Ukrainian women are more hard-working, more honest, more reliable and cheaper than their Polish counterparts. Several Ukrainian domestic workers in our study also referred to this perception, adding that Ukrainian workers are seen as more docile than Polish ones and argue less about terms of employment. The perception has a downside, however, because in consequence Ukrainian workers get worse working conditions and lower remuneration. A Ukrainian care worker recounted a conversation:

The neighbour came and told me that a Pole would not stand it. And she told me a whole story about a previously employed Polish woman who wanted two days off a week; she made demands and the neighbour reported they quarrelled all the time ... she refused to clean because she said, well I am a care worker, not a cleaner ... And Ukrainians, they do everything, make no demands. They are more eager to work and more patient.

Those employers who prefer Polish workers (Kordasiewicz, 2011), indicated a better quality of cleaning by Polish cleaners, who know better than Ukrainian workers about the most up-to-date cleaning appliances and detergents. Some Polish employers did not want to hire Ukrainian women as care workers because of language skills (to avoid influencing children with a "bad accent" in a in the phase of language development, a motive already observed by several authors (Kindler, 2011; Krzyszkowski, 2007; Samoraj, 2007) and reiterated often by the experts and workers in present study. There was a similar problem in care for the elderly due to communication issues, as with some elderly people this can be difficult and the language difference would mean introducing another problematic factor. Employers referred also to the instability of contact with some Ukrainian workers due to their circulation between the home country and Poland.

<sup>30</sup> In addition to this, Bojar et al. (2005) found that Polish domestic workers said that they felt no competition in the labour market from Ukrainian workers.

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## 5. Care policies

### Policies and programmes: Costs and availability

This section focuses on the type of programmes available from public and private care providers, together with their costs and availability. These issues are weighed by families in taking the decision either to use these programmes or to hire a domestic worker.

The regulatory framework on child care is set by the 2011 Act on care provided to children up to 3 years old.<sup>31</sup> This Act identifies and defines four forms of care – two institutional forms: nurseries and children’s clubs; and two individual forms: a nanny and a daily care worker (*dzienny opiekun*). A nanny is defined as a person employed for the individual care of children from the first 20 weeks of life up to 3 years old (in special cases up to 4 years) carried out in the home. These legal regulations were put in place to stimulate the creation of jobs in households and to strengthen interest in employing a third party to aid household maintenance. A daily care worker has to complete a training programme for care workers (among others financed by the European Social Fund) and has to be able to care for the child in his/her household. The position of a daily care worker also requires an open competition held by the local authorities, who are the employers since home-care provision lies within their competence. Such a person signs a contract listing the duties, remuneration, form and dates of payment. The family is responsible for paying for the care provided to their child by the nanny or the daily care worker.

Public provision of elderly care in Poland is organized in two strands: health care and social assistance. The latter offers home-care services, day care and 24/7 care in “social assistance homes”. Public home-care services include services such as home cleaning, laundry, grocery shopping and meal preparation, as well as bathing, enabling social contacts and nursing-related activities recommended by a physician, and specialized care services which depend on the care receiver’s condition or disability and are provided by a skilled professional. These home-care services are provided either against payment or are partially or totally free of charge (Augustyn, 2010). Home-care provision lies in the competence of local governments and is either provided by the local authorities themselves, or delegated to not-for-profit (including religious) organizations, or provided by privately-owned companies on the basis of a public contract.

The actual use of these services is very low, due to lack of funding for them by local government. In 2008, 92,470 persons were beneficiaries of in-home assistance (partly paid),<sup>32</sup> and over twice as many – 253,000 – used institutional and semi-institutional care, a proportion opposite to the practice in Western European countries where stress is laid on assisting families with care. This suggests that families do not receive enough assistance in caring for their elderly members (Błędowski, 2012), and the situation will be even worse in future with the need to look after an ageing population and with proportionally fewer members of the younger generations (Augustyn, 2010).

There are few labour market political instruments aimed at the transformation of unofficial domestic work into regular jobs in Poland. In 2005 there was an attempt in the form of tax

<sup>31</sup> Act of 4 February 2011 on the care of children aged 3 and under (*Journal of Laws*, 2013, item 1457).

<sup>32</sup> For instance, depending on the economic situation of an individual, in Kluczbork, a local community in the Opolskie region of south-western Poland, the cost to the client was between US\$0.4 and US\$4 per hour. Depending on the health condition, a person could be entitled to a maximum of four hours care per day (data from MIG/AGEING project preliminary study, available at: <http://migageing.strony.uw.edu.pl/>).

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advantages for employers of a housekeeper,<sup>33</sup> but it was highly criticized on the ground of having complicated procedures, and due to the poor response (in 2007 only 1,026 taxpayers in all of Poland benefited from it) it was given up. Currently, according to the 2011 Act there is a possibility of exemptions from social contribution and health insurance costs based on the employer signing with the child-care worker or nanny an “activating contract” (*umowa uaktywniająca*).<sup>34</sup> This is a contract of mandate. Importantly, if the wages stated in the contract do not exceed the monthly minimum wage, employers do not need to deal with formalities each month; they must register the worker at the Social Insurance Office (ZUS) and pay the contributions. This constitutes in practice an incentive to keep wages at the minimum level.

Institutional child care<sup>35</sup> of children below the age of three was provided in 2012 by 1,150 institutions.<sup>36</sup> Only 4 per cent of children aged 0–3 used a form of institutional care in 2012 (in 2011 it was 3.3 per cent) – one of the lowest rates in the European Union (CSO, 2014). Public nurseries cost PLN 360 (approx. US\$109) per month, while private nurseries cost from PLN 950 to 1,400 PLN (approx. US\$288 to 424) per month, full-time five days a week (*ibid.*). Compared to other EU Member States, the costs of sending a child even to a private nursery are rather low in Poland and are at times lower or equal to hiring a nanny. However, several issues have to be taken into account. Firstly, the average monthly earnings of Poles are substantially lower than the average monthly earnings in other EU countries. Secondly, there are not enough nurseries to accommodate all children. Third, cultural factors still play a role, with parents believing it is better for a child to remain at home until he/she reaches 3 years old. Fourth, nurseries and kindergartens are usually open only until 5 p.m. (5:30 p.m. at the latest) and with both parents working full-time and no grandparent available, a nanny has to be hired to pick up the child.

These actions notwithstanding, access to child care as well as elderly care is poor, and so care services in Poland for both children and adults requiring support are delivered mainly by members of families (Krzyżowski and Mucha, 2011; Kotowska, 2009; Rządowa Rada Ludnościowa, 2013). As studies show, 83 per cent of households take care of adults requiring support on their own, 2 per cent use public services, and only 1 per cent uses the commercial services available (Kotowska, 2009). In comparative international studies, Poland is seen as a country where people declare less often than in other countries that they are carers of other persons, but the care provided in Poland often means intensive care (more than 20 hours a week) (Colombo et al., 2011; Kotowska, 2009; Wóycicka, 2009). And so some of the families who can afford it hire domestic workers to perform household and care tasks.

<sup>33</sup> Act of 20 April 2004 on Promotion of Employment and Labour Market Institutions (*Journal of Laws*, 2013, item 674, with amendments).

<sup>34</sup> See: <http://www.infor.pl/prawo/dziecko-i-prawo/przedszkolak/289639,Umowa-uaktywniajaca-dla-niani.html>, [http://www.zus.pl/files/nianie\\_poradnik.pdf](http://www.zus.pl/files/nianie_poradnik.pdf).

<sup>35</sup> It is worth observing that the European Social Fund plays an important role in the implementation and functioning of institutional child-care services in Poland under the Human Capital Operational Programme (HC OP). Since 2012, one project with a budget of €46 million has made it possible to co-finance at 85 per cent activities involving: support for the implementation and functioning of day nurseries and children’s clubs, including covering child-care costs for the under-3s if at least one of the parents returns to the labour market after a break related to the birth or education of the child; and support for childminder services (EC, 2013). Some local governments use EC funds to increase the number of places in nurseries (see for example the “Family” programme, 2010–20, elaborated by the Warsaw local government) or to co-finance payments for non-public nurseries (for example, the Opole local government).

<sup>36</sup> 58,400 places available, an increase of 80 per cent since 2010 (32,500 places) (CSO, 2014a).

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## 6. Assessment of political relevance of MDW issues

Although not yet sufficiently reflected in the policies, MDWs are attracting the attention of policy-makers, since their work is directly linked to the ageing of the Polish population, changes in the labour market and potential increases in demand for care workers. MDWs have been given as an example of a desired migrant group, relevant to the needs of the Polish labour market. Such a preference was expressed in the plan of implementation of Poland's migration policy adopted in 2014. Nevertheless, regulations or policies addressed to MDWs are not a topic of concern either for the Ministry of Labour or for the Ministry of Internal Affairs, responsible for establishing a management strategy for migration. MDWs are part of the wider category of labour migrants and as such they are referred to in the context of the following priorities set in Poland's migration policy:

- preventing irregular migration and undocumented work of migrants, as well as preventing labour exploitation, often linked to undeclared work (assumedly also undeclared work of MDWs);
- increasing the scale of legal employment of foreigners, through offering incentives in the form of liberalized procedures for prolonging legal residence in Poland; signing bilateral agreements on social protection; and
- facilitating access for citizens of selected countries seen as close in cultural and geographical terms, and possessing competencies regarded as required by the Polish labour market and society (which explicitly concerns MDWs).

Officially, migrant domestic work is one of the priorities in labour migration policy, as Poland has identified in this sector a demand that is not satisfied with national workers. However, representatives of trade unions, claim that in practical terms the government should elaborate more regulations of domestic work and call the government to ratify ILO convention 189 on domestic workers. Trade unions have not yet started to actively campaigning for ratification of the convention, claiming lack of sufficient knowledge about the DW sector to address the issue properly.

All in all, domestic work sector is important in Poland, although foreign domestic workers are associated more with other countries than Poland. The fact that there are no specific regulations or policies regarding MDWs and, at the same time, international regulations in this field are not implemented, implies to think about MDWs as a phenomena recognised and demanded, but still not perceived as important to the extent that requires specific regulations.

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## 7. A short analysis of data and knowledge development

Many of the studies on migrant domestic work carried out by Polish researchers concern the work of Polish women abroad (Cieślińska, 1992; Grzymała-Kazłowska, 2001a, 2001b and 2005; Slany and Małek, 2005; Rosinska-Kordasiewicz, 2005). This is directly linked to the status of Poland as a country of emigration. Interestingly, migration researchers claim that many of the characteristics describing Polish MDWs in other European countries may also be used to describe Ukrainian domestic workers in Poland (see for example Prasałowicz, 2008).

The available reports devoted to the issue of domestic work usually address it in a fragmentary way, for instance with a focus on care services (e.g. Kotowska (ed.), 2009), without including cleaning and other duties performed in private households. Also, the studies relevant to the domestic work sector may be divided into those that focus on foreigners working as DWs (e.g. Kindler, 2009; Volodko, 2009; Keryk, 2010) and on DWs in general (Kordasiewicz, 2011).

A few studies address the past and present institutional and legal context of care work in Poland, revealing a particular preference for home-based care (Heinen and Wator, 2007; Saxonberg and Szelewa, 2007). However, these studies do not address the issue of migrant domestic work.

In the second half of the 1990s, the Centre of Migration Research (CMR) at the University of Warsaw carried out several studies on immigration to Poland, analysing Ukrainian petty traders and circular migration, among them migrant domestic workers (Łukowski, 1997; Okólski, 1998 and 1997; Stola, 1997; Iglicka and Sword, 1999). Qualitative research captured the shift of Ukrainian immigrants from trade to migrant work, including (mainly women but also a few men) searching for jobs in cleaning and care work (Antoniewski, 1997). Research focusing on the immigration of Ukrainian nationals to Poland gradually advanced, acknowledging the presence of Ukrainian immigrants, mainly women, in the domestic work sector in Poland as one of the characteristic streams of this migration flow (Iglicka, 2000 and 2003; Bojar et al., 2005; Golinowska et al., 2004; Górny and Kępińska, 2004; Górny et al., 2007; Kępińska, 2002; Kloc-Nowak, 2007; Bednarski et al., 2008).

The employment of domestic workers is hardly ever studied in surveys. In those focused on the sharing of household chores, the issue of employing a person from outside the family to support the partners in housekeeping is absent. Studies conducted by the Central Statistical Office concerning the time budget of households are an exception. The study by Golinowska et al. (2004) was the first attempt to estimate the demand for domestic workers generated by households in Poland. The analysis included socio-demographic characteristics of households employing domestic workers, preference for nationality/country of origin of the domestic workers to be employed, etc.

According to this survey (carried out in 2001), in Poland 7 per cent households employed various domestic workers and in every tenth of these households, that worker was a foreigner, usually a Ukrainian. The types of work carried out by these workers were the following: cleaning (34 percent), child care (6 percent), ill or elderly care (10 percent), gardening/farming (19 percent) and renovations (11 percent) (Golinowska et al., 2004). The main reasons for employing a foreigner were: the low cost of services (resulting from non-payment of taxes and insurance premiums) and the high quality of work offered (resulting from the strong motivation of foreigners to work and earn money inaccessible in their native economies). Also of importance were flexibility and readiness to work more for lower remuneration than native workers would accept.



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A more recent attempt to carry out an estimation of the household demand for foreign labour was made by Grabowska-Lusińska and Żylicz (2008). Their results are based on a representative household survey carried out in 2007, according to which 15 per cent of households employed a worker and among them 1 in 25, approximately 80,000 households, had employed foreign workers on both regular and irregular time bases in the previous two years. This estimate, however, is based on the very insignificant number of foreigners employed (4 per cent). The foreigners were employed both officially and unofficially, and were most often Ukrainians and less often Belarusians. There were also very rare cases of immigrants coming from other countries and working as carers or cleaners.

Polish studies that focus on MDWs, mainly Ukrainian women, are still rare and predominantly of qualitative character. They tend also to study immigrants living and working in Warsaw and the suburbs (Kloc-Nowak, 2007; Kindler, 2011). This is among other factors because Warsaw, and the Mazowieckie Voivodship, of which Warsaw is a part, have a high concentration of immigrants – both with legal and irregular status under Polish law. Also, demand for migrant domestic work seems to be the highest in large cities, of which Warsaw as the capital is a prime example (confirmed also by experts, among others from the Ministry of Labour and Social Policy). People in Warsaw have better earnings and less support from extended family due to internal migration.

A few studies focusing on MDWs in cities other than Warsaw should be mentioned. One was based on 40 in-depth interviews with immigrant women employed by households in the Lubelskie region. The study aimed to learn about women's strategies for entering and functioning in the labour market, including women employed informally in the domestic sector (Samoraj, 2007). A study carried out in Cracow showed that domestic work in private households is not very popular – however, there is demand for elderly care. The Ukrainian women who worked in Cracow were often experienced nurses who were taking unpaid leave from hospitals in Ukraine to work in Poland as live-in care workers and earning approximately US\$200 per month (Młodawska and Wojnicka, 2007).

Those studies that address immigrant domestic workers analyse in general the following aspects of their migration: the legality of their entry to and stay in Poland (e.g. Kindler, 2011; FRA, 2011) and the character of their work, often focusing on their work relations with the Polish employer (Kindler, 2009; Kordasiewicz, 2011).

An important study including the perspective of Polish employers of domestic workers – both native and immigrant women – is that by Kordasiewicz (2011), who in the course of her doctoral research also interviewed Polish domestic workers employed part-time by a housing cooperative, cleaning communal areas such as building entrances or staircases for example, but whose main income stemmed from undeclared work in private homes.

The aspect of domestic work as “a woman's job”, including in the context of immigrants, is rarely addressed (Kindler, 2011; Keryk, 2010). Nor are there studies so far that explore whether the particular facilitations introduced to officially employ foreigners as care workers have had an impact on the situation of MDWs. A few authors analyse the policy as regards child and elderly care-related household strategies (Keryk, 2010).

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## 8. Conclusions

Remunerated domestic work for private households in contemporary Poland is a relatively new phenomenon. There are several reasons for the development of this niche in the labour market. Care institutions in Poland are weak, both in terms of facilities available and quality of services provided. There also continues to be little social acceptance of placing one's parents in an elderly care institution (and few of the elderly are happy to accept such arrangements) or one's child in a nursery. The less developed the institutional solutions and the less social acceptance for such care practices, the higher the employer's dependency on private care solutions and the higher the opportunities for finding work in this niche for both Polish and immigrant women.

Remunerated domestic work carried out for private households is a “non-topic” in the public and political discourse. The moment it appears it is downplayed. Ukrainian women are more often framed in the public debate as domestic workers than Polish women, but this has more to do with stereotypes concerning Ukrainians than on domestic work per se. Institutional child care has a different status in the debate. Especially during election times, every party takes a stand on opening more nurseries and kindergartens.

Meanwhile, due to its mainly unofficial character and lack of proper contracts, domestic work carries numerous risks, especially for MDWs. Possible negative consequences involve not being able to go to public health-care facilities due to lack of public health insurance; being underpaid; or the lack of a pension in the long term. Paradoxically, work in this sector, especially in cleaning, is relatively well paid, especially in comparison to earnings in other sectors where immigrants find jobs, such as agriculture. Thus MDWs, aware of the difficulties in accessing the public health-care system in Poland, including long waiting periods for treatment, are willing to take the risks and pay for any necessary health treatment from a private doctor in Poland or in Ukraine. Although access to information and justice exists, in practice it is not used by MDWs because they do not find it feasible to go to court with an accusation against their informal employer. They use their social networks to obtain information, rather than asking for advice from public institutions or social organizations.

Regarding the risks of exploitative working conditions in domestic work, there are at least two perspectives that need to be considered. On the one hand domestic workers, especially immigrants, often accept exploitative working conditions (for example, no additional payment for additional work) as “normal”, a “favour”, or “help”. This is of course the result of working in the private sphere and being aware of the importance of building up trust with the informal employer, of being treated “like a family member”. It concerns those immigrants who have less migration experience; a clear learning process is visible, with more experienced domestic workers being aware of their rights and leaving such work relations. On the other hand, it seems that on the employers' part there is respect for the domestic workers who have access to their homes and care for their children or parents, and an awareness of being dependent on their services. In terms of power relations, these are obviously unequal, due to the legal, economic and social status of the Polish informal employer compared to the MDW. The immigrant, however, creates a sense of stability both through links to other immigrants and a patron–client relationship with the employer. The quality of immigrants' working conditions – payment, in particular – improved when they possessed social capital gained through ties to their employers. Recommendations given by employers as well as experience from several jobs allowed the MDWs to achieve satisfactory working conditions and to create a work routine.

Regarding legal changes attempting to lift the domestic work sector out of the informal economy, of importance is the 2011 Act on care provided to children up to 3 years old, which provides an opportunity mainly aimed at Polish nannies to “come out of the shadows”. This Act shows that there is some political reflection on the topic. However, it

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is not incidental that the Act concerns child care – which has the highest status among the domestic work jobs – and that institutional child care is already a concern voiced by politicians during election times. Of great importance is the draft bill on aid to dependent individuals, which plans to introduce financial support for families responsible for the provision of care. This shows that elderly care, with a concern for systematic solutions, is slowly coming to the fore as a political issue; until recently this theme was present only when pensions were discussed.

Legal channels of entry for MDWs, such as the system of employers' declaration of intent to hire a foreigner, has yet to be proved to actually be effective in increasing declared employment in the domestic work sector. Due to lack of control mechanisms, at present it serves mainly as a way to enter Poland legally, since the declaration enables immigrants to apply for visas, with the majority most probably not signing proper contracts with the employers. However, at least for some domestic workers this system has proved to be a way out from the informal sector, provided that they managed to get employment contracts and their employers applied for work permits, or (since May 2014) work and residence permits that allowed for longer stay in Poland and regular work for an employer there. Such permits for MDWs also imply fewer problems such as frequently having to apply for visas, but they are regarded as quite costly (about US\$100) and the formalities required in the application process as too complex. However, it should be reiterated that the migration policy on admission and access to the labour market for foreigners has been changing recently. Along with restricting access to the territory, due to Poland's accession to the European Union and the Schengen zone, access to the labour market has been liberalized.

Migration from Ukraine to Poland and to the domestic work sector among others will continue, as there are now additional factors destabilizing the country of origin politically and economically such as the ongoing war in the eastern provinces of Ukraine. Moreover, with Poland's increasing ageing of the population, the demand for home elderly care will continue – with immigrant women more willing than Polish women to engage in such work. However, due especially to the demand for child care and also an increase in the number of households able to pay for housework such as cleaning, Polish domestic workers continue to be the majority in the sector. To avoid creating a large pool of excluded and underpaid women, the Polish authorities need to tackle the issue seriously and continue to develop the legal framework, not only facilitating care work but also creating legal possibilities for flexible employment by private households that are attractive to both employees and employers. Measures should involve not only financial issues (remuneration, taxes and contributions) but also rational organization of work and free time, to satisfy both the needs of employers (e.g. a dependent person requiring assistance round the clock) and the needs of employees (e.g. right to privacy, rest and family life).

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## 9. Recommendations

The following recommendations are based on analysis of the data gathered and also partly reflect recommendations formulated in academic publications and policy reports.

1. Provide **reliable data** on the immigration of Ukrainian women to the domestic work sector in Poland, as a basis for the development of research-informed policy. Such research should among others address: the temporary character of immigration (current statistical data only partly capture these flows), the working conditions of MDWs and the impact of these migrations on Ukraine. Such research should include practical recommendations and reach interested parties.
2. Re-introduce the **recognition of diplomas and documented skills** of the nationals of Poland's neighbouring non-EU countries. From qualitative studies we can conclude that there are a number of women who are overqualified for domestic work. Legal paths of entry for qualified foreign workers exist but are still insufficient. As a result, these women are channelled into the informal sector, in particular into domestic work where they face deskilling.
3. **Simplify the employment regulations.** Although access to the labour market for foreigners has been significantly widened due to liberalization of the law and the introduction of instruments simplifying the procedure for employing a foreigner, the regulations for employing a person who will work in a household is still too complex for employers. The scope of obligations linked to employing a domestic worker on the basis of an employment contract and a contract of mandate (including registration at the Office of Social Insurance) is still discouraging and perceived as time-consuming. Additionally, the very low risk of controls and punishment for undeclared work or undeclared employment encourages the omission of formalities linked to the employment of MDWs. Undeclared work risks not being properly remunerated and carries the additional risk of abuse of the domestic worker's rights such as the right to dignity, decent work or family life, or when the conditions of work are changed unexpectedly as in an increase of work with no rise in pay. Among simplified procedures the introduction of a contract allowing work for several employers should be considered. This certainly would improve the situation of cleaners.
4. Accompanying the simplification of regulations, **run a campaign to raise awareness** among domestic workers and their employers of the benefits of official employment. This should promote best practices aimed at increasing the incentives for immigrants to look for official work, reducing dependency on informal employment. It should also encourage systematic dialogue, starting at the local level, to assist in understanding the points of view of all stakeholders and the changing needs for household work; such dialogue should include families, practitioners, and representatives of government responsible for the welfare state.
5. **Develop "entry protocols"** which would be attached to the labour contract. The study carried out for the present research shows that MDWs are much less willing than Polish domestic workers to negotiate their oral contracts with the Polish employer. An "entry protocol" is a document containing clear explanations of rights and duties, working hours, tasks, etc. and is an important step in professionalizing domestic work. Both domestic workers and employers should be aware of what constitutes a fair contract.
6. **Increase the value of domestic work.** As already discussed in this report, the demand for domestic workers in Poland is increasing. This is related to the unchallenged gender contract where women are regarded as primarily responsible for care and household chores, as well as the capitalist culture of work and an ageing population. Although new policies concerning care for children and the elderly are being introduced, as well as more gender-balanced solutions of parental leaves, alternatives to underpaid, unofficial domestic

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services are still needed. This requires an ideological change, backed up by appropriate political developments and the introduction of family-friendly working hours.

- 7. Develop tools to empower migrant domestic workers** to take a stand in defence of their rights. MDWs are widely dispersed – as are Ukrainian migrants in general; they do not form a clear diaspora. At the same time, such seemingly “natural” partners as trade unions or NGOs do not provide targeted support for this group. Thus, there is a need to raise awareness of common goals and to support all attempts at self-organization on the part of migrant workers. Social mobilization from the grassroots is important to the rights of domestic workers worldwide, as we have seen for example during the campaign for ILO Convention No. 189 on decent domestic work. In Poland, domestic workers are isolated and unorganized; there are no organizations that deal specifically with domestic work issues, and such work is not recognized as important by the Government or trade unions. In this context it is vital to include in future actions the issue of social mobilization that would include both immigrant and Polish workers, demonstrating their common interests and building solidarity in this hitherto dispersed occupational category.
- 8. Develop a high-level information campaign to raise awareness** among experts and relevant authorities about the need to regularize domestic work, using as a tool the ILO Domestic Workers Convention (No. 189). This should be carried out through meetings organized with the relevant committees in the Polish Parliament. The campaign should lead to the development of a lobby to adopt the ILO Convention, especially in case the bottom-up pressure from the domestic workers would be too weak. Raising awareness about the existence of ILO Convention No. 189 and creating pressure to adopt it is relevant for both immigrant and Polish domestic workers.



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## Annex

### Methodological note:

As it is hard, if not impossible, to generalize from a small scale qualitative study, we focused on gathering data from different actors who could provide us with complex view of the domestic and care labour in Poland, as agreed with ILO. We interviewed six experts, eight Ukrainian domestic workers, four Polish domestic workers and four employers. We took into account the bulk of knowledge gathered in hitherto research projects by each of the authors, and referred to them accordingly.

The interviewed domestic workers differ in age and previous work experience (for details see table 1 below). Some of the interviewees arrived in Poland after they finished school, or during their studies, in their late teens or early twenties (for example, MDW1, MDW3, and MDW4). Other interviewees were in their 30-40s and have already established their own families. The younger and the older alike have members of their families back in Ukraine and they support them with remittances. However, those who have their own families in Ukraine – especially young, dependent children – remit on a regular basis. The duration of their stay in Poland spans from 18 years for the earliest arrivals in 1996 to less than a 1 year for the most recent one. The level of education differs as well as economic activities undertaken in Ukraine. Not everyone regarded cleaning or care-work as a form of professional degradation (as was the case of an ex-nurse, MDW5, or an ex-accountant MDW6). Some of the interviewees took up simple jobs in Ukraine (petty trade or work as a cloakroom attendant). The younger interviewees and some of the older ones, who were staying at home mothers/wives in Ukraine, initiated their economic activity only after coming to Poland. Among the work they undertook in Poland numerous sectors were mentioned, sometimes combined in an experience of a single person: seasonal work in agriculture and gardening, petty trading, waitressing, work at the bakery, translations. Two of the interviewees (MDW1 and MDW3), having completed their university studies in Poland (combining it with work in domestic sector), were at the time of the carrying out of the interview seeking jobs outside the domestic work sector.

The four Polish domestic workers interviewed were women of 33, 42, 58 and 71 years of age. For two of them (a child-care and an elderly-care-worker) domestic work constituted the main economic activity. For the other two cleaning in private houses was their additional activity, done in the time free from full-time jobs (one worked as a shop assistant and the other one as a receptionist).

Only some of our interviewees had a previous experience with working as a domestic worker abroad in a different country than Poland (MDW2 in Russia as a housekeeper, PDW1 in France, elderly-care), and currently none of them considers going elsewhere. Among the Ukrainian interviewees there were people of rather stable migration pattern, choosing one country, and circulating between home and receiving country over the years.

The interviews were recorded and transcribed. All of the information concerning domestic workers is presented in an anonymous form.

**Annex Table 1. Study Participants – Domestic Workers**

<b>Domestic Workers Number of interview</b>	<b>Age at the moment of interview</b>	<b>Year of first arrival in Poland</b>	<b>Education</b>	<b>Domestic work experience</b>	<b>Other work experience</b>	<b>Current job situation</b>
MDW1	26	2007	Studied in Ukraine, graduated in Poland	Worked as a child care-worker, occasionally cleaning in other houses	Worked only in Poland as a translator and in a restaurant as waitress	Works as a nanny for one family, live out, looks for a job in the sector of her studies
MDW2	50	2005	No data	Worked in Russia as a housekeeper. Worked in Poland as nanny/housekeeper, cleaner, office cleaner	Worked in Ukraine in petty trade, in Poland as physical worker at the bakery, seasonally in agriculture	Cleans for three employers, live out
MDW3	43	1996	Studies in Poland, marketing in hotel industry	Worked as a housekeeper, cleaner, cleaner at the restaurant	Worked in Ukraine as a cloakroom attendant, in Poland as a waitress	Cleans for one household on a daily basis, lives out, seeks a job in hotel industry in marketing
MDW4	36	1996	Secondary school	Worked as a cleaner	Worked in Poland in petty trade, in agriculture	Cleans for 5 employers, live out
MDW5	42	2005	(qualified nurse)	Worked as a cleaner	In Ukraine as a nurse in hospital (15 years), in Poland worked in petty trade, in agriculture	Cleans for 8 employers, live out
MDW6	42	2011	University degree in Ukraine	Worked as a care-worker for the elderly	Worked in Ukraine as an accountant in a car company and at the gas station	Works as a care-worker for one elderly person affected by Alzheimer disease, live in
MDW7	42	2013	No data	Worked as a care-worker for the elderly person, and cleaner, also office cleaner	Worked in Ukraine as office worker in an accountant office	Cleans for 4 employers, + 2-3 additional + cleans in a church, live out
MDW8	33	2011	University degree in Ukraine	Caregiving for child	Worked in Poland in agriculture	Works as a care-worker for one child, lives in
PDW1	58	From Warsaw	No data	She worked in France as a care-worker for an elderly person for one year. She cleaned in the USA. In	Main job is at the reception desk, every other day, in free days she cleans for extra money, for four	Every other day, in free days she cleans for extra money



Domestic Workers Number of interview	Age at the moment of interview	Year of first arrival in Poland	Education	Domestic work experience	Other work experience	Current job situation
				Poland she worked as a child care-worker and cleaner	years now	
PDW2	33	From smaller town	Bachelor's degree	Child care-worker	Worked in an office of the court	Works for one main employer as a nanny and for one additionally as a child caregiver
PDW3	71	From a smaller town	No data	Elderly care-worker	Worked in public transportation company	Without work currently, in the past worked as a caregiver for older persons
PDW4	42	From smaller town	Secondary education	Cleaner	Worked in a shop	Works in a shop (full time), cleaning at private houses as extra job

Annex Table 2. Study Participants – Employers

Employers Number of interview	Age	Employs	Type of household	Nationality of employees
EofDW1	Ca 65	A cleaner once in one or more weeks, since 1999	A detached house (160 sq m) in Warsaw suburbs, lives with husband	Ukrainian and Polish, Ukrainian workers prevailing
EofDW2	Ca 60	A cleaner once in a week, a live-in care-worker for the elderly mother	A flat in a block of flats	Ukrainian cleaners, Polish care-worker
EofDW3	Ca 70	A cleaner once in a week	A flat in a block of flats	Ukrainian cleaners
EofDW4	Ca 40	A nanny on an everyday basis, cleaner once in a week or in two weeks	A flat in a block of flats	Polish nannies, Ukrainian cleaners

