



## Precarious work of migrant workers

*The example of Ukrainians in Poland in the light of regulations of (R)ESC*

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Warfare, which caused a political and economic crisis in Ukraine, has forced Ukrainians to seek new places to live. The main causes of migration are economic (lack of work and prospect), political and educational. According to the Polish Office for Foreigners, the number of Ukrainian citizens coming to Poland has been rising since 2008, the year of the war outbreak. Citizens of Ukraine now form the largest group of foreigners taking up employment in Poland. More than 70% of these Ukrainians perform simple jobs and work in worse conditions than Poles (longer working time, lower earnings). Many factors, for instance the lack of knowledge about their rights and law enforcement mechanisms, weak bargaining position, susceptibility to abuse from employers, make Ukrainians vulnerable to precarization of work.

The Polish legislator has made an effort to change the current reality. The introduced mechanisms were intended to make it easier for Ukrainians to enjoy the same labour rights as Poles do. Many of those mechanisms are convergent with regulations of the (Revised) European Social Charter (hereinafter: (R)ESC), but still not all the standards are respected.

It seems that the precarization of migrants' employment, causing inequality on the labour market, is now a global phenomenon generating social tensions and practical problems, connected also to the integration of migrants on the national labour market. On the one hand, the influx of workers supports the manufacturing market, allowing it to function properly. On the other hand, however, lowering the standards related to employment conditions causes a number of social problems. Such a split would not create favourable conditions for work and should be eliminated. The present article will not only tackle upon existing problems in this area, but will also consider possible legal solutions for them.

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## 1. The precariat in the context of migration

The precariat as a social phenomenon has been observed for several years. Its definition is not uniform and depends on the accepted starting point of deliberation. This new class of working people was first identified by Guy Standing. In his opinion, precarious workers are those, who represent a *class-in-the-making*, internally divided into angry and bitter fractions. This class consists of a “multitude of insecure people, living bits-and-pieces lives, in and out of short-term jobs, without a narrative of occupational development, including millions of frustrated educated youth, who do not like what they see before them, millions of women abused in oppressive labour, growing numbers of criminalised tagged for life, millions being categorised as “disabled” and migrants in their hundreds of millions around the world. They are denizens; they have a more restricted range of social, cultural, political and economic rights than citizens around them”.<sup>1</sup> The “precariat in its nature taps into increasing discontent and dissatisfaction among a range of groups. It also stokes in people the hope of connection and collaboration with radically different cohorts from radically different backgrounds”.<sup>2</sup>

People classified as the precarious class come partly from old working-class communities, partly from migrant groups and minorities, and partly from the educated, who do not see themselves in the old class categories.<sup>3</sup> The precariat is closely related to the work environment, but its scope does not end with employment. The phenomenon of the precariat is related to various social relations dominated by employment relations. Those relations have a number of other implications.

Precarious workers are those who, for various reasons, work in worse conditions. Of course, the term “worse conditions” has to be defined. It can be assumed, that these are the working conditions that do not guarantee the stabilization of employment, social security and protection of interests. Precarious workers are also individuals, who are deprived of the right to a decent wage and work within the scope of short-term contracts or contracts that are easily terminated, the ones who are not protected by the standards concerning working time or health and safety at work, without social security in the event of insurance risks (sickness, maternity, old age) and unable to use collective workers representation.

Among precarious workers, a single group is particularly conspicuous, namely economic migrants, whose prime motivation to come to a particular country is to seek employment.<sup>4</sup> It is claimed, that economic migrants tend to be favourably “self-selected” for labour market success. They are described as tending, on average, to be more able, ambitious, aggressive, entrepreneurial.<sup>5</sup> It seems, however, that

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<sup>1</sup> G. STANDING: *The Precariat. The New Dangerous Class*. Bloomsbury Academic, 2011.

<sup>2</sup> M. JOHNSON: The precariat. *Global Discourse*, vol. 3., iss. 3–4. (September-December 2013) 385–387.

<sup>3</sup> STANDING (2011) op. cit.

<sup>4</sup> A. E. GREEN: Immigration and Labour Market Integration. In: S. MCKAY (ed.): *Refugees, Recent Migrants and Employment. Challenging Barriers and Exploring Pathways*. Routledge, 2009.

<sup>5</sup> B. R. CHISWICK: Are Migrants Favourably Self-Selected? In: C. B. BRETTELL – J. F. HOLLIFIELD (eds.): *Migration Theory: Talking across Disciplines*. Routledge, 2000.

this assumption is not always valid, since migrants are often classified as a special group of precarious workers. Whether a migrant can be considered a precarious worker depends on many factors – the specific circumstances of their migration, the degree of determination to take up employment or the labour market situation in the country of arrival.

The social integration of migrants, including labour market integration, is quite often perceived as a certain actual action aimed at facilitating their functioning. However, it seems that integration-related actions should be considered as a form of implementation of a human right that should be granted to each migrating individual. Measures to support migrants, and thus to avoid the precarization of their work, such as informing about workers' rights or lowering the level of employment which is precarious by its nature performed mainly by migrants, should be perceived as a legal obligation of the state.

The grounds for implementing measures that support migrants derive from such fundamental human rights as the right to respect human dignity or the right to equal treatment.<sup>6</sup> Also some international standards (e.g. Revised European Social Charter) indicates that kind of measures as right of incoming worker and, consequently, the obligation of the states. Further reflections will focus on the presentation of the problem of precarious employment of migrants from the perspective of Ukrainians coming to Poland, who are a special group of economic migrants.

## 2. Ukrainian migrants in Poland

The war, which started in Ukraine in 2014, forced hundreds of thousands of people to leave the country. As the economic crisis affected the whole country, both those living in the areas of the armed conflict and those living in the areas free from fighting have decided to emigrate. This trend is confirmed by the research conducted by the Centre for Eastern Studies in 2016 showing that the huge increase in the scale of economic migration is accompanied by the changing character of migration of Ukrainians to Poland. Previously, it has been dominated by inhabitants of Western Ukraine, now it also concerns people from the central and eastern parts of the country.<sup>7</sup>

Poland appeared a natural destination for many migrants due to its geographical vicinity, membership in the European Union and similar culture. Poles and Ukrainians have a turbulent history, but for several decades their relations have been regarded as balanced. Polish leaders even took an active part in the so-called orange revolution in Ukraine at the turn of 2004, taking part in the resistance of citizens against the rigged presidential election. The ongoing warfare is a consequence of these actions.

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<sup>6</sup> M. WUJCZYK: *Social Integration of Migrants under European Social Charter – right or duty?* Paper presented on The XII European Regional Congress organised by ISLSSL in Prague (20-22 September 2017).

<sup>7</sup> *Immigration from Ukraine. 128 thousand Ukrainian citizens with long-term permits to stay in Poland.* Office for Foreigners Bulletin – 2nd quarter of 2017.

The main goal of Ukrainians arriving in Poland is taking up employment (73% of the immigrants declared work to be the purpose of stay in 2016). The temporary stay and work permits form lawful basis of the stay of Ukrainians. Over the past few years, the number of issued permits has been steadily growing:

- 2012 – 3,323
- 2013 – 3,863
- 2014 – 8,307
- 2015 – 23,925
- 2016 – 42,334.

Ukrainian citizens benefit from easier access to the Polish labour market and for six months of 12 consecutive months of their stay they can work without being obliged to obtain a work permit. Their stay is legal when an employer registers the declaration on entrusting work to a foreigner. In 2015, 763,000 Ukrainians were registered in Poland using this procedure (on the grounds of the statements constituting the basis of such work), and in 2016 1.26 million of such statements were registered.<sup>8</sup> According to data from the *Statistical Yearbook of Republic of Poland 2017*,<sup>9</sup> there are around 17 million economically active persons in Poland (aged 15 and more), 6% (around 1 million) of which are Ukrainians.<sup>10</sup> There is also a gradual increase in the number of decisions granting refugee status to Ukrainians (2013 – 2; 2014 – 0; 2015 – 2; 2016 – 29; 2017 – 56).<sup>11</sup>

Since 11 June 2017, citizens of Ukraine have been able to enter the European Union without a visa. This possibility is limited (by purpose – for business, tourist or family purposes; by length – 90 days every half a year), but for many it creates the opportunity to come to Poland to find a job that will result in an extension of their stay.

### 3. Precarious work of Ukrainians in Poland in the light of the (Revised) European Social Charter

Migrants' problems related to the labour market has been commented on for a long time. When it comes to economic migrants they usually work alongside one another (in groups), doing the same kind

<sup>8</sup> Ibid.

<sup>9</sup> *Statistical Yearbook of Republic of Poland 2017*; <https://stat.gov.pl/obszary-tematyczne/roczniki-statystyczne/roczniki-statystyczne/rocznik-statystyczny-rzeczypospolitej-polskiej-2017,2,17.html>

<sup>10</sup> I. CHMIELEWSKA – G. DOBROCZEK – J. PUZYNKIEWICZ: *Obywatele Ukrainy pracujący w Polsce raport z badania. Badanie zrealizowane w 2015 r.* (Citizens of Ukraine working in Poland – study report. Study completed in 2015) [https://www.nbp.pl/aktualnosci/wiadomosci\\_2016/20161212\\_obywatele\\_ukrainy\\_pracujacy\\_w\\_polsce\\_%E2%80%93\\_raport\\_z\\_badania.pdf](https://www.nbp.pl/aktualnosci/wiadomosci_2016/20161212_obywatele_ukrainy_pracujacy_w_polsce_%E2%80%93_raport_z_badania.pdf)

<sup>11</sup> Report on Ukraine Citizens (17<sup>th</sup> September 2017) – Office for Foreigners. <https://udsc.gov.pl/wp-content/uploads/2014/12/UKRAINA-17.09.2017.docx>

of low-paid work, which has often been rejected by domestic workers.<sup>12</sup> The situation of Ukrainian workers in Poland can be characterised as similar to the abovementioned pattern. More than 70% Ukrainians perform simple jobs and over 60% are of the opinion that the work they perform in Poland is below their qualifications.<sup>13</sup> Ukrainians work in worse conditions than Poles, for instance their working time is longer and their earnings are usually lower. The main factors which determine such a situation are a lack of theoretical knowledge about employees' rights, a lack of knowledge of law enforcement mechanisms, a weak bargaining position, susceptibility to abuse from employers, a lack of trust in institutions, language barrier and a lack of social support from employees who are Poles.<sup>14</sup> In the initial period migrants often arrive to their destination country without their families. Due to the lack of family obligations, migrants may spend more time with work. This often results in overtime or multiple work mostly unpaid.

The following barriers to employment encountered in Poland should be noted:

- a) regulatory regime – namely non-precise rules of access to employment which often encourage abuse;
- b) access to housing – high rent rates often limit access to accommodation, making flat-sharing a necessity;
- c) access to information – limited access to regular employment stems from the deficiency of information on the immigrant's rights. The most affected foreigners are those whose stay is not documented;
- d) lack of awareness among the assistant personnel as to the situation of migrants – Jabłeczka points out that “as regards immigrants, the information and awareness barriers include also a method of presentation and a form of data. Not always the awareness of the rights means the understanding of how the system works and vice versa”,<sup>15</sup>
- e) cultural barriers – such cultural barriers include, for example, communication style, a misunderstanding of the role of the family, the amount of information and details included in communication acceptable in a given society, and trust for the employer.

What should be emphasized here is that many Ukrainians are hired under civil law contracts. This deprives them of the protection guaranteed by labour and employment regulations, especially as previously mentioned, with regard to remuneration, working conditions and health and safety rules. In many situations the form of employment is imposed by the hiring company and amounts to a breach

<sup>12</sup> S. MCKAY: *The commonalities of Experience: Refugees and Recent Migrants*. In: MCKAY (ed., 2009) op. cit.

<sup>13</sup> CHMIELEWSKA–DOBROCEK–PUZYNKIEWICZ op. cit.

<sup>14</sup> P. WEGENSCHIMMEL: Strategie eksternalizacji ryzyka w zatrudnieniu pracowników migrujących z Ukrainy. (Strategies for externalization of risk in the employment of migrant workers from Ukraine.) *Polityka Społeczna*, 5–6/2016.

<sup>15</sup> B. JABŁECKA: *Strukturalne i kulturowe bariery w dostępie imigrantów do ochrony zdrowia*. [Structural and cultural barriers to the immigrants' access to healthcare] [http://www.isp.org.pl/uploads/filemanager/B\\_JabeczkaStrukturalneikulturowebarierywdostepieimigrantwdoochronyzdrowia.pdf](http://www.isp.org.pl/uploads/filemanager/B_JabeczkaStrukturalneikulturowebarierywdostepieimigrantwdoochronyzdrowia.pdf)

of the Polish regulations. More importantly, civil law contracts do not guarantee the same level of social protection as provided by the employment relationship.

Ukrainians have developed awareness that the Polish labour market needs them. For this reason they have started to claim their rights. On the 16<sup>th</sup> of June 2016, the Multi-employer Work Association of Ukrainian Workers in Poland was officially registered as a trade union. Its aim is to defend the dignity, rights and interests associated with the performance of paid work, which are in particular:

- 1) the representation and defence of dignity, material, professional, social, civil and cultural rights and interests of union members;
- 2) the efforts to harmonize the interests of employees with the proper functioning of the workplace;
- 3) the presentation of the union's standpoint to the employer, employing entity, public administration, local administration and political, professional and social organization.<sup>16</sup>

According to Upper Job, the earnings of Ukrainians in Poland increased by 17-33% in May-July 2017.<sup>17</sup> This is not because employers want to pay more, but because employees demand higher wages. This indicates a gradual exodus of workers from Ukraine from the precariat zone. It does not appear, however, that it will completely eliminate the work in bad conditions performed by Ukrainians. The primary factor affecting migrants' acceptance of work below their qualification, low rates, and poor organizational structure is their determination to earn as much as possible. To achieve this, they often agree on very unfavourable working conditions.

The introduced mechanisms are intended to make it easier for Ukrainians to enjoy equal labour rights and to benefit from labour law protection just as Poles do. The recent amendment of regulations (effective from the 1<sup>st</sup> of June 2017) obliges employers, who have a status of temporary agency work, to inform foreign workers about regulations governing the rules regarding the entry, stay and work of foreigners on the territory of Poland. If this obligation is considered as a transfer of state obligation of information on employers, it seems rather unjustified, as it is not employers' obligation to be the only one to inform migrant worker about law regulations covering matters connected with administration law (legal rules regarding the entry to the country and grounds of lawful stay) and about law regulations concerning work of foreigners. Employers do not have such an obligation according to Polish law (when it comes to labour law regulations an employer has to inform an employee but only about some applicable rules).

Establishing such an obligation towards temporary employment agencies does not deprive the state of the possibility of running its own information campaign. It is important to emphasize, that migrants workers from Ukraine are mainly employed by temporary work agencies. This means that for the vast

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<sup>16</sup> Data from trade union register.

<sup>17</sup> Upper Job: Zarobki Ukraińców w Polsce wzrosły o 17-33% w okresie maj-lipiec 2017. (Earnings of Ukrainians in Poland increased by 17-33% in May-July 2017) *ISBnews – Biznes*, 11. 07. 2017.

majority of Ukrainian employees, the information obligation is carried out twice – by the state and by the agency. In our opinion, the obligation of such a critical importance should not be reserved only for employers, therefore imposing that obligation on a temporary employment agency does not absolve the state from performing its own informative obligation.

The European Social Charter and the Revised European Social Charter are the most important acts regulating employees rights and social rights in the system of international standards of the Council of Europe. The European Social Charter was signed by 13 Member States of the Council of Europe in Turin on 18<sup>th</sup> October 1961. It came into force on 26<sup>th</sup> February 1965. It regulates a number of employee rights in terms of both individual and collective labour relations. It also includes regulations relating to the rights of migrants and persons susceptible to exclusion (the unemployed, homeless, or juvenile).

The text of the Revised European Social Charter (RESC), containing an expanded catalogue of social rights, was drafted in order to complement and develop the rights recognized in the European Social Charter. The act was signed on 3<sup>rd</sup> May 1996, and came into force on 1<sup>st</sup> July 1999. It should be emphasized that the Revised European Social Charter does not replace the European Social Charter of 1961. Consequently, the countries that have signed but not ratified the RESC are still bound by the provisions ratified by the ESC of 1961. Both acts are open for signature and ratification to the other Member States of the Council of Europe.

Article 19 of the European Social Charter, which concerns the rights of migrant workers, has been ratified by Poland. However, Poland has not ratified the RESC. Migrant rights regulations introduced by Article 19 of both the ESC and the RESC impose a series of obligations on ratifying states towards workers who migrate onto their territory. Article 19 of both ESC and RESC are modelled on the revised ILO Convention concerning Migration for Employment (No. 97), adopted on 9<sup>th</sup> June 1942, during the 32<sup>nd</sup> General Conference of ILO.<sup>18</sup> Most of the obligations regulated by the provisions of Article 19 are aimed at the integration of migrants with the society in which they have arrived.

The difference between the content of Article 19 in the ESC and Article 19 in the RESC lies in two points (11–12). According to them, a country which ratifies these obligations undertakes:

- (11) to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;
- (12) to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

The remainder of the regulation of Article 19 in the ESC and in the RESC is the same.

It has to be emphasized that according to Article 19 of the European Social Charter with a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of a country, the country undertakes to maintain or to satisfy themselves

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<sup>18</sup> H. WIEBRINGHAUS: The European Social Charter and International Labour Standard: I. *International Labour Review*, Vol. LXXXIV., N. 5. (1961) 375.

that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration. Accordingly, the information obligation is a duty of the state.

Complete transfer of this obligation to employers does not seem appropriate, especially since this obligation has been broadly covered by the Polish law. It concerns the information about the legal regulations of entry, stay and work on the territory of Poland. Given that those regulations are very extensive and not integrated internally, it is not easy to fulfil the information obligations of employers. According to European Committee of Social Rights for information process to be effective, information should be provided in an appropriate form. Thus, it should be worded in a clear manner and, first of all, it should be communicated to those who are planning to migrate for employment in their mother language.<sup>19</sup> The state and the employer should both fulfil their informative obligations.

Pursuant to Article 19 of the (Revised) European Social Charter, states are obliged to ensure:

- insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters: remuneration and other employment and working conditions; membership of trade unions and enjoyment of the benefits of collective bargaining; accommodation; (Article 19. 4)<sup>20</sup>
- treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons (Article 19. 5)
- treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in Article 19 (Article 19. 7).

The principle of equal treatment does not apply only to employment. Practically, it extends to all the activities of migrants. In the context of precarious work, it is important to keep in mind that its phenomenon is not limited to employment relations, often affecting other spheres of life. Only through comprehensive action can the desired results, i.e. minimizing the phenomenon of precariousness among migrants, be achieved.

On the grounds of the Revised European Social Charter the integration of migrant workers, which aims also to fight against migrants' precarization, should be considered an obligation of the receiving states. Host states are not only entitled, but also obliged to take measures that will facilitate the integration of foreigners with societies in which they function. Such measures should be based, on the one hand, on providing active assistance in the adaptation period and, on the other hand,

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<sup>19</sup> WUJZYK op. cit.

<sup>20</sup> This issue is discussed in detail by: S. CLAUWERT: The right of Migrant Workers and Their Families to Protection and Assistance. In: N. BRUUN – K. LÖRCHER – I. SCHÖMANN – P. CLAUWERT (eds.): *The European Social Charter and the employment relation*. Haart Publishing, 2017. 340–357.



on creating possibilities for the migrants to function permanently in the receiving state. Without subjective treatment of migrants, their integration, also in the context of labourmarket integration, will be impossible. It will be possible provided, that the receiving state treats migrants in the same way as it treats its own citizens. Both the European Social Charter and the Revised European Social Charter defines the areas in which the rights of migrants should be ensured at the same level as rights granted to citizens of the given state. It is worth noting that the provisions of Article 19 of the (Revised) European Social Charter are considered as so-called hard-core provisions, i.e. provisions of particularly fundamental importance.<sup>21</sup> As it has already been indicated, measures to support migrants should be perceived as a legal obligation of the state, and the grounds for this obligation derive from such fundamental human rights as the right to respect human dignity or the right to equal treatment. One should call for the aforementioned rights to be considered as a *sine qua non* condition for a complete and actual integration of migrant workers in order to avoid precarization and perceived as a responsibility of the host state.

In its present legal status, Poland does not efficiently fulfil all the obligations which derive from the ratification of the Article 19 of the European Social Charter, especially when it comes to providing adequate and free services to assist migrant workers, particularly in obtaining accurate information. The scale of abuse against migrant workers from Ukraine confirms that they are not fully aware about their legal status. Additionally, there has not been adopted special measures for the benefit of migrant workers, to facilitate their departure, journey and reception. Finally, Poland did not introduce satisfactory solutions, which would facilitate the reunion of the family of a foreign worker permitted to establish himself in the territory. This leads to further aggravation of the phenomenon of precarious work among Ukrainians. In the absence of firm actions undertaken by the legislature, it seems that the only way to combat this phenomenon is for the actions, such as the ones mentioned above to be taken by the workers themselves.

#### 4. Precarization of migrant workers as a global problem

In recent years the issue of integration of foreigners has been the subject of heated debates at EU level, showing the importance of this problem.<sup>22</sup> In most EU countries, migrant workers have higher unemployment rates and, when in employment, tend to be segregated in unskilled occupations and exposed to higher risks of over-qualification. Moreover, they experience considerable job insecurity, and the sectors and occupations where they are employed are characterised by less advantageous

<sup>21</sup> L. SAMUEL: *Fundamental social rights. Case law of the European Social Charter*. Council of Europe Publishing, 2002.; A. M. ŚWIĄTKOWSKI: *Charter of Social Rights of the Council of Europe*. Kluwer Law International, 2007.

<sup>22</sup> J. SEGEŠ FRELAK – K. GROT: Introduction. In: J. SEGEŠ FRELAK – K. GROT (eds.): *In Searching for New Formal Integration Patterns. Selection of Texts of the Polish Integration Forum*. Fundacja Instytut Spraw Publicznych, 2013.

working conditions.<sup>23</sup> Migrants often accept jobs that natives do not want to do due to low wages and bad conditions.<sup>24</sup> It seems, therefore, that the precariousness of migrant employment is a global problem, which is largely based on discriminative practices.

Equal treatment, fostering the fight against precarious employment, is important for the integration of migrants. Unequal treatment of people arriving in a state and those who have lived there since they were born creates barriers. Those barriers hinder the integration of immigrants in the social structures functioning in a given country. The equal treatment obligation should be considered as one of the fundamental measures enabling migrants to be integrated. The equal treatment obligation becomes particularly important in periods of recession and increasing unemployment. A higher unemployment rate results in a deterioration of the situation of foreigners, because they are the first to encounter problems in finding jobs.<sup>25</sup>

Various types of discriminatory behaviour do not have to be intentional and come from prejudice. They are often the result of indifference or unawareness of the effect of a decision, a certain behaviour, a particular procedure, or a lack of action (abandonment). Ordinary practices or unreflectively duplicated institutional procedures contribute to unequal treatment as much as intentional ones. This is shown, for example, by the results of research on employers' knowledge of procedures for employing foreigners or people with disabilities.<sup>26</sup> It is, therefore, crucial to educate both employers and migrants about the desirable ways of migrants' employment. Establishing an effective integration policy, which takes into account the needs of different groups of immigrants and, to avoid precarization, enables them to be equal and fully involved in public life, is still a big challenge for many EU Member States, including Poland.<sup>27</sup>

## 5. Summary

The precariat is a multi-faceted social phenomenon. It affects different social groups. However, there is no doubt that, for many reasons, migrant workers are a group, which is particularly vulnerable to falling into precarity. The root cause of this is the lack of awareness of the rights and the determination to secure employment on the part of migrants. For this reason, the host country should, in the first place, launch a campaign aimed at informing migrants about their rights as effectively as possible.

<sup>23</sup> M. AMBROSINI – C. BARONE: *Report: Employment and working conditions of migrant workers*. [https://www.eurofound.europa.eu/sites/default/files/ef\\_files/docs/ewco/tn0701038s/tn0701038s.pdf](https://www.eurofound.europa.eu/sites/default/files/ef_files/docs/ewco/tn0701038s/tn0701038s.pdf)

<sup>24</sup> A. F. CONSTANT: *Do migrants take the jobs of native workers?* <https://wol.iza.org/articles/do-migrants-take-the-jobs-of-native-workers/long>

<sup>25</sup> WUJCZYK op. cit.

<sup>26</sup> T. MAKKONEN: *Multiple, Compound and Intersectional Discrimination*, Institute for Human Rights. Institute For Human Rights Åbo Akademi University, 2002.

<sup>27</sup> SEGEŠ FRELAK–GROT op. cit.

On the other hand, regulations that prevent the exploitation of migrants as entities having a very weak bargaining power should be enforced. This includes, in particular, the minimum employment standards guaranteed by law and compliance with anti-discrimination legislation.

It is predicted that the number of Ukrainian citizens coming to Poland is going to increase regularly. For this reason, radical measures aimed at counteracting precarization of this group of workers should be taken at national level. Introduced changes of law regulations prevent the illegal employment of migrants, including Ukrainians. They also prevent other negative phenomenon, such as illegal “trade” of the declaration on entrusting work to a foreigner.

These changes concern the area of gaining access to the labour market, but do not make improvement of working conditions of migrants. In our opinion such changes should include both passing the regulations which leads to minimizing the precarization of employment as a general phenomenon of the labour market, and an obligation to provide wide and competent informative campaign for migrants, to increase their awareness about workers rights. The analysis of the legal mechanisms, which aims to minimize the phenomenon of precarious employment, does extend the framework of this article. It is worth to point out, that among such mechanisms excluding the possibility of terminating the fixed-term employment contract or regulations enforcing the illegal replacement of employment law contracts with civil law contracts can be included.