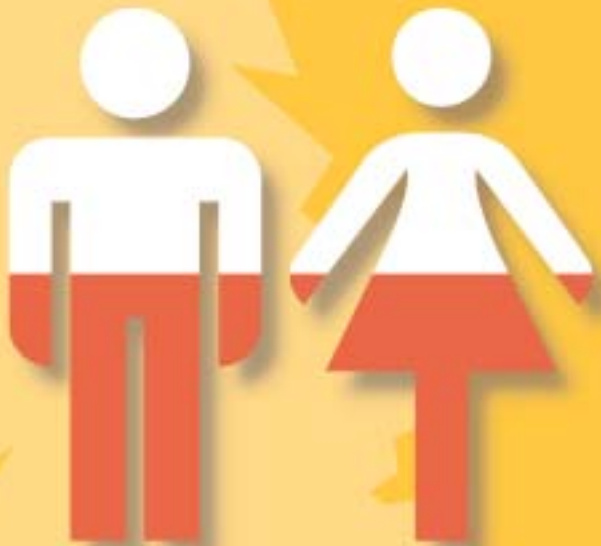




## WORKING IN THE UNITED KINGDOM

Know your rights and how to  
get help and advice

A GUIDE FOR POLISH WORKERS



On 1 May 2004 Poland joined the European Union. **As a Polish citizen you therefore have the right to work in the United Kingdom. You should apply to register with the Home Office Worker Registration Scheme as soon as you have started a new job.**

If you are planning to work in the UK you will find information in this leaflet about what you should do before leaving Poland, what your rights are in the UK and important contact details in Poland and the UK.

This leaflet can only cover the main points and you are advised to contact the following organisations for further queries. In the UK you can approach the Advisory, Conciliation and Arbitration Service (Acas), or the Trades Union Congress (TUC) for advice – you do not have to be a member of a British trade union. Citizens Advice Bureaux (CABx) are another good source of help. You will find a list of useful contacts at the end of this leaflet.

### **How do I register to work in the UK?**

As soon as you start working in the UK you must complete application form WRS giving your name, address, date of birth, nationality and employment details. You can get an application form and more information by telephoning **08705 210 224** or visiting [www.ind.homeoffice.gov.uk](http://www.ind.homeoffice.gov.uk) or [www.workingintheuk.gov.uk](http://www.workingintheuk.gov.uk).

With your first application you will need to send a letter from your employer confirming that you are working, two passport photos, your passport or ID card and a payment of £70. If you do not apply within one month of starting a job your employment will become illegal.

### **What are temporary work agencies?**

One way of finding work in the UK is through a temporary work agency, either based in Poland or in the UK.

Temporary work agencies provide workers to 'user companies'. The agency recruits the workers, pays their wages and may provide accommodation and transport. The actual work, however, is done for the user company and that company decides how the work is carried out. So if you enter into a contract with a temporary agency it will pay your wages making any necessary deductions for tax and National Insurance. Meanwhile the agency has entered into

a contract with a company to supply temporary workers to it. You will work for that company, and be subject to its control and direction.

### **Can I change to a direct contract with the user company?**

Yes, under UK or Polish legislation, the temporary agency cannot stop you.

### **Can I change to a different job?**

Yes. Your nearest Jobcentre Plus can help you find permanent or temporary work. Remember that you will have to re-register with the Home Office under the Worker Registration Scheme if you change jobs.

## Employment law in the UK

### **How much will I be paid?**

Nearly all workers aged 16 years or over, who have left school, are entitled to the **National Minimum Wage (NMW)**. If you are 16 or 17 years old you must receive at least £3 an hour. If you are 18, 19, 20 or 21 years old you must receive at least £4.25 an hour and if you are aged 22 or over you must receive at least £5.05 an hour. These rates are likely to be increased in October 2006.

If you are hired to do agricultural work you are entitled to the **Agricultural Minimum Wage**. In England and Wales you must be paid at least £5.05 an hour if you are a basic grade agricultural worker and are 19 years old or older. If you have specific qualifications, work with animals, or operate machinery you must be paid at least £5.58 an hour. If you work more than 39 hours a week on a farm, you are entitled to overtime pay which is one and a half times your basic hourly wage.

*All the hourly rates above are revised from time to time. Different rates of Agricultural Minimum Wage apply in Scotland and Northern Ireland. If you are in doubt, ring the contact numbers listed at the end of this leaflet. You are strongly advised to keep a record of the hours you worked.*

### **Can my employer make deductions from my wages?**

Employers can only make deductions from your wages if you have agreed in writing beforehand to the deductions being made or if the law or your contract with your

employer allows or requests the deductions. Matters in respect of which you can expect your employer to make deductions include:

1. *Tax and National Insurance.*

In almost all cases it will be a requirement that your employer deducts money from your wages and National Insurance contributions. See below for details.

2. *Accommodation.*

Where your employer provides accommodation, the value of the accommodation can be offset against pay. However, the maximum amount that can be counted against your pay is £3.90 for each day that accommodation is provided. The limit is likely to be increased in October 2006.

If you are paid at exactly the national minimum rate and your employer then deducts more than £3.90 for each day the accommodation is provided; this means you will not be receiving national minimum wage pay.

If you are paid more than the national minimum wage and your employer makes a deduction for accommodation, this must not take your pay below the national minimum wage by more than £3.90 for each day accommodation is provided.

*For example*

If a worker is paid at the main minimum wage rate of £5.05 an hour for a 45 hour week and rent of £45 a week deducted for the accommodation which is available seven days a week (note other deductions not included)

Weekly pay      £5.05 x 45      = £227.25  
 Minus rent charged: £45.00

Total pay received £182.25

To see whether the minimum wage has been paid:

Start with weekly pay: £227.25  
 Identify the applicable offset: £3.90 x 7 = £27.30  
 Subtract the offset from the rent charged: £45 - £27.30 = £17.70

Subtract this excess above the offset from total pay  
(£227.25- £17.70) = £209.55

Total Pay for national minimum wage = £209.55

Divide national minimum wage pay by hours £209.55/45 =  
£4.66 per hour. The worker is therefore being under paid by  
£0.39 pence an hour.

### *Another example*

If a worker is paid £6.00 an hour for a 45 hour week and  
rent of £75 a week deducted for the accommodation which  
is available seven days a week (note other deductions not  
included)

Weekly pay £6.00 x 45 = £270

Minus rent charged: £75

Total pay received £195

To see whether the minimum wage has been paid:

Start with weekly pay: £270.00

Identify the applicable offset: £3.90 x 7 = £27.30

Subtract the offset from the rent charged: £75 -£27.30 =  
£47.70

Subtract this offset from total pay (£270 -£47.70) = £222.30

Total Pay for national minimum wage = £222.30

Divide national minimum wage pay by hours £222.30/45 =  
£4.94 per hour. The worker despite being paid well above  
the minimum wage is therefore being underpaid by £0.11  
pence an hour.

These same rules apply to the agricultural minimum wage,  
which may be higher than the minimum wage for some  
workers.

If accommodation is not provided to you by your employer  
and is instead provided to you by another person or  
business, the limit on the amount that the employer can  
deduct which counts towards minimum wage pay may not  
apply. Before entering any agreement you should ask what  
accommodation will be provided, who is providing it and the  
amount of the rent. You must authorise any such deduction  
in writing or it should be specified in your contract. Further,  
your employer must not keep any of the rent collected in  
this way.

### 3. Transport.

If you work you must still be paid the national/agricultural minimum wage after money has been deducted from your wages to pay for transport.

Note: A temporary work agency cannot deduct from your pay or otherwise attempt to charge you for processing your pay or providing safety equipment. The agency may offer to provide you with other services, for example training in additional skills, which you might choose to purchase. However it cannot make the provision of its work finding services conditional on you using those other services.

#### **Will I have to pay UK tax and National Insurance?**

UK tax will be payable on your wages for UK work. Your employer will make the necessary arrangements and deduct the money from your wages.

When you work in the UK, either with an agency or a direct employer you will have to pay UK social security contributions (known as National Insurance) to the UK. Your employer will make the necessary arrangements and deduct the money from your wages. If you are liable to pay National Insurance you will need a UK National Insurance number. If you do not have a National Insurance number, you should contact Jobcentre Plus to apply for one.

You will not have to pay National Insurance in the UK if you are entitled to a form E101 from the Polish Social Insurance authority (ZUS). You may qualify for an E101 if you normally work for an employer in Poland and that employer sends you to the UK to work, the work is not expected to last for more than 12 months at the outset and you are not being sent to replace another worker. There are also certain conditions on your employer, requiring them to have significant activities in Poland. The form E101 will confirm you pay social security contributions to Poland and will prevent a demand for UK National Insurance contributions. If you do not have a valid E101 you will be required to pay contributions in the UK. Further details are available at: [www.zus.pl](http://www.zus.pl).

If you enter into a contract in the UK, either with an agency or a direct employer you will have to pay National Insurance to the UK. Your employer will make the necessary arrangements and deduct the money from your wages. If you are paying tax and National Insurance you will have a National Insurance number.

Make sure you know what this number is. Your employer should help you here, if not go to the nearest Jobcentre Plus. In addition to paying UK tax, you may also have to pay tax in Poland if you are resident there for tax purposes. In that case, if the tax you pay in the UK is less than the tax due on the same income in Poland you will have to pay the difference to Poland. Further advice is available from your local tax office (Urząd Skarbowy) in Poland.

### **What if I fall ill/get injured/get pregnant?**

You are generally entitled to free treatment from the UK National Health Service, but certain costs are due from patients for prescribed medicines, dental treatment and some opticians' fees. To claim this treatment you will need to have form E128, provided you pay social security contributions to Poland. The form E128, which should be completed before you leave Poland, is used in the UK to confirm entitlement to National Health Service treatment. You can get the form from your local NFZ (National Health Fund) Unit. Further details are available at: [www.nfz.gov.pl](http://www.nfz.gov.pl)

If you come to the UK to work and are liable to pay UK National Insurance contributions the form E128 will not apply to you. You will be able to obtain healthcare under the UK National Health Service without it. If you are paying UK tax and National Insurance you may be able to claim maternity benefit or incapacity (sickness) benefit if, for health reasons, you are unable to work for four or more consecutive days. Contact your local HM Revenue and Customs (HMRC) office in the UK to find out more. You will need your National Insurance number to make a claim.

If you are not paying UK contributions and become sick or pregnant contact your local Social Security office for advice about State benefits.

### **Will I have to work long hours?**

You cannot be required to work more than 48 hours a week, averaged over 17 weeks (over 26 weeks if you are working on a farm) unless you have agreed in writing that you are willing to do so.

### **Will I get time off?**

You are entitled to four working weeks paid holiday a year. So if you have a contract for a year's work and work five days a week you are entitled to 20 days paid holiday. If your contract is for six months and you work five days a week you are

entitled to 10 days paid holiday. These days may include bank/public holidays – check what is set out in your contract.

If you work in the agricultural sector you are entitled to 22 days paid holiday a year (11 days if you are on a six month contract) plus public holidays.

If you have not taken all the holidays you are entitled to when your contract ends your employer must normally pay you for the days you have not taken.

### **What if the place I work is dangerous or unhealthy?**

Your employer and the employment agency are required by law to ensure a good standard of health and safety for you and to give you any training you need to do your work safely. If you are worried, in the first instance raise the issue with your employer. If no action is taken or you are unhappy with the action taken, you may wish to contact the Health and Safety Executive's Infoline. Tell the operator which language you wish to speak. The operator will then arrange for an interpreter to be connected into the telephone line within a minute or so, and you will be able to continue your enquiry in your own language.

HSE also publishes leaflets for workers in Polish. Ask HSE Infoline for a copy of 'Your Health, your safety: a guide for workers'. If you have access to the internet, you can download this and other leaflets from:  
[www.hse.gov.uk/languages](http://www.hse.gov.uk/languages).

### **Anything else?**

Check your contract and any other documents you are asked to sign and make sure you really understand what you are agreeing to before you sign it. If it's not clear, ask the agency to explain. Do not sign anything you do not understand.

Never give your passport to anyone else. If someone has your passport and won't give it back, report them to the police. You have nothing to fear from the British police.

Remember that the work you will be expected to do may be very hard and tiring. If you don't think you will be physically up to the job on offer, you should consider other work.

## **Useful Contacts**

### **In Poland**

British Embassy  
Aleja Roz 1  
00-556 Warsaw  
[www.britishembassy.pl](http://www.britishembassy.pl)  
e-mail: [info@britishembassy.pl](mailto:info@britishembassy.pl)  
Tel 48 22 311 0000  
Fax 48 22 311 0311

## In the UK

Polish Consulate General  
73 New Cavendish Street  
London W1W 6LS  
Tel 0870 774 2800

Federation of Poles in Great Britain  
240 King Street  
London W6 0RF  
Tel 020 8741 5767

Home Office  
Worker Registration Scheme  
Helpline: 08705 210 224  
[www.ind.homeoffice.gov.uk](http://www.ind.homeoffice.gov.uk)  
[www.workingintheuk.gov.uk](http://www.workingintheuk.gov.uk)

Trades Union Congress  
Migrant Workers Project  
Congress House  
Great Russell Street  
London WC1B 3LS

'Know Your Rights' Line  
Tel 0870 600 4882  
Email [ctp@tuc.org.uk](mailto:ctp@tuc.org.uk)

Citizens Advice Bureau (CAB) see local telephone directory

Department of Trade and Industry (DTI) –  
Employment Agency Standards Inspectorate  
Tel: 0845 955 5105

Health and Safety Executive (Infoline)  
Tel: 08701 545500

National Minimum Wage Helpline  
Tel: 0845 6000 678  
Northern Ireland Tel 0845 6500 207

Agricultural Wages Helplines  
England or Wales Tel: 0845 000 0134  
Scotland Tel: 0131 244 6392  
Northern Ireland Tel 02890 520813

Her Majesty's Revenue & Customs (HMRC) – see local  
telephone directory for nearest office.

Jobcentre Plus/Social Security Offices – see local telephone  
directory  
[www.jobcentreplus.gov.uk](http://www.jobcentreplus.gov.uk)

Advisory, Conciliation and Arbitration Service (Acas)  
England, Scotland and Wales  
Tel: 0845 7474747  
Northern Ireland  
Tel: 02890 321 442

The information contained in this leaflet is intended to  
provide general guidance only. It should not be regarded as  
a complete and authoritative statement of the law.