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**Migration of Workers and Persons and the Integration Processes
in the Polish Labour Market with Respect to Poland's
Membership in the European Union**

Abstract

This study attempts to present migration trends in Poland against the backdrop of integration processes occurring in the labour market in the context of Poland's membership in the European Union. The chapter consists of 3 parts:

- 1) presentation of the limited access of Polish labour workforce to the EU labour market within the Europe Agreement and Accession Treaty,*
- 2) presentation of recommendations of the European Commission for the candidate countries' adjustments in the following areas:*
 - co-ordination of the social security systems,*
 - equal treatment of men and women,*
 - occupational health and safety,*
 - some aspects of the labour law.*
- 3) presentation of some trends of migration (immigration and emigration) into and from Poland during the transition period.*

Introduction – Integration processes in the EU labour market

This study attempts to present migration trends in Poland against the backdrop of integration processes occurring in the labour market in the context of Poland's membership in the European Union

The Treaty of Rome provided for a **free flow of persons** (see article 3 (c)), where a general reference to the abolishment of barriers to free flows of persons, services and capital can be found, as a condition for the establishment of a Single Market. Art. 48-51.

Neither the Single European Act nor the Treaty of Maastricht changed the provisions of the Treaty of Rome concerning the flow of workers.

In July 1968 a free flow of workers became a fact. Workers from other Member States were granted the same access to jobs as local workforce. Work permits were completely abolished. The *residence permit* came to be the only required document allowing to take a job. Such permits were granted for a period of five years and renewed automatically. Of course, workers from the Member States held a priority right to employment, over candidates from the third countries.

To streamline the circulation of information about vacancies in the Member States, in 1972 the European Commission established *SEDOC*¹, as a body responsible for creating a standard job codification system and distribution of data on job openings among the Member States. This system was modified in the years when the Single Market was being built.

New Member States had to adjust themselves to rules liberalising the flow of workers. Countries admitted to the Community in the 1970s (UK, Ireland, Denmark) were granted a five year transitional period to adjust. Regarding Greece (1981) Spain and Portugal (1986) the period was seven years, starting on the date of their accession to the Community.

An analysis of statistical data characterising the EU in the period following completion of the Single European Market shows that in 1993 the EU countries hosted in total over 15.5 million migrants, which accounted for around 4.5% of their total population. Approximately 5 million immigrants were residents of the Member States, and more than 10.5 million came from third countries. Despite successive enlargements of the EU and removing barriers to the flow of workers within a single internal market, over 2/3 of migrants originated from non-Member States. In addition, it is estimated that beside the group of legal immigrants from the third countries, holders of work permits, around 10% of immigrants did not have the right to stay there.

The labour market requires the implementation of a series of activities, before the regulatory framework turns out sufficient for its fuller integration, such as:

¹ W. Molle, *Ekonomika integracji europejskiej. Teoria, praktyka, polityka*, Fundacja Gsopodarcza NSZZ „Solidarność”, Gdańsk 1995, p.192; D. Swann, *The Economics of the Common Market. Integration in the European Union*, London, 1995, pp.180-1981, quoted after: Z. Wysokińska, J. Witkowska, *Integracja europejska*, PWN, 2001, p.123.

- (1) *Harmonisation* of national labour market regulations,
- (2) mutual recognition of diplomas and qualifications,
- (3) access to social insurance across the EU.

Activities supporting the integration of labour markets are: solutions improving the availability of cheap flats and social insurance. However, the supply of such flats is limited in Europe, due to frequent control of rents. As the period one has to wait to get such a flat is extended, the cross-border mobility of workforce is confined. Another serious bottleneck can be health insurance, if the insurance companies do not start recognising mutual liabilities in various countries. Otherwise, only the young and healthy will migrate².

1. Integration processes in Poland and the provisions of the Europe Agreement

The Europe Agreement (articles 37 – 43 and 52) signed on 16 December 1991 between Poland and the European Communities and made effective on 1 February 1994, provided for a limited access of Polish workforce to the EU labour market. Some issues it regulated were:³

- Polish citizens legally employed in the Member States and citizens of the latter employed in Poland shall not be subject, because of their citizenship, to discriminated practices regarding working conditions, remuneration or dismissals;
- the closest family members of legally employed Polish citizens are entitled to take jobs in the local labour market and to be treated as locals;
- persons holding Polish citizenship and employed in the territory of the EU are entitled to cumulate insurance, employment or residence periods in various Member States, should this be necessary to determine the amount of old age or disability pensions, etc.,
- the eligibility of Polish citizens for legal employment in the EU is contingent on the condition of labour markets in particular Member States; relevant decisions shall be taken at a national and not Community level;

² Based on Z. Wysokińska, J. Witkowska, *Integracja europejska-rozwoj rynków*, PWN, 2001.

³ Z. Wysokińska, *Proces integracji Polski ze Wspólnotą Europejską*, (in:) *Ekonomia*, W. Caban (ed.), p.495; E. Kawecka-Wyrzykowska, *Przeptyw pracowników*, in: *Unia Europejska. Integracja Polski z Unią Europejską*, Warsaw 1997, pp.409-415.

- Polish enterprises and their branches established in the EU may be granted the permit to employ Polish workers, as the so-called key personnel or high-class specialists;
- in the second phase of association, i.e. after five years from the Agreement's becoming effective, *the Association Council* will reconsider the issue of the flow of workers, but it will only be allowed to make recommendations for particular Member States.

Solutions making it easier for parties to the Agreement of Europe to access the labour market are very modest. Therefore, the actual flow of workers between Poland and the Member States is shaped by decisions made in those countries. Until now only France, Belgium and Germany have signed bilateral agreements with Poland, that laid out conditions for legal employment of Polish citizens⁴. The agreements had been concluded still before the Agreement of Europe was negotiated. The agreement with Belgium of 4 October 1990 provides for an annual exchange of 250 trainees for the period of 18 months. The agreement signed with France on 20 May 1992 permits only employment of Polish seasonal workers, but no employment quotas were set. In addition, by virtue of agreement of 29 September 1990 trainees are exchanged, 1000 persons from each country for the period of 18 months. In relative terms, the 1990 agreement with Germany seems to be the most important. The agreement limits employment in Germany to 35,000 persons broken down into industry contingents. A larger part of the original quota is to be used under construction work contracts. In the recent years, however, the scope of work of Polish construction companies in Germany has shown a downward trend, as a result of actions taken by the German administration to protect their labour market⁵. Restrictions such as the requirement to pay Polish workers as much as the Germans earn effectively curbs competitiveness of Polish contractors. In consequence, the number of legally employed Polish workers dropped drastically, from 26,000 in 1996 to 8,000 persons employed simultaneously in 1998.

Poland's endeavours to use the Agreement of Europe's provisions to conclude successive bilateral agreements with countries such as Greece, the Netherlands, Spain, Luxembourg, Italy and Denmark turned out unsuccessful.

Also implementation of other Agreement's provisions concerning the flow of workers encounters some practical problems. For instance, in some Member States family members of Polish key personnel were confronted with administrative barriers impeding the granting of visas and work permits; also

⁴ E. Kawecka-Wyrzykowska, *Przeptyw pracowników...*, op.cit., p.411.

⁵ M. Kabaj, *Dostosowania rynku pracy do warunków Unii Europejskiej. Wspólny rynek czy asymetria integracji?*, (in:) *Dostosowania w sferze realnej gospodarki Polski do integracji z Unią Europejską*, K. Żukrowska (ed.), IRiRS, Warsaw 1998.

qualifications of Polish citizens to be employed under the key personnel regulations were questioned⁶.

In the period in question, Poland's adjustments to comply with EU membership requirements covered:

- 1) adjustments allowing a free flow of workers and self-employed persons as required by the terms of a single internal market,
- 2) adjustments connected with a free cross-border flow of persons, including residents of third countries.

As regards the first issue, the European Commission recommended that the candidate-countries should initiate adjustments in the below areas:⁷

- co-ordination of the social security systems,
- equal treatment of men and women,
- occupational health and safety,
- some aspects of the labour law.

Adjustments connected with the other issue are tied up with a visa policy and compliance with the articles of the Schengen agreement.

The quality of legislation and practices concerning a free flow of persons received a generally positive opinion of the Commission, expressed in the so-called Agenda 2000⁸. Nevertheless, it was emphasised that more were needed to ensure mutual recognition of skills and diplomas, as a determinant of further expansion of the freedom of employment.

The EU countries strongly opposed abolishment of any control of the flow persons between Poland and the EU on the date of membership, that is without any transition period. Their arguments in support of delaying the schedule of the principle's implementation were as follows:⁹

- Poland has a large potential of labour force, posing the threat of high immigration to the Member States,
- Factors motivating to emigration are strong in Poland, e.g. relatively low real wages and relatively high rate of unemployment,

⁶ E. Kawecka-Wyrzykowska, *Przeptyw...*, op.cit., pp.412-413.

⁷ Przygotowanie krajów stowarzyszonych Europy Środkowej i Wschodniej do integracji z rynkiem wewnętrznym Unii Europejskiej, Biała Księga, Aneks, Komisja Europejska, Brussels 1995, pp.78-93.

⁸ Agenda 2000 – Commission Opinion on Poland's Application for Membership of the European Union, DOC/(/16, Brussels 1997, pp. 46-49.

⁹ E. Kwiatkowski, *Integracja z Unią Europejską a polski rynek pracy*, duplicated material, pp.2-3.

- The EU unemployment rate is high already today and its further growth propelled stimulated by the inflow of Polish labour force is unacceptable.

To date the migration from Poland has not been large enough to endanger labour markets in the host countries (ca 26,000 persons in 1994, from which 80% chose European countries – see Tables 3 and 4); it is forecasted, though, that, when applied, the principle of free flow of persons between Poland and the EU may produce the following consequences:¹⁰

- A net outflow of labour force from Poland to the EU, which should improve the condition of the Polish labour market,
- Increased outflow of workers with high qualifications from Poland to the Member States, which may adversely affect Polish economy¹¹.

The present discrimination of Polish workers in accessing the EU labour markets will go away with the expiry of the transition period restricting a free flow of workers. It is not justified to assume, however, that Polish labour migration may become permanent, considering the gradual equalisation of living standards in the Member States. It will rather be temporary (the opening of the European labour markets will mostly be used by persons seeking jobs in agriculture, hotel industry or building). In a longer term, some part of Polish workers may be swapped for cheaper labour force from other countries (e.g. former Soviet republics) as a result of higher wage demands and return home (this situation is contingent on the improvement of the Polish labour market and availability of job opportunities). The major benefit for the migrants is the possibility of getting a job in the EU and earning an income. But labour migration allows also to learn about new working environments, gain new qualifications and improve language skills. The underside of migration is social costs, resulting mainly from the necessary partition with one's family and local community¹².

2. Provisions of the Accession Treaty relating to the Polish labour market in the context of Poland's membership in the European Union

The European Union presented to Poland (as well as other candidate countries, excluding Cyprus) a transitional period with a restricted inflow of Polish workers to the present Member States.

¹⁰ E. Kwiatkowski, *Integracja...*, op.cit., pp.3-4.

¹¹ Z. Wysokińska, J. Witkowska, *Integracja europejska. Rozwój rynków*, PWN, Warsaw, 2002.

¹² *Bilans korzyści i kosztów przystąpienia Polski do Unii Europejskiej*, 2003, www.ukie.gov.pl.

According to this position, Community's laws guaranteeing a free flow of labour force would exclude Polish workforce for the first two years of Poland's membership in the EU, then their applicability could be restricted, should some Member State declare that it cannot open its labour market to Polish workers because of its particularly unfavourable condition; this a solution could be in force for not more than three years, after a period of five years (two plus three) all Member States would make their markets available.

Nevertheless, should an inflow of workers to a labour market of any Member State pose the threat of its destabilisation, then the State would be entitled to request a closure of its market to foreign workforce for another two years.

The existing Member States are obliged to notify the European Commission about their intention to extend the transitional period for another three years not later than by the end of the second year of Poland's membership. If the risk of labour market destabilisation persists *after the period*, then the member States can apply to the Commission to keep up regulations restricting access to their labour markets for another two years. In other words the period of 7 years is the maximum legitimate length of the transitional period. Most Member States, however, have declared their readiness to abate the period or even to relinquish its implementation. The EU practice shows that it has never been necessary to fully use transitional periods for free flow of persons.

From day one of Poland's membership Poles will take advantage of "*preferential treatment*", as regards access to jobs – if no citizen of the present Member States reports to take a vacancy, then Poles will have the priority (but on equal terms with citizens of the new Member States).

The present bilateral agreements about the flow of workers concluded between Poland and some Member States (Germany, France, Belgium) will remain effective.

At the same time the EU's position takes into account that particular Member States may open their labour markets to Polish workers by virtue of their independent decisions. Then Poles would take jobs under national regulations. This would provide them with completely unobstructed access to labour markets of the present Member States.

Such expressed position of the European Union made Denmark, the Netherlands, Sweden and Ireland, Greece and the UK issue a formal statement that they would open their labour markets to Polish workforce on the day the EU is enlarged. Italy, France and Spain¹³ will liberalise their labour markets after

¹³Official web site Ministry of Economy, Labour and Social Policy, Warsaw, www.mgpips.gov.pl; see also J. Łukasik, A. Strada, Swoboda przepływu osób, MGPIPS, Warsaw, 2003.

two years following Poland's accession to the EU and only Austria and Germany after 7 years¹⁴.

In the course of the negotiations Poland was granted the right to follow the reciprocity of treatment clause in the transitional period. Therefore, a Member State imposing any restrictions on Poland may expect a response using a similar measures¹⁵.

An important subject of the negotiations was mutual recognition of qualifications and occupational titles. Poland has accepted EU's *acquis communautaire* in this area and hence it agreed to replace the title "a stomatologist" with "a dentist".

Another result of the negotiations acknowledgement of an earlier agreed recognition of Polish nursing diplomas in the Member States, both undergraduate and graduate. During the talks in Copenhagen the problem of recognising secondary education diplomas was resolved. In the case of nurses and midwives with secondary education a 5 year period of nursing experience will be required, within the seven years after Poland has issued a special certificate confirming that such a diploma was awarded. Relevant provisions confirming the above decisions will be included in the Accession Treaty.

As regards mutual recognition of vocational qualifications, the adjustment of the Polish legislation to EU solutions required, amongst others, the enactment of a law setting rules for recognising qualifications acquired in the Member States that allow to do regulated jobs and a law laying down rules for recognising qualifications acquired in the EU countries that allow to undertake or to pursue certain activities.

¹⁴ Raport na temat rezultatów negocjacji o członkostwo Rzeczypospolitej Polskiej w Unii Europejskiej, Kancelaria Prezesa Rady Ministrów, 2002, www.kprm.gov.pl.

¹⁵ Raport z Raport na temat rezultatów negocjacji o członkostwo Rzeczypospolitej Polskiej w Unii Europejskiej, www.kprm.gov.pl.

3. Migration of labour force – theoretical aspects

International flows of labour are initiated by the economic motivation to get a better pay (and thus to improve one's own and the family members' living standard¹⁶), as well as political, ideological, religious or racial causes, that make workers migrate across country borders. Such migration usually occurs when intensity of at least one of the said factors is high, as workers deciding to migrate encounter many cost-related barriers (a relatively high cost of travelling abroad compared with the prospective emigrants' wages) and administrative barriers (developed countries being their typical destination restrict immigration by setting annual quota and posing high educational requirements to immigrants). Besides, emigrants have problems with adjusting to conditions in the country of destination, as they need to gain the necessary knowledge of the local language and acknowledge their diplomas and certificates issued in the country of departure; usually, they are unable to reach for a social position equivalent to that held at home.

International flows of labour produce substantial economic consequences, for both "exporter" and "importer" of labour force. From the standpoint of "exporter's" interests emigration multiplies opportunities for a productive use of a hitherto idle labour force. Besides, emigrants transfer some part of their earnings back home and thus raise the living standard of the families they left behind and positively contribute to the balance of payments in the native countries. In a longer term, the positive effects of emigration in an "exporter's" economy may surface, when groups of emigrants come back home and the economy is able to take advantage of their skills improved abroad and of the capital they have accumulated and usually invest at home. The main loss that a "labour exporting" economy may inflict as a result of migration is the outflow of the most entrepreneurial persons, particularly when their qualifications are relatively high.

The benefits of the receiving country largely exceed those of the home country. A "labour importer" unleashes its restrained economic growth by employing young and relatively well educated workers (sometimes with unique qualifications, for instance allowing to run national restaurants), whose education cost was paid by foreign taxpayers.

Costs being incurred by the host country are mainly generated by the necessary adjustment of the newcomers to different working conditions (provision of language courses and adaptation of their qualifications to local

¹⁶ World Employment Report 1998-1999, International Labour Organization, Geneva, 1998, pp.1-7, see also E. Kryńska, Dylematy polskiego rynku pracy, IPPS, Warszawa, 2001, pp.140-142.

market demands) and by the immigrants' maladjustment to local conditions (unemployment benefits) and higher crime rates¹⁷.

The literature of the subject stresses that temporary emigration is more favourable than permanent¹⁸ (Kryńska 2001). Researchers¹⁹ in the temporary emigration (Chorażkiewicz 1992; Rajkiewicz 1996; Domaradzka 1996; Głębicka 1996; Werner 1996; Golinowska et al. 1998; Kryńska 2001) believe that economic benefits of a "labour exporter" primarily include better balanced *domestic* labour market, lessened burden on the public finance as social and other benefits are reduced, and then inflow of funds earned abroad, which consequently may stimulate investment and consumer demand and trigger an inflow of knowledge of work organisation and techniques. The most frequently mentioned losses of the "exporting" market are outflow of human resources, wasted outlays on education, brain drain and emerging shortages of workers with specific qualifications, that all lead to gaps in the *domestic labour markets*.

Table 1 presents the last two decades of legal migration in the modern world economy: 1981-2001. An analysis of data in the table shows that over 80% of all migration takes place on the continent of Europe, with migration within Germany accounting for more than 70%. The second important destination is North America, where the most popular destinations are USA and Canada.

¹⁷ Z. Wysokińska, International flows of capital and labour force, in: W. Iskra (ed.), *International economic relations*, Warsaw, 2001, pp.149-154.

¹⁸ E. Kryńska, *Dylematy polskiego rynku pracy*, op.cit., p.141.

¹⁹ Chorażkiewicz G. *Współczesne procesy migracyjne*, *Studia i Materiały*, IPiSS, Warsaw, 1992; Rajkiewicz A., *Regionalne zróżnicowanie zewnętrznych procesów migracyjnych. Dynamika, struktura oraz układ kosztów i korzyści*, IPiSS, Warsaw, typescript, quoted after: Kryńska E., *Dylematy polskiego rynku pracy*, IPiSS, Warsaw, 2001; Domaradzka E., *Polacy zatrudnieni zagranicą i cudzoziemcy pracujący w Polsce*, *Polityka Społeczna*, no. 11/12/1996, (274/275); Głębicka K., *Migracja wyzwaniem polityki społecznej*, *Polityka Społeczna*, Warsaw, No. 5-6/1996; Werner H., *Befristete Zuwanderung von auslaendischen Arbeitnehmer. Dargestellt unter besonderer Beruecksichtigung der Ost-West-Wanderungen*, *Mitteilungen aus der Arbeitsmarkt-und Berufsforschung*, No 1/1996, Stuttgart-Berlin-Koeln-Mainz; Golinowska S., Marek E., Rajkiewicz A., *Procesy migracyjne w Polsce w latach 1990-1995, Synteza badań*, (in:) Golinowska S. (ed.), *Rozwój ekonomiczny regionów. Rynek pracy. Procesy migracyjne*. Polska, Czechy, Niemcy. IPiSS, Warsaw, 1998.

Table 1. Structure of legal migration by geographical destination, 1981-2001 (%)

Country of destination	1981-1988	1989	1990	1991	1992	1995	1998	2000	2001
Europe	82.6	81.8	75.2	79.8	80.0	79.5	83.2	84.9	83.3
Austria	4.7	2.0	1.0	1.5	1.4	2.4	3.4	2.0	2.7
France	3.7	2.0	2.2	1.6	1.5	1.4	1.2	1.1	1.1
Germany	58.2	69.8	62.0	69.1	71.0	68.9	72.7	75.8	72.3
Greece	^{a)}	0.8	0.8	0.9	0.5				
Italy	4.0	1.3	1.0	1.1	0.5	0.8	1.0	1.0	1.3
Sweden	^{a)}	2.0	2.6	2.2	1.6	0.8	1.1	0.9	0.7
UK	1.5	0.7	0.5	0.6	0.4	0.6	0.7	0.7	0.9
Other European	10.5	3.2	4.3	2.9	3.2				
Former USSR	0.3	0.1	0.1	0.1	0.1	0.2	0.2	0.2	0.2
Asia	^{b)}	0.3	0.3	0.2	0.2	0.2	0.3	0.2	0.2
Africa	^{b)}	0.3	0.3	0.5	0.4	0.2	0.3	0.1	0.2
North America	12.7	16.3	22.1	17.7	17.6	18.5	14.9	14.1	15.1
Canada	3.1	5.9	8.6	7.4	6.8	6.4	4.9	4.5	4.4
USA	9.6	10.4	13.5	10.3	10.8	12.1	10.0	9.5	10.6
South America	^{b)}	0.1	0.1	0.1	-	0.0	0.0	0.0	0.1
Australia	1.5	1.1	1.8	1.5	1.5	1.5	1.3	0.7	1.1
Other	2.9	-	-	-	-	-	0.0	0.0	0.0
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

^{a)} Included in the line "Other European countries",

^{b)} Included in the line "Other".

Source: Data until 1992 base on the publication: In-Depth Studies on Migration in Central and Eastern Europe: The Case of Poland, ed. Tomas Frejka, Marek Okólski and Keith Sword, United Nations New York and Geneva, 1998.; data 1995-2001 – author's calculations based on GUS data, Warsaw, 2002.

4. Migration processes in Poland

In the post-war Poland (after 1945) the size and direction of foreign migration were determined by repatriation and resettlement, as well as substantial modification of borders in Central Europe. This was a 'coming home' period for Polish citizens dispersed in the wartime, persons displaced as slave labourers and soldiers fighting on various fronts; in addition, Polish families living in eastern areas taken over by the USSR by virtue of the Yalta and Potsdam agreements settled the western part of Poland. In the next years external migration lost its impetus. Only German citizens from some regions,

especially the Opole area and Warmia and Mazury (including those under a family reunion campaign) kept departing according to the agreement with the government of the German Federal Republic and occasionally Polish citizens returned from the USSR²⁰.

In early 1980s migratory movements to and from Poland were quite small. For some part of emigration the impulse came from the political and economic situation in the country (the martial law period, very difficult economic situation in the then Poland related departures in search of a better material situation). The departures were especially intense in late 1980s. The major destination of Polish emigrants were western countries. More and more often the described processes were accompanied by trips related to Polish export of construction services to Czechoslovakia, the USSR, Hungary, the GDR, Bulgaria (under agreements signed by the CMEA countries), North Africa and the Middle East (Polish enterprises provided construction services in Libya, Algeria, Iraq and Kuwait).

Detailed data characterising movements to and from Poland in that period is presented in Table 2.

Table 2. International migration, Poland 1945-2001, (thousands)

Year	Emigrants	Immigrants	Year	Emigrants	Immigrants
	Annual average /thousands./	Annual average / thousands /		(thousand).	(thousand)
1945-1949	797.9	754.9	1985	20.5	1.6
1950-1954	15.4	4.0	1986	29.0	1.9
1955-1959	66.7	53.2	1987	36.4	1.8
1960-1964	23.8	3.5	1988	36.3	2.1
1965-1969	23.8	2.1	1989	26.6	2.2
1970-1974	17.6	1.6	1990	18.4	2.6
1975-1979	25.8	1.7	1991	21.0	5.0
1980-1984	24.4	1.3	1992	18.1	6.5
1985-1989	29.8	1.9	1993	21.3	5.9
1990-1994	20.9	5.4	1994	25.9	6.9

²⁰ Stępczyński T. "Migracje zagraniczne, Statystyka Polski of 30 Aug. 1990 (Rzeczpospolita daily no. 175, quoted after: E. Marek, Emigracja z Polski, IPiSS, Friedrich Ebert Stiftung, Warsaw, 1992, pp.16-17.

Table 2. International migration, Poland 1945-2001, (thousands) – continuation

Year	Emigrants	Immigrants	Year	Emigrants	Immigrants
	Annual average /thousands./	Annual average / thousands /		(thousand).	(thousand)
1995-2000	23.1	8.1	1995	26.3	8.1
			1998	22.2	8.9
			2000	27.0	7.3
			2001	23.4	6.6

Source: Data until 1994 based on the publication: In-Depth Studies on Migration in Central and Eastern Europe: The Case of Poland, ed. Tomas Frejka, Marek Okólski and Keith Sword, United Nations New York and Geneva, 1998; 1995-2001 data – author's calculations based on GUS data, Warsaw, 2002.

In the 1990s foreign permanent emigration from Poland amounted to 18 000-27 000 people a year (see Table 3). Also immigration to Poland enlarged, and in the period 1989-1998 it showed a steady upward trend from 22 000 persons in 1989 to almost 7 000 in 1998. In the next years this trend slightly declined and in 2001 only 6 600 decided to take permanent residence in Poland (see Table 4). In the 1990s and in the first years of the new decade the balance of permanent migration in Poland was positive (see Table 5). In groups of emigrants from Poland and immigrants to the country prevailed persons with *elementary* and *post-secondary education* (see tables 6 and 7). In that period the first group accounted for 50 to 84 % of all permanent emigrants from Poland, whereas the other group represented from 7% to 21%, with a clearly downward trend maintaining throughout the analysed period (see Table 6). In the structure of permanent immigration to Poland prevailed persons with *elementary* education (from 22% to 42%), immigrants with *secondary* and *post-secondary education* accounted for 27% - 43% (see Table 7). On the other hand, among temporary emigrants prevailed persons with *post-secondary* and *basic vocational education* (see table 9). Such persons most frequently left for west European countries to take seasonal jobs.

GUS (Main Statistical Office) statistical data shows that migration-related losses of population in Poland in the 1990s did not impair the structure of the population's of education²¹. ***Persons with higher education represented a relatively small percentage of emigrants from Poland (both permanent and temporary)***, and the number of such emigrants and their share in the whole

²¹ See also J.T. Kowaleski, *Mobilność przestrzenna*, (in:) E. Kryńska (ed.), *Mobilność zasobów pracy*, IPiSS, Warszawa, 2000, p.76.

population of emigrants was steadily declining throughout the decade of the 1990s (see Table 3). However, compared with the outset of the 1990s, the number of persons with higher education that immigrated to Poland grew considerably. This seems to compliment economic reforms launched in Poland and growing personal development opportunities, especially for those who had left the country in the 1980s and then returned home after the system transition to start economic activity.

In the 1990s the most popular country among emigrants was Germany, followed by USA and Canada. Germany was chosen by ca 71% of emigrants, North American continent by 17%, Sweden and Austria 26% each. A relatively narrow stream of emigrants in the 1990s headed for France and the UK, as well as Italy and Australia (1% each)²².

²² Golinowska S., Marek E., Rajkiewicz A., Procesy migracyjne w Polsce w latach 1990-1995, Synteza badań, (in:) Golinowska S. (ed.), Rozwój ekonomiczny regionów. Rynek pracy. Procesy migracyjne. Polska, Czechy, Niemcy. IPiSS, op.cit.

Table 3. PERMANENT EMIGRATION FROM POLAND /no. of persons /

	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Total	26645	18440	20997	18115	21376	25904	26344	21297	20222	22177	21536	26999	23368
With education:													
1. higher	1187	673	693	570	518	503	480	350	295	286	300	322	277
2. secondary and undergraduate	5689	3285	3671	2688	2819	6292	5537	3957	2047	1934	1814	2186	1737
3. basic vocational	5685	3048	3801	2571	2849	3119	2782	2040	2206	2332	2025	2532	1815
4. elementary and unknown	14084	11434	12812	12106	15190	19109	20327	16990	15674	17625	17397	21959	19537

Table 4. PERMANENT IMMIGRATION TO POLAND /no. of persons /

	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Total	2230	2626	5040	6512	5924	6907	8121	8186	8426	8916	7525	7331	6625
with education:													
1. higher	437	575	1312	1676	1371	1703	1839	1877	1987	1885	1351	1388	1260
2. secondary and undergraduate	674	886	1748	2385	2185	2516	3179	2943	2897	3017	2051	2178	2831
3. basic vocational	266	285	507	723	750	902	1220	1198	1145	1176	977	1051	937
4. elementary and unknown	853	880	1473	1728	1618	1786	1883	2168	2397	2838	3146	2714	1597

Table 5. BALANCE OF PERMANENT MIGRATION /no. of persons /

	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Total	24415	15814	15957	11603	15452	18997	18223	13111	11796	13261	14011	19668	16743
with education:													
1. higher	750	98	-619	-1106	-853	-1200	-1359	-1527	-1692	-1599	-1051	-1066	-983
2. secondary and undergraduate	5015	2399	1923	303	634	3776	2358	1014	-850	-1083	-237	8	-1094
3. basic vocational	5419	2763	3294	1848	2099	2217	1562	842	1061	1156	1048	1481	878
4. elementary and unknown	13231	10554	11339	10378	13572	17323	18444	14822	13277	14787	14251	19245	17940

Source to tables 3;4;5: author's calculations based on GUS data, Warsaw, relevant years.

Table 6. STRUCTURE OF PERMANENT EMIGRATION FROM POLAND /%/

	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Total	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
with education:													
1. higher	0.04	0.04	0.03	0.03	0.02	0.02	0.02	0.02	0.01	0.01	0.01	0.01	0.01
2. secondary and undergraduate	0.21	0.18	0.17	0.15	0.13	0.24	0.21	0.19	0.10	0.09	0.08	0.08	0.07
3. basic vocational	0.21	0.17	0.18	0.14	0.13	0.12	0.11	0.10	0.11	0.11	0.09	0.09	0.08
4. elementary and unknown	0.53	0.62	0.61	0.67	0.71	0.74	0.77	0.80	0.78	0.79	0.81	0.81	0.84

Table 7. STRUCTURE OF PERMANENT IMMIGRATION TO POLAND /%/

	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001
Total	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
with education:													
1. higher	0.20	0.22	0.26	0.26	0.23	0.25	0.23	0.23	0.24	0.21	0.18	0.19	0.19
2. secondary and undergraduate	0.30	0.34	0.35	0.37	0.37	0.36	0.39	0.36	0.34	0.34	0.27	0.30	0.43
3. basic vocational	0.12	0.11	0.10	0.11	0.13	0.13	0.15	0.15	0.14	0.13	0.13	0.14	0.14
4. elementary and unknown	0.38	0.34	0.29	0.27	0.27	0.26	0.23	0.26	0.28	0.32	0.42	0.37	0.24

Source to tables 6 and 7: author's calculations based in GUS data, Warsaw, relevant years.

Table 8. Temporary immigration to Poland /over 2 months / of persons aged 15 years plus

	1995	1998	1999	2000	2001
Total	510 062	585 570	593 113	580 075	560 170

Source: according to GUS data, Warsaw, 2002.

Table 9. Temporary emigration from Poland /over 2 months / of persons aged 15 years plus – (as of 17 May 1995)

Total	774 679
with education:	
1. higher	78 189
2. secondary and undergraduate	274 321
3. basic vocational	255 854
4. elementary and unknown	166 315

Source: according to GUS data, Warsaw, 2002 (results of the general census of population).

4. Migration and sex

As a result of the systemic changes and adjustments to the new situation especially in the labour market, migration in Poland rose considerably especially to urban centres in the search for new job opportunities. Women's share in the migration processes was much higher than the men's share. (compare table 10).

The emigration by women aged 25-44 mainly to Germany and the North American countries was also very high. As the data in the table below show the share of women in the total number of emigrants in these age groups amounted to 55%-62% in 1996-2001.

Table 10. Emigration from Poland during the transformation period (men and women)

	1991-1995	1996	1997	2001
Total emigration	112716	21297	20222	23368
Men	56686	10882	10179	12251
Women	56030	10415	10043	11117
Emigration at age 25-29				
Total	11724	1831	1742	2026
Men	5327	779	669	741
Women	6397	1052	1073	1285
Emigration at age 30-44				
Total	34096	6396	5902	6056
Men	16434	2944	2600	2672
Women	17662	3452	3302	3384

Source: Central Statistical Office –Warsaw.

5. Equal Treatment of Men and Women on the Labour Market in Poland

The key role in this aspect is played by the Council Directive 75/117/EEC of 10 February 1975, on the approximation of laws of the Member States concerning the application of the principle of equal remuneration for men and women. This Directive recommends in particular the implementation of the „principle of equal pay,“ which means that when determining each element and condition of remuneration for the same job or for work to which the same value is given, sexual discrimination should not take place.

The other Council Directive 76/207/EEC of 9 February 1976, on the implementation of the principle of equal treatment for men and women with regard to access to employment, vocational training and promotion, as well as working conditions extends the Community actions to cover the elimination of discrimination of women regarding their access to the aforementioned facilities, and is supposed to favour the integration of women with work, development of their professional careers and preservation of the belief of equal employment rights among men and women. This Directive does not infringe on the regulations concerning protection of women for reasons of pregnancy and maternity, as well as the regulations aimed at protecting equal opportunities for men and women involving the elimination of discrepancies in the areas stipulated in the directive.

The intensification of measures which would guarantee the fulfilment of the equal treatment principle for men and women with regard to employment, was brought about by the Council Directive 97/80/EC of 15 December 1997, based upon proven cases of sexual discrimination. In those cases, the directive introduced proofing formulas advantageous for the claimant (employee) in cases when the charge of discrimination by an employer is proven. The burden of proof that no violation of the principle of the equal treatment took place has been transferred onto the employer. This directive applies to the situations stipulated in art. 119 of the Treaty and to directives 75/117/EEC and 76/207/EC. It also applies to the directive regulating parental leaves (96/34/EEC), as well as the directive on the introduction of measures to encourage improvements in the industrial safety for pregnant workers and workers who have recently given birth or are breastfeeding (92/85/EEC), with regard to sexual discrimination.

The Community laws on the equality of men and women referring to employment have been to a significant extent implemented in the Polish legislation. In particular, an amendment to the labour code invested in the Act of 24 August 2001, and enacted from 1 January 2002, (Official Journal no. 128, item 1405), implemented the regulations required by the EU laws in the additional Chapter IIa titled: *Equal treatment of women and men*. In the light of these regulations, formal establishment of the principle of equal treatment for women and men on the labour market took place²³.

6. Evaluation of the position of women in the economic and social transformation in Poland

The position of women in the Polish economy depends on:

- the economic situation of families; there is a need for women to be economically active because of a rather low standard of living in Poland and the income differentiation,
- labour market determinants,
- their education,
- their professional ambitions.

²³ W. Kwiatkowska, T. Bińczycka-Majewska, A. Rogut, Costs and Benefits of Poland's Accession to the EU in the Field of Social Policy and Its Consequences on the Migration of the Labour Force, Natolin European Centre, Warsaw, 2003, pp.136-137.

6.1. Unemployment of women

The unemployment among women is a little bit higher than among men. In 2001 there were 1642,1 thousands unemployed women in Poland among the total number of unemployed amounted to 3115,1 thousands (it gives ca. 53% of total unemployed).

It follows from the data presented in Table 11 that the unemployment rate in Poland had a rising trend in the systemic transformation period in the years 1990-1995 and afterwards in the year 1997 it showed a falling trend and reached the level of 10.3% at the end of 1997. But in the year 2001 the unemployment rate in Poland increased until the 17,3%.(in comparison to the Czech Republic and Hungary where it was not higher than 5,7% and 8,1%)²⁴. But the unemployment rate among women was higher and amounted in the year 2001 20,0%. Women's share in unemployment had a steadily rising trend throughout the entire period, which was expressed in its increment by about 2 percentage points, from the level of 51% to 53%. On the other hand, women's share in the newly registered unemployment showed a decreasing trend and amounted to about 46% in the year 1990 and 43% in the year 2001 (cf. Table 8).

Table 11. Unemployment in thousands and the unemployment rate in %

Unemployment	1990	1995	1996	1997	2000	2001
Total /in thousand/	1126.1	2628.8	2359.5	1826.4	2702,6	3115,1
Unemployment rate /%/	6.5	14.9	13.2	12.6/January/ 10.3/December/	15,1	17,3
Women /in thousand/	573.7	1448.6	1375.6	110.2	1491,6	1642,1

Source: Central Statistical Office –Warsaw.

Table 12. Newly registered unemployed persons in thousands

Newly registered unemployed persons	1995	1996	1997	2000	2001
Total	2371.3	2225.1	2051.3	2475,9	2476,2
Women	1101.1	1039.5	958.6	1135,6	1069,9

Source: as under Table 11.

²⁴ Official data: *CANSTAT, Statistical Bulletin 2002/3,GUS/2001, p. 37.

An unfavourable tendency is shown in the structure of registered unemployed persons by their education level and age in the light of the data in Table 13. It follows from the data that a higher share of women in the total number of registered unemployed persons is typical of groups with higher education levels (university level and post-secondary as well as general secondary - about 63-85%) than in the groups with a basic vocational or primary level where the share of unemployed women amounts to 45-53%. The data presented in Table 14 showing the state of unemployment by age in November 2001 also confirm the unfavourable outcomes concerning a very high unemployment rate among young women below 20 and aged 20-24. The unemployment rate among women in all the age groups considerably exceeds the unemployment rate recorded for men (with the exception of the age group above 45 - cf. Table 14).

Table 13. Registered unemployed persons by educational level and age (in thousands)

Specification	1995	of which women	1996	of which women	1997	of which women	2000	of which women	2001	of which women
Total	2628.8	1448.6	2359.5	1375.6	1826.4	1103.2	2702,6	1491,6	3115,1	1642,1
By educational level										
Tertiary	38.9	23.8	31.4	19.8	25.1	16.3	69,4	45,1	100,5	63,0
Post-secondary as well as technical and vocational secondary	531.7	370.9	471.0	345.0	364.2	270.5	561,9	378,8	666,0	428,4
General secondary	188.2	156.8	151.7	129.6	115.1	98.3	168,7	135,8	192,1	149,9
Basic vocational	1025.0	483.4	907.8	465.2	700.7	376.1	998,8	476,5	1142,5	511,5
Primary and incomplete primary	845.0	413.7	797.6	416.0	621.3	342.0	903,8	455,4	1014,0	489,3

Source: as under Table 11.

Table 14. Unemployment rate by age of unemployed persons in November 2001

Specification	Grand total	Unemployed persons aged							Of grand total –unemployed Persons of working age
		15-19 years	20-24	25-29	30-34	35-44	45-54	55 and more	
Total 1995	13.1	44.1	27.1	14.5	13.4	10.8	8.2	4.9	13.5
1996	11.5	35.0	23.9	12.6	11.8	9.7	7.4	4.4	11.9
1997	10.2	31.7	21.2	10.6	9.9	8.9	6.5	4.0	10.5
2000	16,0	41,8	32,4	16,9	15,3	13,2	11,4	8,4	16,3
2001	18,5	46,8	40,0	20,1	15,6	16,0	13,3	7,1	19,0
Men	17,3	42,7	39,9	17,8	13,8	13,9	13,4	7,1	17,6
Women	20,0	52,8	40,1	22,9	17,7	18,3	13,2	7,0	20,5

Source: as under Table 11.

Table 15. Unemployment rate by education level of unemployed persons in 2001

Specification	Total	Education				
		Tertiary	Technical and vocational	General	Basic vocational	Primary and incomplete primary
Total 1995	13,1	3,0	11,3	15,3	16,4	14,4
1996	11,5	2,9	10,1	13,1	14,1	12,9
1997	10,2	2,0	8,9	13,0	12,0	12,5
2000	16,0	4,8	13,6	19,6	19,2	20,2
2001	18,5	6,4	16,1	22,9	22,4	22,6
Men	17,3	5,1	13,8	21,6	20,3	22,7
Women	20,0	7,5	18,3	23,6	26,6	22,4

Source: as under Table 11.

The analysis of women's and men's unemployment rates by education conducted in November 2001 shows a considerably higher level in the former case in all the examined education types. In turn the data presented in Table 16 confirm the fact that unemployed women have a considerably higher share than men in the groups with higher education levels (professionals, technicians and associate professionals, clerks as well as service workers).

Interesting data concerning women's and men's shares in different wage brackets in Poland are provided by Table 17. It follows from the table that women's share in the lower pay brackets (up to PLZ 1,020 i.e. USD 300) was higher than among men in 2001. A reverse and increasing tendency is in turn observed in the higher pay brackets where women's share is considerably lower. A particularly bigger difference between men's and women's shares occurs in the group of PLZ 3,100-6,200 and more) (USD ca.800-1600) where the differential is especially lower to women's disadvantage (cf. Table 17).

Table 16. Unemployed by occupation in 1997 and 2001

Specification	Total	Men	Women	Total	Men	Women
	1997			2001		
Total	1299	624	675	2097	1157	940
Of which:						
Professionals	26	9	17	44	16	28
Technicians and associate professionals	93	32	61	139	57	82
Clerks	112	21	91	171	40	131
Service workers and shop and market sales workers	251	36	215	415	101	314
Skilled agricultural and fishery workers	56	27	29	52	30	22
Craft and related trades workers	339	250	89	205	178	27
Plant and machine operators and assemblers	116	85	31	622	495	127
Elementary occupations	279	147	132	395	210	185

Source: as under Table 11.

Table 17. Full-time paid employment by amount of gross wages and salaries for September 2001

Specification	Paid employees in percent –by amount of wages and salaries for September 2001														
	886,6 PLN and less	886,6- 1108,3	1108,2- 1329,9	1329,9- 1551,6	1551,6- 1773,2	1773,2- 1994,9	1994,9- 2216,5	2216,9- 2659,9	2659,9- 3103,2	3103,2- 3546,5	3546,5- 3989,8	3989,8- 4433,1	4433,1- 5319,7	5319,7- 6206,3	6206,3 and more
Total	6,5	8,8	10,5	11,3	10,5	9,5	8,4	11,8	7,4	4,4	2,9	2,0	2,4	1,2	2,4
Men	5,9	6,8	8,5	10,2	10,3	9,4	8,4	12,3	8,4	5,4	3,8	2,7	3,1	1,6	3,2
Women	7,1	10,9	12,7	12,5	10,6	9,6	8,4	11,3	6,4	3,4	2,0	1,3	1,6	0,8	1,4

Source: as under the Table 11.

Conclusions and summary

1. The Europe Agreement between Poland and the European Communities provided for a limited access of Polish workforce to the EU labour market. According to its regulations the Polish citizens legally employed in the Member States and citizens of the latter employed in Poland shall not be subject, because of their citizenship, to discriminated practices regarding working conditions, remuneration or dismissals. Also the closest family members of legally employed Polish citizens are entitled to take jobs in the local labour market and to be treated as locals. Persons holding Polish citizenship and employed in the territory of the EU are entitled to cumulate insurance, employment or residence periods in various Member States, should this be necessary to determine the amount of old age or disability pensions, etc. The eligibility of Polish citizens for legal employment in the EU is contingent on the condition of labour markets in particular Member States; relevant decisions shall be taken at a national and not Community level. Polish enterprises and their branches established in the EU may be granted the permit to employ Polish workers, as the so-called key personnel or high-class specialists.
2. The implementation of some Agreement's provisions concerning the flow of workers encounters some practical problems. For instance, in some Member States family members of Polish key personnel were confronted with administrative barriers impeding the granting of visas and work permits; also qualifications of Polish citizens to be employed under the key personnel regulations were questioned.
3. In the association period Poland's adjustments to comply with EU membership requirements covered adjustments:
 - allowing a free flow of workers and self-employed persons as required by the terms of a single internal market,
 - connected with a free cross-border flow of persons, including residents of third countries.
4. As regards the first issue, the European Commission recommended that the candidate-countries should initiate adjustments in the below areas:
 - co-ordination of the social security systems,
 - equal treatment of men and women,
 - occupational health and safety,
 - some aspects of the labour law.

5. The quality of legislation and practices concerning a free flow of persons received a generally positive opinion of the Commission, expressed in the so-called Agenda 2000. Nevertheless, it was emphasised that more were needed to ensure mutual recognition of skills and diplomas, as a determinant of further expansion of the freedom of employment.
6. The EU countries strongly opposed abolishment of any control of the flow persons between Poland and the EU on the date of membership, that is without any transition period.
7. According to Accession Treaty Community's laws guaranteeing a free flow of labour force would exclude Polish workforce for the first two years of Poland's membership in the EU, then their applicability could be restricted, should some Member State declare that it cannot open its labour market to Polish workers because of its particularly unfavourable condition; this a solution could be in force for not more than three years, after a period of five years (two plus three) all Member States would make their markets available.
8. The existing Member States are obliged to notify the European Commission about their intention to extend the transitional period for another three years not later than by the end of the second year of Poland's membership. If the risk of labour market destabilisation persists after the period, then the member States can apply to the Commission to keep up regulations restricting access to *their* labour markets for another two years. In other words the period of 7 years is the maximum legitimate length of the transitional period. Most Member States, however, have declared their readiness to abate the period or even to relinquish its implementation. The EU practice shows that it has never been necessary to fully use transitional periods for free flow of persons.
9. From day one of Poland's membership Poles will take advantage of "preferential treatment", as regards access to jobs – if no citizen of the present Member States reports to take a vacancy, then Poles will have the priority (but on equal terms with citizens of the new Member States).
10. The present bilateral agreements about the flow of workers concluded between Poland and some Member States (Germany, France, Belgium) will remain effective.
11. At the same time the EU's position takes into account that particular Member States may open their labour markets to Polish workers by virtue of their independent decisions. Then Poles would take jobs under national regulations. This would provide them with completely unobstructed access to labour markets of the present Member States. Such expressed position of the European Union made Denmark, the Netherlands, Sweden and Ireland, Greece and the UK issue a formal statement that they would open their labour

markets to Polish workforce on the day the EU is enlarged. Italy, France and Spain will liberalise their labour markets after two years following Poland's accession to the EU and only Austria and Germany after 7 years.

12. The Community laws on the equality of men and women referring to employment have been to a significant extent implemented in the Polish legislation. In particular, an amendment to the labour code invested in the Act of 24 August 2001, and enacted from 1 January 2002, (Official Journal no. 128, item 1405), implemented the regulations required by the EU laws in the additional Chapter IIa titled: Equal treatment of women and men. In the light of these regulations, formal establishment of the principle of equal treatment for women and men on the labour market took place.
13. The unemployment among women is a little bit higher than among men. In 2001 there were 1642,1 thousands unemployed women in Poland among the total number of unemployed amounted to 3115,1 thousands (it gives ca.53% of total unemployed).
14. In the 1990s foreign permanent emigration from Poland amounted to 18-27 thousands people a year. Also immigration to Poland enlarged in comparison to the period of 1980s but in the period 1989-1998 it showed a steady upward trend from 22000 persons in 1989 to almost 7000 in 1998. In the next years this trend slightly declined and in 2001 only 6 600 decided to take permanent residence in Poland. In the 1990s and in the first years of the new decade the balance of permanent migration in Poland was positive. In groups of emigrants from Poland and immigrants to the country prevailed persons with *elementary* and *post-secondary* education. In that period the first group accounted for 50 to 84 % of all permanent emigrants from Poland, whereas the other group represented from 7% to 21%, with a clearly downward trend maintaining throughout the analysed period. In the structure of permanent immigration to Poland prevailed persons with elementary education (from 22% to 42%), immigrants with secondary and *post-secondary education* accounted for 27% - 43%. On the other hand, among temporary emigrants prevailed persons with *post-secondary* and basic vocational education. Such persons most frequently left for west European countries to take seasonal jobs.
15. During the 1990s migration-related losses of population in Poland in the 1990s did not impair the structure of the population's of education. Persons with higher education represented a relatively small percentage of emigrants from Poland (both permanent and temporary), and the number of such emigrants and their share in the whole population of emigrants was steadily declining throughout the decade of the 1990s. However, compared with the outset of the 1990s, the number of persons with higher education that

immigrated to Poland grew considerably. This seems to compliment economic reforms launched in Poland and growing personal development opportunities, especially for those who had left the country in the 1980s and then returned home after the system transition to start economic activity. In the 1990s the most popular country among emigrants was Germany, followed by USA and Canada. Germany was chosen by ca 71% of emigrants, North American continent by 17%, Sweden and Austria 26% each.

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