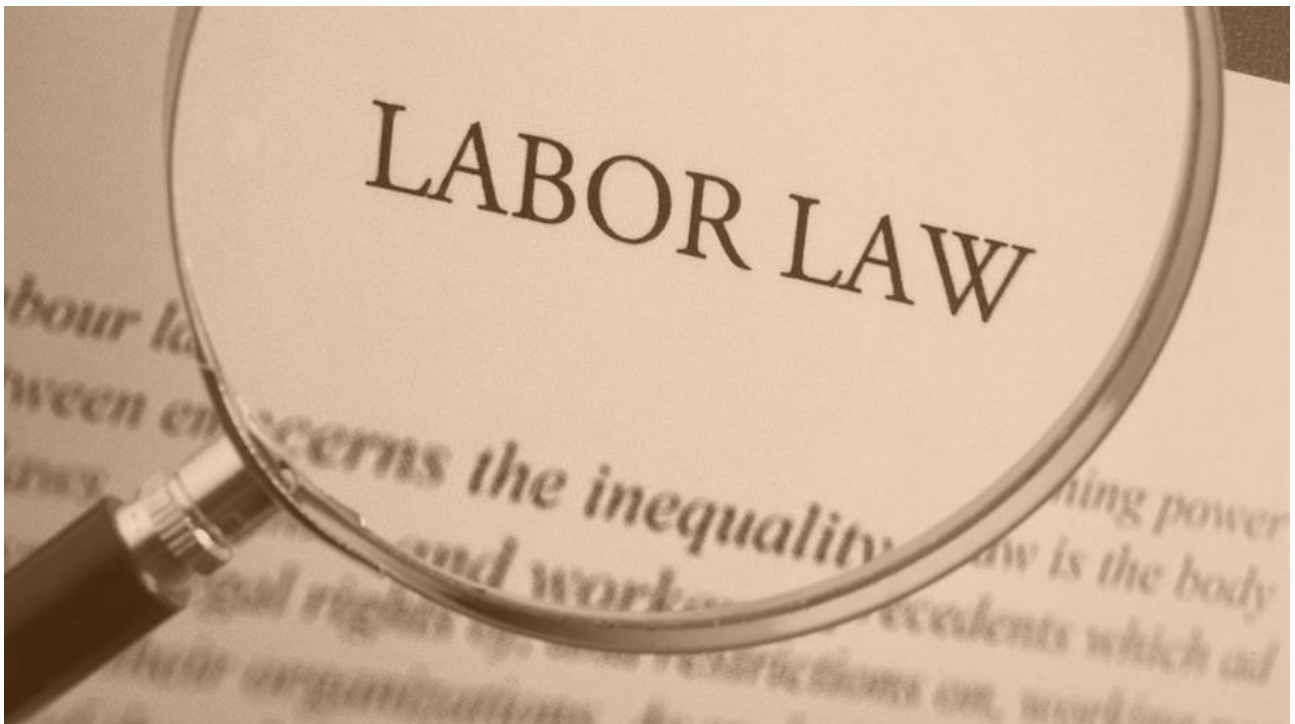


LEGAL ALERT

THE AMENDMENT OF LABOR LAW 2020

May 26, 2020



The amendment of Law no. 7/2008 Labor Relations Law was approved in the Macau Legislative Assembly last week and is effective today (26 May 2020). Here are some takeaways of these legislative changes:

1. Weekly Day Off (RDO) Compensation

On RDO compensation, the amendment aims to provide more flexibility to both employers and employees, in that: employees who have worked on RDOs involuntarily, may now choose compensation between 1 (one) day compensation leave plus 1 (one) day base salary, and 2 (two) day compensation leave. On the other side, employers are now allowed to compensate employees in proportion of the duration of work provided on RDOs.

2. Statutory Holiday (SH) Compensation

Employers are now given 3 (three) months to arrange compensation leave for employees who have worked on SHs. Besides, employees who have worked on SHs, may now choose compensation between 1 (one) day compensation leave plus 1 (one) day base salary; 2 (two) day compensation leave; and 2 (two) day base salary. Same as RDO compensation, employers are now allowed to compensate employees in proportion of the duration of work provided on SHs.

3. Weekly Day Off (RDO) and Statutory Holiday (SH) Overlapped

If employees' RDO falls on one of the 10 SHs, such day shall be treated as SH. Employers must arrange 1 (one) additional rest day for employees within 30 (thirty) days.

4. Extended Maternity Leave

Female employees may now enjoy 70 (seventy) day maternity leave, of which 63 (sixty-three) days must be taken after delivery, and 7 (seven) may be taken before or after delivery at the choice of the female employee.

As for maternity leave pay, employers are only responsible for 56 (fifty-six) day base salary of the 70 (seventy) maternity leave days during the first 3 years of this legislative amendment (i.e. from 26 May 2020 to 25 May 2023). The government will provide a monetary subsidy up to 14 (fourteen) day base salary to female employees who are Macau residents and have completed one year of services at the time of delivery.

5. Paternity

Male employees who have completed one year of services on the day of baby's birth may now enjoy 5 working day paternity leave, without losing their base salary. The paternity leave should be taken between the day when mother's pregnancy is over 3 months and the day when newborn baby ages 30 days.

6. Compensation for termination without cause

The maximum monthly salary for calculating compensation in case of termination of employment without just cause by employer, is now increased to **MOP21,000.00 (twenty-one thousand Patacas)** from MOP20,000.00 (twenty thousand Patacas).

If you need assistance on the above, please feel free to contact us.

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