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LEGAL UPDATE

Macau Labour Union Law (Law No. 6/2024)

The much-anticipated Labour Union Law (the “Law”) was finally approved in the Legislative Assembly on 15 April 2024, under Law no. 6/2024.

Despite the relevant international conventions¹ applicable in Macau, the Law did not come through easily. Since as early as 2005, twelve attempts to introduce the bill in the Legislative Assembly were made by several of its members. Each of them faced controversial discussions in that forum, and ended up with the same fate: veto, for not living up to the social consensus.

The Law shall become fully effective on 31 March 2025, while some provisions of the Law on transitional arrangements shall come into effect on 1 January 2025, as explained below.

Membership

Under the Law, members of Labour Union must be over 16 years old and be employees of employers based in Macau. Exception to the

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latter shall be granted by Labour Department through a special authorization.

The minimum number of members for setting up a Labour Union is 7.

Employees who do not satisfy this requirement after joining a Labour Union may remain a member, but do not have voting rights and cannot take up any role in the governance body.

Competences

Under the Law, Labour Unions shall have the following competences:

- Representing their members in handling and negotiating in labour disputes. Such representation power shall cease upon request by the member.
- Expressing opinions to employers on behalf of their members in regards to workplace health and safety issues;
- Expressing opinions in labour related legislations;
- Providing aiding and promoting measures for employment;
- Organizing professional trainings;
- Providing social services; and
- Any other competences granted by the laws.

Association with labour organizations outside of Macau

In upholding the right to freedom of association under Macau Basic Law, Labour Unions may associate with organizations based outside of Macau. However, when such an organization does not pertain to labour matters, the association is subject to prior approval from the Chief Executive.

Limitations of Labour Unions activities

Labour Unions, in carrying out its functions and conducting their activities, may not pose threats to the social order and public health; nor affect the basic needs of the society guaranteed by public services, other indispensable and urgent services

¹ *International Labour Organization - Right to Organise and Collective Bargaining Convention, 1949 (No. 98); Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)*

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Guarantees

The Law expressly prohibits any person from restricting engagement with/ or disengagement from Labour Unions or participation in activities organized by Labour Unions. Particularly, no employer should dismiss, demote, reduce salary of, employees, due to their relationship with Labour Unions. Further, no employer should hire or benefit candidates to employment, on the condition of their status in Labour Unions.

Breach of these prohibitions is punishable with a fine between MOP20,000 and MOP50,000, per person involved in a case.

On top of the justifiable absence already set out in Macau Labour Relations Law, the Law provides for one more justifiable absence, applicable to employees who belong to the governance body of a Labour Union, if such absence from work is due to the employee's leadership role in a Labour Union. However, the employee may not apply for this justified absence more than 1 day per month; or 6 days per year. Employee must provide a minimum of 3 day prior notice to employer, aside from evidence of this justification.

Federal Association of Labour Unions

Having taken into consideration the existing structure and composition of associations in Macau, the Law provides for the possibility of forming "Federal Association", with members who are registered Labour Unions or Federal Associations of Labour Unions. The minimum number of members required for setting up this kind of Federal Association is 2.

As special competence granted to Federal Association of Labour Unions, representative of Federal associations shall be appointed by the Chief Executive to participate in consultation meetings and discussion on public labour policies.

Legal standing and transitional provisions

Both Labour Unions and Federal Association of Labour Unions obtain their legal standing upon registration with Labour Department.

Existing associations incorporated before the enactment of the Law, that is, those incorporated under Law no. 2/99/M, may apply for conversion into Labour Union or Federal Association of Labour Unions under the Law, upon passing of resolution by the general assembly and meeting the respective requirements. The application

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must be filed with Labour Department from 1 January 2025 to 31 December 2027. They may also choose to remain as such without losing their legal standing as association.

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