

Amendment to Law 7/2008 - Labour Relations Law (Part II)

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On 26th May 2020, Law 8/2020 came into force, bringing changes to the maternity leave, new paternity leave and adjustments in compensation for work on rest days and mandatory holidays. [[Find out more here](#)]

As mentioned, the procedures for applying for and awarding the supplementary maternity leave allowance would be defined in a complementary administrative regulation, which has since been approved and published in the **Administrative Regulation No. 20/2020** in the Official Gazette No. 23/2020 on 8th June 2020.

According to it, the Social Security Fund will be the competent entity for the execution, appraisal, authorisation and attribution of the subsidy, as well as for the inspection of the attribution and eventual refund.

To benefit from the allowance, the worker holding an MSAR resident's identity card whose childbirth takes place within three years after entry into force of Law No. 8/2020 or who has suffered a miscarriage of over three months and who, according to a medical prescription, is granted a leave longer than 56 days, including in situations of stillbirth or death of live births during the leave, must deliver the form provided by the Social Security Fund, duly filled, up to 120 days after the baby's birth, stillbirth, or miscarriage.

The form must include information to be filled by the employer, such as the length of the employment relationship, the period of maternity leave and the basic daily remuneration, among others. In addition to the form, the worker must also include the baby's birth certificate or a medical certificate issued by a doctor with a license issued by Macau, or by another doctor accepted by the employer. If deemed necessary, the Social Security Fund may request the worker or employer to provide other ancillary documents. For enforcement purposes, the Social Security Fund may use any means of confirming the personal data of interested parties under the Law No. 8/2005 on the Protection of Personal Data.

The Social Security Fund must then decide on the application within 60 days of receiving the documents, and payment will be made to the employee in the month following approval.

The provision of false statements, inaccurate information or the use of any illegal means to obtain the subsidy implies its cancellation, its full refund and eventual legal liability. We believe that the law refers to possible criminal liability arising from the falsity of the statements made. However, the law is not clear because it relates only to legal liability.

Additionally, if the employment relationship ends during the period of maternity leave, the employee must return the difference in value between the allowance awarded and the benefit to which she would be entitled on the date of termination of the employment relationship.

For more information on this subject and the specifics of your case, please contact **C&C Lawyers & Notaries**.



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