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WHAT YOU SHOULD KNOW

LABOUR ISSUES II

PART-TIME WORK IN TIMES OF
PANDEMIC

Macau has always been an almost fully employed region with an unemployment rate ranging 1,8%. However, this rate has increased to 2,4% from December 2019 to May 2020 with the pandemic crisis and is expected to continue rising.

Big, small and medium companies are facing serious difficulties to keep business running and, as a last resort, are either dismissing resident workers or cutting salaries. With a slow economy, no customers, and consequently not enough work and services to provide, many companies are reducing their usual schedule, leading necessarily to the reduction of their workforce.

One of the solutions that is being used by these companies and also by laid-off employees or those who see their salaries reduced during this period is resorting to part-time work. Part-time hiring has positive effects in the economy, either by making the labour market more flexible by including in it people who do not meet the personal conditions for full-time employment or those who, in addition to their full-time employment, choose to work part-time in another activity.

Part-time work can also be an option for exceptional economic circumstances such as the ones we are living in nowadays. It can be said that hiring part-time benefits the interests of workers, companies, and of the employment policy as well. That's why it has been largely used in Macau, even before the pandemic crisis. However, part-time work in Macau is yet to be ruled by a specific law.

This issue has been controversial, even at the Legislative Assembly, since it does not gather consensus regarding its disposition, given the particularity of the type of work provided and its specificities in the employment relationship, both from the perspective of the worker and that of the employer.

Although the Macau Labour Relations Law states that part-time work should be governed by special legislation, the same still does not exist, which has, in many ways, driven the Macau Courts to sometimes rule on this specific matter, with different decisions for similar situations.

Some of the issues that frequently arise in conflicts between employers and part-time work employees have to do with annual leave, work on mandatory holidays and work on rest days.

We have been noticing that both employees and the Macau Labour Department consider that the same rights should be applied to part-time and full-time workers alike.

In what pertains to annual leave, both the Labour Department and part-time workers consider that the same six days of annual leave applicable to full-time workers should also be granted to part-time employees. However, that has not been the understanding of the employers nor of the Macau Courts. The Macau Superior Courts consider that, if an employee has more than one part-time job, they have no right to annual leave.

Different decisions were released by the Macau Superior Courts in what concerns to mandatory holidays. On this matter, the Macau Courts consider that the general law should be applied to both full-time and part-time workers. In other words, when work is performed on mandatory holidays, part-time workers should be compensated in the same way that full-time employees are, as stated in the Macau Labour Relations Law.

Being part-time work such an important resource for Macau's economy, especially in these times of pandemic when companies and workers may have to resort to alternative solutions, it becomes paramount for Macau legislators to create rules that regulate this special work relationship in a specific way, dissipating all possible doubts around this issue, benefiting all parties involved, and above all, using equitable criteria for all.

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For more information on this subject and the specifics of your case, please don't hesitate to contact **C&C Lawyers & Notaries**.



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