

16th March 2016

## EMPLOYMENT & IMMIGRATION ALERT

### Secondment Mechanisms Under Macau Law – The 45 Days Exemption

Following the questioning last week at the Macau Legislative Assembly (AL) of the Macau Labor Department's Director on the exception that allows non-residents to work in the territory without a work permit, Wong Chi Wong mentioned that *"the fact that a non resident employee is working in the territory for a foreign company operating in the region for a short and defined period makes it possible for that company to be exempted from obtaining a work permit"*, but stressed that *"the local authorities will continue to run local inspections of various companies"*.

The exemption alluded to by the official is determined under section 4 of Administrative Regulation 17/2004 and constitutes an exception to the rule that non-residents are only allowed to work in Macau under a working permit. In this alert we give you a brief overview of such provision and its limitations.

#### 1. Who should make use of the exception established in Administrative Regulation 17/2004?

As Macau only has tourist visas, anyone coming to Macau with the purpose of doing business (e.g. attending meetings, negotiating contracts, promoting sales, visiting construction sites, etc), performing any kind of work, or rendering any kind of services without having a work permit issued by the Macau Authorities should make use of the exception established in Administrative Regulation 17/2004, which is commonly known as "secondment mechanism".

#### 2. Which activities are allowed under these secondment mechanisms?

According to Administrative Regulation 17/2004, a non-resident will not be considered illegal worker if rendering services/work under the following situations:

- An agreement has been concluded between companies with registered office located outside Macau and individuals or companies with registered office in the MSAR to execute specific or occasional works or services, namely when there is the need to use workers from outside the MSAR to provide guidance, technical, quality control or supervision services;
- An individual or company with registered office in the MSAR invites a non-resident to exercise religious, sports, academic, cultural interchange or artistic activities.

The implementation of secondment mechanisms is also subject to certain tax and regulatory requirements.

#### 3. What are the time limitations for the work rendered under secondment mechanisms?

The exceptions that allow a non-resident to render a service or work are limited to a maximum period of forty-five continuous or discontinuous days in each period of six months, counted from the date of the lawful entry of the non-resident in Macau.

Should you have any queries, please do not hesitate to contact us at [employment@mdme.com.mo](mailto:employment@mdme.com.mo), or:



**Isolda Brasil**  
Senior Associate  
Head of Employment & Immigration

[ibrasil@mdme.com.mo](mailto:ibrasil@mdme.com.mo)

T: +853 2833 3332  
F: +853 2833 3331



MEMBER OF  
MLGTS LEGAL CIRCLE  
INTERNATIONAL TIES WITH THE PORTUGUESE-SPEAKING WORLD

Angola | Macau | Mozambique | Portugal

Member  
**LexMundi**  
World Ready



**EMPLOYMENT  
LAW ALLIANCE**  
Helping Employers Worldwide®