

**IMPORTATION OF NON-RESIDENT LABOUR**

After establishing a company in Macao, the first thing of concern for the company's management is to employ suitable staff to set the company into real

motion. Unfortunately, the recent economic growth of Macao has created a shortage of labour in the market, both skilled and unskilled. For many, the importation of non-resident labour seems to be the most viable means to engage appropriate staff. Importation of non-resident labour in Macao is governed by the following decrees:

**Skilled Labour** Decree 49/GM/88, May, 9 (B.) No. 20, May 16, 88)

**Unskilled Labour** Decree 12/GM/88, January 26 (G.G. No. 5, Feb. 1, 1988)

Upon the consent of the Chief Executive of Macao, Mr. Edmund Ho Hau Wah, companies may be authorised to import non-resident labour when such labour cannot be recruited locally.

**Skilled Labour**

Once the importation of skilled labour is authorised, contract can be executed directly between the employer and the employee. The employer is responsible for the repatriation of the employee when the relevant authorization is cancelled.

**Unskilled Labour**

Contract has to be signed between the Macao company and a recognised labour agent, which is officially recognized as a supplier of non-resident labour.

The contract should state that the employer is responsible for proper accommodation and if the worker is not suitable for the job, he or she must be repatriated (even when he or she is terminated by the employer).

**Application Procedures**

The applicants should submit a standard application petition together with a statement duly justifying the need of importation, addressed to the Labour and Employment Bureau.

The application will then be submitted to Economic Services and other Departments. Based on the advice of these departments, the Secretary of Economy and Finance will make a final decision. Once these legal requirements are met, the contract would be approved. (the Final Order). The documents will then be forwarded to the Migration Services.

The Migration Services will decide whether the recruited non-resident workers are allowed to enter and stay in Macao and the Public Security Police will then issue the identification papers for the Non-resident workers.

*Macao at night*

## Do Macao Companies need a Company Secretary?

One frequently asked question is whether a company secretary has to be appointed for a Macao corporation. Legally speaking, there is no such requirement for a Company Limited by Quota, the most common form of corporation in Macao. According to Article 214 of the Commercial Code of Macao, a company secretary must be appointed if:

- 1 The company has ten or more than ten quotas-holders **or**
- 2 The company has issued debentures **or**
- 3 The capital, total asset or turnover, exceeds an amount more than a directive from the government (the Chief Executive)

Nevertheless, a company may appoint a company secretary even though it is not statutorily required to do so. There is no requirement that the company secretary must be a Macao resident, but the secretary, according to Section 237 of the Commercial Code, must be one of the members of the board of directors, or one of its staff members or a lawyer.

**However, we recommend you to consider the appointment of a company secretary for your Macao Corporation, for the following reasons:**

A Macao Corporate company secretary has powers conferred by the Commercial Code, which are more "powerful" than that of a company secretary appointed under Companies Law of a common law jurisdiction.

Article 238 of the Commercial Code confers the following statutory authority onto a company secretary :

- 1 He can certify the translation of documents required by law to be the true translation of their originals
- 2 He can certify the signature of the shareholder or director on legal documents
- 3 He can certify extracts from the constitution, minute book and other statutory documents of the company as true copies.

The law even confers authority to the company secretary that his certification has the same statutory power as a certification from the Commercial Registry. Taking into consideration that the official languages of Macao are Chinese and Portuguese, the service of a company secretary will be indispensable when the company operates bank accounts in Macao, conduct day-to-day import and export transactions, file tax returns etc.

Please feel free to contact us should you have any questions on the functions and requirements of company secretary in Macao. Meanwhile, our corporate secretarial services (retainer) fee for the year 2006 will be charged at USD1,000, including 10 hours of service. Debit notes have been sent out on 15 November 2005. For details, please contact us.

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