

Decree-law No. 40/95/M of August 14

Legal Regime on Compensation for Damage Arising from Work Accidents and Occupational Diseases

The growth of economic activities is a potential factor for an increase in the number of accidents, even though the safety measures at work have been strengthened and improved.

It is only of fundamental fairness that the compensation for damage arising from work accidents or occupational diseases should be on the basis of the gains derived from the economic development, in order to maintain an adequate balance in the socio-labour relations.

For this purpose, this decree-law revises the legal regime on the compensation for damage resulting from work accidents or occupational diseases as currently established by Decree-law No. 78/85/M of August 10, with a view to plugging the loopholes that were revealed in the implementation, updating the compensation values guaranteed to victims, and improving the mechanisms for establishing and ascertaining responsibilities for work accidents and occupational diseases.

Hereby;

After hearing the Standing Committee for Coordination of Social Affairs;

After hearing the Consultative Council;

The Governor decrees, pursuant to paragraph 1 of Article 13 of the Macao Organic Statute, that the following shall be enforced as law in the territory of Macao:

CHAPTER I

General provisions

Article 1

(Object)

This decree-law establishes the regime applicable to compensation for damage arising from work accidents and occupational diseases.

Article 2

(Scope)

1. Workers who render services in any sector of activity shall be entitled to compensation for damage arising from work accidents and occupational diseases

provided for in this decree-law, with the exception of civil servants to whom the regime on accidents at work applies pursuant to their own legislation.

2. Workers employed in Macao to render services to employers who carry out an activity legally in the territory, who are victims of work accidents aboard, shall be entitled to the benefits provided for in this decree-law, unless the law of the place of accident recognizes the workers and their family members the right to compensation.

3. In the case that the compensation referred to in the preceding paragraph is lower than that provided for in this decree-law, the employer shall be responsible for the difference.

Article 3

(Concepts)

For the purposes of this decree-law, the following shall be considered:

a) “Work accident” or “Accident” – an accident occurring at place of work and during working time and directly or indirectly causing physical injury, functional disorder or disease that results in death, or temporary or permanent working or earning incapacity.

The following shall also be considered as work accident:

(1) an accident occurs during the performance of work activity or services determined or consented by the employer outside place of work or working time;

(2) an accident occurs during the performance of services that are spontaneously provided to and may result in economic revenue for the employer;

(3) an accident occurs at place of payment of remuneration while the employee stays there for such purpose, unless payment is made by crediting to a bank account;

(4) an accident occurs while the employee is travelling to and from the place where the employee should be provided with any form of assistance or treatment due to a previous accident, or while the employee stays there for such purpose;

(5) an accident occurs while the employee is, with the express or implied permission of the employer, travelling as a passenger by any means of transport between place of residence and place of work, and at the time of accident, the means of transport is: (*)

i) being operated by the employer or by the other on behalf of the employer or on the basis of an agreement made with the employer; and (*)

ii) not integrated into the public transport network; (*)

(6) an accident occurs while the employee is travelling between place of residence and place of work by driving any means of transport arranged or provided by the employer or by the other on behalf of the employer or on the basis of an agreement made with the employer, in the following situations: (*)

i) travelling to place of work for the purposes of and in relation to the professional activity; or (*)

ii) travelling to place of residence after the end of working time; (*)

(7) an accident occurs while the employee is, during the period of a tropical cyclone signal no. 8 or above being hoisted by the Meteorological and Geophysical Bureau, travelling by a direct route between place of residence and place of work, within three hours before the commencement of or after the end of working time; (*)

(8) an accident occurs at or outside the place of work where the employee participates, with the consent of or as per the instruction of the employer, in training courses or vocational training courses in connection with first aid, ambulance support services or rescue work, as provided by the employer or the employer's representative or the institutions designated by the employer; (*)

(9) an accident occurs at the place of work where the employee is engaged in any first aid work, ambulance support services or rescue work, and in the case of rescue work, the employee acts, with the objective of rescuing, giving help to or protecting any person who has suffered injury or is in danger of being injured, or preventing or minimize serious damage to property of the employer, even though the act is done in violation of the legal or regulatory provisions applicable to the employee's work or of the instructions given by the employer or the employer's representative, or without their instructions; (*)

b) "Occupational disease" – any disease as contained in the occupational diseases list annexed to this decree-law is contracted by an employee solely and exclusively due to the exposure for a determined period of time to the risk of the industry, activity or environment where the employee has rendered or is rendering services, and the disease provided for in the subsequent subparagraph shall be considered as special case;

c) "Occupational respiratory disease" or "Pneumoconiosis" – any alteration to an individual's health that results from the inhalation of dust, gas, smoke and aerosols, or the exposure to ionizing radiations or other physical agents, and can establish a causal relation with the professional activity, irrespective of the symptoms shown and the physio-pathological mechanism involved;

d) "Employee" – a person who performs activity for another person in return for remuneration, irrespective of the nature and form of the act by which these services or work activity is established, as well as a person who performs activity under a system of apprenticeship or internship, and in any case the following persons are excluded from the definition of "employee":

(1) any member of the employer's family, provided that such person resides with the employer in the same household;

(2) individuals to whom articles or materials are given out to be processed, cleaned, washed, altered, ornamented, finished or repaired at their own domicile or other location, outside the control or direction of the entity providing such materials or articles and for which the work is performed;

(3) individuals hired to provide a service that has been specifically defined, at a total price, with absolute control and autonomy from the entity to which the service is provided;

e) “Employer” or “Employer entity” – any natural or legal person, to whom/which an employee directly or indirectly provides services or work activity, irrespective of the nature and form of the act by which these services or work activity is established;

f) “Health establishment” means any hospital or health centre, as defined for this purpose in the following terms: (*)

(1) “Hospital” means the public hospitals under the Health Bureau of the Macao Special Administrative Region, and the private healthcare units licensed by the Bureau that have an inpatient unit and a recovery room; (*)

(2) “Health centre” means a unit under the Health Bureau of the Macao Special Administrative Region that provides primary healthcare services; (*)

g) “Permanent incapacity” – incapacity which, due to an accident or occupational disease, definitely deprives an employee of full working or earning capacity, and such incapacity may be:

(1) “absolute” if the injuries or disease makes the employee completely impossible to work or to earn;

(2) “partial” if the employee can still continue to provide some services despite having suffered a reduction in working or earning capacity determined in accordance with the table of loss of capacity annexed to this decree-law;

h) “Temporary incapacity” – incapacity which, due to an accident or occupational disease, temporarily deprives an employee of full working or earning capacity, and such incapacity may be:

(1) “absolute” if the employee is absolutely unable to work or to earn during the period of incapacity;

(2) “partial” if the employee is able to provide some services for normal working or earning activity during the period of incapacity;

i) “Injury” – any physical injury, functional disorder or disease resulting from either an occupation or a work accident;

j) “Place of work” – the employer’s entire area for work or operation;

l) “Doctor” – a doctor or Chinese medicine doctor who is a holder of a licence for exercising the relevant profession issued by the Macao Health Bureau;

m) “Person responsible” or “Entity responsible” – the entity to which the liability for the work accident or occupational disease is attributable;

n) “Basic pay” – the pay consists of:

(1) any pecuniary benefits given by the employer entity to the employee by virtue of the legal employment relationship and not excluded by this decree-law;

(2) any benefits in kind which can be estimated in money given by the employer entity by virtue of the legal employment relationship and not excluded by this decree-law, including in particular food, fuel or quarters if the employee is deprived of any of these benefits in consequence of a work accident or occupational disease;

(3) Remuneration for overtime work performed, as well as any other special remuneration for work performed that paid by way of bonuses, rewards, allowances, commissions or otherwise, provided that in any case such remuneration is regular or such work is habitually performed;

(4) tips, if these are habitually received by the employee and recognised by the employer entity;

but excludes:

(5) remuneration for overtime work performed occasionally;

(6) non-periodic payments made to the employee;

(7) travelling allowances or any other travelling concessions;

(8) contributions paid by the employer entity in relation to any pension or provident fund;

(9) sums paid to the employee to cover any special expenses derived from the nature of the work performed;

o) “Insurer” – an entity legally authorized to carry out work accident insurance business in Macao;

p) “Victim” – an employee who has suffered a work accident or suffered from an occupational disease;

q) “Working time” – the normal working period, the period preceding such working period for preparation, the period following such working period for work-related acts, as well as the period for normal or forcible interruption of work.

(* *As amended by Law No. 6/2015.*

Article 4

(Liability)

Employer entities shall be liable for the compensation and other charges provided for in this decree-law in relation to their employees, without prejudice to paragraph 1 of Article 17 of this decree-law and under the general social security regime approved by Decree-law No. 58/93/M of October 18.

Article 5

(Licensing for works)

1. A permit for the execution of works shall only be granted when an applicant has provided sufficient evidence that the liability for work accidents and occupational diseases is guaranteed pursuant to this decree-law.

2. The competent entities to grant the permit referred to in the preceding paragraph shall certify in the permit document an insurer’s identity information and an insurance policy number.

3. The provisions of the preceding paragraphs shall apply mutatis mutandis to the award of contract in any form for public works.

CHAPTER II

Work accidents

Article 6

(Exclusions)

1. The scope of this decree-law excludes the work accidents that occur:
 - a) during the performance of casual or occasional short-term work, unless the work is provided to profit-making organizations;
 - b) during the performance of occasional short-term work that is provided to someone who habitually works alone or with family members only.
2. The exclusion provided for in subparagraph b) of the preceding paragraph shall not cover work accidents resulting from the use of machinery.

Article 7

(Circumstances where the right to compensation is not given)

1. The right to compensation shall not be given when a work accident:
 - a) is deliberately caused by the victim, or arises from the victim's act or omission if the victim has violated, without a justified cause, the safety conditions established by the employer;
 - b) arises exclusively from the victim's serious and inexcusable fault;
 - c) results from permanent or accidental loss of the victim's reason, unless this loss derives from the performance of work itself, or it is not the victim's will, or the employer or the employer's representative, despite knowing the victim's state, consents to such performance of work;
 - d) arises from force majeure;
 - e) is due to turmoil, alterations to public order or other facts of similar nature;
 - f) results from a third party's act and is proven to be exclusively due to personal reasons rather than work-related reasons, notwithstanding it occurs in the exercise of professional activity, taking into account the victim's conduct before and during doing such act, the victim's connections with the such person or their milieu, in particular their connection with the organized crime. (*)
2. Subparagraph b) of the preceding paragraph shall not be considered to cover the act or omission resulting from the habituation to the danger of the work performed.

3. For the purposes of subparagraph d) of paragraph 1, force majeure shall be considered as unavoidable forces of nature without human intervention, and the following cases shall not constitute force majeure: (**)

- a) the risk caused by working conditions; (**)
- b) the performance of work expressly ordered by the employer entity in the conditions of obvious danger; (**)
- c) the normal performance of work necessary for the occurrence of unforeseen forces of nature; (**)
- d) the situation referred to in subparagraph (7) of paragraph a) of Article 3. (**)

4. The occurrence of any of the circumstances provided for in paragraph 1 shall not exempt the employer entity from the obligation to provide first-aid to the victims and to ensure them the transportation to the place where they can receive medical treatment.

(*) *As added by Law No. 12/2001.*

(**) *As amended by Law No. 6/2015.*

Article 8

(Pathological predisposition)

The pathological predisposition of the victim of an accident shall not exclude the right to full compensation, unless it has been the sole cause of the injury or disease, or it has been intentionally concealed.

Article 9

(Injuries or diseases prior to the accident)

1. When the injury or disease resulting from the accident is aggravated by previous injury or disease or when the previous injury or disease is aggravated by the accident, the incapacity shall be fixed as it totally results from the accident, unless the damage from the previous injury or disease has already been compensated.
2. In the case that the victim has suffered incapacity prior to the accident, the compensation shall correspond to the difference between the incapacity fixed as it is totally attributed to the accident, and the previous incapacity.
3. The right to compensation shall also be given when an injury or disease is manifested during the treatment for the injury or disease resulting from an accident and caused by the treatment.

Article 10

(Proof of the accident)

1. The injury or disease contracted by an employee in the following situations shall be considered as a consequence of a work accident, unless proven to the contrary:

- a) at place of work and during working time;
 - b) under any of the circumstances provided for in subparagraphs (1) to (9) of paragraph a) of Article 3; (*)
 - c) within three days after the accident.
2. If the injury or disease is not recognized within the period indicated in subparagraph c) of the preceding paragraph or has a manifestation later than that period, the victim or the legal beneficiaries entitled to an indemnity shall prove that the injury or disease is a consequence of the work accident.

(*) *As amended by Law No. 6/2015.*

Article 11

(Compliance with clinical and surgical prescriptions)

1. The victim shall comply with the clinical and surgical prescriptions necessary to cure the injury or disease and to recover working capacity, as given by the doctor designated by the entity responsible, and may consult with the medical experts designated by the competent judicial authority or with the public health services to confirm the necessity or adequacy of those prescriptions.
2. The right to compensation established in this decree-law shall not be given when the incapacities are judicially recognized as a consequence of unjustified refusal or failure to comply with the prescriptions referred to in the preceding paragraph, or as being caused voluntarily.
3. The refusal of a surgical operation is always considered justified when such operation, by its nature or the victim's state, will endanger the victim's life.

Article 12

(Clinical cure)

For the purposes of this decree-law, it shall be considered as a clinical cure when the injuries or disease has completely disappeared or is unlikely to heal even with adequate therapy.

Article 13

(Relapse or aggravation)

1. When there is a relapse or an aggravation of the disease after the issuance of a recovery certificate, the right to benefits shall continue, irrespective of the situation defined therein.
2. The provision of the preceding paragraph shall also cover the benefits related to complications that result from the accident.

**Article 14
(Transport)**

1. The entity responsible shall provide or pay for transport for consultations and treatment of the victim, as well as those necessary for the victim's appearance before public authorities due to the accident.
2. The provision of the preceding paragraph shall exclude the appearances before public authorities resulting from the victim's requests that may be considered to be totally unfounded.
3. The means of transport to be used is mass transport, unless the attending doctor determines that, given the victim's state, another type of transport should be used.
4. When the victim is under 16 or over 56 years of age or the nature of the injury or disease is so required, the right to transport shall extend to the person accompanying the victim.

**CHAPTER III
Occupational diseases**

**Article 15
(Regime)**

Occupational diseases shall be subject to the rules related to work accidents, without prejudice to the specific rules only applicable to occupational diseases.

**Article 16
(Right to compensation)**

1. The right to compensation for occupational disease shall be given when the period between the end of risk exposure and the date of the definite and unequivocal diagnosis of the disease does not exceed the period fixed in the occupational disease list annexed to this decree-law.
2. In the case of silicosis, an employee, if having been exposed to this risk for less than five years, shall prove that the disease is an inevitable and direct consequence of the activity performed and does not represent normal ageing of the body.
3. The right to compensation shall cover the aggravation of a pre-existing illness, which unequivocally results from the employee's professional activity.

**Article 17
(Period of imputability)**

1. Each of the employer entities for which the victim worked in the same industry or environment for a minimum period of three months within two years preceding the cessation of the work that causes the disease, or the relevant insurers under identical

terms shall be liable for the compensation for occupational disease, in proportion to the period of the work performed.

2. The compensation shall be made in full by the last employer entity of the employee or by the relevant insurer which has the right to recover from other entities responsible pursuant to the preceding paragraph.

CHAPTER IV

Notification on accidents and diseases

Article 18

(Notification on accident by the victim or family members)

1. The victim or his/her family members shall notify, verbally or in writing, the employer or the person representing the employer in the direction of the work within 24 hours after the occurrence of an accident, unless they have witnessed the accident or become aware of it in the same period.
2. If the victim's state or other duly proven circumstances do not allow the notification provided for in the preceding paragraph to be made, the period fixed therein shall be counted from the cessation of the impediment.
3. If an injury is discovered or recognized later than the date of the accident, the period provided for in paragraph 1 shall be counted from the date of discovery or recognition.
4. When the accident is not notified within the periods established in the preceding paragraphs and consequently it has been impossible for the employer entity or the person representing the employer in the direction of the work to provide the employee with adequate assistance, the right to the benefits established in this decree-law shall not be given for the incapacity judicially recognised as a consequence of the lack of notification.

Article 19

(Notification on accident by the employer entity which has transferred liability)

An employer entity which has transferred liability shall notify the relevant insurer of the occurrence of an accident under the terms established in the insurance policy.

Article 20

(Notification on accident by the employer entity which has not transferred liability)

1. An employer entity whose liability is not legally guaranteed shall notify in writing the competent court of all cases of work accidents resulting in any employee's death, permanent incapacity or temporary incapacity for more than 12 months, regardless of whether the right to compensation provided for in this decree-law exists or not.

2. In the case of death, the accident shall be notified immediately by telegraph or facsimile, and in the case of permanent or temporary incapacity, within 8 days from the date of the accident or of knowledge of the incapacity.

3. The obligation of notification referred to in the preceding paragraphs shall fall upon the person responsible for the direction of the work when the employer entity is unable to fulfil it.

Article 21
(Notification by insurers)

1. Insurers shall notify the competent court of accidents and occupational diseases resulting in permanent incapacity in writing within eight days from the issuance of a recovery certificate and, of those resulting in death immediately by telegraph or facsimile.

2. Likewise and within the same period, insurers shall notify the court of cases of temporary incapacity exceeding 12 months.

Article 22
(Notification on the death of the victim admitted)

1. The directors of health establishments, assistance establishments or prisons shall notify, within 24 hours, the competent court of the death resulting from a work accident or occupational disease of any employee who has been admitted therein.

2. The obligation provided for in the preceding paragraph shall extend to any person or entity who/which was taking care of the victim.

Article 23
(Notification to the court)

The notification on work accidents and occupational diseases to the court may also be made by:

- a) the victim directly or an intermediary;
- b) the victim's family members;
- c) any entity which has the right to receive the value of benefits derived from the accident or disease;
- d) the authority which became aware of the accident or disease;
- e) the director of the health establishment, assistance establishment or prison to where the victim has been admitted;
- f) the director of the Labour Affairs Bureau, through the Labour Inspection Department.

Article 24

(Notification to the Social Security Fund)

Employers, insurers, doctors, and the directors of health establishments, assistance establishments or prisons to where the victim has been admitted shall notify the Social Security Fund of all cases of occupational respiratory diseases contained in the list annexed to this decree-law within eight days from being aware of the definite and unequivocal diagnosis of the disease.

Article 25 (*)

(Notification to the Labour Affairs Bureau)

Employers or their representatives shall notify the Labour Affairs Bureau in the following terms:

- a) of work accidents occurring at place of work resulting in death or hospitalization of the victim, within 24 hours from the occurrence of the accident or from the moment when they became aware of it;
- b) of work accidents outside the situations provided for in the preceding subparagraph, within five working days from the occurrence of the accident or from the moment when they became aware of it;
- c) of all cases of occupational diseases occurring at place of work, within 24 hours from the date of the diagnosis of the occupational disease or from the moment when they became aware of it, irrespective of the consequences resulting from the disease.

() As amended by Law No. 6/2015.*

Article 26

(List of work accidents and occupational diseases)

1. Insurers shall submit to the Labour Affairs Bureau, by the end of January and July of each year, a list on all work accidents and occupational diseases occurring in the preceding six months for which they are responsible.
2. The list shall contain the elements indicated by the Labour Affairs Bureau.

CHAPTER V

Compensation

Article 27

(Benefits)

The right to compensation includes benefits in kind and pecuniary benefits.

SECTION I
Benefits in kind

Article 28

(Content and payment for benefits in kind) (*)**

1. The benefits in kind aim at restoring the victim's state of health, working and earning capacity, and include:

- a) general and specialized medical and surgical assistance, including necessary diagnosis and treatment;
- b) pharmaceutical treatment;
- c) nursing care;
- d) hospitalization;
- e) supply, renewal and repair of prosthetic and orthopaedic appliances;
- f) functional rehabilitation;
- g) the transport provided for in Article 14.

2. The benefits in kind shall be subject to the following maximum limits:

- a) up to MOP 3,000,000 for each employee who is a victim of a work accident or occupational disease;
- b) up to MOP 300 (*) per day for consultation outside health establishments, including the cost of the diagnosis and treatment provided during the consultation.

3. When the cost of the benefits in kind exceeds the maximum limit established in subparagraph a) of the preceding paragraph, the victim shall receive medical, surgical and pharmaceutical treatment, and hospitalization pursuant to the legal regime on the access to health care.

4. The limits provided for in paragraph 2 shall be assessed annually, and may be adjusted by an executive order after taking into account social development, inflation figures and the opinions of the Labour Affairs Bureau and the Monetary Authority of Macao. (**)

5. The benefits in kind shall be paid to the victim by the entity responsible every 15 days from the date of receipt of the supporting documents relating to such benefits to the victim. (***)

(*) *As amended by Executive Order No. 48/2006, Executive Order No. 20/2015.*

(**) *As amended by Law No. 6/2007.*

(***) *As amended by Law No. 6/2015.*

Article 29

(First aid)

The employer, or the person representing the employer in the direction or supervision of the work shall, as soon as being aware of the accident, provide the victim with necessary first aid, regardless of who is liable for the compensation.

Article 30

(Receiving treatment)

1. When an injury does not cause incapacity, the victim shall go to receive treatment outside the normal working hours, unless otherwise determined by the attending doctor.
2. Treatment conducted during the normal working period as determined by the attending doctor shall not entail any loss of remuneration.

Article 31

(Attending doctor)

1. The entity responsible for the accident has the right to appoint an attending doctor for the victim, without prejudice to the following paragraph.
2. The victim is allowed to choose an attending doctor in the following cases:
 - a) if the employer or the person representing the employer is not at the scene of the accident and there is urgency of first aid;
 - b) if the person responsible does not appoint or has not appointed an attending doctor;
 - c) if the person responsible waives the right to choose an attending doctor;
 - d) if being discharged without being cured.
3. When there is no attending doctor appointed pursuant to this article, for all legal purposes, the doctor treating the victim shall be considered as such.
4. The provisions of the preceding paragraphs shall not impede any public authority's power and obligation to arrange, on its own initiative or upon request, the treatment for the victim, or to determine and promote the provision of adequate medical assistance to the victim, with the charges of such assistance to be borne by the person responsible for the accident or by the relevant insurer.

Article 32

(Obligation to provide assistance)

No doctor may refuse to provide medical assistance to work accident victims, as requested by the persons responsible or the victims themselves in the cases they are allowed to choose an attending doctor.

Article 33

(Substitution of the attending doctor)

During hospitalization, the attending doctor's duties may be performed by the hospital's doctors as a substitute, but shall retain the right to follow up the treatment of the victim according to the relevant internal regulations, or in the absence or insufficiency thereof, according to the determinations of the hospital's director.

Article 34

(Choosing a doctor)

1. The victim may choose the doctor who will perform a surgical operation when such operation will pose a serious danger to the victim's life and even in cases of major surgery.
2. For the purposes of the preceding paragraph, the attending doctor has an obligation to declare in writing that the victim's life may be endangered in consequence of the surgical operation.

Article 35

(Objection to medical decisions)

The victim and the person responsible for the accident or disease have the right not to comply with the decisions of the attending doctor or his/her legal substitute.

Article 36

(Solution to differences)

1. The differences on the discharge referred to in subparagraph d) of paragraph 2 of Article 31 and on the matters governed by Articles 33 and 34 may be resolved simply through a meeting of doctors, on the initiative of the victim, the person responsible, the attending doctor or his/her legal substitute.
2. When the differences cannot be resolved in the manner provided for in the preceding paragraph, they shall be resolved:
 - a) in the case of hospitalization, by the hospital's director, or by the doctor who shall substitute hospital's director if he/she is the attending doctor;
 - b) in the case of non-hospitalization, by a medical board consisting of a doctor chosen by the victim and another by the person responsible.
3. The differences on the degree of temporary incapacity of the victim shall always be resolved pursuant to subparagraph b) of the preceding paragraph.
4. In the case that the medical board provided for in subparagraph b) of paragraph 2 does not reach an agreement, the difference shall be resolved by the doctors of the board

and a third doctor designated by the Health Bureau of the Macao Special Administrative Region within five working days from receiving a request submitted by any of the doctors of the board. (*)

5. The resolutions adopted pursuant to paragraphs 2 and 4 shall be made in a written document.

6. The provisions of the preceding paragraphs shall not impede the right of any of the interested parties or of the Labour Affairs Bureau to immediately submit the case to the competent court, or the obligation to notify the same court of the cases of temporary incapacity for over 12 months, permanent incapacity or death under the terms of this decree-law.

7. Any interested party or the Public Prosecutions Office may appeal against the forensic medical report to the board which consists of the three doctors referred to in paragraph 4, a forensic doctor, and a doctor designated by the Macao Health Bureau.

8. The victim and the person responsible shall bear the fees of the doctors whom they have chosen for the board referred to in subparagraph b) of paragraph 2 respectively, and in equal parts, the fees of the third doctor of the same board referred to in paragraph 4.

(*) *As amended by Law No. 6/2015.*

Article 37

(Examination report and recovery certificate)

1. At the beginning of the treatment of the victim, the attending doctor shall complete an examination report describing the diseases or injuries identified, the symptoms shown and the examinations conducted, with indicating in detail the injuries that declared by the victim as being caused by the accident.

2. At the end of the treatment, the attending doctor shall complete a recovery certificate stating the cause of the cessation of treatment and the degree of permanent or temporary incapacity suffered by the victim, as well as the reasons for the conclusions.

3. The examination report shall be issued in triplicate and the recovery certificate in duplicate, distributing:

a) one copy of the examination report and one copy of the recovery certificate to the victim;

b) one copy of the examination report to the entity responsible;

c) the remaining copies to be used for the notification on the accident to the court or to be submitted to it when requested.

4. The report and certificate referred to in subparagraphs a) and b) of the preceding paragraph shall be delivered to the victim and to the employer entity within a maximum period of 30 days from the date of performance of the acts to which they relate.

Article 38

(Obligation to collaborate)

As requested, the persons responsible, health establishments, doctors and any other public or private entities are obliged to provide the competent court and the Labour Affairs Bureau with all clarifications and documents regarding the accident or disease, in particular those related to observations, diagnoses, examinations and treatments conducted to victims.

Article 39

(Responsibility statement)

1. Whenever required, the entity responsible is obliged to sign a responsibility statement for the payment of expenses of the treatment and hospitalization of the victim.
2. The refusal to sign the responsibility statement shall not serve as grounds for denying the victim the hospitalization and urgent treatment as required by the seriousness of the victim's state of health.
3. The health establishments which unjustifiably fail to fulfil the obligations of urgent treatment or hospitalization referred to in the preceding paragraph shall be liable for the aggravation of the injuries or illness of the victim, which results from such non-fulfilment.

Article 40

(Category and class of hospitalization)

1. The category and class of hospitalization shall be best suited to the prescriptions of the attending doctor.
2. Without prejudice to the preceding paragraph, the entity responsible is only obliged to bear the lowest cost for the category and class of hospitalization as provided for in the hospital fees.

Article 41

(Prosthetic and orthopaedic appliances)

1. Prosthetic and orthopaedic appliances to be supplied to the victim shall be suitable for their intended purpose.
2. The victim's right to obtain prosthetic and orthopaedic appliances includes those intended for visual or auditory correction or compensation, as well as dental prosthesis.
3. The differences on the nature, quality or suitability of prosthetic and orthopaedic appliances, as well as on the need for renewal or repair shall be resolved in line with an opinion of an expert specialized in the vocational rehabilitation field.

4. In the case of renewal or repair, the charges to the person responsible shall not exceed the cost of a new appliance that is the same as the unused appliance, or in the absence thereof, an identical appliance that is technically adequate for its intended purpose.

5. The cost of supply, renewal or repair of prosthetic and orthopaedic appliances shall not exceed, for each work accident or occupational disease, and for each employee, the following amounts:

- a) MOP 23,600 (*) for the initial supply and fitting;
- b) MOP 71,000 (*) for repair or renewal and surgical placement within 10 years from the initial fitting.

6. The limits provided for in the preceding paragraph may be adjusted pursuant to paragraph 4 of Article 28.

() As amended by Order No. 94/99/M, Executive Order No. 48/2006.*

Article 42

(Right to opt for the value of prosthetic and orthopaedic appliances)

1. The victim shall opt for the amount corresponding to the value of prosthetic and orthopaedic appliances indicated by the attending doctor if the victim intends to purchase appliances at a higher price.
2. For the above option, the entity responsible shall pay the amount referred to in the preceding paragraph to the appliance supplier only after verifying the relevant fitting.
3. The provision of the preceding paragraph shall not impede the victim's right to compensation for damage incurred due to the delay in fitting the appliance, when the entity responsible delays, without justification or without the victim's consent, the payment or the verification of the fitting as referred to in the preceding paragraph.

Article 43

(Renewal or repair of appliances that become unusable due to an accident)

Whenever a work accident makes the prosthetic and orthopaedic appliances that the victim already had become unusable or damaged, the person responsible for the accident shall bear the expenses necessary for the renewal or repair.

Article 44

(Court notification and execution)

1. The victim may request the competent court to notify the entity responsible to deposit to the court, within 10 days, the amount regarding the supply, renewal or repair of prosthetic and orthopaedic appliances, when that entity unjustifiably refuses or delays the performance of any of these acts.

2. If the deposit is not made, the respective amount shall be executed, following the terms of the execution process, based on a certain sum laid down in the judgement.
3. The proceeds through the execution shall be used to pay for the expenses of prosthetic or orthopaedic appliances to the entity which supplies or repairs such appliances after the court verifies the correct fitting.
4. The voluntary payment, or payment through the execution, of the amounts referred to in paragraph 1 shall not impede the victim's right to an indemnity for damage caused by the delay.

Article 45

(Loss of right to renew or repair appliances)

Victims shall lose the right to renew or repair the prosthetic and orthopaedic appliances that are damaged or become unusable due to their serious and inexcusable fault, unless the normal period of the duration has already elapsed.

SECTION II Pecuniary benefits

SUBSECTION I Regime

Article 46 (Contents)

The pecuniary benefits include:

- a) an indemnity for temporary absolute or partial incapacity for work;
- b) an indemnity corresponding to a reduction in working or earning capacity, in case of permanent incapacity;
- c) an indemnity and funeral expenses, in case of death.

Article 47

(Benefits for incapacity)

1. If a work accident or occupational disease results in a reduction in the victim's working or earning capacity, the victim shall be entitled to the following benefits:
 - a) for temporary absolute incapacity, indemnity equal to two-thirds of the basic pay;
 - b) for temporary partial incapacity, indemnity equal to two-thirds of the reduction suffered in the general earning capacity;

c) for permanent absolute incapacity (100% loss of capacity), the amount of indemnity equal to:

- i. 132 times the monthly basic pay, if the employee is under 25 years of age;
- ii. 120 times the monthly basic pay, if the employee is of or over 25 years of age but under 35 years of age;
- iii. 108 times the monthly basic pay, if the employee is of or over 35 years of age but under 45 years of age;
- iv. 96 times the monthly basic pay, if the employee is of or over 45 years of age but under 56 years of age;
- v. 84 times the monthly basic pay, if the employee is of or over 56 years of age;

d) for permanent partial incapacity (less than 100% loss of capacity), the amount of indemnity corresponding to the percentage of the loss of capacity multiplying by the amount that would be payable to the victim under the terms of the preceding paragraph for suffering permanent absolute incapacity.

2. The indemnity provided for in subparagraph c) of the preceding paragraph shall be subject to the minimum limit of MOP 375,000 and the maximum of MOP 1,250,000, and the compensation provided for in subparagraph d) of the same paragraph, the maximum limit of MOP 1,250,000. (*)

3. For the purposes of subparagraphs c) and d) of paragraph 1, it shall be considered:

- a) in the case of work accident, the victim's age on the day of the accident;
- b) in the case of occupational disease, the victim's age on the day of the definite and unequivocal diagnosis of the disease.

4. In fixing the coefficients for the loss of capacity, the table of incapacity annexed to this decree-law shall be adopted.

5. The salary of the day when the work accident occurred is borne by the employer.

6. The limits provided for in paragraph 2 may be adjusted pursuant to paragraph 4 of Article 28.

(*) *As amended by Order No. 94/99/M, Executive Order No. 48/2006, Executive Order No. 130/2009, Executive Order No. 89/2010.*

Article 48

(Supplementary benefit)

1. A victim who is recognized as permanently incapacitated shall be entitled to a supplementary benefit of 50% of the amount to which the victim is entitled in accordance with subparagraphs c) or d) of paragraph 1 or paragraph 2 of the preceding article if constant assistance from a third person is indispensable in consequence of the injury or disease.

2. The benefit referred to in the preceding paragraph shall be fixed together with the principal benefit.

Article 49

(Conversion of temporary incapacity into permanent incapacity)

1. Temporary incapacity for a period exceeding 24 months shall be presumed as permanent incapacity, and the attending doctor shall fix the respective coefficient in accordance with the table of incapacity annexed to this decree-law.

2. The coefficient of incapacity shall be subject to the approval of the court, and the court may extend the period provided for in the preceding paragraph up to a further 12 months in the case that the necessary medical and recovery treatment have not been provided to the victim.

Article 50

(Benefits for death)

1. If a work accident or occupational disease results in death, the family members of the victim shall be jointly entitled to an indemnity corresponding to:

- a) 120 times the monthly basic pay, if the victim is under 25 years of age;
- b) 108 times the monthly basic pay, if the victim is of or over 25 years of age but under 35 years of age;
- c) 96 times the monthly basic pay, if the victim is of or over 35 years of age but under 45 years of age;
- d) 84 times the monthly basic pay, if the victim is of or over 45 years of age but under 56 years of age;
- e) 72 times the monthly basic pay, if the victim is of or over 56 years of age.

2. For the purposes of the preceding paragraph, the following shall be considered as family members of the victim:

- a) spouse;
- b) ex-spouse with right to alimony;
- c) children under 18 years of age, including unborn children;
- d) children up to 25 years of age who economically depend on the victim;
- e) children who, regardless of age, have suffered from physical or mental illness that makes them unable to work;
- f) ascendants of the victim, provided that the victim was contributing for their livelihood on a regular basis.

3. For the purposes of paragraph 1, the victim's age shall be determined according to the criteria established in paragraph 3 of Article 47.
4. The indemnities provided for in paragraph 1 shall be subject to the minimum limit of MOP 300,000 and the maximum of MOP 1,000,000.^(*)
5. The amount of the indemnity shall be distributed as follows:
 - a) 60% for the spouse or ex-spouse with right to alimony, and the respective amount shall be divided equally in the case that both of them are alive;
 - b) 25% for the children, and the respective amount shall be divided equally in the case that there is more than one child;
 - c) 15% for the ascendants.
6. In the case that there are no children or ascendants with right to indemnity pursuant to this decree-law, the respective amount shall be given to the spouse.
7. If the victim was single, widower or widow, and has children and ascendants with right to indemnity, the total amount shall be divided equally.
8. If the victim was single, widower or widow, and has no children or ascendants with right to indemnity, the total amount shall be given to the Social Security Fund.
9. The amount of the indemnity payable to the victim's children shall be deposited to the competent court which will decide its disposition.
10. For the purposes of this article, the person who lived with the victim in a de facto relationship pursuant to Article 2020 of the Civil Code shall be considered as spouse.
11. The limits provided for in paragraph 4 may be adjusted pursuant to paragraph 4 of Article 28.

() As amended by Order No. 94/99/M, Executive Order No. 48/2006, Executive Order No. 130/2009, Executive Order No. 89/2010.*

Article 51

(Funeral expenses)

1. The amount intended for the funeral expenses of the victim shall be equal to 30 days of basic pay, subject to the minimum limit of MOP 4,356 and the maximum of MOP 16,940, and shall be given to any person who proves to have paid the expenses.^(*)
2. The amounts provided for in the preceding paragraph shall be doubled if there is repatriation of body.
3. The limits referred to in the preceding paragraphs may be adjusted pursuant to paragraph 4 of Article 28.

() As amended by Order No. 94/99/M, Executive Order No. 48/2006, Executive Order No. 89/2010.*

Article 52
(Payment of the indemnities for temporary incapacity)

1. The indemnities for absolute or partial temporary incapacity shall be due while the victim is receiving in-patient, out-patient or functional rehabilitation treatment.
2. Benefits regarding the indemnities referred to in the preceding paragraph shall be calculated and paid to the victim every 15 days by the entity responsible, from the date of receipt of the document certifying the incapacity for work. (*)

() As amended by Law No. 6/2015.*

Article 53 (*)
(Place of payment)

Payment of the benefits provided for in this decree-law shall be made at the domicile of the entity responsible in the Macao Special Administrative Region.

() As amended by Law No. 6/2015.*

SUBSECTION II
Basic pay

Article 54
(Calculation method)

1. The indemnities shall be calculated:
 - a) based on the basic pay earned on the day of the accident if it represents the basic pay received normally by the victim;
 - b) in the case of compensation for occupational disease, based on the average remuneration earned by the employee in the year preceding the cessation of risk exposure or the date of the definite and unequivocal diagnosis of the disease if it precedes the cessation of risk exposure.
2. For employees who earn a fixed salary per week, per month or per year, the daily basic pay shall respectively correspond to 1/7, 1/30 and 1/360 of that salary.
3. For employees who earn a salary determined by the period of work actually performed, the output produced or the quantity of work produced, the daily basic pay shall be calculated, for the purposes of this decree-law, by dividing the total amount earned in the last three months by the number of days worked in that period, or using a shorter period if the employment relation has a shorter duration.
4. In the absence of the elements referred to in the preceding paragraph, the calculation shall be based on the lowest value of the average daily remuneration earned in the same period by an employee of the same employer entity, with the same professional category and performing the same duties as the victim.

5. If there is no employee under the conditions provided for in the preceding paragraph, the calculation shall be made by reference to an employee who works in the same circumstances for other employer entity in the same industry.
6. If the victim is an apprentice or intern who does not earn remuneration, the indemnities shall be based on the average pay of an employee who works for the same or other similar employer entity, with the professional category corresponding to that of the victim.
7. If the victim is under 18 years of age, the indemnities shall be based on the average pay of an unskilled employee of or over 18 years of age who works for the same or other similar employer entity, or based on the pay actually received by the victim if it is higher.
8. The monthly basic pay shall be equal to the daily basic pay multiplying by thirty.
9. For the purposes of this article, the basic pay shall in no case be lower than those established in a company regulation, convention or applicable legal provision.

CHAPTER VI

Supplementary provisions

Article 55

(Occupation and dismissal during temporary incapacity)

1. During the period of temporary partial incapacity, the employer is obliged to arrange the employees who are victims of work accident or occupational disease with the duties suitable for their state of health.
2. The remuneration of employees who suffer temporary partial incapacity shall correspond to the degree of capacity they have sustained, and shall be calculated based on:
 - a) the pay earned on the day of the accident, in case of work accident;
 - b) the average daily pay of the year preceding the date of the definite and unequivocal diagnosis of the disease or of the cessation of risk exposure, in case of occupational disease.
3. An employer who terminates, without just cause, the employment relation with an employee who is a victim of a work accident or occupational disease while the employee suffers temporary incapacity shall pay such employee an indemnity equivalent to three months' salary, which shall not be less than MOP 10,000, without prejudice to any other indemnities provided for in the labour legislation in force, including those due to dismissal.
4. The obligation to be indemnified, as provided for in the preceding paragraph, shall cease when the victim does not report to work within a period of 48 hours after the issue date of a recovery certificate.

Article 56
(Accident caused by other employees or third parties)

1. When the accident is caused by other employees or third parties, the employer entity or the insurer which has made compensation has the right to reimbursement of whatever has been paid, and the corresponding obligation of reimbursement shall fall on the person(s) causing the accident, and the victim to the extent that the compensation the victim has obtained from them.
2. For the purposes of the preceding paragraph, the employer entity or the insurer may intervene, as a principal party, in the action for indemnity brought by the victim against the person(s) causing the accident, or directly require the victim to reimburse the benefits that have been made.
3. In the case of an accident caused by reason of wilful misconduct or gross negligence, the employer entity or the insurer may also bring an action for reimbursement against the person(s) causing the accident when the victim has not done so within one year from the day when the accident occurred.
4. The employer entity or the insurer which has not yet made the compensation, in whole or in part, is not obliged to do so, to the extent that the compensation the victim obtained from the person(s) causing the accident.
5. The employer entity or the insurer does not enjoy the right to reimbursement from the employee(s) if the accident was caused without wilful misconduct or gross negligence, but may require the victim to reimburse the benefits that have been made, to the extent that the compensation the victim has obtained from such employee(s).

Article 57
(Accident caused by the employer entity or its representative)

1. The provision of the preceding article shall apply mutatis mutandis to cases where the person causing the accident is the employer entity or its representative.
2. The insurer may bring an action for reimbursement against the person causing the accident only if such person has acted wilfully and the victim has not brought an action for indemnity within one year from the date of the accident.

Article 58
(Traffic accidents and work accidents)

1. When an accident is simultaneously a traffic accident and a work accident, the compensation shall be paid by the insurer to which the liability for the work accident was transferred pursuant to this decree-law, and such insurer shall be subrogated in the rights of the victim in relation to the insurer of the vehicle causing the traffic accident.
2. In the case that the insurer of the vehicle causing the traffic accident is liable, the insurer may notify the insurer of the work accident to exercise the right provided for in the preceding paragraph within 60 days, and may directly settle the indemnity due with the victim once that period has elapsed.

3. The victim, the employer and the insurer of the work accident shall intervene in the legal action against the insurer of the vehicle causing the traffic accident, and for that purpose they shall be duly summoned by the competent court.

4. The victim who unjustifiably impedes the exercise of the right of subrogation referred to in paragraph 1 shall be liable to the insurer of the work accident for the increase in the expenses arising from such conduct.

5. In the absence of insurance, the provisions of the preceding paragraphs for the insurer of the work accident and for the insurer of the traffic accident shall respectively apply to the employer entity of the victim and the entity responsible for the traffic accident.

Article 59 (Expiry and prescription)

1. The right of action regarding the benefits provided for in this decree-law shall expire after two years from the following dates:

a) in the case of work accident, from the date of the clinical cure of the victim, or in the case of death, from the date of its occurrence;

b) in the case of occupational disease, from the date when the definite and unequivocal diagnosis of the disease was communicated to the victim, or from the date of death when the communication of the disease has not been made or was made in the year preceding the victim's death.

2. The right to the benefits established by a judicial decision shall expire after two years from the date when the decision becomes definitive.

3. The prescription period shall commence from the time when the beneficiaries have personal knowledge of the benefits fixed.

4. An executive action shall interrupt the prescription period.

Article 60 (Null and void acts)

1. A convention that is contrary to or incompatible with the rights or guarantees conferred by this decree-law shall be null and void.

2. Acts and contracts that aim at renunciation of the rights established in this decree-law shall also be null and void.

Article 61 (Special regime on the right to benefits)

The claims regarding the benefits established in this decree-law are inalienable, non-attachable and non-waivable, and enjoy the priority claims enshrined in the general law

as a guarantee for the pay of work, with a preference over the latter in the legal classification.

CHAPTER VII

Risk coverage

Article 62 (*)

(Transfer of liability)

1. Employers are obliged to transfer the liability for compensation provided for in this decree-law to insurers authorized to operate work accident insurance business in the Macao Special Administrative Region.
2. Employers who exempt their employees from working in the situation provided for in point (7) of subparagraph a) of Article 3 are not obliged to transfer the liability inherent in that situation.
3. The compensation for occupational respiratory diseases, Pneumoconiosis, provided for in the occupational diseases list annexed to this decree-law shall be the responsibility of the Social Security Fund.

() As amended by Law No. 6/2015.*

Article 63

(Insurer's liability)

1. The benefits to be paid by the insurer shall be calculated based on the remuneration declared for insurance purposes.
2. In the case that the remuneration referred to in the preceding paragraph is lower than the actual remuneration, the employer entity shall be liable for the difference of the benefits, including those provided for in Article 28.
3. If the number of employees covered by the insurance contract is less than the number of employees actually in service on the day of the accident or of the definite and unequivocal diagnosis of the disease, the employer must prove that the victim is covered by the insurance contract.
4. The amendments to the insurance contract regarding the remuneration or number of employees shall be communicated by the employer entity to the insurer within the period mutually agreed upon, or in the absence thereof, within 30 days from the end of each semester.
5. The amendments referred to in the preceding paragraph are covered by the contract, and the insurer has the right to immediately adjust the insurance premium based on the new information received.

Article 64
(Conclusion and renewal of insurance contracts)

1. Insurers authorized to operate work accident insurance business shall only conclude insurance contracts under the general terms and conditions and special clauses of the uniform policy referred to in Article 72.
2. When the activities or professions to be insured have special characteristics that do not fit with those established in the premium rates and conditions for work accident, or demonstrate an abnormal accident rate, the Monetary Authority of Macao shall establish, on a case by case basis, the conditions of acceptance or renewal of the insurance contract.

Article 65
(Refusal of insurance)

1. If the conclusion of an insurance contract is refused by at least three insurers, the employer shall request the Monetary Authority of Macao to define the special conditions for the insurance contract.
2. The insurer selected by the employer or appointed by the Monetary Authority of Macao is obliged to conclude an insurance contract under the special conditions defined.
3. The surplus gained from managing insurance contracts concluded under this article shall be distributed to the insurers which operate work accident insurance business in accordance with the rules established by the Monetary Authority of Macao through a notice that shall define the method to determine the surplus and the criteria for the distribution.
4. Neither the intervention of an insurance intermediary nor the allocation of commission is allowed for insurance contracts concluded under this article.

CHAPTER VIII
Penalty regime

Article 66
(Offences) ^(*)

1. Violation of the following provisions shall constitute a misdemeanour and be punishable by a fine: ^(*)
 - a) from MOP 3,500 to MOP 17,500 for the violation of paragraph 4 of Article 7, and Articles 29 and 39;
 - b) from MOP 3,000 to MOP 15,000 for those who induced the victim to receive treatment or be admitted to a health establishment as the indigent, with the objective of not bearing the respective expenses;
 - c) from MOP 2,000 to MOP 10,000 for the violation of paragraph 5 of Article 28, Article 52, and paragraph 3 of Article 55. ^(*)

2. Violation of the following provisions shall constitute an administrative infringement and be punishable by a fine: (*)

- a) from MOP 2,500 to MOP 12,500 for the violation of Article 25; (*)
- b) from MOP 1,500 to MOP 7,500 for the violation of Articles 19, 20, 21, 22, 24 and 26; (*)
- c) from MOP 1,000 to MOP 5,000 for each employee in the violation of paragraph 1 of Article 62. (*)

(*) *As amended by Law No. 6/2015.*

Article 67 (*)
(Recidivism)

- 1. An identical offence committed within one year of the judicial or administrative decision that definitively determined the punishment or penalty shall be considered as recidivism.
- 2. In case of recidivism, the minimum limit of fine applicable shall be increased by one-fourth.

(*) *As amended by Law No. 6/2015.*

Article 68 (*)
(Fulfilment of unfulfilled obligation)

Whenever an offence results from non-fulfilment of obligation, the imposition of penalty and the payment of fines shall not exempt the offender from such fulfilment, if it is still possible.

(*) *As amended by Law No. 6/2015.*

Article 68-A (*)
(Liability of legal persons)

- 1. Legal persons even if irregularly constituted, associations without legal personality and special committees shall be liable, when the offences provided for in this decree-law are committed by their organs or representatives on their behalf or in their collective interest.
- 2. The liability referred to in the preceding number shall be excluded when the individual acted against the express orders or instructions of the person in charge.
- 3. The liability of entities referred to in paragraph 1 shall not exclude the liability of the relevant individual.
- 4. Legal persons even if irregularly constituted, associations without legal personality and special committees shall be jointly and severally liable for the fines, indemnities,

court costs and other benefits that the convicted individual is sentenced to pay pursuant to the preceding paragraph.

Article 68-B (*)

(Liability for the payment of fines)

1. The offender, regardless of a legal person even if irregularly constituted, an association without legal personality or a special committee, shall be liable for the payment of fines.
2. If the offender is a legal person, its administrators or anyone who represent it in any other way shall be jointly and severally liable for payment of the fine when being judged to be liable for the offence.
3. If the fine is imposed on an association without legal personality or on a special committee, the common assets of that association or committee shall cover the fine, and in the absence or insufficiency thereof, the assets of each of the associates or members shall cover jointly and severally.

() As added by Law No. 6/2015.*

Article 69 (*)

(Supervision)

1. The supervision of compliance with this decree-law shall be within the purview of the Labour Affairs Bureau.
2. The procedures for offences and the imposition of fines shall be governed by the Labour Inspection Regulation approved by Decree-law No. 60/89/M of September 18, and Administrative Regulation No. 26/2008 “Operational Rules on Labour Inspection Activities”.

() As amended by Law No. 6/2015.*

Article 70 (*)

(Destination of fines)

The fines imposed for breach of this decree-law shall constitute the revenue of the Social Security Fund.

() As amended by Law No. 6/2015.*

Article 71 (*)

() As repealed by Law No. 6/2015.*

CHAPTER IX
Final provisions

Article 72

(Uniform Policy)

The liabilities borne by the employer entities pursuant to this decree-law shall be transferred to the insurers by means of a uniform insurance policy on work accidents and occupational diseases, of which the model to be approved by order of the Governor.

Article 73

(Tariff)

The tariff of premiums and conditions for work accident insurance shall be established by order of the Governor.

Article 74

(Reversion to the Social Security Fund)

The amounts deposited to the Labour Affairs Bureau under Article 16 of the regulation referred to in paragraph 2 of Article 69 shall revert to the Social Security Fund, when the right to receive such amounts has expired pursuant to Article 17 of that regulation.

Article 75

(Repealed provision)

1. Decree-law No. 78/85/M of August 10 is hereby repealed.
2. Any legal provisions on work accidents and occupational diseases that are contrary to the provision of this decree-law shall also be repealed, with the exception of those applicable to work accidents and occupational diseases of civil servants.

Article 76

(Entry into force)

This decree-law shall enter into force as of September 1, 1995.

Approved on July 27, 1995.

To be published.

Governor, Vasco Rocha Vieira.

[The English version of this decree-law is provided for reference only. Please note that only the Chinese and Portuguese versions published in the Macao SAR Gazette are official and are the sole authority of the decree-law.]