

## **Agreement on Transfer of Labour Contract (Sample)**

With regard to transfer of labour contract between original employer (hereinafter referred to as 'Party A') \_\_\_\_\_<sup>1</sup> and employee (hereinafter referred to as 'Party C') \_\_\_\_\_<sup>2</sup> (Holder of Macao I.D. Card No. \_\_\_\_\_) to a new employer (hereinafter referred to as 'Party B') \_\_\_\_\_<sup>3</sup>, Party C consents<sup>4</sup> to transfer of aforementioned contract (i.e. consents to change of employer from Party A to Party B<sup>5</sup>), and agrees to continue to perform work for Party B.

Furthermore, pursuant to paragraph 1 and 2 of Article 111 of Commercial Code, Party B is liable for continuing rights and obligations arising from labour contract made between Party A and Party C. Party C also acknowledges that he/she is eligible to claim from either Party A or Party B debts of labour nature due on date of transfer of labour contract.

This agreement shall be made in three original copies, one copy to be held by each party, and becomes valid upon signature of three parties.

Party A or his/her representative:	Party B or his/her representative:	Party C:
Name _____	Name _____	
Position _____	Position _____	
_____		
(Signature and Stamp)	(Signature and Stamp)	(Signature)
Date: _____	Date: _____	Date: _____
(day/month/year)	(day/month/year)	(day/month/year)

<sup>1</sup> Name of original employer or company.

<sup>2</sup> Name of employee.

<sup>3</sup> Name of new employer or company.

<sup>4</sup> Pursuant to subparagraph 3 of Article 10 of Law No. 7/2008 (Labour Relations Law), employer is forbidden to transfer employee to another employer under authority and direction thereof without obtaining his/her written consent.

<sup>5</sup> It must be noted that if employer is a company (i.e. a legal person), change of shareholder will not lead to change of original employer to new employer as shareholder is only a member of corporate governance rather than an employer in a labour relation (for definition of employer, please refer to subparagraph 1 of Article 2 of aforementioned law). Change of shareholder is merely change of membership in corporate governance and will not result in change of original employer to new employer.