

(The English version of the “System Framework for Private School Teaching Staff of Non-tertiary Education” is not an official translation. It is for reference only. In case of discrepancy, the Chinese/Portuguese version prevails.)

MACAO SPECIAL ADMINISTRATIVE REGION

Law No. 3/2012

System Framework for Private School Teaching Staff of Non-tertiary Education

The Legislative Assembly formulated this law in accordance with Item (1) in Article 71 of the Basic Law of the Macao Special Administrative Region.

CHAPTER 1

General provisions

Article 1

Aim and purpose

1. This law defines the general framework for teaching staff of private schools with local education system in the scope of non-tertiary education of the Macao Special Administrative Region, hereinafter referred to as Macao SAR.
2. This law aims to enhance the professional quality of teaching staff as well as their respective job security, so as to build an excellent teaching team and ensure the education effectiveness of private schools of non-tertiary education.

Article 2

Definition

For the applicability of the provisions of this law, the definitions of the various terms are as follows:

- (1) “Teaching staff” refers to principals, other middle and senior management staff in the school and teachers;
- (2) “Principal” is the personnel appointed to lead, guide and coordinate the carrying out of education activities in accordance with the law, as well as to be fully responsible for the development and management of the school;
- (3) “Other middle and senior management staff in the school” refers to the deputy principals, the heads of leading organs of administration, discipline, counselling, teaching and other chiefs;
- (4) “Teachers” refer to the staff exclusively performing the duty of education and teaching in school;
- (5) “School year” refers to the period between September 1 and August 31 of the following year;
- (6) “Academic year” refers to the period between the beginning and the end of teaching activities in a school year.

Article 3

Scope

This law applies to all teaching staff of private schools with local education system

in the scope of non-tertiary education.

CHAPTER 2

Professional rights and duties

Article 4

Rights

The rights of teaching staff engaging in their job mainly include:

- (1) Obtain the remuneration and welfare related to their professional status, access to free health care and retirement security in accordance with the applicable law;
- (2) Enjoy the security of professional activity in accordance with the applicable law, including the protection of accident at work and occupational diseases;
- (3) Exercise the pedagogical autonomy in accordance with the law; develop research activities on education, teaching and curriculum; guide students in their learning and development process;
- (4) Assessment of students' academic achievements and behaviour;
- (5) Provide opinions and suggestions on the work of education, teaching and management of the school, as well as the policies and work of the Education and Youth Affairs Bureau, hereinafter referred to as DSEJ;
- (6) Participate in professional organisations or groups, develop educational research projects and participate in academic exchange activities, present the respective research findings and professional opinions;

- (7) Organise and participate in in-service trainings, refresher courses and other professional development activities, as well as obtain the necessary information, technical, financial and material assistance;
- (8) The benefits derived from the school regulations, the related contract terms and Law No. 7/2008 - the “Labour Relations Law”.

Article 5

Duties

Teaching staff is obliged to the following professional duties:

- (1) Comply with the statutes;
- (2) Strictly observe the professional standards defined by the Teaching Staff Professional Committee;
- (3) Set a good role model of behaviour;
- (4) Implement the educational objectives, curriculum framework and the requirements of basic academic attainments that students need to achieve, as defined by law;
- (5) Organise and conduct educational activities designed for students, in particular the educational and pedagogical activities in the school where they teach;
- (6) Protect, respect and treat all students equally, promote students’ comprehensive development;
- (7) Have a positive attitude to education and teaching innovation, share experiences with other partakers in the education process;
- (8) Plan their professional development and continuously enhance

- their professional accomplishment by participating in trainings, refresher courses or other means;
- (9) Help to establish and develop the relationship of mutual respect between different cultures in the education process;
- (10) Fulfill the obligations derived from the school regulations, the related contract terms and Law No. 7/2008 - the “Labor Relations Law”.

CHAPTER 3

Functional content

Article 6

Principal

The duties of the principal include:

- (1) Make education planning for the school and ensure the achievement of its objectives;
- (2) Conceive, lead and guide the education activities of the school;
- (3) Create and improve the various rules and regulations of the school;
- (4) Direct the school development plan and supervise its implementation;
- (5) Coordinate, supervise and promote the work of various leading organs of administration, discipline or counselling, teaching, etc.;
- (6) Ensure the school operates in accordance with the law, plan and use the various educational resources effectively, in particular the

financial and human resources;

(7) Ensure the keeping of school documents, in particular student registration and enrollment records, the employment contracts of teachers and other staff in the school, as well as the financial management records;

(8) Promote interaction and cooperation between school and home, as well as the community in which the school operates.

Article 7

Other middle and senior management staff in the school

1. The duties of deputy principal include:
 - (1) Assist the principal in leading and managing the school;
 - (2) Carry out the duties and work assigned by the principal;
 - (3) Replace the principal in his/her absence or in case of any reason that he/she can no longer serve in accordance with the provisions of the school.

2. The duties of the heads of the administrative leading organ include:
 - (1) Plan and coordinate the work of administration, financial management, personnel management, equipment and facilities management, as well as external relationship management;
 - (2) Establish regulations and rules for the related management, and monitor the implementation.

3. The duties of the heads of discipline or counselling leading organ include:
 - (1) Formulate the regulations for student discipline and counselling, as well as

- make planning on Moral and Civic Education of the school, and monitor the implementation;
- (2) Coordinate, plan and promote the activities related to discipline, counselling and student development.
4. The duties of the heads of education management organs include:
- (1) Set the criteria and formulate the management regulations for curriculum, teaching and student assessment, as well as monitor their execution;
- (2) Enhance teaching effectiveness;
- (3) Coordinate curriculum development, teaching, student assessment, the planning and activities related to academic researches, and monitor their execution.

Article 8

Teachers

1. Teachers' duties include: teaching and non-teaching duties, as well as personal professional development.
2. Teaching duties mainly include:
- (1) Development of curriculum and teaching plans:
- 1) Develop teaching programmes and teaching plans for the academic year, as well as draft the individualised education plan for students with special needs;

- 2) Set the teaching objectives in accordance with students' needs, and design teaching activities and lesson plans conducive to achieving the set teaching objectives;
 - 3) Plan and organise students to join various types of education activities;
- (2) Classroom teaching:
- 1) In accordance with the lesson plan, prepare all the needed teaching resources, and make use of teaching skills to impart students with knowledge and skills, stimulate students to learn actively, promote classroom interaction and help students develop diverse abilities;
 - 2) Adopt diverse ways to assess students' learning effectiveness, support students with difficulties;
 - 3) Enable students to master effective learning methods and develop students' learning abilities;
- (3) Classroom management:
- 1) Ensure that students carry out learning activities in a safe educational environment;
 - 2) Create the atmosphere of mutual help and solidarity in class;
 - 3) Promote students to comply with discipline on their own initiative;
- (4) Student assessment
- 1) Participate in assessment meetings and give opinion to the work of student evaluation;
 - 2) Adopt diverse assessment to evaluate students' learning performance, provide students of different abilities with teaching assistance to deepen or remedy their learning.

3. Non-teaching duties include, in particular:

- (1) Participate in school administration, pedagogical management, counselling and class affairs;
 - (2) Concern and promote students' healthy mental and physical development, both individually and in group;
 - (3) Provide students with psychological counselling, as well as careers and further studies guidance;
 - (4) Participate and promote home-school cooperation and the link with the exterior, so as to promote school development.
4. Personal professional development includes, in particular:
- (1) Participate in professional exchange activities and activities for developing professional education abilities;
 - (2) Conduct education research.

CHAPTER 4

Performing duties

SECTION 1

Requirements

Article 9

Principals and other middle and senior management staff in the school

1. The principal's academic qualifications should not be lower than that required for teachers teaching in the highest education level of the school.

2. Academic qualifications of other middle and senior school management staff should not be lower than that required for teachers teaching in the education level that he/she manages.
3. Principals and other middle and senior management staff of schools have to complete the related professional development courses prior to taking up the post, ensuring that the respective personnel have the professional abilities to lead and develop the school, so as to match with the work in terms of administration, teaching management and financial management.
4. The related professional development courses are planned, provided and recognised by DSEJ.
5. The heads of education management body of schools have to possess any one of the following requirements:
 - (1) Teacher training qualification recognised by DSEJ and the rank of Level 4 or above;
 - (2) Qualifications equivalent to that in the preceding item and recognised by DSEJ.
6. The provisions of No. 2 and No. 5 are not applicable to those who continue to perform the duties of heads on the date of entry into force of this law.

Article 10

Teachers

1. To be a teacher of infant education, any one of the following qualifications ought

to be possessed:

- (1) Higher diploma in infant education or equivalent academic qualification or above, which includes pedagogical training;
- (2) Higher diploma or equivalent academic qualification or above, which does not include pedagogical training, but with the qualification of pedagogical training for infant education recognised by DSEJ.

2. To be a teacher of primary education, any one of the following qualifications ought to be possessed:

- (1) Higher diploma in primary education or equivalent academic qualification or above, which includes pedagogical training;
- (2) Higher diploma or equivalent academic qualification or above, which does not include pedagogical training, but with the qualification of pedagogical training for primary education recognised by DSEJ.

3. To be a teacher of secondary education, any one of the following qualifications ought to be possessed:

- (1) Bachelor degree in the area of the main teaching subject or equivalent academic qualification, which includes pedagogical training;
- (2) Bachelor degree in the area of the main teaching subject or equivalent academic qualification, which does not include pedagogical training, but with the qualification of pedagogical training recognised by DSEJ.
- (3) Bachelor degree in the area of the main teaching subject or equivalent academic qualification.

4. To be a teacher of special education, any one of the following qualifications ought

to be possessed:

- (1) Bachelor degree in the area of special education or equivalent academic qualification, which includes pedagogical training;
- (2) The qualifications mentioned in Clauses No. 1 to 3 and the pedagogical training in special education recognised by DSEJ.

SECTION 2

Teacher transfer between education levels

Article 11

Teacher transfer

1. After getting the written consent of the teachers, schools can arrange the following transfer in accordance with the need;
 - (1) Teachers of infant education transfer to be the teachers of Primary 1 and Primary 2;
 - (2) Primary school teachers transfer to be teachers of infant education;
 - (3) Secondary school teachers transfer to be the teachers of Primary 5 and Primary 6.

2. The teachers mentioned in the preceding clause should also meet the following conditions:
 - (1) Teaching for at least five full years;
 - (2) With the qualification of pedagogical training of the education level that he/she teaches before transfer.

Article 12

Verification of the appointment requirements

The DSEJ is responsible to verify the appointment requirements for teaching staff stipulated in this chapter.

CHAPTER 5

Levels of rank and promotion

SECTION 1

General Regime

Article 13

Levels of rank

The levels of rank of teaching staff are as follows:

- (1) Level 1;
- (2) Level 2;
- (3) Level 3;
- (4) Level 4;
- (5) Level 5;
- (6) Level 6.

Article 14

Determination of the level

1. For teaching staff registered at the DSEJ for the first time, the starting rank is

Level 6, but not affecting the application of the provisions of Clauses No. 2 to No.

4.

2. For teaching staff with bachelor degree or equivalent academic qualification or above and with pedagogical training qualification, when they first register at the DSEJ, the starting rank is Level 5.
3. For teaching staff, who have taught in other countries or regions, registered at DSEJ for the first time, their starting rank will be determined in accordance with the opinions provided by the Teaching Staff Professional Committee, taking into account the academic qualifications, professional qualifications and work experience of the teaching staff, as well as the provisions of this law on the determination of rank and promotion.
4. In order to meet the provisions of the preceding clause, teaching staff has to submit the related documents proving that he/she has taught in that country or region.
5. For teaching staff terminating their duties after the entry into force of this law, if they register as a teaching staff at DSEJ again, the level of rank will be assigned in accordance with the same level when they terminated the service.

Article 15

Promotion

1. Promotion of teaching staff is decided by the following conditions, but not

affecting the application of the provisions of Level 5 and Level 6:

- (1) Service time;
- (2) Work performance evaluation;
- (3) Professional development.

2. For promotion to Level 5, all of the following requirements need to be met:

- (1) Having completed 3 years of service in Level 6;
- (2) During the service period in Level 6, the work performance evaluation is not lower than “Satisfactory” for three years;
- (3) During the service period in Level 6, at least 90 hours of professional development activities have been completed.

3. For promotion to Level 4, all of the following requirements need to be met:

- (1) Having completed 3 years of service in Level 5;
- (2) During the service period in Level 5, the work performance evaluation is not lower than “Satisfactory” for three years;
- (3) During the service period in Level 5, having completed at least 90 hours of professional development activities.

4. For promotion to Level 3, all of the following requirements need to be met:

- (1) Having completed 5 years of service in Level 4;
- (2) During the service period in Level 4, the work performance evaluation is not lower than “Satisfactory” for five years;
- (3) During the service period in Level 4, at least 90 hours of professional development activities have been completed.

5. For promotion to Level 2, all of the following requirements need to be met:
 - (1) Having completed 5 years of service in Level 3;
 - (2) During the service period in Level 3, the work performance evaluation is not lower than “Satisfactory” for five years;
 - (3) During the service period in Level 3, at least 150 hours of professional development activities have been completed.
 - (4) With bachelor degree or equivalent academic qualification or above, and the pedagogical training qualification recognised by DSEJ.

6. For promotion to Level 1, all the following requirements need to be met:
 - (1) Having completed 7 years of service in Level 2;
 - (2) During the service period in Level 2, the work performance evaluation is not lower than “Satisfactory” for seven years;
 - (3) During the serving period in Level 2, at least 210 hours of professional development activities have been completed.
 - (4) With bachelor degree or equivalent academic qualification or above, and the pedagogical training qualification recognised by the DSEJ.

Article 16

Rank Promotion in advance

1. Teaching staff meeting all of the following requirements may apply for rank promotion in advance:
 - (1) The service time for rank promotion is still short of one year;

- (2) Having obtained “Excellent” for all the work performance evaluation in the level that he/she is performing duties;
 - (3) Having completed the number of hours of professional development activities in the level that he/she is performing duties as required in the preceding article;
 - (4) Having exemplary professional performance, in particular:
 - 1) Having been awarded a “Medal of Educational Merit”
 - 2) Having been awarded the “Distinguished Teacher” for twice;
 - 3) Having obtained a master’s or doctoral degree;
 - 4) Having published important education or teaching research results.
2. It should not be considered again for the same purpose, if the exemplary professional performance mentioned in item 4) of the preceding clause has already served as a condition for rank promotion in advance.
 3. The application for rank promotion in advance is submitted by the teaching staff to the school where he/she teaches; after giving recommendation/opinions, the school will submit the application documents to DSEJ.
 4. DSEJ is responsible to make a decision on the request for rank promotion in advance after obtaining a concurring opinion with reasons from the Teaching Staff Professional Committee.

Article 17

Service time

For rank promotion, the period in the following cases is not included in the service time:

- (1) Period of loss of pay, except in cases of justified absences;
- (2) Service time that is not in accordance with the provisions of Articles 30 and 31;
- (3) Service time in which the teaching staff is evaluated as “Not very satisfactory” and “Unsatisfactory”.

SECTION 2

Special regime for rank promotion

Article 18

Special situation

1. For teachers of Level 6 who have obtained a degree or equivalent academic qualification or above and the pedagogical training qualifications recognised by DESJ, they can be directly promoted to Level 5 and not restricted by the provisions of Clause No. 2 in Article 15.
2. After the entry into force of this law, the teachers mentioned in Item (3) of Clause No. 3 in Article 10, whose starting level is Level 6, must have completed pedagogical training, then can they be promoted to a higher level.

Article 19

Exemption of requirements

For rank promotion, the following requirements are exempted:

- (1) Regulation of the number of hours of professional development activities of the teaching staff before the entry into force of this law;

- (2) Work performance evaluation before the implementation of the evaluation system referred in this law.

CHAPTER 6

Work performance evaluation

SECTION 1

Evaluation system

Article 20

Objectives, criteria and general principles

1. The aim of work performance evaluation of teaching staff is to confirm and perfect the professional performance of teaching staff, to promote the professional development of teaching staff, so as to optimise human resources management and enhance education quality.

2. Work performance evaluation of teaching staff should be based on objective criteria and carried out in the principles of justice, equality, impartiality and with appropriate reasons.
3. The process of evaluating teaching staff's performance is confidential; aside from the person to be evaluated, all participants should comply with the obligation of confidentiality.
4. The work performance evaluation must be carried out by a collegiate body.
5. Before the start of the evaluation process, the scope, items and indicators of evaluation should be defined in accordance with the scope and nature of the duties of the teaching staff.
6. Work performance evaluation is of importance to rank promotion, and produces the stipulated effects of this law and other applicable legislation.
7. Ensure the right of objection and appeal of the person to be evaluated.

Article 21

Persons to be evaluated

All the teaching staff registered at DSEJ is subjected to work performance evaluation.

Article 22

Qualitative comments

1. The qualitative comments for performance evaluation in descending order are “Excellent”, “Very satisfactory”, “Satisfactory”, “Not very satisfactory” and “Unsatisfactory”.
2. Schools should provide professional support to teaching staff getting “Not very satisfactory” and “Unsatisfactory” in their work performance evaluation, so as to improve their competences, in particular, allowing them to attend professional refresher programmes and continuous training or other appropriate training, or adjusting their duties.

Article 23

Evaluation period

1. Work performance evaluation of teaching staff should be carried out prior to the end of the school year.
2. For rank promotion, the work performance evaluation of the teaching staff who works until the end of the academic year covers the entire school year.
3. Teaching staff with less than six months of actual service time do not

need to be evaluated, their evaluation result is considered to be “Satisfactory”; except if there is an objection raised by the person to be evaluated or the evaluation body for special reason and accepted by the Teaching Staff Professional Committee.

Article 24

Work performance evaluation of principals

The work performance evaluation of principals is done by the school running entities in accordance with the evaluation regulations.

Article 25

Work performance evaluation of middle & senior management staff and teachers

1. Schools have to establish a Teaching Staff Evaluation Committee (hereinafter referred to as Evaluation Committee), which is responsible to evaluate the middle, senior school management staff and teachers in accordance with the evaluation regulations.
2. The Evaluation Committee is composed of not less than three teaching staff, the proportion of teachers who do not have the duties of middle, senior management staff should not be less than one-third of the total number of members of the

Evaluation Committee.

3. More than one Evaluation Committee can be established in accordance with the size of the school, the number of school units and the need of handling the performance evaluation of the members of the Evaluation Committee.
4. The work performance evaluation of the members of the Evaluation Committee is arranged as follows:
 - (1) If there are more than two Evaluation Committees, evaluation should be carried out by another Evaluation Committee, mutual evaluation is not permitted;
 - (2) In other cases, evaluation will be carried out by the principal.
5. In cases if avoidance is necessary for a member of the Evaluation Committee, the member cannot involve in the evaluation with conflict of interests.

Article 26

Evaluation regulations

1. Schools should develop the evaluation regulations and submit the evaluation regulations approved by the school running entities to DSEJ for filing a record.
2. The evaluation regulations should include the objection and appeal rights of the person to be evaluated for the evaluation received.

3. Schools have to announce the evaluation regulations to teaching staff and provide them with a copy of the evaluation regulations.

SECTION 2

Complaint system

Article 27

Complaint

1. If the person to be evaluated does not agree with the evaluation result, he/she may file a complaint to the evaluation body within ten days; the evaluation body has to explain the reasons for the decision within the same period.
2. If the person to be evaluated does not agree with the decision on the complaint referred in the preceding clause, an appeal may be filed to the Teaching Staff Professional Committee within fifteen days.
3. The Teaching Staff Professional Committee has to issue an opinion within thirty days, and immediately report the relevant contents to the related school running entity.
4. For the application of the provision of the preceding clause, the

evaluation body has to provide the Teaching Staff Professional Committee with the information relating to the appeal and cooperate with the Committee.

5. It is the responsibility of the school running entity to make the final decision on the evaluation within twenty days after receiving the opinions of the Teaching Staff Professional Committee.
6. The Teaching Staff Professional Committee and the person to be evaluated have to be informed the final decision on the evaluation within five days.

SECTION 3

Professional honour

Article 28

Distinguished teachers

1. Teachers meeting all of the following requirements in the previous academic year may be awarded the honour of “Distinguished teacher”;
 - (1) Obtaining “Excellent” in work performance evaluation;
 - (2) Having outstanding performance in education and teaching;
 - (3) Being distinguished in professional conduct.
2. After the review and examination of the Teaching Staff Professional Committee, the honour of “Distinguished teacher” will be awarded by the DSEJ.

3. The awarding rules for “Distinguished teacher” are defined by the Teaching Staff Professional Committee.

CHAPTER 7

Working hours, annual leave, holidays and absences

Article 29

Applicable regime

The working hours, annual leave, holidays and absence of teaching staff are regulated by the provisions of this chapter, and supplemented by Law No. 7/2008 – the “Labour Relations Law”.

Article 30

Normal working hours

1. The normal working hours of teaching staff arranged by the respective school are 36 hours per week.
2. The normal working hours of teachers include normal teaching hours and non-teaching hours.

Article 31

Normal teaching hours

The normal weekly teaching hours are:

- (1) Secondary school teachers – 16 to 18 periods;
- (2) Primary school teachers – 18 to 20 periods;
- (3) Infant education teachers – 21 to 23 periods;
- (4) Teachers teaching special education classes of any education level – 16 to 18 periods;
- (5) Teachers of any education level teaching particularly between 18:00 and 24:00 – 14 to 16 periods.

Article 32

Evening teaching

1. Teaching between 20:00 and 24:00 is considered to be evening teaching.
2. If a teacher is assigned a weekly teaching schedule of classes both in the daytime and in the evening in the same school, a factor of 1.5 is adopted for the calculation of the evening teaching hours, with the exception of teachers referred in No. (5) of the preceding article.

Article 33

Organisation of teaching time

1. In organisation of teaching time, the maximum number of subjects, grades and classes, as well as the nature of the related curriculum to be assigned to each teacher should be considered, so as to ensure the overall balance of teachers' work and high quality of teaching.

2. With the exception of infant education teachers, organising more than four consecutive periods for teachers is prohibited; but teachers teaching recurrent education courses are allowed to teach five consecutive periods.
3. For the application of the provision of the preceding clause, if the time interval between two periods is thirty minutes or more, then the lesson periods are not considered to be two consecutive periods.

Article 34

Exemption of teaching hours

1. Teachers performing the duties of the principal or other middle, senior management staff of the school can be exempted from all or part of the normal teaching hours.
2. Teachers performing non-teaching work related to education and arranged by the school can be exempted from part of the normal teaching hours.

Article 35

Non-teaching work

The non-teaching work for teaching staff arranged by the school should be related to the education activities of the school, so as to promote the implementation of school education plan.

Article 36

Overtime work and overtime teaching

1. The work provided by teaching staff which exceeds the normal working hours stipulated by Clause No. 1 in Article 30 is considered to be overtime work.
2. The normal weekly teaching hours that exceed the provision of normal weekly teaching hours in Article 31 is considered to be overtime teaching.
3. Overtime teaching should not be considered as overtime work concurrently.

Article 37

Annual leave

1. For the actual service of each full academic year, teaching staff is entitled to a paid annual leave of not less than 22 days between the end of the academic year and the beginning of the next academic year.
2. For teaching staff having served less than one academic year, the paid annual leave is calculated as 1.5 days for every actual month of service, if the remaining time is 15 days or more, 1.5 days of paid leave can be enjoyed.
3. The number of days of annual leave does not include Saturdays, Sundays and mandatory holidays.

Article 38

Holidays and absences

Teaching staff's holidays and absences should comply with the provisions of the school regulations and contract terms, but when the regime established by Law No. 7/2008 – the “Labour Relations Law” is more favourable, it should be complied with.

CHAPTER 8

Remuneration and welfare

Article 39

Applicable regime

The remuneration and welfare of teaching staff is regulated by the provisions of this Chapter, and supplemented by Law No. 7/2008 – the “Labour Relations Law” and other applicable legislation.

Article 40

General regime

1. Non-profit-making private schools have to ensure the expenditure of remuneration and provident fund of teaching staff in each school year occupies 70% or above of the fixed and long-term school revenues.

2. Teaching staff should be paid a basic salary correspondent with their levels of rank; schools must ensure an appropriate difference in the basic monthly salaries for teaching staff teaching in the same education level but at different levels of rank.
3. There should be a difference or growth of 30% or more between the basic monthly salaries of teaching staff of Level 1 and Level 6.
4. The basic salaries in Clauses No. 2 and No. 3 refer to the regular payment of money for the normal work of teaching staff, regardless of the name and calculation method.
5. The basic salary should be the main component of the remuneration of teaching staff.
6. For the service of a complete academic year, the teaching staff is entitled to get at least 12 months salary and other fringe benefits defined by the school.
7. The provision of the preceding clause does not affect the obligation of teaching staff to take the work arranged by the school within the normal working hours after the end of the academic year, but not including teaching work during the summer break.

Article 41

Compensation for overtime work and overtime teaching

1. For overtime work and overtime teaching, teaching staff is entitled to get the normal remuneration corresponding to the overtime work and overtime teaching, as well as to get the extra pay and enjoy compensated time off in accordance with the provisions of Law No. 7/2008 - the “Labour Relations Law”.
2. For calculating the remuneration for overtime teaching, the normal average remuneration for each period is calculated in accordance with the following formula: $(S_b \times 12) \div (52 \times n)$
3. For the application of the provision of the preceding clause, the following codes are:
 - (1) S_b refers to the monthly basic salary of teaching staff;
 - (2) n refers to the number of weekly teaching periods determined by the school in accordance with the provisions of Article 31.

Article 42

Seniority bonus

1. Teaching staff is entitled to enjoy the seniority bonus in accordance with the actual service time in the school.
2. The amounts, the granting and the time required for increase of

seniority bonus are set by the school, but the related time should not exceed two years.

Article 43

Provident fund of teaching staff

1. Private schools have to establish the provident fund for teaching staff.
2. Provident fund contributions are responsible by both the school and teaching staff.
3. Schools have to set the provident fund regulations, and the regulations should be submitted to DSEJ for filing a record.
4. During the period in which teaching staff participates in Off-the-job Training or Sabbatical Leave for Further Studies, the school and the teaching staff have to continue the contributions referred in No. 2.

Article 44

Access to free health care

1. Teaching staff can access to free health care provided by public health institutions in Macao SAR.
2. The teaching staff referred in the preceding clause does not include

teaching staff providing service not according to the provisions of Articles No. 30 and No. 31.

3. Teaching staff having served in schools of Macao SAR for 25 years may continue to get free health care provided by public health institutions after the termination of service till they are 65 years of age.
4. For calculating the service time referred in the preceding clause, the service time not meeting the requirements of the provisions of Articles 30 or Article 31 before the entry into force of this law is also counted.
5. The provisions of the foregoing clauses are applicable to other staff of schools after appropriate adaptation.
6. The provisions of Clauses No. 1, No. 3 and No. 4 can be applied to teaching staff teaching in two or more schools after appropriate adaptation, but their total number of weekly teaching periods has to reach the lower limit stipulated in Article 31.

CHAPTER 9

Professional development

Article 45

General provisions

1. The DSEJ and schools should provide the necessary conditions and resources for professional development of teaching staff.
2. Teaching staff should make the planning for their own sustained professional development matching with the education development needs of the Macao SAR, the development of the school and their personal situation.
3. The professional development of teaching staff can be carried out in flexible ways of participating in trainings, self-learning, research and practice, etc.
4. The purpose of in-service training for teaching staff is to enable the practicing teaching staff not yet meeting the requirements for appointment to acquire professional training and certification, as well as to enhance the professional standard of those who have already met the requirements.
5. Off-the job training, sabbatical leave for further studies and school-based training are important forms of in-service training.
6. The professional development system of teaching staff is developed

by administrative regulation.

Article 46

Verification and quantitative expression of professional development activities

1. The professional development of teaching staff is expressed by hours.
2. The number of hours of professional development of teaching staff is the consideration factors for rank promotion in accordance with Article 15 and 16 of this law.
3. In accordance with the criteria set by the Teaching Staff Professional Committee, schools are responsible to verify and calculate the number of hours of professional development activities of teaching staff, and notify the DSEJ for registration.

Article 47

Subsidy for professional development

1. To provide teaching staff with financial support for professional development, the DSEJ grants subsidy for professional development to teaching staff of non-profit-making private schools of local school system.

2. The subsidy for professional development of teaching staff is granted in accordance with different academic qualifications, whether the teaching staff is with the relevant pedagogical training or not, as well as the different levels of rank.
3. The difference of the subsidy between the various levels of rank and the adjustment, as well as the subsidy amounts for teaching staff of Level 6 of various education qualifications and whether they have pedagogical training or not are defined by the Secretary supervising the area of education in the form of dispatch which has to be published in the “Official Gazette of the Macao SAR”.
4. The subsidy for professional development of teaching staff serving not according to the provisions of Articles 30 and 31 shall be granted in proportion to the work duties.
5. The specific granting regulations for the subsidy for professional development are defined by the Secretary supervising the area of education in the form of dispatch which has to be published in the “Official Gazette of the Macao SAR”.
6. Before the dispatch referred in the preceding clause comes into effect and prior to the confirmation of the levels of rank of the practicing teaching staff in accordance with the provisions of Article 67, teaching staff of non-profit-making private schools of local school system continues to receive the amount of direct subsidy defined in Dispatch No. 66/2004 of the Secretary for Social Affairs and Culture, if there is any difference, it will be granted after the confirmation of the level of rank.

CHAPTER 10
Teaching Staff Professional Committee

Article 48
Duties and competence

1. The main duties and competence of the Teaching Staff Professional Committee (hereinafter referred to the “Committee”) is:
 - (1) Set the professional standard for teaching staff;
 - (2) Set the criteria for verifying the number of hours of professional development activities of teaching staff;
 - (3) Set the detailed rules for awarding the honour of “Distinguished teacher” and be responsible for the review and examination;
 - (4) Provide opinions to DSEJ for the following matters:
 - 1) The initial level of teaching staff referred in Clause No. 3 of Articles 14 and the confirmation of the period teaching in other countries or regions referred in Clause No. 9 of Article 67;
 - 2) Request for rank promotion in advance;
 - 3) Declarations of objection, appeals, reports or complaints of teaching staff, students or parents.
 - 4) Other issues assigned by DSEJ.

2. The standard and detailed rules referred in No. 1) to 3) in the preceding clause will be published in the form of dispatch in the “Official Gazette of the Macao SAR” after affirming by the Secretary supervising the area of education.

Article 49

Composition

1. The Committee is composed of the following members:
 - (1) Three school leaders;
 - (2) Two representatives of associations in the field of education formed in accordance with the law;
 - (3) Two persons of recognised educational achievement, experts or scholars in the field of education;
 - (4) Four teachers providing service in accordance with the provisions of Articles 30 or 31;
 - (5) Two representatives from DSEJ.
2. There shall be a president and a vice president in the Committee, and be appointed from the members referred in the preceding clause.
3. There shall be a secretary in the Committee, a staff of DSEJ designated by the Bureau, who works as a secretary for the Committee in the form of part-time system.

Article 50

Appointment of members

1. The president, vice president and other members of the Committee are appointed by the Secretary supervising the area of education in the form of dispatch which has to be published in the “Official Gazette of the Macao SAR”.
2. The members of the Committee shall serve a two-year term of service which can also be renewed.

Article 51

Loss of appointment

1. The members comprising the Committee lose the appointment in the following cases:
 - (1) When a member is convicted of a criminal offense which is conflicted with the duties of a member of the Committee;
 - (2) When a member has been absent from more than three consecutive plenary meetings, and the reasons for the absence are not accepted by the president of the Committee;
 - (3) Other facts that hinder the performance of his/her duties.
2. If the absence referred in No. 2 of the preceding clause involves the president, his/her reasons for the absence have to be tried for his/her absence by the Secretary supervising the area of education.
3. The loss of appointment referred in Item (1) and (3) in Clause No. 1 is to be examined and approved by the Secretary supervising the area of education after

listening to the opinions of the Committee.

Article 52

Duties and competence of the president

1. The duties and competence of the president of the Committee are:
 - (1) To represent the Committee;
 - (2) To convene and host plenary meetings;
 - (3) To define and approve the agendas for plenary meetings;
 - (4) To invite any persons with knowledge or experience relating to the issues to be discussed to attend plenary meetings;
 - (5) To exercise the authority conferred by other laws or regulations.

2. The president of the Committee can give all or part of the authority to the vice president.

Article 53

Duties and competence of the vice president

The duties and competence of the vice president of the Committee are:

- (1) To assist the president;
- (2) To replace the president in his/her absence or if anything which prevents him/her from carrying out the duties of a president;
- (3) To exercise the authority given by the president;

- (4) To exercise the authority conferred by other laws or regulations.

Article 54

Duties and competence of members

The duties and competence of the members of the Committee are:

- (1) To participate in the plenary meetings;
- (2) To consider the issues listed in the agenda;
- (3) Give comments and suggestions on the issues in the area of responsibilities of the Committee
- (4) To exercise the authority conferred by other laws or regulations.

Artivle 55

Secretary

1. The duties and competence of the secretary of the Committee are:
 - (1) To participate in the meetings of the committee, but with no voting right;
 - (2) To ensure the technical and administrative support to the Committee and the paperwork related to the operation of the Committee;
 - (3) To draw up the agendas and meeting minutes for the plenary meetings in accordance with the instructions of the President;
 - (4) To perform other tasks assigned by the president or any other statutes.

2. The secretary is entitled to receive a monthly allowance set by the Secretary supervising the area of education, but not entitled to receive the attendance fee.

Article 56

Administrative and financial support

DSEJ is responsible to provide the Committee with administrative and logistical support, as well as support the financial burden caused by the operation of the Committee.

Article 57

Operation

The specific way of operation of the Committee is defined by the Secretary supervising the area of education in the form of dispatch which has to be published in the “Official Gazette of the Macao SAR”.

Article 58

Attendance fee

The committee members and other participants have the right to get the attendance fee in accordance with the provision of the laws.

CHAPTER 11

Registration of teaching staff

Article 59

Requesting entity

Schools have to apply for registration of their teaching staff with DSEJ.

Article 60

Mandatory of registration

1. Teaching staff performing duties for more than thirty consecutive days is obliged to apply for teaching staff registration.
2. For newly registered or re-registered teaching staff, schools have to apply for registration of the teaching staff with DSEJ within ten working days from the date the staff is employed for the latest.
3. Re-registration with the DSEJ is required for teaching staff who has suspended his/her registration or due to teaching in a different school and needs to renew the registration.
4. Schools have to submit the academic year registration form of teaching staff continuing to perform their duties in the school to DSEJ by August 31 of every year for the latest.

Article 61

Submission of documents

1. For teaching staff registering for the first time, the following documents have to be submitted:
 - (1) The completed personal information registration form and the academic year information registration form for teaching staff developed by the DSEJ;
 - (2) The photocopy of identification document, depending on the case, together with the photocopy of stay permit or residence permit;
 - (3) The certified copies of certificates of academic qualifications and the summarised transcript issued by the related education institute;
 - (4) The photocopy of the certificate of criminal record issued by the competent authority;
 - (5) The photocopy of the physical and health certificate issued by the competent authority.

2. The re-registering teaching staff only needs to submit the academic year information registration form, but for those who have suspended the registration for over 180 days, the documents referred in No. (4) and No. (5) of the preceding clause have to be submitted.

Article 62

Update of information

1. For teaching staff wishing to update their personal information, the personal information registration form should be filled out, and be submitted to the DSEJ

together with the related necessary documents by the school where the teaching staff works.

2. If there is any change in the teaching or non-teaching work of the teaching staff during the academic year, it is necessary to fill out the academic year information registration form and submit it to the DSEJ by the school where the teaching staff works.

Article 63

Verification of application for registration

1. DSEJ verifies the application for registration of teaching staff in accordance with the requirements defined in this law.
2. The identification of teaching staff is granted after the approval of the registration application.
3. The disapproval of the registration application implies the impossibility of carrying out the work for which the application was made.

Article 64

Effect of registration

1. Registration of teaching staff generally comes into effect from the day that he/she starts the teaching duties till the end of the school year of that school, not affecting the update of information and the application of the provisions of the following

items.

2. For registration documents submitted 60 days after taking the post, the effect of registration will be counted from the day the documents are submitted.
3. For teaching staff resigning before the end of the school year, the effect of registration ends on the date of termination of service.
4. For the application of the provisions of the preceding clause, schools have to notify the DSEJ with the specific form within 10 days after the date of termination of service.

CHAPTER 12

Processing of personal data and penalty regime

Article 65

Verification of rank and processing of personal data

1. The verification procedures of the rank of teaching staff are established by the Chief Executive in the form of a dispatch which has to be published in the “Official Gazette of Macao SAR”.
2. In order to handle the related procedures of verification of the rank and registration of teaching staff, in accordance with the provisions of Law No. 8/2005

“Personal Information Protection Act”, DSEJ may provide, exchange, confirm and use the information of teaching staff in any form, including interconnection of data, with other entities owning the relevant significant data for the application of this law.

3. To carry out the verification procedures of the related evaluation and appeal, the evaluation body of the school and the Teaching Staff Professional Committee may perform the interconnection of data in accordance with the provision of the preceding clause.

Article 66

Penalty regime

The violations of law committed by private schools are applicable to the penalty regime defined in Decree-law No. 38/93/M of July 26, and supplement with the general regime applicable to administrative violations.

CHAPTER 13

Final and transitional provisions

Article 67

Level of rank of the practicing teaching staff

1. The level of rank of teaching staff registered with the DSEJ before the entry into force of this law is decided in accordance with the provisions of the following:

2. The starting level of the teaching staff referred in the preceding clause is decided in accordance with the following criteria:
 - (1) For teaching staff holding bachelor degree or equivalent academic qualification or above on the day this law comes into effect, the initial level is Level 5.
 - (2) The starting level of other teaching staff is Level 6.
3. Rank Promotion of teaching staff referred in the preceding clause is carried out in accordance with the provision of Article 15, but not affecting the application of the following provisions.
4. For the effect of rank promotion, the period working as teaching staff in Macao SAR or other countries or region before the entry into force of this law is considered.
5. For the effect of rank promotion referred in the preceding clause, the requirements of work performance evaluation and number of hours of professional development stipulated in Article 15 are not applicable.
6. After determining the appropriate level of rank in accordance with the preceding various clauses, the remaining service time is counted as the service time required for the promotion to the next level only.
7. For teaching staff who are at the age of 50 and have 20 years of service before the entry into force of this law, the provisions of Item No. (4) of Clause No. 5 and Item No. (4) of Clause No. 6 in Article 15 are not applicable for rank promotion.

8. Teaching staff having taught in other countries or regions has to provide DSEJ with proof documents of teaching in that country or region within 180 days from the day of entry into force of this law.
9. DSEJ determines the period to be counted in accordance with the provision of Clause No. 4; for teaching period in other countries or regions, the opinions of the Teaching Staff Professional Committee have to be listened to.
10. For the effect of rank promotion, the service time not meeting the requirements stipulated in Article 30 or Article 31 before the entry into force of this law is also counted.

Article 68

Continuation of appointment

Teachers registered with DSEJ prior to the entry into force of this law may continue to teach the subjects and education level that they have been teaching in the recent two school years before the entry into force of this law, and not subject to the restriction of the appointment requirements referred in Article 10 until the termination of the duties.

Article 69

Resumption of duties

1. Teachers, who have not registered with the DSEJ prior to the entry into force of

this law and do not possess the appointment requirements referred in Article 10, may apply to resume the teaching post of the education level that they have taught before within the first five years after the entry into force of this law, provided that they meet all of the following conditions:

- (1) Having been registered with DSEJ prior to the entry into force of this law;
- (2) Having completed 10 years of teaching service in the schools of Macao SAR prior to the entry into force of this law.

2. If the teachers referred in the preceding clause are secondary school teachers, they may only teach the subjects that they taught in the last two years before the termination of teaching service.

3. The verification of requirements referred in Clause No. 1 is responsible by DSEJ.

4. For the determination of the level of rank, provisions of Clauses No. 2 to No. 6 and No. 8 to No. 10 of Article 67 are applicable in the following cases after appropriate adaptations.

- (1) The teachers referred in Clause No. 1 of this article;
- (2) Teaching staff terminated the teaching job before the entry into force of this law, and meeting the appointment requirements stipulated in Article 10 when re-registering with the DSEJ as a teaching staff.

Article 70

Continuation of being a teacher card holder

Holders of valid teacher card before the entry into force of this law, but not

meeting the provision of Item No. (1) in Article 2 are still considered as teaching staff until they leave the service in the respective schools.

Article 71

Continuation of free access to health care

1. The provisions of Clauses No. 3 and No. 4 of Article 44 are applicable to teaching staff and other staff members of schools leaving the duties prior to the entry into force of this law.
2. The provisions of Clauses No. 1, No. 3 and No. 4 of Article 44 are applicable to people who already have the right to enjoy free access to health care, but not providing service in accordance with the provisions of Article 30 or Article 31 until they leave the service in their respective schools.

Article 72

Protection of rights

This law shall not be construed as the reduction or cancellation of favourable working conditions for teaching staff effective before the date of entry into force of this law.

Article 73

Supplementary law

For all matters that are not specifically regulated by this law and under the

condition of not having any conflict with this law, Law No. 7/2008 – the “Labour Relations Law” is applicable.

Article 74

Revocation

Decree-law No. 15/96/M of March 25 is abrogated, but not affecting the application of the provision of Clause No. 4 of the following article.

Article 75

Entry into force and implementation

1. This law comes into effect on the first day of the following school year after its publication, but not affecting the application of the following clauses:
2. The provisions of Article 47 and Article 67 shall be implemented from the first day of the following month after the publication of this law.
3. The provisions of Clause No. 3 of Article 9, Article 20 to Article 27, Item (1) in Clause No. 1 of Article 28, Clauses No. 2 and No. 3 of Article 40 and Article 43 shall be implemented from the first day of the second school year after the publication of this law.
4. The provisions of Clauses No. 1 and No. 2 of Article 10 shall be implemented from the first day of the third school year after the publication of this law, the

provisions of Items a and b in Clause No. 2 of Article 2 in Decree-law No. 15/96/M of March 25 shall continue to be applicable before the implementation of this law.

Approved on February 29, 2012.

The President of the Legislative Assembly Lau Cheok Va

Signed on March 15, 2012.

To be published.

The Chief Executive Chui Sai On