



# Global Care Policy Index

## Technical Report for Hong Kong

Published: 16 January 2021 | The Global Care Policy Index | [globalcarepolicy.com](https://globalcarepolicy.com)

### Overview

The Global Care Policy Index (GCPI) is a composite index that provides a single numerical assessment of a country's support for and protection of home-based caregivers and careworkers who do the important but often invisible work of caring for the young, old, disabled, and infirm within the country. The GCPI incentivizes states to take an embedded economy approach, and recognize and reward the critical role that caregiving and carework within households play in supporting the reproduction of society and the functioning of the economy. This goal is in line with the 2030 UN Agenda for Sustainable Development and the ILO's Decent Work Agenda which aim for a future where everyone is able to access decent work. It recognizes that paying attention to, valuing, and dignifying (paid) carework and (unpaid) caregiving is essential if a society wants to improve the quality of life of its people.

For more detailed information about the GCPI, please visit [globalcarepolicy.com](https://globalcarepolicy.com).

### Index Calculation

Each question in the index is scored on a scale of 0 to 1. Each sub-category score is calculated by summing the unweighted scores of all the questions in the sub-category and then converting that to a 0-to-10 scale. Each category score is calculated as an unweighted average of their respective sub-category scores. Each sub-index is calculated as an unweighted average of their respective category scores. Thus, all sub-categories, categories, and sub-indices are calculated out of 10. The overall GCPI score is calculated as an unweighted average of Sub-Indices A and B.

In the case of countries with decentralized legislation that varies from state to state, or province to province, a [two-step scoring logic](#) is used. This two-step logic takes into account the population coverage of any protective legislation (relative to the overall national population) and deducts points based on the average number of exclusionary conditions that exist in the various states/provinces where the relevant legislation is in force.

### How to Cite this Technical Report

The recommended citation for this report is as follows:

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[https://globalcarepolicy.commons.yale-nus.edu.sg/country\\_profile/HongKong](https://globalcarepolicy.commons.yale-nus.edu.sg/country_profile/HongKong)

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No.	Category/Sub-Category/Question	Country Score	Explanation of Score	Source/ Evidence
<b>Hong Kong</b>				
<b>SUB-INDEX A: PROTECTIONS FOR FAMILY CAREGIVERS</b>				
<b>A1. Pregnancy and Maternity Leave Coverage</b>				
A1.1	Are working women guaranteed maternity leave?	0.75	<p>Yes, but with 1 Exclusionary condition.</p> <p>Hong Kong's Employment Ordinance states that: "An employee is eligible for maternity leave pay if:</p> <ol style="list-style-type: none"> <li>she has been employed under a continuous contract for not less than 40 weeks immediately before the commencement of scheduled maternity leave;</li> <li>she has given notice of pregnancy and her intention to take maternity leave to her employer after the pregnancy has been confirmed. For example, the presentation of a medical certificate confirming her pregnancy to the employer;</li> <li>she has produced a medical certificate specifying the expected date of confinement if so required by her employer." <p>Exclusionary Conditions: (1) Has been employed under a continuous contract for not less than 40 weeks immediately before the commencement of scheduled maternity leave.</p> <p><b>1 - 0.25 = 0.75</b></p> </li></ol>	<a href="#">Hong Kong's Employment Ordinance Chapter 6: Maternity Protection</a>
A1.2	Are all categories of working women guaranteed maternity leave?	0.80	<p>Yes, but only specific employment forms have been mentioned. There is <b>no mention of workers in disguised employment and dependent self-employment.</b></p> <p>Hong Kong's Protection under the Employment Ordinance states that: "Employees, be they designated as <b>full-time, part-time, casual or substitute employees are guaranteed maternity leave</b> conditioning on being employed on a continuous contract for a minimum of 40 weeks.</p> <p>An employee has to be: - employed continuously by the same employer for 4 weeks or more - work at least 18 hours each week to be considered employed under a continuous contract. "</p> <p><b>Score</b> <b>4/5=0.8</b></p>	<a href="#">Part-Time Employment: Know more about legislation</a>
A1.3	How long a maternity leave are eligible working women guaranteed?	0.50	<p>14 weeks.</p> <p>An eligible employee is entitled to 14 weeks of maternity leave. This leave must be continuous. Given that the duration of maternity leave is less than the ILO recommendation of 18 weeks, Hong Kong scores 0.5 for this question.</p>	<a href="#">The Employment (Amendment) Ordinance 2020</a>
A1.4	Are eligible working women guaranteed extended prenatal maternity leave, if the actual date of childbirth is before or after initial predicted date of childbirth (indicated by a medical certificate) without any reduction in the postnatal maternity leave?	1.00	<p>Yes. Eligible working women receive extended maternity leave in the case where the confinement occurs <b>later</b> than the initial predicted date of childbirth.</p> <p>Hong Kong's Employment Ordinance (Chapter 6) states that "A female employee employed under a continuous contract immediately before the commencement of her maternity leave and having given notice of pregnancy and her intention to take maternity leave to the employer is entitled to the following periods of leave:</p> <ul style="list-style-type: none"> <li>a continuous period of 14 weeks' maternity leave;</li> <li><b>if confinement occurs later than the expected date of confinement, a further period equal to the number of days from the day after the expected date of confinement to the actual date of confinement;</b></li> <li>an additional period of leave for not more than four weeks on the grounds of illness or disability due to the pregnancy or confinement"</li> </ul>	<a href="#">Hong Kong Employment Ordinance Chapter 6: Maternity Protection</a>
A1.5	Are eligible working women guaranteed extended maternity leave in the case of simultaneous multiple births?	0.00	<p>No.</p> <p>Not mentioned in the Employment Ordinance (original and amended).</p>	<a href="#">Hong Kong Employment Ordinance Chapter 6: Maternity Protection</a>  <a href="#">The Employment (Amendment) Ordinance 2020</a>



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A1.6	Are eligible working women entitled to freely choose when they wish to take the non-compulsory portion of their maternity leave - before or after childbirth?	0.00	No, eligible working women are not able to freely choose when they take the non-compulsory portion of their maternity leave. They need the agreement of their employer, and if that is not freely forthcoming, the Hong Kong government dictates that they must start their maternity leave four weeks before the expected date of confinement.  According to Hong Kong's Employment Ordinance: "• With the agreement of her employer, a pregnant employee may decide to commence her maternity leave from two to four weeks before the expected date of confinement; • If the employee does not decide on the date, or fails to secure her employer's agreement, the employee shall commence her maternity leave four weeks before the expected date of confinement"	<a href="#">Hong Kong Employment Ordinance Chapter 6: Maternity Protection</a>  <a href="#">The Employment (Amendment) Ordinance 2020</a>
A1.7	Are eligible working women guaranteed a period of compulsory maternity leave after childbirth?	1.00	Yes.  According to Hong Kong's Employment Ordinance, a working woman: "With the agreement of her employer, a pregnant employee may decide to commence her maternity leave from two to four weeks before the expected date of confinement; If the employee does not decide on the date, or fails to secure her employer's agreement, the employee shall commence her maternity leave four weeks before the expected date of confinement"  With a maximum of 4 weeks of maternity leave before the confinement, <b>the working woman is guaranteed a period of 10 weeks of compulsory maternity leave after childbirth.</b>	<a href="#">Hong Kong Employment Ordinance Chapter 6: Maternity Protection</a>
A1.8	How long is the compulsory maternity leave that eligible working women are guaranteed after childbirth?	1.00	<b>10 weeks.</b>  According to Hong Kong's Employment Ordinance, a working woman: "With the agreement of her employer, a pregnant employee may decide to commence her maternity leave from two to four weeks before the expected date of confinement; If the employee does not decide on the date, or fails to secure her employer's agreement, the employee shall commence her maternity leave four weeks before the expected date of confinement"  With a maximum of 4 weeks of maternity leave before the confinement, the working woman is guaranteed a period of 10 weeks of compulsory maternity leave after childbirth.  Given that the duration of the compulsory maternity leave is 10 weeks, longer than the recommended 6 weeks from the ILO, Hong Kong scores full marks for this questions.	<a href="#">Hong Kong Chapter 6: Maternity Protection</a>
A1.9	Are eligible women guaranteed additional leave in case there is a documented medical illness, complications, or risk of complications arising out of pregnancy or childbirth?	1.00	Yes.  Hong Kong's Employment Ordinance states that:"The employee may enjoy an <b>additional period of leave for not more than four weeks on the grounds of illness or disability due to the pregnancy or confinement.</b> "	<a href="#">Employment Ordinance: Maternity Protection</a>
A1.10	Do adoptive mothers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.00	No, adoptive mothers do not have access to a similar system of protection. Maternity leave and protections are granted to women who can confirm their pregnancy with a medical certificate.  "In order to enjoy maternity protection, a female employee has to serve notice of her pregnancy and of her intention to take maternity leave to her employer after her pregnancy has been confirmed by a medical certificate issued by a registered medical practitioner, registered Chinese medicine practitioner or registered midwife. The employee shall, if so required by her employer, produce a medical certificate specifying the expected date of confinement."	<a href="#">Employment Ordinance: Maternity Protection</a>
<b>A2.</b>	<b>Protections during Pregnancy and Maternity Leave</b>			
<b>A2.1</b>	<b>Financial Protections</b>			
A2.1.1	What proportion of their salary are eligible working women entitled to receive while on maternity leave?	1.00	4/5ths.  Hong Kong's Employment Ordinance states that:"The daily rate of maternity leave pay is a sum equivalent to four-fifths of the average daily wages earned by an employee in the 12-month period preceding the 'first day of the maternity leave'. If an employee is employed for less than 12 months, the calculation shall be based on the shorter period."  Given that the pay rate of 4/5ths is higher than the 2/3rds recommended by the ILO, Hong Kong scores full marks for this question.	<a href="#">Employment Ordinance: Maternity Protection</a>
A2.1.2	Is the woman entitled to cash benefits during maternity leave out of social assistance funds if she does not qualify for wage replacement or the country does not offer wage replacements?	1.00	Yes, the Hong Kong government's Comprehensive Social Security Assistance (CSSA) provides a financial safety net for individuals aged 15 to 59 in normal health who are not able to work because they have to care for their children and if their income and assets fall below the prescribed threshold. The amount of assistance payable is determined by the resources and needs of an individual or an individual's family.  There is also a Social Security Appeal Board.	<a href="#">Comprehensive Social Security Assistance Scheme</a>



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A2.1.3	Does the government ensure that employers are not individually liable for the cost of providing cash benefits to working women during maternity leave either through compulsory social insurance or public funds?	0.50	<p>Yes, but most of the burden (10 weeks out of the total 14) is still left to the employers.</p> <p>For the 14-week maternity leave, the employer is responsible for paying the employee directly and can claim reimbursement for the payments made during the last 4 weeks.</p> <p>Hong Kong's Employment Ordinance states that: "Employers are required to pay the additional four weeks' [maternity leave payments] MLP (i.e. 11th to 14th week) under the Amendment Ordinance on the normal pay day. Afterwards, employers may apply to the Government for reimbursement of such MLP paid."</p> <p>Given that most of the maternity leave payments are still shouldered by employers, Hong Kong scores 0.5 for this question.</p>	<a href="#">The Employment (Amendment) Ordinance 2020</a>
A2.1.4	Are taxes and contributions due under compulsory social insurance, utilised to finance maternity benefits, payable equally by men and women, without distinction of sex?	1.00	Yes, both men and women pay for contributions equally. Maternity leave payments are not covered by social insurance for the most part.	<a href="#">Social Security Programs throughout the World: Hong Kong</a>
A2.1.5	Are unemployment benefits protected from loss or suspension in situations when a worker refuses a job offer on the grounds of conflicts with their family responsibilities?	99.00	Hong Kong does not offer unemployment benefits to individuals.	<a href="#">Comprehensive Social Security Assistance Scheme</a>
<b>A2.2</b>	<b>Employment Protections</b>			
A2.2.1	Are working women guaranteed a right to return to the same job/position or to an equivalent position, paid at the same rate at the end of their maternity leave?	0.75	<p>Yes, a right to return to the same job/position is guaranteed. However, there is no mention of the woman being paid the same rate at the end of the maternity leave.</p> <p>The Hong Kong Government's Press Release about the 'Protection of reproductive right of working women' states that: "As regards women returning to their original position to work after maternity leave, the existing legislation has provided them with protection. Under the Sex Discrimination Ordinance, it is unlawful for an employer of a Hong Kong establishment to subject a woman to a disadvantage or dismiss her on the ground of her pregnancy. All types of employment (including contract work) are covered under the law."</p> <p><b>Exclusion:</b> (1) Same wage rate not guaranteed.</p> <p>The Sex Discrimination Ordinance (Article 8) states that: "A person discriminates against a woman in any circumstances relevant for the purposes of any provision of Part 3 or 4 if— (a) on the ground of her pregnancy he treats her less favourably than he treats or would treat a person who is not pregnant"</p> <p><b>1 - 0.25 = 0.75</b></p>	<a href="#">Protection of reproductive rights of working women</a>  <a href="#">Sex Discrimination Ordinance</a>
A2.2.2	Are working women protected from dismissal from work while they are on maternity leave, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	1.00	<p>Yes</p> <p>Hong Kong's Employment Ordinance (Chapter 6) states that: "An employer is prohibited from dismissing a pregnant employee from the date on which she is confirmed pregnant by a medical certificate to the date on which she is due to return to work upon the expiry of her maternity leave if: 1. the employee has been employed under a continuous contract, and 2. she has served a notice of pregnancy to the employer."</p>	<a href="#">Chapter 6: Maternity Protection</a>
A2.2.3	Are working women protected from dismissal during a period following their return to work, except on grounds unrelated to the pregnancy or birth of the child and its consequences or nursing?	0.00	No. A working woman is protected from dismissal from the date on which she is confirmed pregnant by a medical certificate, to the date on which she is due to return to work upon the expiry of her maternity leave. There is no mention of protection of dismissal after the woman has returned to work.	<a href="#">Chapter 6: Maternity Protection</a>

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A2.2.4	Are employers prohibited from requiring pregnancy tests of women applying for employment (except for work that is prohibited for nursing or pregnant women, or for work that poses significant risk to the health of the woman and the child)?	1.00	<p>Yes, the Sex Discrimination Ordinance (Article 5) states that:  <b>"(1) A person discriminates against a woman</b> in any circumstances relevant for the purposes of any provision of this Ordinance if—            (a) on the ground of her sex he treats her less favourably than he treats or would treat a man;            or  <b>(b) he applies to her a requirement or condition which he applies or would apply equally to a man but—</b>            (i) which is such that the proportion of women who can comply with it is considerably smaller than the proportion of men who can comply with it;  <b>(ii) which he cannot show to be justifiable irrespective of the sex of the person to whom it is applied; and</b>            (iii) which is to her detriment because she cannot comply with it.</p> <p>Case law in Hong Kong also indicates that employers are prohibited from requiring pregnancy tests of women applying for employment. Takeaway of the <b>Waliyah v Yip Hoi Sun Terence and Chan Man Nong</b> case also known as the Chen Meng Hong (2017) HKEC 84:            "The Court accepted that whether a female employee is pregnant is a private matter about which the employer has no right to know. If an employee was asked to take a pregnancy test in a supervised manner but was not given an option whether or not to inform the employer the result, then such request is capable of constituting a less favourable treatment on the ground of gender. This is because a male employee would not be asked to disclose such private information to his employer."</p>	<a href="#">Sex Discrimination Ordinance</a>  <a href="#">Hong Kong Employment Law: Can an employer request a pregnancy test?</a>
A2.2.5	Are there laws to protect workers against direct or indirect job discrimination on the basis of their marital status or family responsibilities?	1.00	<p>Yes, the Equal Opportunities Commission has the Family Status Discrimination Ordinance (FSDO).</p> <p>"The FSDO aims to eliminate discrimination on the ground of family status and stipulates protection for persons with family status. Family status means the status of having responsibility for the care of an immediate family member. The FSDO gives protection to employees who have responsibility for the care of an immediate family member to engage in employment without being subjected to discrimination."            Family Status also include relationships of marriage, based on which employers are prohibited from discriminating.</p> <p>Meanwhile the Sex Discrimination Ordinance (Article 7) prohibits the discrimination against individuals on the basis of their marital status:  <b>"(1)A person discriminates against a person of either sex in any circumstances relevant for the purposes of any provision of Part 3 or 4 if— (a)on the ground of his or her marital status (the relevant marital status) he treats that person less favourably than he treats or would treat a person of the same sex with a different marital status"</b></p>	<a href="#">Equal Opportunities Commission: FSDO</a>  <a href="#">Sex Discrimination Ordinance</a>
<b>A3. Paternity Leave Policies</b>				
A3.1	Are working men guaranteed paternity or parental leave?	1.00	<p>Yes. Hong Kong's Employment Ordinance states that: "A male employee is entitled to 5 days' paternity leave for each confinement of his spouse/partner if he –            1. is the father of a new-born child or a father-to-be;            2. has been employed under a continuous contract; and            3. has given the required notification to the employer"</p> <p>Hong Kong's Protection under the Employment Ordinance states that:            "An employee has to be:            - employed continuously by the same employer for 4 weeks or more            - work at least 18 hours each week            to be considered employed under a continuous contract. "</p>	<a href="#">Chapter 7: Paternity Leave</a>
A3.2	Are all categories of working men guaranteed paternity leave or parental leave?	0.80	<p>Yes, but only specific employment forms have been mentioned. There is no mention of workers in disguised employment and dependent self-employment.</p> <p>Hong Kong's Protection under the Employment Ordinance states that:            "Employees, be they designated as full-time, part-time, casual or substitute employees are guaranteed paternity leave conditioning on a continuous contract.            An employee has to be:            - employed continuously by the same employer for 4 weeks or more            - work at least 18 hours each week            to be considered employed under a continuous contract. "</p> <p><b>Score</b>  <b>4/5=0.8</b></p>	<a href="#">Part-Time Employment: Know more about legislation</a>
A3.3	How long a paternity or parental leave are eligible working men guaranteed?	0.36	<p>Eligible working men are guaranteed only 5 days of paternity leave. Given that this is less than the recommended 14 days suggested by the ILO, Hong Kong scores 5/14 = 0.36 for this question.</p> <p><b>(5/14) = 0.36</b></p>	<a href="#">Chapter 7: Paternity Leave</a>



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A3.4	What proportion of their salary are eligible working men entitled to receive while on paternity leave?	1.00	<p>Four-fifths of wages.</p> <p>Hong Kong's Employment Ordinance states that: "The daily rate of paternity leave pay is a sum equivalent to four-fifths of the average daily wages earned by an employee in the 12-month period preceding the day of paternity leave. If an employee takes more than one day of paternity leave consecutively, the daily rate of paternity leave pay is a sum equivalent to four-fifths of the average daily wages earned by the employee in the 12-month period preceding the first day of paternity leave. If an employee is employed for less than 12 months, the calculation shall be based on the shorter period."</p> <p>Given that this is above the 2/3rds wage rate suggested by the ILO, Hong Kong scores full marks for this question.</p>	<a href="#">Chapter 7: Paternity Leave</a>
A3.5	In the case of the death of the mother before the expiry of the postnatal leave, is the employed father of the child entitled to take leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	No mention of such a provision in the Employment Ordinance for paternity leave.	<a href="#">Chapter 7: Paternity Leave</a>
A3.6	In the case of sickness or hospitalisation of the mother after childbirth where the mother cannot take care of the child, is the employed father of the child entitled to leave of a duration equal to the unexpired portion of the postnatal maternity leave?	0.00	No mention of such a provision in the Employment Ordinance for paternity leave.	<a href="#">Chapter 7: Paternity Leave</a>
A3.7	Do adoptive fathers have access to a similar system of protections regarding parenting leave, benefits, and employment protection?	0.00	No. To be eligible for paternity leave, the individual must be the father of a new-born child.	<a href="#">Chapter 7: Paternity Leave</a>
<b>A4.</b>	<b>Dependent Care Leave Policies</b>			
A4.1	Are eligible workers entitled to leave to take care of their children?	0.00	No. While the government encourages family-friendly employment practices, there are no laws that entitle eligible workers leave to take care of their children. There is no mention in Chapter 4 (Rest Days, Holidays and Leave) of the Employment Ordinance. The only types of leave available are annual leave and sickness allowance.	<a href="#">Chapter 4: Rest Days, Holidays and Leave</a>
A4.2	Are eligible workers entitled to leave to take care of immediate family members who may be suffering from an illness?	0.00	No. There is no mention of entitled leave to take care of immediate family members who may be suffering from an illness in the Employment Ordinance. The only types of leave available are annual leave and sickness allowance.	<a href="#">Chapter 4: Rest Days, Holidays and Leave</a>
A4.3	Are all categories of workers guaranteed dependent care leaves?	0.00	No. There is no mention of dependent care leaves in the Employment Ordinance.	<a href="#">Chapter 4: Rest Days, Holidays and Leave</a>
<b>A5.</b>	<b>Flexible Work Arrangements</b>			
A5.1	Do employees with care responsibilities have the right to request reduced working hours?	0.00	No. The Labour Department of Hong Kong recommends 'Family-Friendly Employment Practices' to employers but there are no laws and regulations under the Employment Ordinance. These recommendations include: "- Special leaves to meet employees' family needs, such as marriage leave, parental leave, compassionate leave, special casual leave, birthday leave and filial leave, etc. - Flexible work arrangements, such as five-day work week, flexible working hours, flexitime, work from home or remote work, job sharing, etc. - Living support, such as medical protection, child care service, counselling service on stress or emotional management, lactation rooms in the workplace to facilitate breastfeeding for working mothers, scholarships for employees' children and family recreational activities."	<a href="#">Family-Friendly Employment Practices</a>
A5.2	Do employees with care responsibilities have the right to request flexitime, telecommuting, etc.?	0.00	No. The Labour Department of Hong Kong recommends 'Family-Friendly Employment Practices' to employers but there are no laws and regulations under the Employment Ordinance. These recommendations include: "- Special leaves to meet employees' family needs, such as marriage leave, parental leave, compassionate leave, special casual leave, birthday leave and filial leave, etc. - Flexible work arrangements, such as five-day work week, flexible working hours, flexitime, work from home or remote work, job sharing, etc. - Living support, such as medical protection, child care service, counselling service on stress or emotional management, lactation rooms in the workplace to facilitate breastfeeding for working mothers, scholarships for employees' children and family recreational activities."	<a href="#">Family-Friendly Employment Practices</a>



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A5.3	Are the special needs of workers with family responsibilities taken into account in shift-work arrangements and assignments to night work?	0.00	No. The Labour Department of Hong Kong recommends 'Family-Friendly Employment Practices' to employers but there are no laws and regulations under the Employment Ordinance. These recommendations include: "- Special leaves to meet employees' family needs, such as marriage leave, parental leave, compassionate leave, special casual leave, birthday leave and filial leave, etc. - Flexible work arrangements, such as five-day work week, flexible working hours, flexitime, work from home or remote work, job sharing, etc. - Living support, such as medical protection, child care service, counselling service on stress or emotional management, lactation rooms in the workplace to facilitate breastfeeding for working mothers, scholarships for employees' children and family recreational activities."	<a href="#">Family-Friendly Employment Practices</a>
A5.4	Is a woman allowed to leave the workplace, if necessary, after notifying her employer, in order to undergo medical examinations related to her pregnancy?	0.50	Yes, but with two exclusions. The Employment Ordinance (Chapter 5) indicates that "When the employee's absence from work to attend medical examination in relation to her pregnancy, post confinement medical treatment or miscarriage is supported by an appropriate medical certificate, any such day on which she is absent shall be counted as a sickness day. Under such circumstances, if the employee has accumulated sufficient number of paid sickness days, each sickness day shall be paid sickness allowance which is a sum equivalent to four-fifths of her average daily wages."  Exclusions: 1. Sickness days are only available to workers on continuous contracts 2. Workers are not paid their full wages on their sickness allowance days, but only 4/5ths of their average daily wage.  Score <b>1 - 0.25 - 0.25 = 0.50</b>	<a href="#">Labour Department FAQs on Employment Ordinance Cap.57 Maternity Leave</a>
<b>A6. Family-Friendly Workplace Policies</b>				
<b>A6.1 Nursing Support in the Workplace</b>				
A6.1.1	Is the mother guaranteed daily breaks or reduction of work hours to pump milk, breastfeed, or nurse for her child?	0.00	No. While the Family Health Service (FHS) recommends workplaces to be a 'Breastfeeding Friendly Workplace,' there are no laws or mandates and it is left to the company to decide.	<a href="#">Employers' Guide-To establishing a 'Breastfeeding Friendly Workplace'</a>
A6.1.2	Are these breaks counted and compensated as working time?	0.00	No. While the Family Health Service (FHS) recommends workplaces to be a 'Breastfeeding Friendly Workplace,' there are no laws or mandates and it is left to the company to decide.	<a href="#">Employers' Guide-To establishing a 'Breastfeeding Friendly Workplace'</a>
A6.1.3	On the production of a medical certificate, can the frequency and length of these nursing breaks be adapted to particular needs?	0.00	No. While the Family Health Service (FHS) recommends workplaces to be a 'Breastfeeding Friendly Workplace,' there are no laws or mandates and it is left to the company to decide.	<a href="#">Employers' Guide-To establishing a 'Breastfeeding Friendly Workplace'</a>
A6.1.4	Are employers required to provide infrastructural provisions/facilities at or near the workplace that mothers may use to nurse or pump milk?	0.00	No. While the Family Health Service (FHS) recommends workplaces to be a 'Breastfeeding Friendly Workplace,' there are no laws or mandates and it is left to the company to decide.	<a href="#">Employers' Guide-To establishing a 'Breastfeeding Friendly Workplace'</a>
<b>A6.2 Workplace Safety for Pregnant and Nursing Women</b>				
A6.2.1	Are employers required to assess and report workplace risks related to the health and safety of pregnant and nursing women and their children?	0.00	No. While there is a general requirement of making preliminary assessment of risks in the Occupational Safety and Health Ordinance, there is no mention of assessing and reporting workplace risks related to the health and safety of pregnancy and nursing women and their children.	<a href="#">Cap509 Occupational Safety and Health Ordinance</a>
A6.2.2	Is a pregnant or nursing woman exempt from performing work that has been determined to be prejudicial to the health of the mother or the child?	0.75	Yes, with 1 exclusionary condition.  The Employment Ordinance (Chapter 6) states that: "A pregnant employee may, on producing a medical certificate with an opinion as to her unfitness to handle heavy materials, or to work in places where gas injurious to pregnancy is generated, or to do other work injurious to pregnancy, request her employer to refrain from giving her such work during her pregnancy period." The employer is not able to refuse this exemption.  Exclusions: (1) No provisions exist in the Employment Ordinance for nursing women to request exemptions from unsafe work.  <b>1 - 0.25 = 0.75</b>	<a href="#">Employment Ordinance (Chapter 6 - Maternity Protections)</a>



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A6.2.3	Is the woman entitled to eliminate risk elements from work (if possible), adapt the conditions of her work, or transfer from harmful labor to other kinds of work that do not pose risks to her health?	0.75	Yes, with 1 exclusionary condition.  The Employment Ordinance (Chapter 6) states that: "A pregnant employee may, on producing a medical certificate with an opinion as to her unfitness to handle heavy materials, or to work in places where gas injurious to pregnancy is generated, or to do other work injurious to pregnancy, request her employer to refrain from giving her such work during her pregnancy period." The employer is not able to refuse this exemption.  Exclusions: (1) No provisions exist in the Employment Ordinance for nursing women to request exemptions from unsafe work.  <b>1 - 0.25 = 0.75</b>	<a href="#">Employment Ordinance (Chapter 6 - Maternity Protections)</a>
A6.2.4	On the production of a medical certificate, is the woman exempt from doing night work if it may be incompatible with her pregnancy or nursing?	0.00	No mention of such a provision in the Maternity section of the Employment Ordinance (Chapter 6).	<a href="#">Employment Ordinance (Chapter 6 - Maternity Protections)</a>

## SUB-INDEX B: PROTECTIONS FOR DOMESTIC WORKERS

<b>B1. Coverage under National Labor Laws</b>				
B1.1	Are domestic workers covered under national labor laws?	1.00	Yes, the Employment Ordinance covers all employees, whether temporary or part-time. Domestic workers are covered under the Employment Ordinance which provides basic protection including "payment of wages, restrictions on wage deductions and the granting of statutory holidays, etc."  However, only employees under a continuous contract are entitled to "rest days, paid annual leave, sickness allowance, severance payment and long service payment." Chapter 1 of the Employment Ordinance states: "An employee who has been employed continuously by the same employer for four weeks or more, with at least 18 hours worked in each week is regarded as being employed under a continuous contract."	<a href="#">Employment Ordinance Chapter 1</a>
B1.2	Do the legislations for domestic workers cover all categories of domestic work and contractual arrangements?	0.75	Yes, in Hong Kong, both foreign and local domestic workers are entitled to the same protections under the Employment Ordinance. However, part-time domestic workers who work less than 18 hours a week for a single employer will not be counted as holding a "continuous contract of employment" and therefore will not have access to various benefits provided under the Employment Ordinance.  <b>1 - 0.25 = 0.75</b>	<a href="#">HK Gov: Hiring Foreign Domestic Helpers</a>  <a href="#">Employment Ordinance Chapter 1</a>
<b>B2. Fair Employment Process</b>				
<b>B2.1 Standard Terms of Employment</b>				
B2.1.1	Is there a requirement for domestic workers to be informed of their terms of employment, preferably through written contracts, though verifiable verbal contracts are allowed?	1.00	Yes. The standard Employment Contract (ID 407) is the only contract acceptable to the Immigration Department of the Government of the HKSAR, whenever an application is made by an employer to employ a domestic worker from abroad. This contract is governed by Hong Kong laws, in particular, the Employment Ordinance (Chapter 57), the Immigration Ordinance (Chapter 115) and the Employees' Compensation Ordinance (Chapter 282). Except for the countries not requiring notarization of migrant domestic worker employment contracts, all contracts have to be notarized before migrant domestic workers are approved to work in Hong Kong.	<a href="#">Standard Employment Contract and Terms of Employment for Helpers</a>
B2.1.2	Are domestic workers' contracts required to include standard information about the employment relationship?	0.88	Yes. 7 out of 8 key employment terms are required items in the standard Employment Contract (ID 407). (1) Name of employer, (3) employee, (4) place of origin for helper, and (2) employer's residence all appear on the sample standard employment contract (ID 407). The contract also indicates that (5) The Helper shall work and reside in the Employer's residence at ____ The standard Employment Contract also indicates that the (6) commencing date depends on the date on which the Helper arrives in Hong Kong or following the expiry of the previous contract. The standard duration of the contract is two years. The contract also indicates that (8) "either party may terminate this contract by giving one month's notice in writing or one month's wages in lieu of notice. [...] Notwithstanding Clause 10, either party may in writing terminate this contract without notice or payment in lieu in the circumstances permitted by the Employment Ordinance, Chapter 57."  The only key term missing from the standard contract is information about any period of probation or trial period.  <b>7/8 = 0.875</b>	<a href="#">HK Labor Department: Practical Guide for Employment of Foreign Domestic Helpers</a>



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B2.1.3	Are domestic workers' contracts required to include information about working hours, rest and leave?	0.50	<p>Yes. 3 out of 6 key terms related to workers' working hours and rest are required items in the standard Employment Contract (ID 407).</p> <p>The contract lists the (1) type of work that the employee is expected to carry out. "4. (a) The Helper shall only perform domestic duties as per the attached Schedule of Accommodation and Domestic Duties for the Employer."</p> <p>The contract clarifies the (4) weekly rest and (5) paid annual leave that the employee is entitled to. "6. The Helper shall be entitled to all rest days, statutory holidays, and paid annual leave as specified in the Employment Ordinance, Chapter 57!"</p> <p>However, (2) normal hours of work excluded, (3) daily rest, (6) sick leave provisions are not mentioned in the contract.</p> <p><b>3/6=0.5</b></p>	<a href="#">HK Labor Department: Practical Guide for Employment of Foreign Domestic Helpers</a>
B2.1.4	Are domestic workers' contracts required to include information about their wages?	0.29	<p>Yes. 2 out of 7 key terms related to workers' wage payments are required items in the standard Employment Contract (ID 407).</p> <p>The contract specifies the (1) wage the worker will be paid and that the (3) periodicity of payment will be each month. "5. (a) The Employer shall pay the Helper wages of HK\$ _____ per month. The amount of wages shall not be less than the minimum allowable wage announced by the Government of the Hong Kong Special Administrative Region and prevailing at the date of this contract. An employer who fails to pay the wages due under this employment contract shall be liable to criminal prosecution"</p> <p>However, the (2) method of calculation, (4) rate of pay for overtime, (5) rate of pay for standby, (6) any payments in kind given and their monetary value, (7) any authorized deductions from the wage by employers are not mentioned in the Standard Contract.</p> <p><b>2/7= 0.29</b></p>	<a href="#">HK Labor Department: Practical Guide for Employment of Foreign Domestic Helpers</a>
B2.1.5	Are domestic workers' contracts required to include information about living conditions for live-in workers?	1.00	<p>Yes. The standard Employment Contract (ID 407) includes information about both the (1) provision of food and (2) accommodation to domestic workers.</p> <p>"5. (b)The Employer shall provide the Helper with suitable and furnished accommodation as per the attached Schedule of Accommodation and Domestic Duties and food free of charge. If no food is provided, a food allowance of HK\$_____ a month shall be paid to the Helper."</p>	<a href="#">HK Labor Department: Practical Guide for Employment of Foreign Domestic Helpers</a>
<b>B2.2</b>	<b>Regulations for Recruitment and Employment Process</b>			
B2.2.1	Is there any regulation around how private employment agencies recruit and place local and migrant domestic workers?	1.00	<p>Yes. Under the laws of Hong Kong, all employment agencies are required to apply for licenses from the Employment Agencies Administration (EAA) before undertaking any job placement business.</p>	<a href="#">Labour Department: Foreign Domestic Helpers: Engaging an Employment Agency</a>
B2.2.2	Are there measures to ensure that fees charged by private employment agencies are not deducted from the remuneration of domestic workers?	0.00	<p>No. Employment agencies are allowed to charge a commission for placement of a domestic worker (which is currently set at 10% of their first-month salary after successful placement).</p>	<a href="#">Labour Department: Foreign Domestic Helpers: Engaging an Employment Agency</a>
B2.2.3	Are there any measures to prohibit discrimination in employment of domestic workers on the basis of medical testing results?	0.00	<p>There are no explicit specifications preventing the use of medical testing results in the hiring of domestic workers.</p>	
<b>B3.</b>	<b>Decent Working and Living Conditions</b>			
<b>B3.1</b>	<b>Working Hours and Environment</b>			
B3.1.1	Is there a requirement of normal hours of work for domestic workers?	0.00	<p>There are no specifications in the Employment Ordinance regarding normal hours of work.</p>	<a href="#">Employment Ordinance</a>
B3.1.2	Are periods during which domestic workers remain to respond to possible calls required to be regarded as hours of work?	0.00	<p>There are no specifications in the Employment Ordinance regarding normal hours of work.</p>	<a href="#">Employment Ordinance</a>
B3.1.3	Is there a limit to the number of hours of standby work domestic workers can be given, and are they entitled to compensation for this standby work?	0.00	<p>There are no specifications in the Employment Ordinance regarding normal hours of work.</p>	<a href="#">Employment Ordinance</a>
B3.1.4	Is there a requirement that hours of work be accurately recorded and the records freely accessible to the domestic worker?	0.00	<p>There are no specifications in the Employment Ordinance regarding normal hours of work.</p>	<a href="#">Employment Ordinance</a>

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B3.1.5	Is there a requirement to provide domestic workers with a safe and healthy working environment?	0.50	<p>Under Hong Kong's Occupational Safety and Health Ordinance (Cap. 509), workplaces are defined to exclude private homes where domestic workers are employed: "workplace (工作地點) means any place where employees work, but <b>does not include any of the following</b>— (a) an aircraft or vessel when located in a public place; (b) when a vehicle that is designed or used for the carriage of people, animals or goods is located in a public place, the seat or position normally occupied by the driver of the vehicle; (c) <b>domestic premises at which the only employees are domestic servants;</b> (d) a place at which only self-employed persons work; (e) any other place of a kind prescribed by a regulation for the purposes of this paragraph; As a result, <b>many of the protections within the Ordinance - enforcement, penalties for non-compliance, notification requirements, etc. - do not apply to domestic workers.</b></p> <p>However, employers of domestic workers are obliged to give their employees appropriate advice on their personal safety. The Standard Employment Contract (SEC) for foreign domestic helpers (FDHs) includes a clause on cleaning outward-facing windows to safeguard the occupational safety of FDHs. The new clause stipulates that, when an employer requires the helper to clean the outside of any window which is not located on the ground level or adjacent to a balcony (on which it must be reasonably safe for the helper to work) or common corridor, this must be performed under the following conditions: (i) the window being cleaned is fitted with a grille which is locked or secured in a manner that prevents the grille from being opened; and (ii) no part of the helper's body extends beyond the window ledge except the arms.</p> <p>Employers should teach FDHs to use the cooking stove at home and remind them to adjust the flame to a suitable level while cooking to keep it from getting too strong.  <ul style="list-style-type: none"> <li>• If liquefied petroleum gas (LPG) cooker is used, employers should remind FDHs how to store LPG cylinders.</li> <li>• Employers can provide insulated gloves if FDHs have to handle hot and boiling things.</li> </ul> </p> <p>Employers should regularly check whether the electrical appliances are functioning properly and whether the electric wires are damaged. Electrical appliances that may have electricity leakage should be replaced.  <ul style="list-style-type: none"> <li>• Employers should inform FDHs of the socket locations at home and avoid using extension units.</li> <li>• Employers should advise FDHs to grip the plug and never pull the wire when unplugging.</li> </ul> </p> <p>Employers should consider using less hazardous chemicals and educate FDHs on the safe use of them.  <ul style="list-style-type: none"> <li>• Employers should ensure that FDHs are familiar with and adopt the proper methods of use and safety measures for various types of chemicals, such as keeping away from fire when using these products and refraining from randomly mixing different chemicals.</li> <li>• Employers should provide proper personal protective gears such as gloves, masks, goggles, etc., for FDHs to wear when using chemicals.</li> <li>• Chemicals should be securely covered and properly stored in a shaded, dry, cool, and well-ventilated place.</li> </ul> </p> <ul style="list-style-type: none"> <li>• Pay attention to personal hygiene. Do not eat or drink when using chemicals and wash the hands, arms, and face after use.</li> </ul> <p>Employers should teach FDHs to adopt proper postures for lifting and carrying objects and do some stretching exercises before work or during breaks.  <ul style="list-style-type: none"> <li>• When propping up or holding up an elderly or a child, FDHs should communicate with them to ensure coordination of postures by both parties.</li> <li>• Provide suitable tools for FDHs, such as using machinery to assist with household chores.</li> </ul> </p>	<p><a href="#">Labor Department: Handy Guide for ERs of FDHs: 4.9 Safe Working Environment</a></p> <p><a href="#">Occupational Safety and Health Ordinance</a></p>
<b>B3.2</b>	<b>Rest and Leave</b>			
B3.2.1	Is there a requirement to provide daily rest for domestic workers?	0.00	There are no specifications in the Employment Ordinance regarding daily rest requirements.	<a href="#">Employment Ordinance</a>
B3.2.2	Is weekly rest at least 24 consecutive hours for domestic workers?	1.00	<p>Yes. The Employment Ordinance (Chapter 4) specifies that eligible workers are "entitled to not less than one rest day in every period of seven days. A rest day is defined as a continuous period of not less than 24 hours during which an employee is entitled to abstain from working for his employer."</p> <p>Domestic workers on a continuous contract are entitled to this weekly rest day as well. Rest days may be granted on a regular or an irregular basis.</p> <p>The HKG Labour Department's Handy Guide for Employers of Foreign Domestic Helpers (FDH) states that: "If special arrangement is needed to suit an employer's routine, the employer should agree with the FDH on a schedule for the FDH to go out and return home. Under no circumstances should an FDH be assigned to work during his/her leave, such as requesting the FDH to clean the household before he/she leaves home or wash the dishes after he/she returns home, etc."</p>	<p><a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.4 Rest days, paid annual leave and other leave entitlements.</a></p> <p><a href="#">Employment Ordinance (Chapter 4)</a></p>



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B3.2.3	Are there defined exceptions when domestic workers may be asked to work during periods of rest, and is compensatory rest mandatory?	1.00	<p>Yes. The Employment Ordinance (Chapter 4) specifies the exceptions when work on a rest day is allowed:</p> <p><b>"Compulsory Work on Rest days</b> An employer must not compel an employee to work on a rest day except in the event of a breakdown of machinery or plant or in any other unforeseen emergency. For any rest day on which the employee is required to work, the employer should substitute some other rest day within 30 days after the original rest day. The employer should notify the employee of the arrangement within 48 hours after the employee is required to work.</p> <p><b>Offences and Penalties</b> An employer who without reasonable excuse fails to grant rest days to his employees is liable to prosecution and, upon conviction, to a fine of \$50,000. An employer who compels his employees to work on their rest days is liable to prosecution and, upon conviction, to a fine of \$50,000."</p> <p>The HKG Labour Department's Handy Guide for Employers of Foreign Domestic Helpers (FDH) states that: "Except in unforeseen emergency, employers shall not require FDHs to work on a rest day, which is a continuous period of not less than 24 hours. For any rest day on which an FDH is required to work, the employer shall substitute some other rest day within 30 days after the original rest day, and shall notify the FDH of the arrangement within 48 hours after the FDH is required to work. An employer who compels an FDH to work on a rest day is liable to prosecution and, upon conviction, to a maximum fine of \$50,000."</p>	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.4 Rest days, paid annual leave and other leave entitlements.</a>  <a href="#">Employment Ordinance (Chapter 4)</a>
B3.2.4	Is paid annual leave at least 3 weeks per year for domestic workers?	0.33	<p>No. The Employment Ordinance (Chapter 4) entitles employees to annual leave with pay after they have been employed under a continuous contract for every 12 months. "An employee's entitlement to paid annual leave increases progressively from seven days [for 1 year of service] to a maximum of 14 days [for 9 or more years of service]."</p> <p>Given that the minimum number of paid annual leave domestic workers are entitled to is 7 days, Hong Kong scores <math>7/21 = 0.33</math> for this question.</p>	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.4 Rest days, paid annual leave and other leave entitlements.</a>
B3.2.5	Is there a requirement that time spent by domestic workers accompanying household members on holiday should not be counted as part of paid annual leave?	0.00	No specifications in the Employment Ordinance or other documents produced by the Labour Department.	
<b>B3.3</b>	<b>Wages</b>			
B3.3.1	Is the minimum wage for domestic workers at least the national minimum wage?	0.50	<p>No. The current Minimum Allowable Wage (MAW) for migrant domestic workers is \$4,630 per month, and has been effective since 28 September 2019. This MAW is applicable to all standard employment contracts signed on or after 28 September 2019.</p> <p>The Minimum Wage Ordinance Cap. 608 is an ordinance enacted by the Legislative Council of Hong Kong to introduce a minimum wage in Hong Kong in July 2010. The Hong Kong statutory minimum wage for non-domestic workers is HK\$37.5 per hour, effective 1 May 2019. Assuming 40 hours of work a week for 4 weeks a month, the minimum wage for non-domestic workers in Hong Kong is higher than the minimum wage for migrant domestic workers.</p>	<a href="#">Labor Department: Foreign Domestic Helpers Frequently Asked Questions:</a>  <a href="#">Labor Department: Public Services - Employees' Rights &amp; Benefits</a>
B3.3.2	Is the overtime compensation rate for domestic workers at least 1.25 times their regular rate?	0.00	There is no overtime compensation mandated by the Employment Ordinance and no minimum compensation rate specified.	<a href="#">Employment Ordinance (Chapter 3)</a>
B3.3.3	Is there any limitation placed on wages paid in the form of payments in kind for domestic workers?	1.00	<p>Yes. The Employment Ordinance stipulates that "'Wages" means all remuneration, earnings, allowances, tips and service charges, however designated or calculated, payable to an employee in respect of work done or work to be done. Allowances including travelling allowances, attendance allowances, commission and overtime pay are within the definition of wages. However, it does not include:</p> <ol style="list-style-type: none"> <li>1. the value of any accommodation, education, food, fuel, water, light or medical care provided by the employer; "</li> </ol>	<a href="#">Cap. 57 Employment Ordinance</a>
B3.3.4	Is there a requirement to provide at least a monthly payment of wages in cash for domestic workers?	1.00	<p>Yes. The Labour Department stipulates that employers must pay their domestic workers at least once every month.</p> <p>However, the government specifies that "employers can agree with [their migrant domestic workers] regarding the methods of wage payment such as by cheque, bank transfer, cash, etc. Employers are advised to pay wages by cheque or bank transfer to obtain payment record for retention."</p>	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.4 Rest days, paid annual leave and other leave entitlements.</a>



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B3.3.5	Is there a requirement that domestic workers be given an understandable written account of the total wages due to them at the time of each payment?	0.75	<p>Yes, with 1 exception. The Labour Department specifies that employers "are required to keep records of wage payments, e.g. relevant bank statements. You should also provide a receipt for payment of wages and food allowance and ask your helper to acknowledge receipt of the amount."</p> <p>However, there is no requirement that this receipt of payment is in an understandable format for the domestic worker.</p> <p><b>1 - 0.25 = 0.75</b></p>	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.3 Wages and Food</a>
B3.3.6	Is there a requirement that upon termination of employment, any outstanding payments should be made promptly to domestic workers?	1.00	<p>Yes. Chapter 9 of the Employment Ordinance specifies the various items that must be paid to an employee upon termination of their contract.</p> <p><b>"Termination Payments"</b></p> <p>The items and amount of payments payable to an employee on termination of employment or expiry of the contract depend on a number of factors such as the length of service, the terms of employment contract and the reason for termination of contract. For quick reference, termination payments usually include:</p> <ul style="list-style-type: none"> <li>• outstanding wages;</li> <li>• payment in lieu of notice, if any;</li> <li>• payment in lieu of any untaken annual leave, and any pro rata annual leave pay for the current leave year;</li> <li>• any outstanding sum of end of year payment, and pro rata end of year payment for the current payment period;</li> <li>• where appropriate, long service payment or severance payment;</li> <li>• other payments under the employment contract, such as, gratuity, provident fund, etc.</li> </ul> <p><b>Time of Making Termination Payments</b></p> <p>An employer shall pay all the termination payments, except for severance payment, to the employee as soon as practicable and in any case not later than seven days after the date of termination or expiry of contract.</p> <p>For severance payment, an employer shall make payment not later than two months from the receipt of a notice from an employee claiming for severance payment.</p> <p><b>Offences and Penalties</b></p> <p>An employer is required to pay interest on the outstanding wages due to the employee if he fails to pay wages to the employee within seven days after the termination or expiry of contract.</p> <p>An employer who wilfully and without reasonable excuse fails to pay termination payments when they become due is liable to prosecution and, upon conviction, to a fine of \$350,000 and to imprisonment for three years."</p>	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.6 Termination of employment contract</a> <a href="#">Employment Ordinance Chapter 9</a>
<b>B3.4</b>	<b>Social Security</b>			
B3.4.1	Are domestic workers eligible for healthcare coverage?	1.00	<p>Yes. The Standard Employment Contract - Clause 9(a) for all migrant domestic workers in Hong Kong - specifies that "In the event that the Helper is ill or suffers personal injury during the period of employment specified in Clause 2, except for the period during which the Helper leaves Hong Kong of his/her* own volition and for his/her* own personal purposes, the Employer shall provide free medical treatment to the Helper. Free medical treatment includes medical consultation, maintenance in hospital and emergency dental treatment. The Helper shall accept medical treatment provided by any registered medical practitioner."</p> <p>More broadly, permanent and non-permanent residents of Hong Kong can access the public health insurance system for free or at a very low cost.</p>	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.6 Medical Treatment</a>
B3.4.2	Are domestic workers eligible for paid sick leave?	0.75	<p>Yes, with 1 exception. The Employment Ordinance (Chapter 5) indicates that "An employee employed under a continuous contract is entitled to sickness allowance if the following conditions are fulfilled:</p> <ol style="list-style-type: none"> <li>1. the sick leave taken is not less than four consecutive days (unless for any day off taken by a female employee for her pregnancy check-ups, post confinement medical treatment or miscarriage, any such day on which she is absent shall be counted as a sickness day and, subject to the following conditions, be paid sickness allowance);</li> <li>2. the sick leave is supported by an appropriate medical certificate (regarding an employee's medical examination in relation to her pregnancy, may also be supported by a certificate of attendance apart from a medical certificate); and</li> <li>3. the employee has accumulated sufficient number of paid sickness days</li> </ol> <p>Paid sickness days are accumulated at the rate of two paid sickness days for each completed month of employment during the first 12 months; and four paid sickness days for each completed month of employment thereafter.</p> <p>Paid sickness days can be accumulated throughout the whole employment period, but shall not exceed 120 days at any one time)</p> <p>The daily rate of sickness allowance is a sum equivalent to fourfifths of the average daily wages of the employee.</p> <p>However, paid sick leave is only available to employees on continuous contracts.</p> <p><b>1 - 0.25 = 0.75</b></p>	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.6 Medical Treatment</a> <a href="#">Employment Ordinance Chapter 5</a>



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B3.4.3	Are domestic workers eligible for unemployment benefits?	0.00	<p>This question was scored for migrant domestic workers since most domestic workers in Hong Kong are non-residents. They are not eligible for unemployment benefits since they are not eligible for residency in Hong Kong.</p> <p>Persons whose presence in Hong Kong is unlawful or persons who are permitted to stay in Hong Kong for a purpose other than residence (for example, imported workers or visitors) are excluded from the Scheme.</p>	<a href="#">Unemployment-Related Assistance System of Hong Kong</a>
B3.4.4	Are domestic workers eligible for old-age benefits (if they have completed the required number of years of active economic contributions)?	0.00	<p>This question was scored for migrant domestic workers since most domestic workers in Hong Kong are non-residents. They are not eligible for old-age benefits since they are not able to apply for residency in Hong Kong.</p> <p>An applicant is eligible for the Old Age Allowance if he/she: - is aged 70 or above; - meets the following residence requirements: has been a Hong Kong resident for at least seven years; and has resided in Hong Kong continuously for at least one year immediately before the date of application (absence from Hong Kong up to a maximum of 56 days during the one-year period is treated as residence in Hong Kong). Note: Persons whose presence in Hong Kong is unlawful or persons who are permitted to stay in Hong Kong for a purpose other than residence (for example, imported workers or visitors) are excluded from the Scheme.</p>	<a href="http://1823.gov.hk">1823.gov.hk</a> : <a href="#">What are the eligibility criteria of Old Age Allowance? What is the amount of assistance payable?</a>
B3.4.5	Are domestic workers eligible for employment injury benefits?	1.00	<p>Yes. The Employees' Compensation Ordinance (ECO) Part II specifies that "Subject to subsections (2) and (3), <b>if in any employment, personal injury by accident arising out of and in the course of the employment is caused to an employee, his employer shall be liable to pay compensation</b> in accordance with this Ordinance."</p> <p>The same stipulations apply to domestic workers. Employers are required to take out Employees' Compensation Insurance for their migrant domestic worker. The Labour Department's Handy Guide for Employers of Foreign Domestic Helpers states that "If an employee sustains an injury or dies as a result of an accident arising out of and in the course of his/her employment, the employer is in general liable to pay compensation under the ECO even if the employee might have committed acts of faults or negligence when the accident occurred.</p> <p>The compensation includes periodical payments, medical expenses and lump sum compensation (in the case of death, or an FDH suffering permanent total or partial incapacity resulting from a work injury). An employer who without reasonable excuse fails to pay the compensation or relevant surcharge is in breach of the ECO and, upon conviction, liable to a maximum fine of \$100,000.</p> <p>If an accident incapacitates the FDH for not more than seven days and does not result in permanent incapacity, an employer may make direct payment or agree with the FDH as to the compensation payable in accordance with the ECO. For other cases, the Commissioner will assess the compensation payable under the ECO and issue to the employer and the FDH a Certificate of Compensation Assessment stating the amount of compensation payable. An employer shall not terminate the employment contract of an injured FDH unless the relevant Certificate has been issued by LD, or the compensation claim has been settled with the FDH."</p>	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.5 Taking out employees' compensation insurance for FDHs</a> <a href="#">Employees' Compensation Ordinance Part II</a>
B3.4.6	Are domestic workers eligible for invalidity benefits?	1.00	<p>Yes. The Employees' Compensation Ordinance (ECO) Part II specifies that "Subject to subsections (2) and (3), <b>if in any employment, personal injury by accident arising out of and in the course of the employment is caused to an employee, his employer shall be liable to pay compensation</b> in accordance with this Ordinance."</p> <p>The same stipulations apply to domestic workers. Employers are required to take out Employees' Compensation Insurance for their migrant domestic worker. The Labour Department's Handy Guide for Employers of Foreign Domestic Helpers states that "If an employee sustains an injury or dies as a result of an accident arising out of and in the course of his/her employment, the employer is in general liable to pay compensation under the ECO even if the employee might have committed acts of faults or negligence when the accident occurred.</p> <p><b>The compensation includes periodical payments, medical expenses and lump sum compensation (in the case of death, or an FDH suffering permanent total or partial incapacity resulting from a work injury).</b> An employer who without reasonable excuse fails to pay the compensation or relevant surcharge is in breach of the ECO and, upon conviction, liable to a maximum fine of \$100,000.</p> <p>If an accident incapacitates the FDH for not more than seven days and does not result in permanent incapacity, an employer may make direct payment or agree with the FDH as to the compensation payable in accordance with the ECO. For other cases, the Commissioner will assess the compensation payable under the ECO and issue to the employer and the FDH a Certificate of Compensation Assessment stating the amount of compensation payable. An employer shall not terminate the employment contract of an injured FDH unless the relevant Certificate has been issued by LD, or the compensation claim has been settled with the FDH."</p>	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.5 Taking out employees' compensation insurance for FDHs</a>



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B3.4.7	Are domestic workers eligible for survivors' benefit?	0.00	No specifications for survivor's benefits are provided.	
B3.4.8	Is there protection of domestic workers' claims in the event of the employer's insolvency or death?	0.10	<p>No. There is no explicit mention of protection of the domestic workers' claims in the event of death or insolvency of the employer. The Hong Kong Immigration Department provides only this information about this situation: "The contract with the deceased employer is no longer valid on the date of his/her death. The FDH is required to give the Director of Immigration notice in writing within seven days of the date of termination and to leave Hong Kong in two weeks. If the FDH would like to work for the employer's spouse or family members, he/she has to submit an application for change of employment sponsored by the spouse or a family member within two weeks from the date of such termination. The Immigration Department will process these applications expeditiously."</p> <p>However the Employment Ordinance does specify the types of payments required to be made upon termination of a contract:  <b>"Termination Payments</b>            The items and amount of payments payable to an employee on termination of employment or expiry of the contract depend on a number of factors such as the length of service, the terms of employment contract and the reason for termination of contract. For quick reference, termination payments usually include:</p> <ul style="list-style-type: none"> <li>• <b>outstanding wages;</b></li> <li>• <b>payment in lieu of notice, if any;</b></li> <li>• <b>payment in lieu of any untaken annual leave, and any pro rata annual leave pay for the current leave year;</b></li> <li>• <b>any outstanding sum of end of year payment, and pro rata end of year payment for the current payment period;</b></li> <li>• <b>where appropriate, long service payment or severance payment;</b></li> <li>• <b>other payments under the employment contract, such as, gratuity, provident fund, etc.</b></li> </ul> <p><b>Time of Making Termination Payments</b>  <b>An employer shall pay all the termination payments, except for severance payment, to the employee as soon as practicable and in any case not later than seven days after the date of termination or expiry of contract.</b> For severance payment, an employer shall make payment not later than two months from the receipt of a notice from an employee claiming for severance payment.</p> <p><b>Offences and Penalties</b>            An employer is required to pay interest on the outstanding wages due to the employee if he fails to pay wages to the employee within seven days after the termination or expiry of contract. An employer who wilfully and without reasonable excuse fails to pay termination payments when they become due is liable to prosecution and, upon conviction, to a fine of \$350,000 and to imprisonment for three years."</p>	<p><a href="#">Immigration Department: Foreign Domestic Helpers (Qn34)</a></p> <p><a href="#">Employment Ordinance (Chapter 9)</a></p>
<b>B3.5</b>	<b>Living Conditions for Live-in Workers</b>			
B3.5.1	Are there measures to ensure that domestic workers are free to decide whether or not to live in the household?	0.00	No. Under Clause 3 of the Standard Employment Contract, the migrant domestic worker shall, during the employment period in Hong Kong, work and reside in the employer's residence specified in the contract.	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.2 "Live-in" Requirement</a>
B3.5.2	For live-in workers, is there any requirement for the employer to provide accommodation that offers privacy?	1.00	Yes. The Labour Department's Handy Guide for Employers of Foreign Domestic Helpers states that: "Employers shall provide suitable accommodation and <b>with reasonable privacy</b> . Examples of unsuitable accommodation are: FDHs having to sleep on made-do beds in the corridor with little privacy or sharing a room with an adult/ teenager of the opposite sex."	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 1.2 Am I suitable for employing FDHs?</a>
B3.5.3	For live-in workers, is there any requirement for the employer to provide access to suitable sanitary facilities?	1.00	Yes. Under Item 3B of the "Schedule of Accommodation and Domestic Duties", the employer is required to provide the migrant domestic workers with essential facilities free of charge, including <b>light</b> and water supply, <b>toilet and bathing facilities</b> , bed, blankets or quilt, pillows, wardrobe, etc.	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.2 "Live-in" Requirement</a>
B3.5.4	For live-in workers, is there any requirement for the employer to provide accommodation that has adequate lighting, heating, and air conditioning?	1.00	Yes. Under Item 3B of the "Schedule of Accommodation and Domestic Duties", the employer is required to provide the migrant domestic workers with essential facilities free of charge, including <b>light</b> and water supply, <b>toilet and bathing facilities</b> , bed, <b>blankets or quilt</b> , pillows, wardrobe, etc.	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.2 "Live-in" Requirement</a>
B3.5.5	For live-in workers, is there any requirement for the employer to provide appropriate meals of good quality and sufficient quantity?	1.00	Yes. Under Clause 5(b) of the Standard Employment Contract, the employer shall provide their migrant domestic worker with food free of charge. If food is not provided free of charge, they should be paid food allowance.	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.3 Wages and Food</a>

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B3.5.6	Are there measures to ensure that live-in workers are not obliged to remain in the household or with household members during rest or leave?	1.00	Employers should agree with FDHs on leave arrangement to accommodate the needs of both parties. If special arrangement is needed to suit an employer's routine, the employer should agree with the FDH on a schedule for the FDH to go out and return home. Under no circumstances should an FDH be assigned to work during his/her leave, such as requesting the FDH to clean the household before he/she leaves home or wash the dishes after he/she returns home, etc.	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.4 Rest days, paid annual leave and other leave entitlements.</a>
B3.5.7	Is there a requirement that live-in workers be given a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer?	0.00	No. There are no specifications for a reasonable period of notice and time off to seek new employment and accommodation in the event of termination of employment at the initiative of the employer.	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 3.8 Termination of employment contract</a>
B3.5.8	Are live-in domestic workers legally entitled to keep in their possession their travel and identity documents?	1.00	Yes. The Labour Department's Handy Guide for Employers of Foreign Domestic Helpers states that: "Employers must not retain their FDHs' personal property such as passport, identity card, ATM bank cards, employment contract, the Government's publications and leaflets for FDHs, etc. Such action may be a criminal offence."	<a href="#">Labor Department: Handy Guide for ERs of FDHs: 4.10: Exploitation/abuse of FDHs and withholding of their personal property are serious offences</a>
<b>B4.</b>	<b>Labor Rights</b>			
<b>B4.1</b>	<b>Freedom of Association and Access to Collective Bargaining</b>			
B4.1.1	Are there legislative provisions for domestic workers to establish their own organizations or join the workers' organizations, federations, or confederations of their own choosing?	1.00	Yes. The Employment Ordinance (EO) provides that every employee shall as between himself and his employer have the following rights: the right to associate with other persons for the purpose of forming or applying for the registration of a trade union in accordance with the provisions of the Trade Unions Ordinance (TUO).	<a href="#">Trade Unions Ordinance</a>
B4.1.2	Are there legislative provisions to recognize domestic workers' rights to collective bargaining?	0.00	No. There are no collective bargaining laws in Hong Kong.	<a href="#">Survey of Violations of Trade Union Rights</a>
<b>B4.2</b>	<b>Access to Complaint Mechanisms</b>			
B4.2.1	Are there complaint mechanisms for domestic workers to report non-compliance with labor protections?	1.00	Yes. The Labour Department (LD) has set up a dedicated hotline to provide support for foreign domestic helpers (FDHs).  The hotline provides one-stop support services to FDHs, including: (1) providing advice to FDHs on their employment rights and obligations under the Standard Employment Contract and relevant labour laws; (2) referring any enquiries, requests for services or assistance and complaints on relevant labour matters, such as employment claims or complaints against employment agencies, to the relevant divisions of the LD for follow-up and/or investigation; and (3) advising FDHs on the appropriate law enforcement agencies to which they can file enquiries, requests for services or assistance and complaints involving suspected exploitation or physical abuse.  The hotline is manned by operators of the 1823 hotline service who are conversant in Cantonese, English and Putonghua and which operates 24 hours a day. An interpretation service in seven languages (namely Tagalog, Bahasa Indonesia, Thai, Nepali, Hindi, Punjabi and Urdu) is available from 8am to 10pm, Monday to Sunday (excluding public holidays).  Apart from calling the hotline, FDHs can also make enquiries about their employment matters in Hong Kong and file complaints when their employment rights are infringed through the dedicated FDH email account ( <a href="mailto:fdh@labour.gov.hk">fdh@labour.gov.hk</a> ) and the online form on the FDH Portal ( <a href="http://www.fdh.labour.gov.hk">www.fdh.labour.gov.hk</a> ) of the LD. To report a crime or during an emergency when one's personal safety is at risk, the FDH should immediately call 999 for help.	<a href="#">HK Gov Press Release: Dedicated 24-hour hotline set up for foreign domestic helpers</a>
B4.2.2	Are there measures to ensure that domestic workers have access to courts, tribunals or other dispute resolution mechanisms?	1.00	Yes. Domestic workers and their employers also have access to the free consultation and conciliation service provided by the Labour Department in case of disputes. If no settlement could be reached by conciliation, the cases would be referred to the Labour Tribunal or the Minor Employment Claims Adjudication Board for adjudication.	<a href="#">Labor Department: Foreign Domestic Helpers: General Policy</a>
<b>B4.3</b>	<b>Enforcement and Protection Mechanisms</b>			



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B4.3.1	Are conditions specified, under which access to household premises must be granted for on-site labor inspections of the employers of domestic workers?	0.00	<p>No. Private residences are not counted as workplaces and therefore not open to inspections by Labour Inspectors.</p> <p>Under Hong Kong's Occupational Safety and Health Ordinance (Cap. 509), workplaces are defined to exclude private homes where domestic workers are employed:  <b>"workplace (工作地點)</b> means any place where employees work, but <b>does not include any of the following—</b>            (a) an aircraft or vessel when located in a public place;            (b) when a vehicle that is designed or used for the carriage of people, animals or goods is located in a public place, the seat or position normally occupied by the driver of the vehicle;  <b>(c) domestic premises at which the only employees are domestic servants;</b>            (d) a place at which only self-employed persons work;            (e) any other place of a kind prescribed by a regulation for the purposes of this paragraph;            As a result, many of the protections within the Ordinance - enforcement, penalties for non-compliance, notification requirements, etc. - do not apply to domestic workers.</p>	
B4.3.2	Are there penalties for private employment agencies for non-compliance with domestic worker protection laws?	1.00	<p>Yes. The Employment Agencies Administration (EAA) is responsible for administering Part XII of the Employment Ordinance (Cap. 57) (EO) and the Employment Agency Regulations (Cap. 57A) (EAR). Through licensing, conducting regular and surprise inspection, complaint investigation and prosecutions etc, EAA ensures the employment agencies are operating in compliance with the aforementioned legislations to protect the interests of job-seekers.</p>	<a href="#">Employment Agencies Administration</a>
B4.3.3	Are there penalties for employers for non-compliance with all domestic worker protections?	1.00	<p>Yes. The Employment Ordinance lays out various penalties for non-compliance with worker protections.</p> <p>An employer who wilfully and without reasonable excuse underpays wages as stated in the standard employment contract is liable to prosecution and, upon conviction, to a maximum fine of HKD350,000 and to imprisonment for 3 years. The employer would also be committing serious offences of making false representation to an Immigration Officer and conspiracy to defraud. Any person convicted of making false representation is liable to prosecution and, upon conviction, to a maximum fine of HKD150,000 and to imprisonment for 14 years.</p> <p>If an employer who wilfully and without reasonable excuse fails to pay wages to the helper within 7 days from the due date of payment, he/she is : required to pay interest on the outstanding amount of wages to the helper; and liable to prosecution and, upon conviction, to a maximum fine of HKD350,000 and to imprisonment for 3 years.</p> <p>Except in unforeseen emergency, you shall not require your helper to work on his/her rest days. An employer who compels the helper to work on a rest day is in breach of the Employment Ordinance and is liable to prosecution and, upon conviction, to a maximum fine of HKD50,000.</p>	<a href="#">HK Labor Department: Practical Guide for Employment of Foreign Domestic Helpers</a>
B4.3.4	Are domestic workers legally protected against all forms of workplace abuse, harassment, and violence?	1.00	<p>The Sex Discrimination Ordinance makes it unlawful for an employee to sexually harass a co-worker in the course of employment. Sexual harassment can involve physical, visual, verbal or non-verbal conduct of a sexual nature which is uninvited and unwelcome.;</p> <p>Under the Race Discrimination Ordinance, it is unlawful for a person to harass a person on the ground of the race of that person or that person's near relatives in relation to the management of premises. Near relatives in relation to a person include the person's spouse, a parent of the person or of the spouse and a child of the person or the spouse of such a child etc.</p> <p>Any person who is charged with "shooting or attempting to shoot, or wounding or striking with intent to do grievous bodily harm" under section 17 of the Offences Against the Person Ordinance (Cap. 212) shall be subject to a maximum penalty of life imprisonment. Besides, any person who is charged with "wounding or inflicting grievous bodily harm" under section 19 of the above Ordinance shall be liable to imprisonment for three years. FDHs who are abused or assaulted by their employers are advised to contact the Police and report any unlawful acts as soon as possible.</p>	<a href="#">Equal Opportunities Commission: Sex Discrimination Ordinance;</a> <a href="#">Equal Opportunities Commission: Race Discrimination Ordinance;</a> <a href="#">Press Releases: LCO13: Protecting the rights of foreign domestic helpers</a>
<b>B5.</b>	<b>Protections for Forced/Under-age Domestic Workers</b>			
<b>B5.1</b>	<b>Protections against Forced/Compulsory Labor</b>			
B5.1.1	Is illegal extraction of forced or compulsory labor of domestic workers punishable as a penal offence?	1.00	<p>Yes. Trafficking in persons, such as physical abuse, false imprisonment, criminal intimidation, unlawful custody of personal valuables, child abduction, child pornography and exploitation of children, <b>illegal employment</b>, and various sexual or prostitution related offences, etc. is prohibited by various pieces of legislation in Hong Kong. Some of these offences attract penalties of up to life imprisonment.</p> <p>The Immigration Ordinance (Cap. 115) prohibits any arrangement for an unauthorised entrant to Hong Kong and employing illegal workers;            The Employment Ordinance (Cap. 57) imposes criminal liability on employers involved in non-payment, under-payment of wages or delay in payment of wages, failure to grant rest days and statutory holidays to employees; and other relevant ordinances which prohibit such crimes as assault, forcible taking or detention of persons with intent to sell him or her, child abduction, deception and blackmail, etc.</p>	<a href="#">Hong Kong Security Bureau</a>



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B5.1.2	Are domestic worker victims of forced labor provided with any protection?	1.00	Yes. Various Hong Kong government departments provide protection and assistance to victims, including <b>witness protection</b> , shelter, medical care, psychological support and counselling, financial assistance, <b>legal support</b> , visa extension fee waiver, documentation for returning to their home country, etc.	<a href="#">Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers in Hong Kong</a>
B5.1.3	Are domestic worker victims of forced labor provided with any access to remedies?	1.00	Yes. Various Hong Kong government departments provide protection and assistance to victims, including witness protection, shelter, medical care, <b>psychological support and counselling, financial assistance, legal support</b> , visa extension fee waiver, documentation for returning to their home country, etc.	<a href="#">Action Plan to Tackle Trafficking in Persons and to Enhance Protection of Foreign Domestic Helpers in Hong Kong</a>
<b>B5.2</b>	<b>Protections for Under-age Laborers</b>			
B5.2.1	Is the minimum age for domestic workers 16 or higher, or the age of completion of compulsory schooling (if this is age 16 or higher)?	0.00	No. Children aged under 15 are prohibited from working in all industrial undertakings. <b>Children aged 13 and 14 may be employed in non-industrial establishments</b> , subject to the condition that they attend full-time schooling if they have not yet completed Form III of secondary education and to other conditions which aim at protecting their safety, health and welfare.  Children aged under 13 are prohibited from taking up employment. However, for the purposes of art and training, the Commissioner for Labour may grant special permission for children to be employed as entertainers, subject to certain stringent conditions as the Commissioner may specify.	<a href="#">Labour Department: overview of major labor legislations</a>
B5.2.2	Are domestic workers, who are under the age of 18 and above the minimum age of employment, still able to access compulsory education, or opportunities for further education or vocational training?	0.25	Yes, with several exceptions. Children aged 13 and 14 may be employed in non-industrial establishments, subject to the condition that <b>they attend full-time schooling</b> if they have not yet completed Form III of secondary education and to other conditions which aim at protecting their safety, health and welfare. ;  However the restrictions of working hours for the purpose of continued education are only imposed for children aged 13 and 14, but children aged 15-17 are not entitled to such benefits. Therefore, Hong Kong is given a 0.25 for this question.	<a href="#">Labour Department: overview of major labor legislations</a>  <a href="#">A Concise Guide to the Employment of Children Regulations</a>
B5.2.3	Are there extra limitations of hours of work of domestic workers who are under the age of 18 and above the minimum age of employment?	0.25	Yes with several exceptions. A child who has attained the age of 13 but under 15 years and has completed Form III may be employed in a non-industrial establishment subject to the following restrictions: <b>(c) he shall not be employed</b> (i) before 7 a.m. or after 7 p.m. ; (ii) <b>for more than 8 hours on any day</b> ; (iii) to work continuously for more than 5 hours without a break of not less than 1 hour for a meal or rest; and (iv) to carry any load exceeding 18 kg.  However there are no such limitations on the hours of work for children aged 15-17. For this reason, Hong Kong is given a 0.25 for this question.	<a href="#">Concise Guide to the Employment of Children Regulations</a>
B5.2.4	Are there measures to prohibit domestic workers who are under the age of 18 and above the minimum age of employment to work at night?	0.25	Yes with several exceptions. A child who has attained the age of 13 but under 15 years and has completed Form III may be employed in a non-industrial establishment subject to the following restrictions: <b>(c) he shall not be employed</b> (i) <b>before 7 a.m. or after 7 p.m.</b> ; (ii) for more than 8 hours on any day ; (iii) to work continuously for more than 5 hours without a break of not less than 1 hour for a meal or rest; and (iv) to carry any load exceeding 18 kg.  However there are no such limitations on the night-time employment of children aged 15-17. For this reason, Hong Kong is given a 0.25 for this question.	<a href="#">Concise Guide to the Employment of Children Regulations</a>



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B5.2.5	Are there extra measures to restrict/limit work that is excessively demanding (whether physically or psychologically) for domestic workers who are under the age of 18 and above the minimum age of employment?	0.10	<p>Yes with several exceptions. A child who has attained the age of 13 but under 15 years and has completed Form III may be employed in a non-industrial establishment subject to the following restrictions:</p> <p>(c) <b>he shall not be employed</b></p> <p>(i) <b>before 7 a.m. or after 7 p.m.;</b></p> <p>(ii) for more than 8 hours on any day;</p> <p>(iii) to work continuously for more than 5 hours without a break of not less than 1 hour for a meal or rest; and</p> <p>(iv) <b>to carry any load exceeding 18 kg.</b></p> <p>However there are no such protections for the employment of children aged 15-17. There is also no mention of psychologically demanding work. For this reason, Hong Kong is given a 0.10 for this question.</p>	<a href="#">Concise Guide to the Employment of Children Regulations</a>
<b>B6. Protections for Migrant Domestic Workers</b>				
<b>B6.1 Employment Support</b>				
B6.1.1	Are mdws required to receive a written job offer, or enforceable contract of employment, prior to crossing national borders?	1.00	Yes. There are clear stipulations that before applying for a visa, the migrant domestic worker and the employer shall enter into a standard Employment Contract (ID 407) as specified by the Director of Immigration.	<a href="#">Immigration department: Entry Visa for a New Helper - Eligibility Criteria</a>
B6.1.2	Is there a national hotline for migrant domestic workers with interpretation services?	1.00	<p>Yes. The Labour Department (LD) has set up a dedicated hotline to provide support for foreign domestic helpers (FDHs).</p> <p>The hotline provides one-stop support services to FDHs, including:</p> <p>(1) providing advice to FDHs on their employment rights and obligations under the Standard Employment Contract and relevant labour laws;</p> <p>(2) referring any enquiries, requests for services or assistance and complaints on relevant labour matters, such as employment claims or complaints against employment agencies, to the relevant divisions of the LD for follow-up and/or investigation; and</p> <p>(3) advising FDHs on the appropriate law enforcement agencies to which they can file enquiries, requests for services or assistance and complaints involving suspected exploitation or physical abuse.</p> <p>The hotline is manned by operators of the 1823 hotline service who are conversant in Cantonese, English and Putonghua and which operates 24 hours a day. <b>An interpretation service in seven languages (namely Tagalog, Bahasa Indonesia, Thai, Nepali, Hindi, Punjabi and Urdu) is available from 8am to 10pm, Monday to Sunday (excluding public holidays).</b></p>	<a href="#">HK Gov Press Release: Dedicated 24-hour hotline set up for foreign domestic helpers</a>
<b>B6.2 Support after Termination of Employment</b>				
B6.2.1	Are there measures to ensure that the loss of employment should not in itself imply the withdrawal of the migrant domestic workers' authorization of residence?	1.00	<p>When a foreign domestic helper's contract is terminated prematurely, he/she is permitted to remain in Hong Kong for 2 weeks after the termination of contract or the remainder of the permitted stay, whichever is earlier. However, helpers who remain in Hong Kong after the permitted period are liable to prosecution. Aiders and abettors are also liable to criminal prosecution.</p> <p>However, Standard Employment Contract Clause 7(a) states: "Should the Helper be unavoidably delayed in leaving Hong Kong after the termination or expiry of his/her contract, he/she should apply to the Director of Immigration for a short extension of stay before his/her permitted stay expires. No allowance shall be payable in respect of any period in which the Helper, of his/her own wish, extends his/her stay in Hong Kong."</p>	<a href="#">Online Notification of Premature Termination of Employment Contracts of Foreign Domestic Helpers</a>
B6.2.2	If it is established that the termination of employment was not justified, are the mdw entitled to reinstatement, to compensation for loss of wages or of other payment which results from unjustified termination, to access to a new job with a right to indemnification, or sufficient time to find alternative employment, with conditions no less favourable than other workers?	1.00	Yes. An employer who dismisses a worker under the following circumstances (Maternity leave, Paid sick leave, Giving evidence or information to the authorities, Trade union activities, Injury at work) is liable to prosecution and, upon conviction, to a maximum fine of \$100,000. In addition, the employer is required to pay the worker payment in lieu of notice (if any) and other relevant termination payments. The dismissed worker may also claim remedies for unreasonable and unlawful dismissal under the Employment Ordinance.	<a href="#">Be Prepared for Employment in Hong Kong A Handbook for Foreign Domestic Helpers</a>



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B6.2.3	Are mdws entitled to the right of appeal before an administrative or judicial instance if they face expulsion order or termination of their employment and should be allowed sufficient time to obtain a final decision?	1.00	<p>Yes. Clause 7(a) of the Standard Employment Contract for migrant domestic workers states that "Should the Helper be unavoidably delayed in leaving Hong Kong after the termination or expiry of his/her contract, he/she should apply to the Director of Immigration for a short extension of stay before his/her permitted stay expires. No allowance shall be payable in respect of any period in which the Helper, of his/her own wish, extends his/her stay in Hong Kong."</p> <p>In addition, the Immigration Ordinance (Clause 19. 5) states: "Where the Director [of Immigration] makes a removal order he shall cause written notice to be served as soon as is practicable on the person against whom it is made informing him— (a)of the ground on which the order is made; and (b)that if he wishes to appeal he must do so by giving to an immigration officer or immigration assistant written notice of his grounds of appeal and the facts upon which he relies within 24 hours of receiving the notice of the order."</p>	<a href="#">Immigration Department: Standard Employment Contract and Terms of Employment for Helpers Cap.115 Immigration Ordinance</a>
B6.2.4	Are migrant domestic workers entitled to repatriation at no cost on the expiry or termination of the employment contract?	1.00	<p>Yes. The Standard Employment Contract for migrant domestic workers states: "7. (a) The Employer shall provide the Helper with <b>free passage from his/her place of origin to Hong Kong and on termination or expiry of this contract, free return passage to his/her place of origin.</b>"</p>	<a href="#">Practical Guide for Employment of Foreign Domestic Workers, Appendix I</a>
B6.2.5	After termination of employment AND departure from the country of employment, can MDWs still access complaint mechanisms and pursue legal civil and criminal remedies?	0.10	<p>There are no explicit provisions for migrant domestic workers to access complaint mechanisms from outside Hong Kong to pursue legal civil and criminal remedies. However, there are specific exclusions either.</p>	