

KNOW YOUR RIGHTS

FLASH CARDS FOR  
**HONG KONG  
DOMESTIC  
WORKERS**

**PANGYA** 

HONG KONG'S MIGRANT COMMUNITY

<https://www.pangyao.hk/>

# SALARY



**Minimum Allowable Wage:**  
\$4,730 per month



**Food Allowance:**  
\$1,196 per month



**Wage Payment Frequency:**  
Monthly, within 7 days of end of each period



**Method of Payment:**  
Bank transfer (recommended),  
cheque or cash\*

*\*To be agreed between employer  
and domestic worker*

# REST & LEAVE



## Rest Period:

Minimum 24 consecutive hours  
every 7 days



## Annual Leave Entitlement:

<i>Years of Service</i>	<i>Days Annual Leave</i>
Year 1	7 days
Year 2	7 days
Year 3	8 days
Year 4	9 days
Year 5	10 days
Year 6	11 days
Year 7	12 days
Year 8	13 days
Year 9+	14 days



## Statutory Holidays:

2022		2023
12 <sup>th</sup> Sep	.....	1 <sup>st</sup> Jan
1 <sup>st</sup> Oct		24 <sup>th</sup> Jan
4 <sup>th</sup> Oct		5 <sup>th</sup> Apr
22 <sup>nd</sup> or		26 <sup>th</sup> May
25 <sup>th</sup> Dec		1 <sup>st</sup> Jul
		1 <sup>st</sup> Oct
		22 <sup>nd</sup> or
		25 <sup>th</sup> Dec*
		23 <sup>rd</sup> Jan
		25 <sup>th</sup> Jan
		1 <sup>st</sup> May
		22 <sup>nd</sup> Jun
		30 <sup>th</sup> Sep
		23 <sup>rd</sup> Oct

*\*Option of employer*

# MEDICAL & SICKNESS



## Medical & Dental:

*Employers are required to cover all medical expenses (subject to ECO maximum) for:*

- ☒ Medical consultation
- ☒ Hospitalisation
- ☒ Emergency dental treatment



*Employers are not required to cover medical expenses for:*

- ☒ A domestic worker's personal trips outside of Hong Kong
- ☒ Optional dental treatment



## Paid Sickness Days:

*Accumulated in accordance with length of employment:*

- ☒ First 12 months: 2 days/month
- ☒ Over 12 months: 4 days/month
- ☒ Accumulated across entire length of employment
- ☒ Cannot exceed 120 days at any one time

## MEDICAL & SICKNESS (CONT.)



### Sickness Allowance:

*Should be paid by the employer, provided that:*

- ☑ Sick leave is at least 4 consecutive days
- ☑ Medical certificate provided
- ☑ Sufficient paid sickness days have been accrued



### Rate of Sickness Allowance:

Equivalent to four-fifths of average daily wages

## OTHER BENEFITS



### Flights:

*Employers are required to provide:*

- ☒ One-way flight from domestic worker's place of origin to HK at start of contract\*
- ☒ One-way flight from HK to domestic worker's place of origin upon contract termination or expiry
- ☒ \$100 per day food and travel allowance while in transit

*\*If home leave is deferred, one-way flight on returning from home leave*

## COVERED DUTIES



### Allowed:

- ☒ Household chores
- ☒ Cooking
- ☒ Elderly care
- ☒ Baby and child care
- ☒ Pet care



### Not Allowed:

- ☒ Non-domestic duties
- ☒ Massage
- ☒ Commercial business
- ☒ Driving\*



*\* Not allowed without express permission from the Immigration Department*



# LIVING ARRANGEMENTS



## Place of Residence:

Must be employer's place of residence; alternative 'live out' arrangements **not allowed**



## Accommodation Requirements:

*Employers must provide 'suitable accommodation', as a minimum:*

- ✓ Separate room or living area, or shared room with a child
- ✓ Sharing with a teenager or an adult of the opposite sex is **not allowed**
- ✓ Lighting
- ✓ Bedding (bed, pillows, blankets)
- ✓ Access to toilet/bathroom and water
- ✓ Storage area (e.g. wardrobe, drawers)





## HIRING & CONTRACT INFORMATION



### Placement Fees:

Hong Kong employment agencies can legally charge no more than 10% of the domestic worker's monthly salary in placement fees



### Personal Property:

Hong Kong employment agencies are not allowed to retain a domestic worker's personal property, such as:

- ☒ Passport
- ☒ Identity card
- ☒ ATM bank cards or credit cards
- ☒ Employment contract



### Contract Duration:

*Two years, commencing:*

**New contract:** Upon arrival in HK, following approval from Director of Immigration

**Renewal (same employer):** On date of expiry of previous contract

# CONTRACT TERMINATION



## **Notice of Termination:**

1 month written notice by either domestic worker or employer

## **Upon Termination:**



### ***Employer:***

*Pay outstanding amounts due, including:*

- ☒ Unpaid salary
- ☒ Payment in lieu of notice (if any)
- ☒ Payment in lieu of any untaken annual leave (prorated)
- ☒ Long service payment, if any
- ☒ Severance payment, if any
- ☒ Any other outstanding amounts (e.g. unpaid travel expenses)

### ***Domestic worker:***

Settle any outstanding payments



### ***Both parties:***

Give written notice of termination to Foreign Domestic Helpers Section of the Immigration Department, within 7 days of termination

## CONTRACT TERMINATION (CONT.)



### Termination without Notice:

#### *Initiated by Employer:*

*An employer may terminate a domestic worker without notice if the domestic worker:*

- ☒ Disobeys a lawful and reasonable order
- ☒ Commits misconduct
- ☒ Is dishonest or commits fraud
- ☒ Is neglectful in their duties



#### *Initiated by Domestic Worker:*

A domestic worker may terminate their contract with their employer without notice if they:

- ☒ Fear physical danger by violence or disease
- ☒ Are ill-treated by their employer
- ☒ Have been employed 5 years and are certified permanently unfit for current job

# MATERNITY & PATERNITY



## Maternity Duration:

14 weeks

## Rate of Maternity Pay:

Equivalent to **four-fifths** of average daily wages



## Maternity Eligibility:

*Female domestic workers are eligible for paid maternity leave, provided they have:*



- ☒ Been employed for at least 40 weeks prior to maternity commencement
- ☒ Provided formal notice of pregnancy (e.g. medical certificate)
- ☒ Provided formal notice of expected due date (if required by employer)



## Dismissal:

It is **illegal** for a domestic worker to be dismissed (except for serious misconduct) from the date they are confirmed pregnant (by medical certificate) to the date they return to work

## MATERNITY & PATERNITY (CONT.)



**Paternity Duration:**  
5 days



**Rate of Paternity Pay:**  
Equivalent to four-fifths of average daily wages



**Paternity Eligibility:**  
*Male domestic workers are eligible for paid paternity leave, provided they have:*

- ☒ Been employed for at least 40 weeks prior to paternity commencement
- ☒ Given prior notice at least 3 months prior to expected due date
- ☒ Given notification of the intended paternity leave dates
- ☒ Provided child's birth certificate showing father's name



**Leave Period:**  
Leave can be taken any time between 4 weeks prior to expected delivery and 14 weeks after actual delivery

# LONG SERVICE & SEVERANCE PAY



## Long Service Eligibility:

*Domestic workers are eligible for long service pay if:*

- ✓ They are employed by same employer at least 5 years, and;
- ✓ They are dismissed or contract not renewed (except misconduct etc.)
- ✓ They are certified medically unfit for current job
- ✓ They are aged 65 or above and retire due to old age
- ✓ They die in service
- ✓ They are not receiving severance pay



## Severance Pay Eligibility:

*Domestic workers are eligible for severance pay if:*

- ✓ They are employed by same employer at least 2 years
- ✓ They are dismissed or contract not renewed due to redundancy
- ✓ They are not receiving long service pay



## Rate of Payment:

(2/3 of last months' wages)

\* no. years' service

# IMPORTANT CONTACTS

## Labour Department:



2157 9537



<https://www.fdh.labour.gov.hk/en/home.html>



[fdh-enquiry@labour.gov.hk](mailto:fdh-enquiry@labour.gov.hk)

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## Immigration Department:



2824 6111



[https://www.immd.gov.hk/eng/services/visas/foreign\\_domestic\\_helpers.html](https://www.immd.gov.hk/eng/services/visas/foreign_domestic_helpers.html)



[enquiry@immd.gov.hk](mailto:enquiry@immd.gov.hk)

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## Consumer Council:



2929 2222



<https://www.consumer.org.hk/en>



[cc@consumer.org.hk](mailto:cc@consumer.org.hk)