

# DOMESTIC WORKER'S QUICK REFERENCE GUIDE TO HONG KONG

## SALARY & BENEFITS



**Minimum Allowable Wage:** \$4630 per month



**Payment Frequency/Timing:** Monthly, within 7 days of end of each period;



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

\*Agreed between employee and domestic worker



**Food:**

- 1) \$1121 allowance per month
- OR**
- 2) Food provided by employer



**Flights:** Employers are required to provide:

- One-way to HK from place of origin at start of contract\*
- One-way from HK to place of origin upon contract termination or expiry
- \$100 per day allowance in transit

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



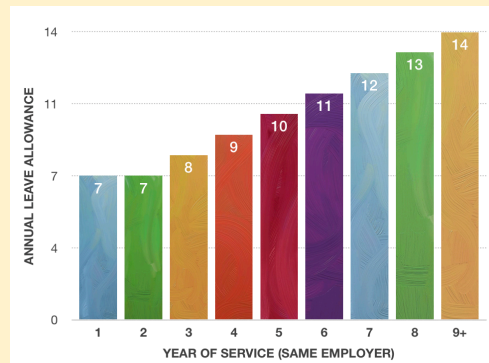
**Rest:** Minimum 24 consecutive hours every 7 days



**Medical & Dental:** Employers must provide free medical treatment and emergency dental treatment

### Annual Leave Entitlement\*

\*After completing 12 months' service



### Statutory Holidays 2020

1 JAN (Wed)	25 JAN (Sat)	27 JAN (Mon)	28 JAN (Tue)
4 APR (Sat)	1 MAY (Fri)	25 JUN (Thu)	1 JUL (Wed)
1 OCT (Thu)	2 OCT (Fri)	25 OCT (Sun)	21 DEC (Mon) <b>OR</b> 25 DEC (Fri)

## COVERED DUTIES



### Allowed:

- Household chores
- Cooking
- Elderly care
- Baby and childcare
- Pet care



### Not Allowed:

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



**\*\*Not allowed without express permission from Immigration Dept.**

## 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



**Employment Agencies:** Is an employment agency required for visa processing?



- First time working in Hong Kong
- Currently located outside Hong Kong
- Early termination/break contract - Employer relocation/financial trouble/employer abuse/death\*
- Early termination/break contract – Other reasons
- Current contract expiring



*\*Evidence must be provided to Immigration Dept. if processing without an agency*



**Contract Duration:** 2 years, commencing:

- **New contract:** Upon arriving in HK, following approval from Director of Immigration
- **Renewal (same employer):** On date of expiry of previous contract

**Required Forms and Documents:** Full requirements checklist:

<https://www.immd.gov.hk/eng/forms/forms/fdhchecklist.html>

**Early Termination:** Either party may terminate the contract end with one month's notice in writing, or one month's wages in lieu of notice\*

*\*Certain circumstances allow for termination without notice, as per the Employment Ordinance Chapter 57*

## LIVING ARRANGEMENTS



**Place of residence:** Must be employer's place of residence; alternative 'live out' arrangement not allowed



**Accommodation requirement:** 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)

## SICKNESS & MEDICAL



**Paid sickness days:** Accumulated in accordance with length of employment:

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



**Sickness allowance:** Should be paid by employer, provided:

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



**Rate of sickness allowance:**

Equivalent to four-fifths of average daily wages

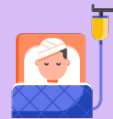


**Medical expenses:** Employers are required to cover all medical expenses for:

- Medical consultation ✓
- Hospitalization ✓
- Emergency dental treatment ✓

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

- Domestic worker's personal trips outside Hong Kong ✗
- Optional dental treatment ✗



## CONTRACT TERMINATION



**Notice of termination:** 1 month written notice by either domestic worker or employer

**Upon termination:** Each party should take the following actions:

- **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



### Termination without Notice

#### Initiated by Employer:

May terminate a domestic worker without notice if they:

- Disobey a lawful and reasonable order
- Commit misconduct
- Are dishonest or commit fraud
- Are neglectful in their duties

#### Initiated by Domestic Worker:

May terminate their contract 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

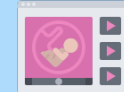


## MATERNITY



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

- Been employed with same employer 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)



**Duration:** 10 weeks



**Rate of maternity pay:** Equivalent to four-fifths of average daily wages



**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

## PATERNITY



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

- Have been employed with same employer 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



**Duration:** 5 days



**Leave period:** Leave can be taken any time between 4 weeks prior to expected delivery and 10 weeks after actual delivery



**Rate of paternity pay:** Equivalent to four-fifths of average daily wages

## LONG TERM AND SEVERANCE PAY

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

- 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 eligibility:** Domestic workers are eligible for severance pay if:

- Employed by same employer at least 2 years
- Is dismissed or contract not renewed due to redundancy

**Rate of payment:**  
(2/3 of last months' wages)

\* no. years' service

