

PathFinders Limited

Oral Submission

to

**The Hong Kong SAR's Legislative Council's
Panel on Manpower
'Review of Statutory Maternity Leave'**

Tuesday, 18 July 2017

My name is Gellin Byatt. I represent PathFinders, a Hong Kong charity.

From inception in 2007 to date, we have helped over 4,600 babies and their migrant mothers. The majority of the mothers are current or former migrant domestic workers.

A large proportion of PathFinders' work would not be necessary if there some clear guidelines existed explaining to everyone involved how best to manage the pregnancy and maternity leave of a foreign domestic worker alongside the so-called live-in rule.

I will explain with a case story.

Farah is from Indonesia. She has worked in Hong Kong for 9 years, the last 4 with the same employer. She shares a two-bedroom apartment of approximately 400 square feet with the employer, the employer's brother and their parents.

Farah has just started her 10-week statutory maternity leave.

She is allowed to leave her employer's residence at 7.30am each day and must be back by 8.30pm. After the birth, the baby will live with its father in Kam Tin.

The live-in rule brings considerable difficulties to the employer. The flat is small, it is inconvenient for him and his family to have Farah in the house while she is not working and needs to rest. At night the only place for Farah to sleep is in the living room where the employer's father also sleeps. During the day the only place available for Farah to rest is on the sofa in the living room, leaving nowhere for the employer's elderly parents to sit. Besides, a part-time helper has been hired to cover Farah's maternity leave, further crowding the apartment.

The live-in rule brings considerable difficulties to Farah and her baby. Farah is forced to live in a crowded apartment before she gives birth, a risk to the health of both mother and baby. After giving

birth, Farah will have to travel every day from the employer's home in Tai Wai to Kam Tin, a journey of about 3 hours, to see, bond with and feed her baby. This commute will be difficult, costly and tiring, especially for Farah who will be exhausted and still recovering from childbirth.

Farah will not be able to breastfeed her baby in the evening and at night.

We make 4 headline recommendations today, all of which are addressed in detail in our written submission:

1. Relax the live-in rule during statutory Maternity Leave and specifically explain how employers and employees are lawfully, humanely and in the infant's best interests should manage the live-in rule during statutory maternity leave;
2. Extend Hong Kong' statutory Maternity Leave period to 14 weeks;
3. Devise detailed and practical policy and practical guidelines stipulating how lawfully to manage the pregnancy and statutory Maternity Leave of FDWs; and
4. Add a specific line to the FDWs' standard employment contract stating that pregnant FDWs are entitled by law to maternity and non-discrimination protections.

Thank you.