

TRANSLATION OF SUARA NEWSPAPER ARTICLE

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Translated by PathFinders**

Smart Women, Wise Choices Maternity Protection

Forty percent (40%) of all employment contract terminations of domestic worker pregnancies handled by PathFinders is due to unlawful termination or due to no or lack of information.

This time PathFinders will discuss several frequently asked questions in relation with maternity rights.

1. I am a domestic worker and I am pregnant, is my pregnancy unlawful?

No. Domestic worker's pregnancy is not unlawful in Hong Kong.

2. Termination of employment contract due to pregnancy, is it unlawful?

Domestic worker should not terminate employment contract due to pregnancy. There are risks related to visa limitation and unprotected rights due to employment contract termination. Employment contract termination will increase probability of overstaying and case becomes more complicated. Employment agent, who advises employment contract termination due to pregnancy, violates the law. Employer who terminates employment contract due to pregnancy also violates the law.

3. What are my rights and obligations in relation with maternity protection?

- a. Get pregnancy certificate from Family Planning Association Hong Kong or general registered clinics signed by medical experts or general registered doctor. This certificate states the last date of menstruation and expected date of delivery (EDD, or expected date of confinement/EDC). You can also ask for a letter to register your pregnancy in that hospital or clinic. Make sure you know the address of your employer or bring your employment contract. It is because the hospital where you registered usually is in your residential area. For those who do not remember or have irregular menstrual period, USG or ultrasound test may be needed to determine EDD. Do not worry, clinic or hospital will not contact or send letters to your employer.
 - b. Inform employer about your pregnancy; provide them with the pregnancy certificate.
 - c. Register yourself to a hospital for free pregnancy check-up. As long as you have certificates from hospital, these check-ups are calculated as sick leaves.
 - d. Discuss with employer about heavy jobs, which should not be done by pregnant woman. You should get a doctor's certificate stating health issue or jobs that can put pregnancy
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at risk like lifting heavy goods. In general, pregnant domestic worker can perform normal tasks well.

- e. Discuss with employer about maternity leave. All pregnant workers are entitled to 10 weeks of maternity leave. This is a paid leave if you have worked for at least 40 weeks before EDD. Employer can be sued if they do not give pregnant domestic worker rights and/or terminate employment contract because of pregnancy with exception when termination is due to violation of law committed by worker and it has been proven. Employers who do not grant maternity leave to their pregnant worker or do not pay maternity allowance are liable to criminal offence and fines of HK\$ 50,000 if convicted. Employers who terminate their pregnant worker not due to serious violation are liable to criminal offence and fines of HK\$ 100,000 if convicted. Based on employment law and anti-discrimination law, workers can file suit against their employer.

4. Can I stay outside employer's house while on maternity leave?

According to Labour Department you cannot stay outside employer's house while you are on maternity leave. If you can discuss and make maternity leave plan with your employer, you can use maternity leave to go to your home country and come back after baby's issues are settled.

For more information and assistance, contact PathFinders at 5190 4886. Please also contact us to get information brochures published by Family Planning Association Hong Kong.



Perempuan Cerdas, Pilihan Bijak

Pelindungan kehamilan dan persalinan

Oleh PathFinders

EMPAT puluh persen (40%) dari seluruh kasus pemutusan kontrak kerja karena kehamilan pekerja rumah yang ditangani oleh PathFinders merupakan pemutusan kontrak kerja yang melanggar hukum atau dilakukan karena tidak ada/kurang informasi.

Kali ini PathFinders akan membahas beberapa pertanyaan yang sering ditanyakan kepada PathFinders berkaitan dengan Hak-hak Kehamilan dan Persalinan.

1. Saya pekerja rumah tangga dan saya hamil, apakah kehamilan saya ilegal/melanggar hukum?

Tidak, kehamilan pekerja rumah tangga tidak melanggar hukum di Hongkong.

2. Apakah pemutusan kontrak karena kehamilan merupakan pelanggaran



Gambar hanya ilustrasi.

hukum?

Pekerja rumah tangga sebaiknya tidak memutuskan kontrak karena kehamilan. Ada risiko yang berkaitan dengan batasan visa dan hak yang tidak terlindungi karena putus-

nya kontrak. Ini meningkatkan kemungkinan *overstay* dan bertambah rumitnya kasus/masalahnya. Agen yang menyarankan pemutusan kontrak karena kehamilan melakukan pelanggaran hukum. Demikian juga,

majikan yang memutuskan kontrak pekerjanya karena hamil.

3. Apa kewajiban dan hak-hak saya berkaitan dengan kehamilan dan persalinan?

a. Mendapatkan sertifikat kehamilan dari klinik Asosiasi Keluarga Berencana Hongkong atau klinik umum terdaftar yang ditandatangani ahli medis/dokter umum terdaftar. Sertifikat ini berisi tanggal terakhir datang bulan dan perkiraan tanggal persalinan. Minta juga surat pengantar mendaftarkan kehamilan di rumah sakit dari klinik tersebut. Pastikan Anda tahu alamat majikan Anda atau bawa kontrak karena rumah sakit tempat mendaftarkan kehamilan biasanya sesuai dengan lokasi tempat tinggal Anda. Untuk mereka yang tidak ingat atau tidak teratur periode menstruasinya, USG atau tes

ultrasonik mungkin diperlukan untuk memperkirakan tanggal kehamilan. Jangan kuatir, klinik atau rumah sakit tidak akan menghubungi atau mengirim surat ke majikan Anda.

b. Memberi pemberitahuan kehamilan kepada majikan lengkap dengan sertifikat kehamilan.

c. Mendaftarkan diri ke rumah sakit untuk pemeriksaan kehamilan gratis. Pemeriksaan ini dihitung sebagai cuti sakit selama Anda memiliki surat keterangan dari rumah sakit.

d. Mendiskusikan pekerjaan berat yang tidak sebaiknya dilakukan oleh perempuan hamil. Sebaiknya Anda mendapatkan surat dokter tentang masalah kesehatan atau pekerjaan yang berisiko terhadap kehamilan, seperti mengangkat benda-benda berat. Pada umumnya, pekerja rumah tangga yang hamil dapat melakukan tugas-tugas yang biasa dengan baik.



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