

**Legislative Council of the Hong Kong Special Administrative region of the People's Republic of China**

**Panel on Manpower**

**Review of Statutory Maternity Leave**

Meeting on Tuesday, 18 December 2018

2:30 pm to 5:30 pm

Conference Room 2 of the Legislative Council Complex

Link: <https://www.legco.gov.hk/yr18-19/english/panels/mp/agenda/mp20181218.htm>

Verbal Submission

by

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18 December 2018

Good afternoon. My name is Rachel Tam and I represent PathFinders, a charity committed to helping pregnant, migrant women and their Hong Kong-born babies. PathFinders is now 10 years old and has helped over 6,000 of the most vulnerable babies, children and their migrant mothers in Hong Kong.

大家好，我係譚樂怡，我代表【融幼社】PathFinders，一個致力於幫助懷孕的移工婦女及他們香港出生的嬰兒的非牟利機構。融幼社今年10歲，已幫助超過6,000名最需要幫助的嬰兒，兒童及其在香港的移工母親。

Why do so many people need help? Because these women and children do not know where to go for advice and have no one else to turn to. PathFinders is filling a significant and increasing gap. We do our best to help female migrant workers, who have families while they work here in Hong Kong, to navigate the frankly, and unfortunately, hostile employment, immigration, healthcare and legal systems that fail to place the best interests of the baby and expectant mother first.

Employers are, quite properly, prohibited by law from dismissing migrant worker employees on the grounds of pregnancy. Despite this, many women continue to be unlawfully terminated or forced to resign once their pregnancy is announced or discovered.

While we welcome the Chief Executive's proposal to bring Hong Kong in line with International Labour Organisation (ILO) minimum standards and China's statutory maternity leave duration of 14 weeks, we continue to have significant concerns.

Of the many migrant workers imported into Hong Kong, it is foreign domestic workers who are subject to a so-called 'live-in rule', which requires them to reside at their employer's home. Despite the population of FDWs in HK now numbering over 385,000 and is forecasted to rise by another 200,000 - as well as being largely female and of child-bearing age - there is STILL no supporting policy or guidance that sets out in the right languages how a happy, healthy and lawful pregnancy is to be managed in the best interests of the baby, the mother, the employer and the agency. This is unacceptable.

PathFinders receives referrals from consulates, calls from employers, calls from the workers themselves asking the same questions over and over. Every case sees employers, employees, agents and families scrambling for practical advice. And PathFinders, we are now doing our best to help on around 800-900 new cases every single year!

It is imperative that a supporting policy or guideline is developed to set out clearly where maternity leave is to be spent: can it be spent outside the employer's home? If not, why not? It is called leave, after all! Where is the baby to live, what are the processes for doctors' appointments and so on and so forth.

We are all on notice that the number of female migrant workers in Hong Kong will increase. Now is the time to prepare for the fact that some of the migrant female workers we import will have their own families while they work here looking after our own families.

Thank you.