

Maternity Leave Increase: Employers of Migrant Domestic Workers Will Face Greater Financial Stress and Anxiety Finding Support When Workers Are On Maternity Leave

More Migrant Domestic Workers risk becoming unemployed and homeless, and their children disadvantaged, unless employers are supported with practical solutions

Hong Kong, 9 December 2020 - On 11 December 2020, maternity leave will increase from 10 to 14 weeks in Hong Kong. For employers of a Migrant Domestic Worker (MDW), this will likely exacerbate the existing dilemma and challenges they face when their worker is pregnant and on maternity leave.

A recent [public opinion survey](#) by PathFinders reveals the current level of acceptance towards MDW pregnancy and quantifies the perceived impact of challenges faced by MDWs and their employers. The survey results, published today, validate the need for practical solutions to ensure pregnant MDWs do not continue to be illegally dismissed from employment and made immediately homeless, resulting in their children becoming some of the most vulnerable and unsupported in Hong Kong.

Survey highlights from public respondents:

- Most respondents (**73.8%**) believe MDWs **should receive equal maternity leave**
- Most respondents (**64.8%**) considered **MDW pregnancy unacceptable**
- The majority (**74.4%**) of the respondents thought a MDW should **not live with their employer when on maternity leave**
- Most respondents liked the proposed solution of a **temporary MDW** to cover their workers' maternity leave - a solution which does not presently exist

The Dilemma and Challenge for Employers

The survey confirms the long-standing dilemma for many in Hong Kong, who rely heavily on the help and support of a MDW. While the majority believe, like all working women in Hong Kong, a pregnant MDW should be entitled to maternity protection, most consider a MDW pregnancy to be unacceptable. Half of the respondents (50.4%) reported it was because of the inconvenience it causes the employer and their household.

Adding to the complexity, MDWs are not legally allowed to live out and yet employers are not obligated to provide accommodation for the worker's newborn baby. Three quarters of respondents stated they did not find it feasible for MDWs to live with their employers while on maternity leave. Most cited limited living space as the key reason.

Over the past 12 years and despite legal protection, PathFinders has all too often witnessed pregnant MDWs being illegally terminated from employment or pressured to resign, because the worker and employer simply didn't know what else to do. This resulted in many migrant mothers and children becoming unsupported and extremely vulnerable, and in need of PathFinders' assistance.

“Ensuring pregnant MDWs are not unlawfully dismissed from their jobs is extremely critical so they don't end up overstaying illegally. This will protect their unborn children and prevent them from becoming undocumented, stateless and unable to access essential services like healthcare and education.”

Ms Catherine Gurtin, CEO of PathFinders

Overcoming the Challenges

Most survey respondents indicated the most desirable option to help MDW employers overcome current challenges would be to hire a temporary MDW to cover the job duties of their MDW while on maternity leave. However, this potential solution is not currently available and would require changes to the existing MDW visa policy and contractual terms before it could become a reality.

Labour Department guidance confirms all employers - including employers of MDWs - may apply to the Government for [reimbursement](#) of the additional 4 weeks of maternity leave pay. The reimbursement scheme will be implemented in the first half of 2021.

While a welcomed development for employers, PathFinders fears it will do little to mitigate the ongoing risk of a pregnant MDW being dismissed from employment. For many employers the financial stress of the remaining 10 weeks of maternity leave payments and expensive temporary support solutions, now for 14 weeks, will continue to be a very real concern – especially for those from lower-income households with limited alternative care options for young children and/or elderly parents.

Recognising the ongoing challenges and need for solutions, PathFinders will continue to engage different stakeholders, including employers of MDWs and members of the public, to discuss possible win-win solutions via an online forum in 2021. PathFinders plans to consolidate, present and discuss these solutions with all concerned stakeholders, including the Government. Members of the public are welcomed to submit their views and recommendations to info@pathfinders.org.hk.

NOTES TO EDITOR

About PathFinders

PathFinders believes all children deserve a fair start in life.

PathFinders ensures the most vulnerable and unsupported children in Hong Kong are protected and respected, and their Migrant Domestic Worker (MDW) mothers are empowered to find a path to a brighter future.

Since 2008, PathFinders has directly served over 7,600 of Hong Kong's most vulnerable babies, children and their migrant mothers. During 2019, PathFinders cared for 925 new beneficiaries,

provided 700 healthcare interventions, helped 91 babies acquire birth certificates and passports, handled 142 legal matters, held 91 education classes and assisted 64 families to return to the mother's home country.

For more information visit www.pathfinders.org.hk

Complete Public Opinion Survey Results

Conducted online from May to September 2020, 341 people participated in the public opinion survey. Full report is available [here](#).

Additional Media Quotes

Ms Michelle Lau, Tophand Consultancy Ltd (Employment Agency): *"The first thing many employers say when their helpers are pregnant is what will happen to my children. Many couples hire helpers as they work full-time, mainly to care for young children. The second thing that comes to their mind is maternity leave salary and salary for local helpers. Employers also worry if their helpers will come back to work once their maternity leave is over, and hiring a new helper is costly. For middle-to-low income and single-parent families, it will be a real struggle for them financially. Local helpers are expensive and hard to find. When the employer has little or no help, both husband and wife would need to take turns to manage their household for 14 weeks. They would need to take extra days of leave, and fear losing their jobs."*

Survey respondent: *"Practical reasons: (1) Employers have no responsibility to provide a place of living for their baby. (2) If the employer needs to hire a replacement, the new helper needs a place to live too... HK's flats are just too small to accommodate more people to live... (3) If they are on leave, they themselves should not be staying in the flat, right?? (4) The newborn's cry in the middle of the night will definitely disturb the employers quality of rest at night..."*

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