



融幼社
PathFinders



Employer Survey Report

Understanding Employer Attitudes Towards
Migrant Domestic Worker Pregnancies and their
Knowledge of Maternity Rights

June 2022

About PathFinders



Migrant Domestic Workers (MDWs) are a critical source of support for many households in Hong Kong, particularly those with young children and the elderly.

Despite legal protections, once an MDW's pregnancy is announced or discovered, she may be unlawfully terminated, or pressured to resign or leave because she and her employer do not know how to handle the situation.

A pregnant MDW faces substantial obstacles and hardships when her employment is terminated. She can become homeless and within two weeks, when her working visa expires, lose access to public welfare and healthcare services vital for prenatal screening.

Since 2008, PathFinders has been helping to bridge this gap by providing case management, healthcare, employer mediation, and legal referrals, supporting the health security and futures of thousands of migrant mothers and children.



Abbreviations:

FDH - Foreign Domestic Helper
LDW - Local Domestic Worker
MDW - Migrant Domestic Worker
SDO - Sex Discrimination Ordinance

About the survey:

PathFinders carried out a survey in 2020 to understand employers' views of MDW pregnancies and their understanding of maternity protections available to this group.

PathFinders partnered with Gerson Lehrman Group (GLG), a New York-based company that offers professional education services, in designing, developing and conducting the survey as part of their Social Impact Program. The survey was administered by Cido Limited, an accredited market research company operating in Asia, the Americas, Europe, and Africa.

Table of Contents

1. List of Figures.....	2
2. Executive Summary.....	3
3. Introduction.....	4
4. Survey Objectives and Key Findings.....	6
5. Survey Methodology.....	8
6. Survey Analysis.....	9
6.1 Employer reliance on MDWs.....	9
6.1.1 Perceived inconveniences of an MDW pregnancy.....	9
6.2 Primacy of employment agencies in MDW hiring.....	11
6.2.1 Pregnancy-related assistance expected from employment agencies.....	12
6.3 Employer knowledge of MDW maternity protections.....	14
6.3.1 Perceptions of MDW pregnancies.....	14
6.3.2 Understanding how to provide maternity protections and leave.....	14
6.3.3 Beliefs on how to prevent MDW pregnancies.....	15
6.3.4 Understandings of the live-in rule during pregnancy.....	15
6.3.5 How employers say they would handle an MDW pregnancy.....	16
6.3.6 Employers' preferred solutions for handling an MDW pregnancy.....	16
6.4 Perceptions of societal support for employers.....	17
7. Conclusions and Recommendations.....	18
8. References.....	20

1. List of Figures

Figure 1: Key reasons for hiring an MDW

Figure 2: Why employers prefer MDWs over LDWs

Figure 3: What employers thought would happen if their MDW became pregnant

Figure 4: Where would employers go for help with an MDW pregnancy?

Figure 5: Solutions employers would want from their employment agency

Figure 6: Requests employers thought were permissible to make of MDWs

Figure 7: What would you do if your MDW was going on maternity leave?

Figure 8: What solution would help an employer the most with handling an MDW pregnancy?

Figure 9: How supportive do you feel society is towards employers of MDWs?

2. Executive Summary

This report shows how a combination of reliance, lack of knowledge, and negative views may lead to the kinds of unlawful dismissals and coerced resignations of pregnant MDWs seen at PathFinders.

These often result in a pregnant MDW being unable to access maternity protections and leave, which impact her ability to access medical care in accordance with pre- and postnatal healthcare needs, and plan for a stable socioeconomic future for her and her child.

Over the past six years, PathFinders has supported an average of 250 clients annually. Approximately 50% of these clients approached PathFinders for assistance with a pregnancy-related workplace disagreement.

The key findings set out in this report are that employers:

- **Heavily rely on MDWs to run their households**
Main reasons for hiring MDWs include carrying out household chores (93%), childcare (67%) and elderly care (32%).
- **Primarily use employment agencies to search for and hire their MDWs (99%)**
All also believed employment agencies should assist employers in the case of an MDW pregnancy.
- **Demonstrate low levels of knowledge of maternity protections available to MDWs and negative towards statements 'in favour' of pregnant MDWs**
Only 51% of respondents were aware that MDWs are eligible for maternity leave. 81% were unaware an MDW can take legal action if her employer fails to provide maternity leave, while 84% said they could dismiss their pregnant MDW as she would not be able to perform work duties.
- **Feel they lack societal support**
66% said they felt nonprofits supported MDWs more than employers and there was a lack of law and regulation to support employer needs.

The survey also surfaced two respondents with first-hand experiences of an MDW pregnancy. Despite it being unlawful, in one case, the employer said an employment agency instructed him to dismiss his pregnant MDW. In the other, the employer said the MDW wished to return to the country of origin to deliver her baby, and the employment agency assisted with a mutual agreement to end the contract, and find the family a replacement worker.

Based on these survey findings, we recommend:

- Affordable and viable market solutions are created for employers that help to maintain the running of their households, while also offering a pregnant MDW job security.
- Employment agencies are provided with lawful information, enabling them to play an ethical role in supporting pregnant MDWs and employers with implementing maternity protections.
- Public awareness is increased to facilitate greater understanding of MDW maternity protections, leave, and rights.

3. Introduction

In the 1970s as Hong Kong shifted from a labour to a service economy it became a prime destination for MDWs from developing nations such as the Philippines and Indonesia.



The development of a migrant labour export market allowed these countries to supplement their struggling economies with an overseas workforce that sent back remittances. At the same time, Hong Kong sought to support greater economic participation among a nascent middle-income professional sector, including women (Tam, 2017).

From only 2,000 workers in the 1970s to 20,959 by the early 1980s, this number grew to 223,394 by 2005 (Ullah, 2010), as Hong Kong's supply of local working-class labour shrank. To date, there are approximately 340,000 MDWs in the city.

Between 15-18% of households in Hong Kong rely on MDWs to run their homes (Experian & Enrich, 2019; Ng, 2021) – over 1.1 million people – while the median household income is under 29,000 HKD (Census & Statistics Department, n.d.).

Several authors have written about the way reliance on MDWs for the middle class' socioeconomic participation is the main source of mistreatment, alongside fewer labour protections and lower minimum wage standards (Cheung et al., 2017; Constable, 2014; Ong, 2006).

While Hong Kong is one of few migrant-receiving destinations in the region to provide maternity protections to MDWs (alongside Taiwan), this report shows how employers view an MDW pregnancy as a major inconvenience due to a disproportionate reliance on domestic work to run their households.



Photo: Dickson Lee

Under the Employment Ordinance of 1968 (updated in 1997 to include maternity protections), which also governs FDH contracts, all women who are part of the formal labour force are entitled to 14 weeks of maternity leave – including MDWs (Immigration Department, 2018; Paul & Neo, 2017).

MDWs are also protected under the Sex Discrimination Ordinance (SDO), a statute that helps ensure workplace maternity protections during pregnancy are enforced (Equal Opportunities Commission, n.d.). This means MDWs must be free from contract termination due to pregnancy, and therefore under a working visa remain eligible for public pre-and postnatal medical care.



Photo: David Wong

Despite its prohibition under the law, many MDWs are unlawfully terminated or coerced into resigning when they discover they are pregnant and notify their employers. On average, over the past six years, PathFinders has supported 250 clients annually, and approximately 50% of these approached the organisation for assistance with a pregnancy-related workplace disagreement.

As a noncitizen, an MDW's visa is tied to her employment contract, without which she no longer qualifies for maternity protections and public healthcare, nor can she remain in Hong Kong, and is required to return to her country of origin within two weeks. This has grave implications for a pregnant MDW's – now a migrant mother – ability to access medical care in accordance with her pre-and postnatal healthcare needs, and plan for a stable socioeconomic future for her and her child.

4. Survey Objectives and Key Findings

This report offers four insights into why employers may prevent MDWs from accessing maternity rights despite their provision under labour and anti-discrimination regulations.

1

Behaviour

Employers were heavily reliant on MDWs to run their households, predominantly used employment agencies to find and hire a suitable worker, and generally held negative opinions of MDW pregnancies.

2

Priorities

Concerns about a pregnant MDW's inability to work and look after the household, including child and eldercare, and housework, were all top of mind for respondents. These concerns informed feelings that an MDW pregnancy would be extremely inconvenient, and the expectation employment agencies provide a solution.

3

Lack of awareness

Respondents demonstrated low levels of knowledge about MDW maternity protections – and their legal obligation to provide these.

4

Lack of support

Additionally, employers felt they were not supported by society and apart from employment agencies, there was a lack of organisations and laws in place to address their needs.



Main reasons for hiring MDWs included carrying out household chores (93%), childcare (67%) and eldercare (32%). This points to a heavy reliance on paid domestic help to run households.



Employers primarily used employment agencies to search for and hire their MDWs (99%). All also believed employment agencies should assist employers in the case of an MDW pregnancy.



Employers demonstrated low levels of knowledge of maternity protections available to MDWs under labour and anti-sex discrimination regulations. Only 51% of respondents were aware MDWs are eligible for maternity leave.



Employers were negative towards statements that were 'in favour' of pregnant MDWs while being more positive towards statements in their interest. 81% did not know an MDW can take legal action if her employer fails to provide maternity leave, while 84% said they could dismiss their pregnant MDW as she would not be able to perform work duties.



66% of statements from employers said they felt nonprofits supported MDWs more than employers and there was a lack of law and regulation to support employer needs and concerns.

The survey data was collected and examined in this report to devise practical and favourable solutions for employers that would enable them to support an MDW pregnancy, with increased knowledge of their legal and ethical responsibility to provide maternity protections.

At the same time, it is important to consider how and why employers may be disincentivized from protecting MDW maternity rights. Small residential units would make it difficult to house an MDW during maternity leave, as well as an additional domestic worker hired to cover this period.

Employment agencies may be unaware that advising contract termination of a pregnant MDW is in violation of the law, or they are inclined to do so as they stand to profit from providing a replacement MDW.

100%

Employers believe that employment agencies should help them when their MDW is pregnant.

Significantly, of two survey respondents who had experienced an MDW pregnancy, one said they were advised by their employment agency to terminate the contract. These socioeconomic limitations and market realities point to a need for a temporary relief worker scheme that enables employers to provide MDWs with maternity leave and ensure her and her newborn's health security. For its implementation, however, reform and amendments to labour regulations and immigration policies including the two-year FDH contract and live-in rule are required.

5. Survey Methodology

103 questionnaires were collected and completed by approaching employers on the street in various areas of Hong Kong.

Demographics

Among those surveyed, 22 respondents were from Hong Kong Island, 30 from Kowloon, and 51 from the New Territories – all permanent residents. 98% were aged between 30 and 59; 62% were female and 38% were male.

The hit rate of the survey was 6-8%, and revealed a predominantly middle- and lower-middle-class demographic concentration, at 45% and 35% respectively, using random sampling. Including salary and additional sources of income, these respondents earned between 30,000 and 59,000 HKD. 8% of respondents earned between 15,000 and 29,000, making them part of a working-class demographic (Xinhua, 2019). 84% of respondents lived in residential units between 351-750 square feet in size. 95% of respondents lived in a household of four or more people, including the MDW.

The demographic breakdown of respondents shows that an overwhelming majority live in small to modest residential units, in households of four or more people, only earning a middle-class income or lower. This report will point to how reduced incomes, and small and shared living spaces, limit a household's ability to handle an MDW pregnancy.

Questionnaire

The survey was conducted targeting employers who had hired an MDW at the time of the interview. It comprised 64 questions covering employer demographics, reasons for hiring an MDW over an LDW; testing knowledge of labour and anti-sex discrimination regulations, and immigration policies related to maternity protections for MDWs; open-ended questions about the inconvenience of supporting a pregnant MDW and expectations of employment agencies to resolve maternity-related workplace disagreements; awareness of institutions in the city supporting MDW-employer issues; and any personal experiences with an MDW pregnancy.

40% of respondents had employed one MDW at the time of taking the survey, some (36%) reported having employed two, and 19% had employed three. 66% of respondents had more than four years of experience employing MDWs. These findings show that respondents were experienced employers of MDWs.



6. Survey Analysis

6.1 Employer reliance on MDWs

Respondents reported that the three main duties of their MDWs were to:

- Complete household chores (93%)
- Take care of their children (67%)
- Take care of the elderly (32%)

5% of respondents said they hired MDWs to take care of their sick family members.

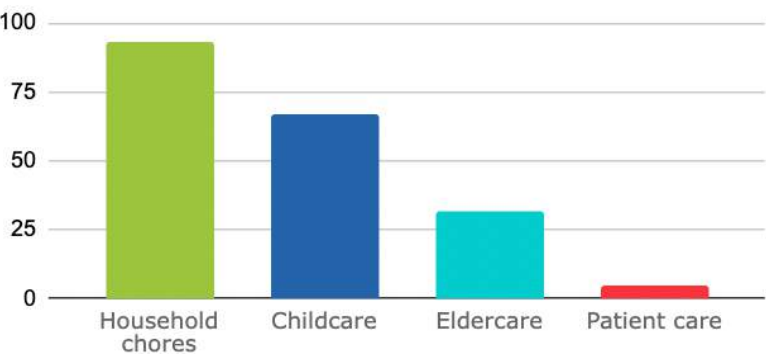


Figure 1: Key reasons for hiring an MDW

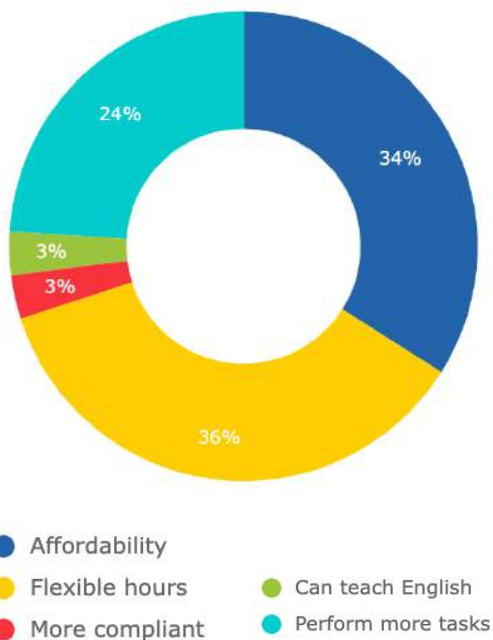


Figure 2: Why employers prefer MDWs over LDWs

A cross-section of reasons for employing domestic workers overlaps with the choice of an MDW over an LDW, due to flexibility and affordability.

- 36% reported the primary reason for recruiting an MDW over an LDW or a part-time nanny, was the need for someone who worked longer and more flexible hours
- This need corresponded with the view held by 24% that MDWs performed more tasks than LDWs
- 34% said hiring an MDW was more affordable than hiring an LDW
- For 3%, the reason for hiring an MDW over an LDW was they are more compliant

6.1.1 Perceived inconveniences of an MDW pregnancy

When asked how much inconvenience they believed an MDW pregnancy would cause, 84% of respondents said it would be extremely inconvenient, while the remaining 16% said it would be very inconvenient.

When asked in open-ended responses (n=153) what inconveniences they expected to encounter across pregnancy and maternity leave:

- 39% of statements were most concerned with the MDW's inability to work overall,
- 18% were worried about childcare, and
- Almost 12% about elderly care.

The predominant inconvenience employers expected to encounter was the stoppage of tasks they relied on their MDW to carry out daily. Almost 9% of statements expressed a need for a replacement worker to rectify the inconvenience.

A number of respondents were preoccupied with the responsibility of the MDW’s pregnancy falling to them. Almost 8% of statements expressed worry employers would need to take care of the MDW themselves, and almost 4% were concerned they would need to take leave to take care of the MDW. Their statements indicated they would find such undertakings unrealistic.

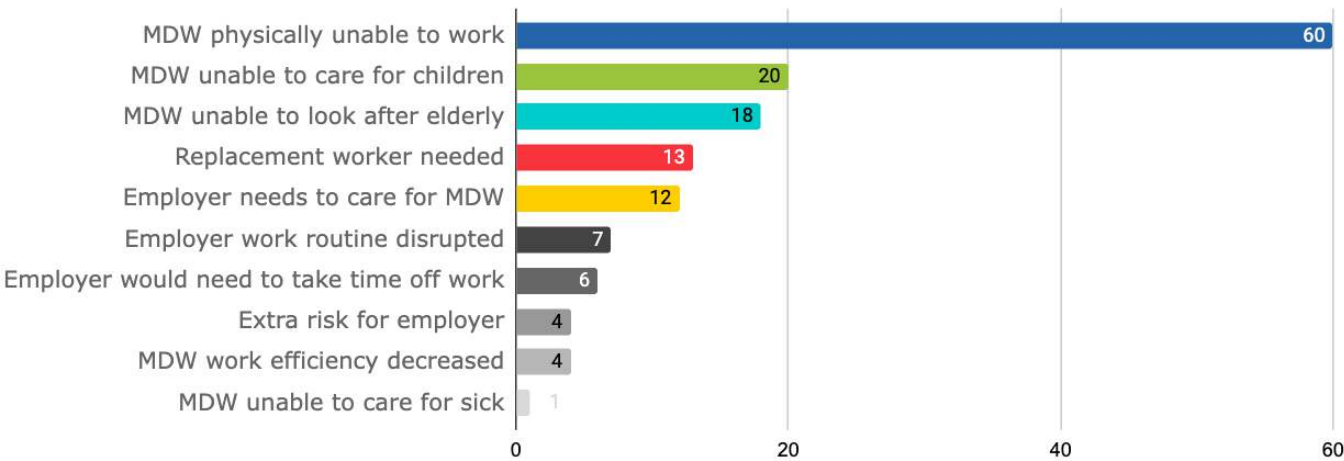


Figure 3: What employers thought would happen if their MDW became pregnant

Due to the heavy reliance on MDWs to run their households, pregnant MDWs become obstacles to the smooth functioning of their households in the eyes of employers. This level of reliance and line of thinking suggests that when confronted with an MDW pregnancy, employers are likely to think of their household needs first before they are able to prioritise their workers’ maternity needs. This may be one reason employers choose unlawful means to find an expedient solution to the continued smooth functioning of their households.

6.2 Primacy of Employment Agencies in MDW hiring

- 99% of respondents used employment agencies during the MDW hiring process. Only one respondent said they used other means to recruit their current MDW.
- All reported receiving different forms of support from employment agencies.
- 95% said they were provided accurate information about a prospective MDW's background.
- The expectation of a 'good match' for the household during the placement process was also common, at 71%.
- Many employers felt they could get tips from agencies regarding ways to foster a good relationship with their MDW (53%), as well as suggestions on how to solve problems (50%).
- 79% also said they received information about applicable labour regulations.

Such responses show employment agencies were a significant source of information and knowledge during the hiring process and for the employment term. This is an indicator of significant forms of reliance on employment agencies.

When asked if employment agencies should assist with an MDW pregnancy, 100% of respondents agreed. It, therefore, makes sense that employers expect the agency would assume responsibility for the MDW pregnancy.

From the employer's perspective, the agency not only provided the MDW, it also attested that her background and suitability would ensure the household's needs are met. For employers, an MDW pregnancy is an indicator that much of this has changed, in particular her ability to carry out all household tasks. Furthermore, dealing with a pregnancy – viewed as an inconvenience – supersedes the general information provided on labour regulations, and maintaining and problem-solving interpersonal working relationships.

It then follows that employers would see an MDW pregnancy as a problem the employment agency needs to solve.

When asked which organisations they would consult for assistance with an MDW pregnancy:

- **Employment agencies ranked highest (99%)**
- **The Labour Department second (41%)**
- **Consulates third (27%)**
- **Hospitals fourth (11%)**

A small number said they would consult the **Equal Opportunities Commission** and **nonprofit organisations (3% each)**.

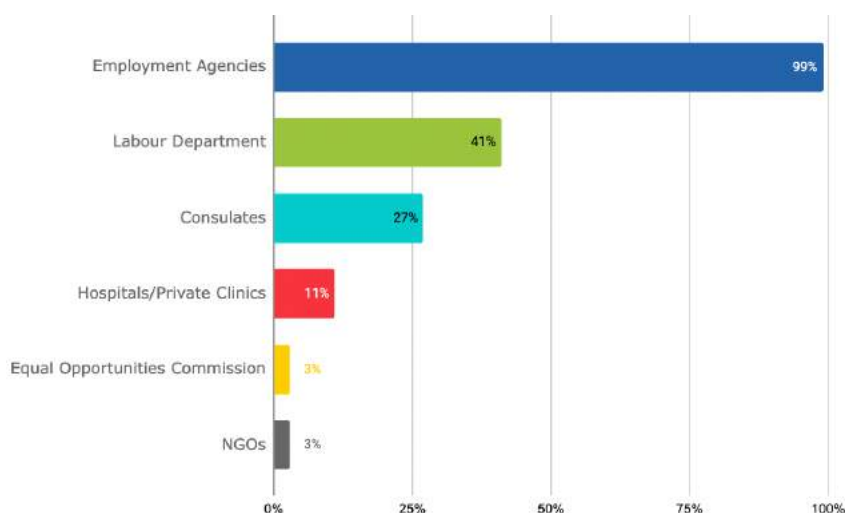


Figure 4: Where would employers go for help with an MDW pregnancy?

6.2.1 Pregnancy-related assistance expected from employment agencies

Following the selection of agencies above all other forms of institutional support, employers also expected them to provide specific forms of assistance.

In open-ended responses (n=129, analysed from comments with multiple themes),

- 49% of statements (63) showed employers wanted a replacement worker as a solution to an MDW pregnancy.
- Of these, 60% (38 statements) said they would want the agency to supply a replacement worker, without clear reference to the current MDW's contract. This indicates that they are not thinking of labour regulations that prohibit the termination of working women due to pregnancy.
- 40% (25 statements) said they wanted a temporary replacement, showing awareness of their obligation to a previous contract, and that the MDW was expected to complete her employment term upon completion of maternity leave.
- Additionally, 7% of total statements were direct requests for contract termination assistance.
- 6% wanted the MDW returned to her home country, with no reference to contractual terms.

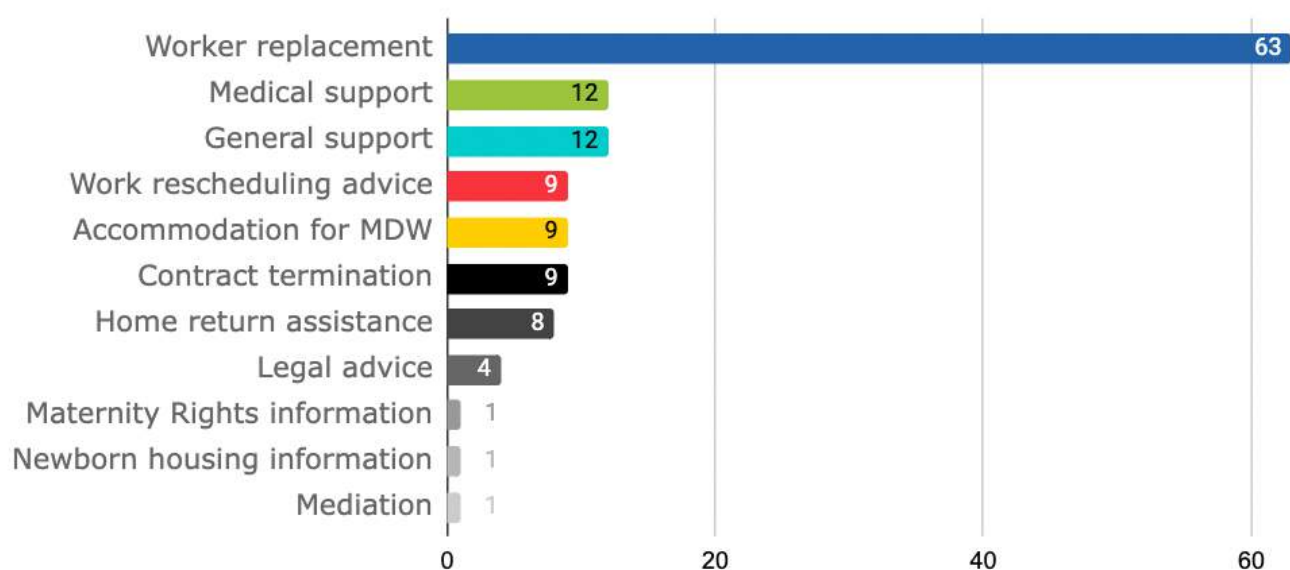


Figure 5: Solutions employers would want from their employment agency

These are important findings to consider as it is against labour regulations to terminate an MDW's contract due to pregnancy. Yet, how to find a replacement worker remains an immediate concern for employers, and in some cases how to dismiss a pregnant MDW.

Other responses covered assistance with handling the MDW's medical needs (9%) and accommodation solutions (7%). Some also indicated they wanted information on how to adjust their work schedules to manage the pregnancy (7%). There were three statements in total concerned with the employment agency providing information about MDW rights, helping employers to communicate with the MDW, and arrangements for the newborn. This diversity of responses shows that besides wanting direct help with finding a replacement worker, employers felt additional forms of support were required from agencies to handle an MDW pregnancy.

83% of respondents also believed MDWs would be blacklisted by employment agencies when pregnant. This demonstrates a misunderstanding of the role respondents believed agencies are supposed to play when assisting with an MDW pregnancy, while also underscoring their lack of knowledge of MDW freedom from pregnancy-related employment discrimination.

Significantly, only 3% of statements included a request for legal support, while almost 43% of statements indicated respondents were not thinking about following the law in their need to find a replacement worker. This included 29% of requests for substitute MDWs that did not mention whether replacement refers to temporary relief or permanent recruitment, contract terminations, and the return of the MDW to her origin country.

Given that approximately 50% of PathFinders' clients have approached the organisation in recent years as a consequence of unlawful termination or coerced resignation, this survey finding points to the need to make employers aware of maternity protections as a first step in preventing such actions. It also highlights that employment agencies are the organisations that need to play a key role in providing employers with the right information for handling an MDW pregnancy.

6.3 Employer knowledge of MDW Maternity Protections

Respondents were presented with true or false statements about MDW pregnancies, maternity protections and leave, and employer roles in providing the latter. They demonstrated varying degrees of knowledge and negative sentiment towards MDW protections and reproductive rights.

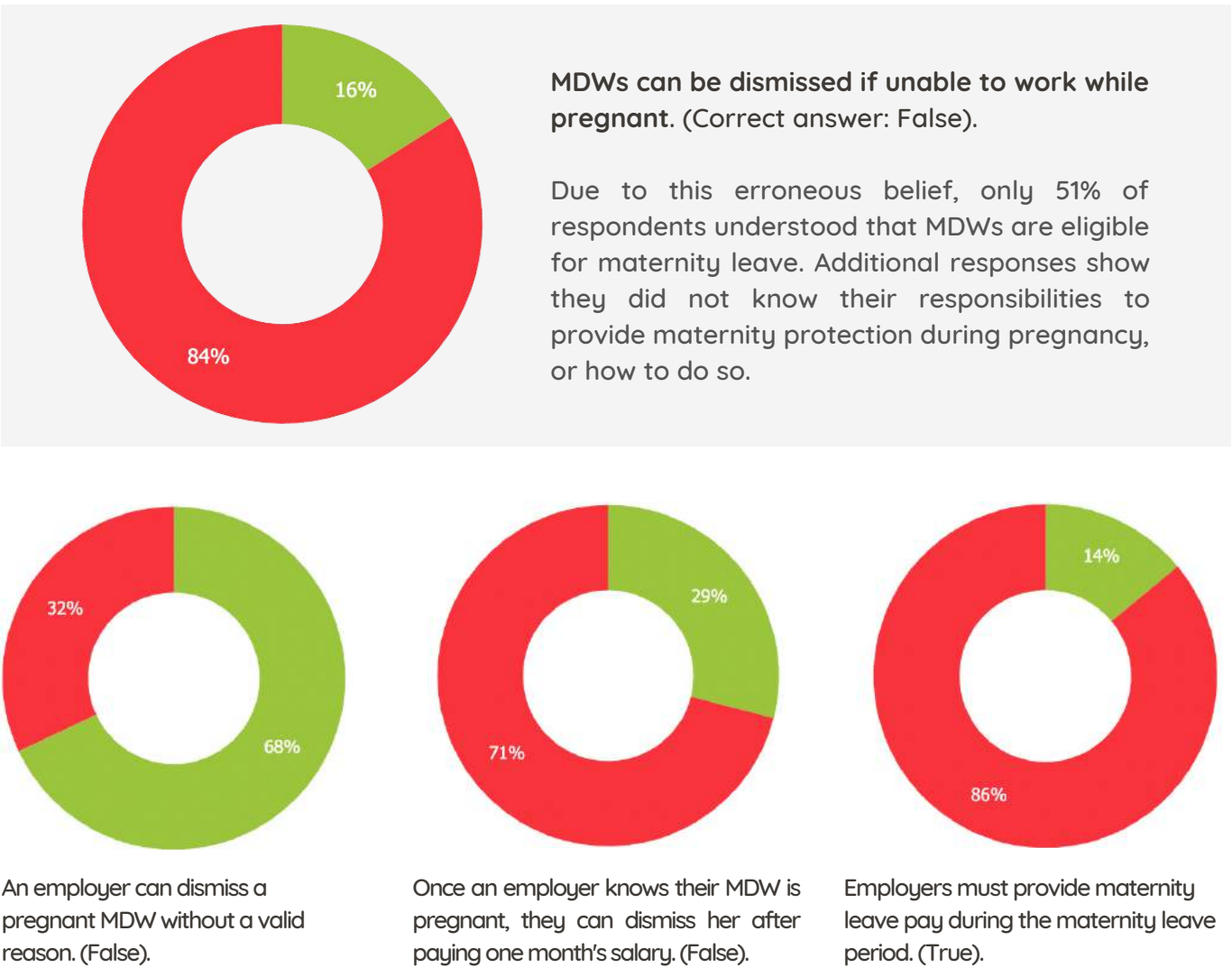
6.3.1 Perceptions of MDW pregnancies

- 93% of respondents believed MDWs are not allowed to become pregnant in Hong Kong because they are here to work.
- 56% of respondents believed MDWs are not allowed to give birth in Hong Kong.
- And 64% believed MDWs must give birth to their babies in their countries of origin.

These views point to a narrow understanding among respondents of MDWs being in Hong Kong only to work and enable their employers’ socioeconomic participation, as discussed in Section 6.1.

6.3.2 Understandings of how to provide maternity protections and leave

The pie charts below visualise employer responses to a series of statements. **Green shows** the percentage of **correct answers**, and **red shows** the percentage of **incorrect answers**.



6.3.3 Beliefs on how to prevent MDW pregnancies

In addition to an overall lack of knowledge that MDWs in Hong Kong are eligible for maternity protections and an employer’s legal obligation to provide these, many believed they had the right to ask about their worker’s personal life and reproductive healthcare practices.

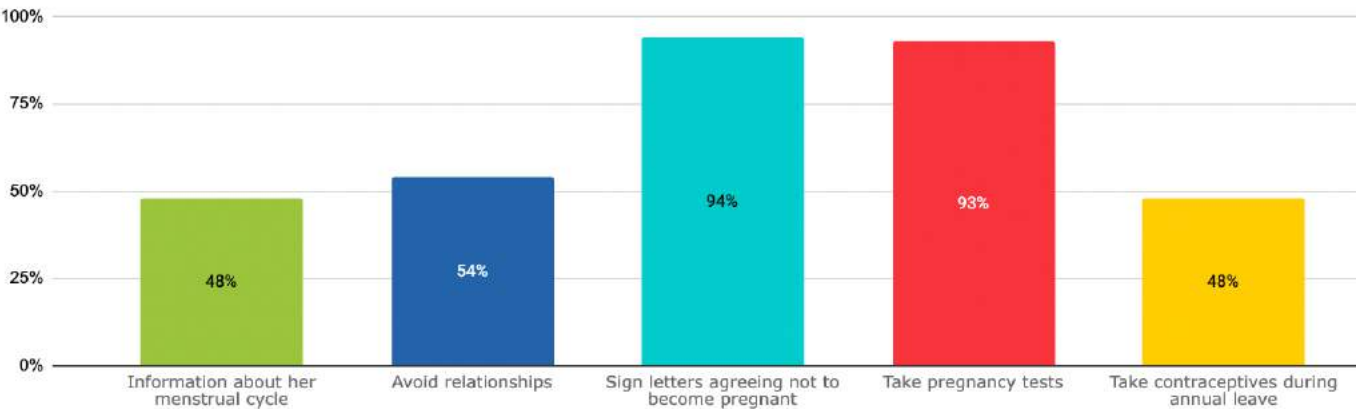


Figure 10: Requests employers thought were permissible to make of MDWs

Employers of MDWs were unaware they would be in violation of the SDO, which states they must not ask personal employees questions of a sexual nature. And in the absence of knowing they are required to provide maternity protection, they assumed they were within their rights to intervene in her personal life and reproductive health to prevent pregnancy. Lack of knowledge of maternity protections, coupled with the assumption that labour regulations only support an employer’s household needs, show why it would be very difficult for employers to understand they have legal obligations towards an MDW’s reproductive rights.

6.3.4 Understandings of the live-in rule during an MDW pregnancy

- 80% of employers did not know they must provide housing for their pregnant MDW.
- 88% did not know they had to continue to provide housing following the MDW’s delivery of her baby.
- 50% of respondents knew that MDWs cannot live-out with their babies and partners during maternity leave.
- 96% also knew they did not have to provide an MDW’s newborn with housing.

This cross-section of responses shows a mixed understanding among employers of how they must carry out maternity protections, and how to apply them in a context where an employee lives with her employer. They seemed to assume that if an MDW is pregnant, that changed their obligation to uphold the live-in rule, understanding it as a provision they can withhold.

It is important that employers understand the live-in rule remains in place if an MDW chooses to give birth in Hong Kong, and that continued access to her residence is central to her health and socioeconomic security. This is a first step in setting best practice standards among employers. At PathFinders we have seen homelessness as one consequence of both MDWs and employers’ lack of understanding of maternity protections: sometimes MDWs run away, assuming they can be deported for becoming pregnant, or employers turn them out.

6.3.5 How employers say they would handle an MDW pregnancy

Employer responses when asked what they would most likely do in the event of an MDW pregnancy show a significant reliance on personal networks to handle household needs and pressures.

- 34% ranked seeking help from their family and friends first, and 43% ranked this choice second.
- An equal number of respondents ranked hiring an LDW or babysitter first, while 24% ranked this choice second, showing fewer employers found this to be a viable option.
- 28% ranked having to make work adjustments first, such as taking annual leave, reducing work hours, or changing their schedule.
- 33% ranked this as second, meaning 9% more respondents felt they would have to make a personal adjustment to their work than hire local domestic help.

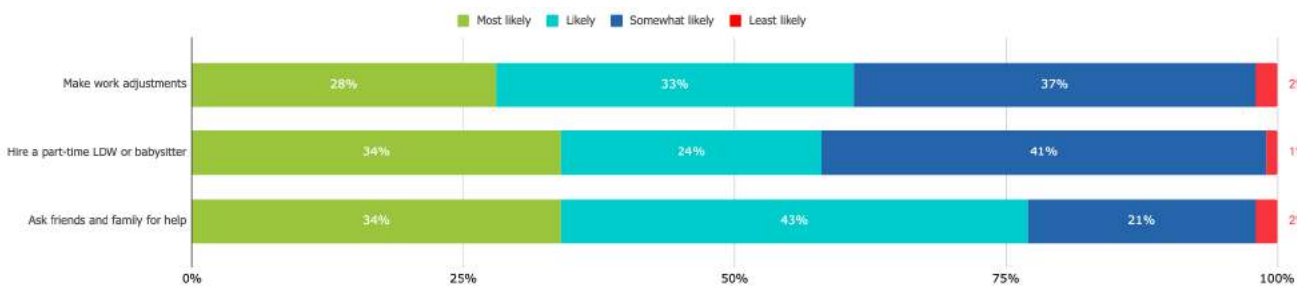


Figure 11: What would you do if your MDW was going on maternity leave?

6.3.6 Employers' preferred solutions for handling an MDW pregnancy

The responses in the previous section can be compared with what employers said they would prefer as ideal solutions during an MDW pregnancy. Most remained interested in domestic-help-focused solutions.

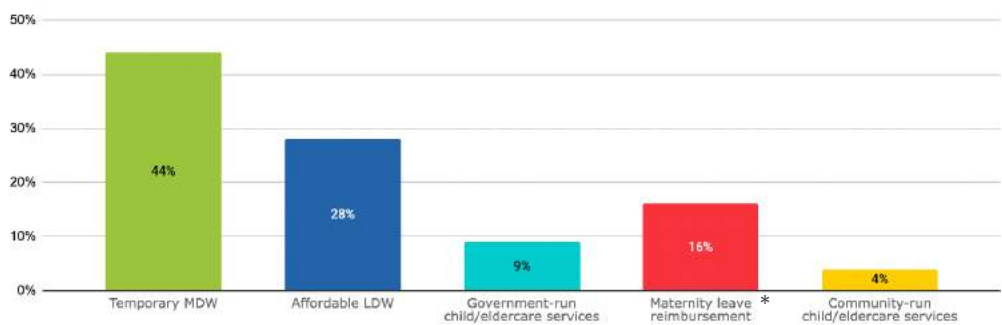


Figure 12: What solution would help an employer most with handling an MDW pregnancy?

Overall, the most preferred solution was temporary coverage of duties for the original MDW on maternity leave. This is a significant finding given the number of respondents who said they wanted employment agencies to provide a replacement worker - which underscores that this is the most preferred solution. It also shows that if the option to hire a temporary worker was available, this could tackle the problem of unlawful terminations and coerced resignations, an inclination demonstrated among 43% of responses who did not specifically consider the way they were bound to an existing contract.

However, in reality, a temporary relief worker scheme is currently unavailable as a solution, due to the standard two-year agreement that prohibits MDWs from working short-term contracts, as well as the requirement for them to live within the household. This amplifies the problem of constrained spaces as the employer needs to hire and house two workers simultaneously, as the only lawful means for meeting household needs and upholding a pregnant MDW's maternity protections.

* In December 2020, maternity leave was extended from 10 to 14 weeks, under an amendment to the Employment Ordinance, and soon after a Labour Department reimbursement scheme for the extension was also introduced. Currently, employers can apply for a reimbursement of four of the 14 weeks maternity leave pay, over which time they are required to pay 80% of the MDW's usual monthly salary.

6.4 Perceptions of societal support for Employers

Another survey finding was that 37% of respondents felt unsupported by Hong Kong society, and an equal number felt the opposite. 17% said they felt Hong Kong was somewhat supportive of employers. Employers were asked to substantiate these perceptions (n=62, analysed from comments with multiple themes).

- 39% of statements showed respondents felt unsupported by and unaware of organisations that help employers, as opposed to many concern groups that help MDWs.
- 27% of respondents felt there is a lack of laws and regulations to protect employers, especially in the case of emergencies such as pregnancy.
- 13% believed that they deserve more support because of Hong Kong’s large employer population.
- 5% felt it was difficult to discern societal support levels as there appear to be regulations in place that outline the rights of both employers and MDWs.

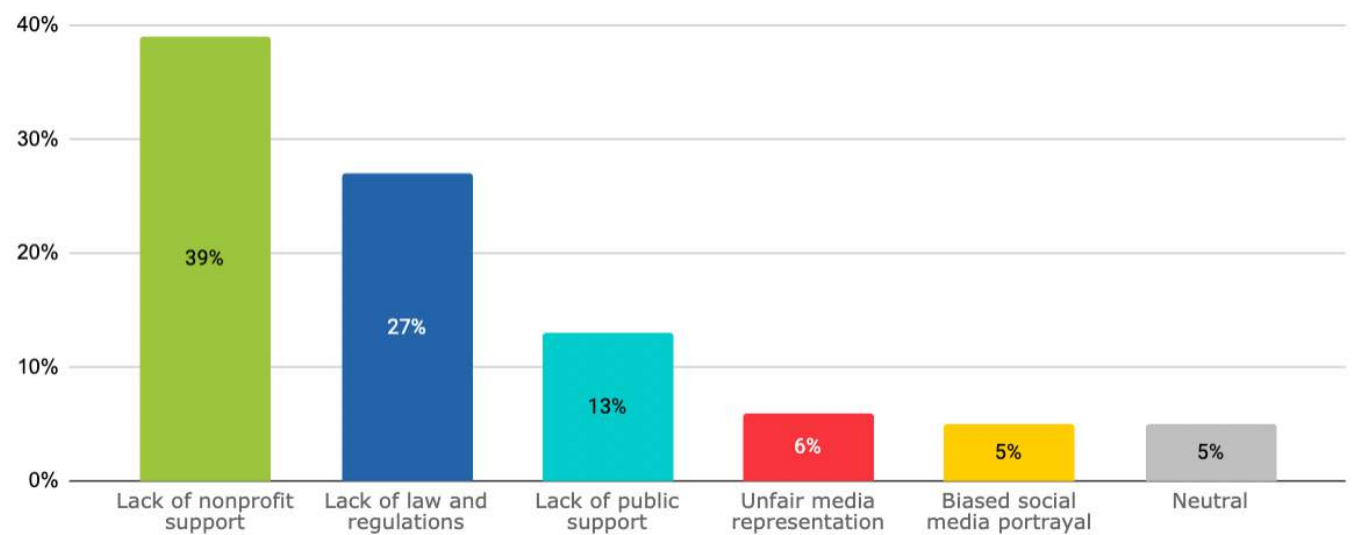


Figure 13: How supportive do you feel society is towards employers of MDWs?

These views are representative of a lack of understanding among respondents of the different levels of privilege and marginalisation within a global labour import economy. These views are important to consider: if employers think of themselves as a marginalised group due to more societal resources going toward MDWs, they are likely to see MDW maternity protections as providing this group rights at their expense.

Here, nonprofits play a vital role in broadening the work done by employment agencies to include legal and ethical guidance on how to provide maternity protections, as they are a focal point of information and knowledge on MDW contractual term and end rights.

7. Conclusions and Recommendations



By correlating survey findings, this report asserts that respondents' reliance on MDWs to run their household coupled with negative perceptions of MDW pregnancies preclude important understandings of their legal obligation to provide pregnant MDWs with maternity protections and leave.

The survey analysis finds a significant correspondence between the predominant use of employment agencies during the MDW hiring process and the strong expectation, then, that agencies provide a solution for the MDW's absence from work during maternity leave. Requests that the employment agency provides an expedient replacement without a clear indication that only temporary relief is required for the maternity-leave period point to a low understanding that breaking an employment contract due to pregnancy violates labour regulations.

Below, we suggest a combination of awareness-raising and market-driven solutions that can better equip employers to provide pregnant MDWs with maternity protection.

Raising Awareness

Employer knowledge and awareness-building are especially critical when the number of MDWs is forecast to rise to 600,000 by 2047, according to the Labour Department (Siu, 2017). Further research including in-depth interviews and focus groups with employers is needed to better understand their views, thought processes, and socioeconomic positionality. With this information, nonprofits can develop and disseminate educational material that can help employers correctly understand and apply maternity protections and labour regulations. Such work will benefit from strong collaboration with employment agencies so they can partner in providing lawful guidance to employers who require assistance handling a pregnancy. At the same time, MDWs need to be equipped with both reproductive healthcare knowledge and awareness of their maternity rights so they can notify employers following procedural regulations and ensure their access to crucial prenatal screenings.

Market Solutions

Projected growth in the MDW population is accompanied by a socioeconomic shift in its composition. In one study Adam Cheung (2021) anticipates an expanding working-class demographic making use of the FDH labour scheme alongside another that found a positive association between the employment of an MDW and the likelihood of a married couple having a second child. Both developments, he surmises, are likely to see increased MDW-employer conflict, particularly due to shared and limited living spaces (Ng, 2021). Recall that the survey revealed a predominantly middle to lower-middle-class employer demographic residing in small residential units (see Survey Methodology, page 8).

Such spatial constraints are further compounded if an MDW is taking 14 weeks of maternity leave within her employer's residence. The creation of a live-in relief worker scheme would be a viable solution, as most respondents indicated they would prefer a replacement worker to maintain the running of their household. LDW charges are as much as 160 HKD per hour for limited services (Consumer Council, n.d.) – compared with 4,630 HKD (minimum) per month for an MDW – and are therefore unaffordable for most households for an extended work period.

The provision of a temporary, live-in relief worker scheme would require changes to the existing two-year contractual term and live-in regulations before it could be widely implemented. Currently, an MDW and employer can apply to the Labour Commissioner to live-out under exceptional circumstances, which do not necessarily include maternity leave (Labour Department, 2019), and over the past 19 years only eight of 43 live-out applications have been approved (Access to Information request, April 28, 2022). Currently, the only viable solution is applying for another two-year MDW contract. For the average apartment dweller, however, space to simultaneously house two MDWs is not feasible.

8. References

- Anju, M. P. & Neo, P. (2017). Am I allowed to be pregnant? Awareness of pregnancy protection laws among migrant domestic workers in Hong Kong. *Journal of Ethnic and Migration Studies*, (September), 1-19. <http://dx.doi.org/10.1080/1369183X.2017.1367651>
- Census & Statistics Department. (n.d.) Households. Retrieved June 1, 2022, from <https://www.censtatd.gov.hk/en/scode500.html>
- Cheung, C., Chung, S.F., Ho, W., & Fung, E. (2017). Employers' concern does not help female foreign domestic workers sustain quality of life in Hong Kong. *Asia Pacific Journal of Social Work and Development*, 27 (3-4), 174-186. <https://doi.org/10.1080/02185385.2017.1406820>
- Constable, N. (2014). *Born out of place: Migrant mothers and the politics of international labour*. University of California Press.
- Consumer Council. (n.d.) Press release. Retrieved June 3, 2022, from <https://www.consumer.org.hk/en/press-release/p-544-domestic-helpers>
- Equal Opportunities Commission. (n.d.) Preventing sexual harassment: A guide for foreign domestic workers and their employers. Retrieved June 6, 2022, from <https://www.eoc.org.hk/compass/wp-content/uploads/2021/08/Preventing-Sexual-Harassment-A-Guide-for-Foreign-Domestic-Workers-and-Their-Employers-ENG.pdf>
- Experian & Enrich. (2019). *The value of care: Key contributions of migrant domestic workers to economic growth and family well-being in Asia*. <https://enrichhk.org/sites/default/files/2019-09/Final-The-Value-of-Care-Full-Report.pdf>
- Immigration Department. (2018). *Guidebook for the employment of domestic helpers from abroad*. [https://www.immd.gov.hk/pdfforms/ID\(E\)969.pdf](https://www.immd.gov.hk/pdfforms/ID(E)969.pdf)
- Labour Department. (2019). *A handbook for employing foreign domestic helpers*. https://www.fdhlabour.gov.hk/res/pdf/Handy_Guide_FDHs_eng.pdf
- Ng, K. (2021, November 15). Hong Kong couples who hire domestic helpers are more likely to have a second child, can devote more time to parenting, study finds. *South China Morning Post*. <https://www.scmp.com/news/hong-kong/society/article/3156146/hong-kong-couples-who-hire-domestic-helpers-are-more-likely>
- Ong, A. (2006). *Neoliberalism as exception: Mutations in citizenship and sovereignty*. Duke University Press.
- Siu, P. (2017, November 5). Hong Kong will need 600,000 domestic helpers in next 30 years amid demand for elderly care, labour chief says. *South China Morning Post*. <https://www.scmp.com/news/hong-kong/community/article/2118462/hong-kong-will-need-600000-domestic-helpers-next-30-years>
- Tam, D. D. (2017). Derrida's hospitality and Serres' parasitism: The case of Hong Kong. In Y. W. Chu (Ed.), *Hong Kong culture and society in the new millennium, The Humanities in Asia*, (pp. 179-192). Springer Nature. https://doi.org/10.1007/978-981-10-3668-2_10
- Ullah, A. A. (2010). Premarital pregnancies among migrant workers: The case of domestic helpers in Hong Kong. *Asian Journal of Women's Studies*, 16(1), 62-90. <https://doi.org/10.1080/12259276.2010.11666083>
- Xinhua. (2019, October 8). Behind Hong Kong's chaos lie deep-seated social problems. *China Daily*. https://www.chinadaily.com.cn/a/201909/08/WS5d743a94a310cf3e3556a50f_2.html#:~:text=MIDDLE%20CLASS'%20ANXIETY&text=It%20is%20not%20easy%20to,the%20University%20of%20Hong%20Kong