

Foreign Domestic Helpers (FDHs)



DO's...

Under the laws of Hong Kong and the Standard Employment Contract (SEC), you are entitled to

- Not less than one rest day in every period of seven days, statutory holidays and paid annual leave. Employers should not compel you to work during your rest day or make any form of payment in lieu of granting a statutory holiday to you.
- Wages as specified in the SEC and payable not later than seven days after the end of the wage period or the date of termination of the SEC. The contractual salary should be no less than the prevailing Minimum Allowable Wage when the SEC was signed.
- Free food (or food allowance in lieu), free accommodation with reasonable privacy at the employer's residence, free medical treatment and free passage to return to your place of origin on completion/termination of your contract.



When dealing with an employment agency (EA), you should

- Make sure that the EA has a valid EA licence issued by the Hong Kong Special Administrative Region (HKSAR) Government. Ask the staff to show you the EA licence or check online whether the EA is licensed.
- Make sure that you understand the contents of the SEC and service coverage before signing for confirmation. Keep the original copy of your signed employment contract.
- Pay the prescribed commission (the maximum of which is 10% of your first month's wages) to the EA only after you have received your first month's wages. Make sure you get a receipt from the EA for any payment made as soon as practicable.
- Keep your own personal identification documents (e.g. Hong Kong identity card and passport) and belongings (e.g. bankcards). No other persons, including your employer or staff of the EA, should force you to hand over these documents and keep them for you.

When your rights are infringed, you should

- Call the Police emergency hotline "999" immediately for assistance when you are subject to physical abuse or your personal safety is at risk.
- Call the Labour Department's 24-hour enquiry hotline "2157 9537" or approach the appropriate branch office of the Labour Relations Division of the Labour Department during office hours for enquiry and assistance when you are not paid your wages or any of your employment rights are infringed.



Foreign Domestic Helpers (FDHs)



DON'Ts...

During the course of employment, you

- Are not allowed to take up any employment with any person other than your employer, or reside at an address other than that specified in the SEC.
- Should not sign any salary statement or receipt before you have received your wages.



When dealing with an EA, you

- Should not pay the EA, other than the prescribed commission, any expenses or fees such as registration fees, reservation fees and photocopying fees.
- Should not pay the EA through a third party or by borrowing money from any financial services companies, even requested or suggested by the EA.



At all time, you

- Should not sign any document, agreement or contract with any person or organisation (including your employer or EA) if you do not understand the terms or if you are not sure about their meaning.
- Must not provide any false information (including your wages and employment address) in your SEC or else you may be liable for criminal offence for doing so.



Enquiries



For more information, please direct your enquiries to the relevant agencies or visit the websites below:

Departments	Scopes	Hotlines	Websites
Labour Department	Rights of and labour legislation on FDHs	2717 1771 (handled by "1823")	www.fdh.labour.gov.hk
	Dedicated hotline for FDHs	2157 9537 (handled by "1823")	
	EA licences and the prescribed commission	2115 3667	www.eaa.labour.gov.hk
Immigration Department	FDH Visa	2824 6111	www.immd.gov.hk/ eng/services/visas/foreign_ domestic_helpers.html
Customs and Excise Department	Unfair trade practices prohibited by the Trade Descriptions Ordinance	2815 7711	www.customs.gov.hk
Consumer Council	Consumer disputes	2929 2222	www.consumer.org.hk
Hong Kong Police Force	For emergencies	999	



Sunny Grass Comics Production

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Foreign domestic helpers, employers and employment agencies alike should carefully read this leaflet



For your protection: Do's and Don'ts

This leaflet aims at providing a quick-reference on the rights and obligations of foreign domestic helpers, employers and employment agencies pertaining to the employment of foreign domestic helpers. For details on the conditions of employment and the legal provisions, foreign domestic helpers, employers and employment agencies should refer to the standard employment contract (ID 407), and the Employment Ordinance. The Employment Ordinance remains the sole authority for the provisions set out in this leaflet, while the authority of interpretation of the law rests with the Court.

Employers of FDHs



DO's...

Under the laws of Hong Kong and the Standard Employment Contract (SEC), you should

- Pay your FDH on time and in full according to the wage specified in the SEC. The contractual rate should be no less than the prevailing Minimum Allowable Wage when the SEC was signed.
- Agree with your FDH on whether food will be provided free of charge during employment and specify such agreement in the SEC. If not, a food allowance of an amount not less than the prevailing rate when the SEC was signed should be given to the FDH each month.



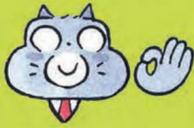
- Provide your FDH with not less than one rest day in every period of seven days.
- Arrange for your FDH to take statutory holidays, regardless of his/her length of service. If your FDH has been employed for a period of three months, he/she is eligible for paid statutory holidays.



- Provide your FDH with suitable accommodation with reasonable privacy at your residence.
- Reimburse your FDH for the cost of obtaining all necessary documents such as medical examination fees, authentication fees by the relevant Consulate, visa fees, insurance fees, administration fees or fees such as the Philippines Overseas Employment Administration fee, or other fees of similar nature imposed by the relevant government authorities.



Employment Agencies (EAs)



DO's...

EAs must comply with the "Code of Practice for Employment Agencies" at all times.



When dealing with employers, the licensee and staff of the EA should

- Provide accurate information and sound advice to employers and explain to employers the provisions of the relevant legislation (including the Employment Ordinance, the Employees' Compensation Ordinance and the Immigration Ordinance) and the Standard Employment Contract (SEC) (including the Minimum Allowable Wage, rest days, statutory holidays, annual leave, sickness allowance and wage payment).
- Before providing any service for employers, explain clearly to the employers the agency service coverage, charging scheme, guarantee period, refund policy, etc. and enter into written service agreement with them. When a potential candidate is identified, the information about the FDH, the expected date of reporting duty as well as the arrangements in case the FDH could not report duty as agreed or in case the employers request a replacement have to be clearly written down. Both the employer and EA should keep a copy of the agency service agreement, as well as the particulars of the identified FDH signed by both parties for record.
- Remind employers to consider taking out a comprehensive FDH insurance policy to cover possible medical expenses to be borne by employers under clause 9(a) of the SEC and in compliance with the Employees' Compensation Ordinance.
- Issue receipts to employers for any payments made and keep copy receipts for record.
- Encourage employers to release their FDHs to attend briefings, particularly those relating to the employment rights of FDHs, organised by the Consulates of the respective countries and/or HKSAR Government.

When dealing with FDHs, the licensee and staff of the EA must

- Keep the placement records. Issue receipts to FDHs for any payments made as soon practicable and keep copy receipts as part of the placement records.
- Explain clearly to FDHs their statutory rights and protection as well as channels for seeking redress while working in Hong Kong. Guide/advise FDHs in need to seek assistance from relevant government departments, particularly when they are suspected to be exploited, underpaid/not granted rest days/holidays, etc.



For matters related to an EA's licence, the licensee must

- Display clearly the valid EA licence and the Second Schedule to the Employment Agency Regulations (i.e. the maximum commission chargeable by an EA to a job-seeker) in a conspicuous position at the EA's place of business.
- Submit an application together with all supporting documents required for the renewal of the existing EA licence at least two months before its expiration. Or else the licence may not be renewed in time.
- Provide accurate and up-to-date information to the Labour Department (LD) for licence application, and notify LD of the following changes in writing within the statutory timeframe: (i) within 14 days after any change in the management; (ii) not less than 14 days before the change of place of business; and (iii) within seven days after the cessation of business.

Employment Agencies (EAs)



DON'Ts...

When dealing with employers, the licensee and staff of the EA

- Are not allowed to request or abet employers to make unlawful deduction of wages from FDHs for repayment of their loan or payment of commission/intermediary fees/training fees, or not granting them rest days or statutory holidays.
- Are not allowed to conspire with others to make false representations (in respect of wages, accommodation arrangements, etc.) which is an offence under the Immigration Ordinance, when applying for visa for FDHs.
- Are not allowed to advise employers to shift the burden to the FDHs of paying the relevant fees and expenses imposed by the relevant governments and/or organisations of the latter's home country before they come to work in Hong Kong.
- Are not allowed to provide false or misleading information about the FDHs to the employers.



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When dealing with FDHs, the licensee and staff of the EA

- Are not allowed to charge FDH a commission of more than 10% of the FDH's first month's wages.
- Are not allowed to retain the personal property of a FDH including passport, identity card, ATM bank cards/credit cards, employment contract, publications and leaflets distributed by the government/relevant Consulates to FDHs, etc.
- Are not allowed to receive any expenses or fees/charges, including but not limited to photocopying fees, registration fees, photo-taking fees and reservation fees from FDHs other than the prescribed commission, or receive commission before the FDHs have received the first month's wages; should not be involved in the financial matters of FDHs or arrange them to take up loans.
- Are not allowed to aid or abet FDHs to breach any law.
- Are not allowed to encourage or lure FDHs to terminate the employment contract prematurely.



For matters related to EA licence, the licensee

- Are not allowed to lend, transfer or assign his/her licence to another person.
- Are not allowed to conduct EA business at any place other than the licensed address.
- Are not allowed to conduct EA business before a licence is granted, or before the existing licence has been renewed after expiration.

Employers of FDHs



DO's...

During the FDH's course of employment, you are advised to

- Keep written records signed by both parties for any leave, wages, air tickets, etc. granted/paid to your FDH.
- Purchase the air ticket directly for your FDH to and from his/her place of origin, instead of cash in lieu, upon commencement of and on completion/termination of the SEC.
- Take out for the FDH under your employment a comprehensive FDH insurance policy covering medical insurance and employees' compensation as required under the SEC and Employees' Compensation Ordinance.
- Explain to your FDH the duties, and if necessary and where practicable, provide demonstrations.
- Agree with your FDH the work arrangements and give your FDH appropriate rest time.



- Maintain good communication and a harmonious relationship and foster mutual understanding and respect with your FDH.

When dealing with an employment agency (EA), you are advised to

- Acquire service from a licensed EA, and consult your family or friends about the EA's service standard and reputation.
- Protect yourself by agreeing with the EA on the details of the agency service before payment, including the service coverage, itemised fees, as well as refund or FDH replacement policy, and signing a written service agreement. If a suitable candidate is identified, the information about the FDH, the expected date of reporting duty, etc. have to be clearly stated in the agreement.
- Lodge a complaint with the Customs and Excise Department or the Consumer Council if you consider that the EA has deployed an unfair trade practice prohibited under the Trade Descriptions Ordinance, or if you wish to seek assistance in resolving a consumer dispute with the EA.
- Consult the Labour Department on labour issues or seek assistance from the relevant authorities where necessary.



Employers of FDHs



DON'Ts...

At all time, you

- must not deduct your FDH's wages for repaying the commission or training fees charged to the FDH by the EA and individuals/institutions; or the debts incurred by the FDH.



- must not resolve any disputes with your FDH through illegal acts.



- must not retain the personal property of your FDH (e.g. his/her passport/identity card, the bank's automatic teller machines/credit cards, employment contract, as well as the Government's publications and leaflets for FDHs). Otherwise, you may commit a criminal offence.



- must not hire non-local visitors as domestic helpers, request other people's FDHs to stand in as part-time or full time helpers, or deploy your FDH to perform non-domestic duties or to perform domestic or other duties in places other than the one specified in the SEC. This may constitute an offence under the Immigration Ordinance.

