

Know Your Obligations. Be a Responsible and Smart Employer.

A Handbook for Employing
Foreign Domestic Helpers



勞工處
Labour Department

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Matters to consider before employing FDHs



Matters to consider before employing Foreign Domestic Helpers (FDHs)

Since the 1970s, Hong Kong has been importing FDHs to meet the shortage of local live-in domestic helpers. Given the growing demand of local families for FDHs, it is expected that the number of FDHs in Hong Kong will continue to increase. When employing FDHs to do household chores and look after family members, employers should comply with the relevant legislation and contractual provisions. Before employing FDHs, employers are advised to consider carefully their families' needs and environment, and seek the views of their family members.

1.1 Is it necessary to employ FDHs?

FDHs shall only perform domestic duties as per the "Schedule of Accommodation and Domestic Duties" attached to the Standard Employment Contract (SEC) (ID 407), including household chores, cooking, looking after aged persons in the household, baby-sitting, child-minding, etc., in the employers' residence specified in the SEC. FDHs should also live in the employers' residence. Before deciding on whether to employ FDHs, employers are advised to assess their families' needs and consider whether it is necessary to employ live-in FDHs to perform domestic duties.

1.2 Am I suitable for employing FDHs?

Employers should consider carefully whether their financial situation and family environment are suitable for employing FDHs. Employers have to satisfy the criteria for employing FDHs (for details, please refer to Part 2: Procedures for employing FDHs), including:

- **Employers are financially capable of employing FDHs after deducting household expenditure**

For every FDH to be employed, employers must have a household income of no less than \$15,000 per month or assets of comparable amount to support the employment of an FDH for the whole contractual period. The household income requirement may be reviewed by the Government of the Hong Kong Special Administrative Region (HKSAR) from time to time. Apart from the monthly wages and other entitlements under the Employment Ordinance (EO), employers shall also provide FDHs with free medical treatment, food free of charge (or food allowance), and take out employees' compensation insurance.



- **Employers shall provide suitable accommodation and with reasonable privacy**

Employers shall provide FDHs with suitable accommodation and with reasonable privacy. Examples of unsuitable accommodation are: FDHs having to sleep on made-do beds in the corridor with little privacy or sharing a room with an adult/teenager of the opposite sex.



Apart from the above two requirements, employers should also comply with the relevant legislation such as the EO, the Employees' Compensation Ordinance (ECO), the Immigration Ordinance (IO), etc. as well as the requirements under the SEC for employing FDHs. For details, please refer to Part 3: Obligations of employers.

1.3 Other considerations

Employing FDHs will bring about changes to family life and probably lead to adaptation problems. For example:

- **Language difference:**

As FDHs may not understand Cantonese, it may take employers time and patience to communicate with them so as to let them understand the actual job requirements and families' needs;

- **Cultural difference:**

FDHs come from different countries which may differ from Hong Kong society in aspects such as cultural background, living habits, religious beliefs, dietary preferences, etc. Employers can address the adaptation problems brought by the differences in culture and living habits with an accommodating and accepting attitude, particularly at the beginning of employment during which both parties need some time to adjust and adapt to each other; and




- **Job requirements:**

Although FDHs already have experience in performing domestic duties before coming to Hong Kong, the needs of each family vary and employers may have different expectations of FDHs. Therefore, employers are advised to communicate in a friendly manner with FDHs more often, explain clearly the job requirements and give instructions to FDHs. Timely feedback and coaching to FDHs are also encouraged.



1.4 Employment of local domestic helpers

Apart from live-in FDHs, families in need can also consider employing local domestic helpers (LDHs), who do not normally live in their employers' residence, to assist in performing domestic duties. Major similarities and differences between employing FDHs and LDHs are tabulated below for reference.

Major similarities and differences between employing FDHs and LDHs

Employers' obligations	Employing FDHs	Employing LDHs
<p>Wages</p> 	<p>No less than the prevailing Minimum Allowable Wage (MAW) (for details, please refer to Section 3.3.1)</p>	<p>No less than the prevailing Statutory Minimum Wage for non-live-in domestic helpers (for details, please refer to the Minimum Wage Ordinance¹)</p>
<p>Food</p> 	<p>Employers shall provide food free of charge or pay the prevailing rate of food allowance</p>	<p>Employers are not required to provide food free of charge or pay food allowance and the arrangement is normally subject to agreement between both parties</p>
<p>Accommodation arrangement</p> 	<p>FDHs shall live in their employers' residence. Employers shall provide FDHs with suitable accommodation and with reasonable privacy</p>	<p>Unless agreed upon by both parties, LDHs do not usually live in their employers' residence</p>

¹ The Minimum Wage Ordinance does not apply to live-in domestic workers. Live-in domestic workers refer to domestic workers (including domestic helpers, carers, chauffeurs, gardeners, boat-boys, or other personal helpers) who dwell free of charge in their employing household, irrespective of their sex, race or nationality.

<p>Medical treatment</p> 	<p>Apart from taking out employees' compensation insurance under the ECO, employers shall also provide free medical treatment to FDHs during the employment period</p>	<p>Take out employees' compensation insurance under the ECO</p>
<p>Passage to and from the place of origin</p> 	<p>Employers shall pay for the passage to and from FDHs' place of origin</p>	<p>No relevant requirement</p>

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Procedures for employing FDHs



Procedures for employing FDHs

2.1 Channels for employing FDHs

Employers may employ FDHs through direct hire or employment agencies (EAs). Before employing FDHs, employers are advised to seek information such as the relevant application procedures, the required documents, fees (including the requirements and application procedures of the consulates concerned), etc. and consider whether to use EAs' services for employing FDHs.

2.1.1 Direct hire

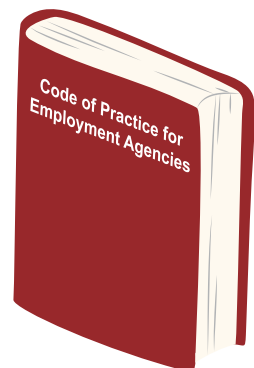
Employers may submit the required documents and fees directly to the Immigration Department (ImmD) and the consulates concerned.

2.1.2 Recruitment through EAs

It is common for employers to employ FDHs through EAs. Before using EAs' services, employers are encouraged to visit the EA Portal (www.eaa.labour.gov.hk) of the Labour Department (LD) for points-to-note when engaging EAs and for the list of licensed EAs, so as to protect their own interests. Employers may also make reference to the Code of Practice for Employment Agencies (CoP) promulgated by LD in which the major statutory requirements for operating EAs and the standards which the Commissioner for Labour expects from EAs are set out.

Employers are advised to pay attention to the following when using the services of EAs:

- Employers should only engage EAs with a valid licence for employing FDHs. The EA Portal provides a search function by name, district, placement type, etc. for checking whether an EA has a valid licence. The Portal also contains information such as records on conviction, refusal of renewal/revocation of licences, etc. in respect of EAs for public inspection. Employers are also advised to learn about the quality of services and reputation of EAs through other channels, such as asking friends and relatives. If an EA is suspected of operating without a valid licence, employers can report it to the Employment Agencies Administration of LD;
- To protect employers' interests, the CoP stipulates that EAs should draw up written service agreements with employers, in which the details of services, including the service scope, itemised fees, refund arrangement, FDH replacement arrangement, etc., should be set out. EAs should also provide receipts for any payment received from employers. Before deciding on which FDH to employ, employers should collect information from the EAs about the FDHs' language proficiency, skills, work experience, employment history in the past two years (if the FDHs agree to disclose such information to prospective employers), etc. If an FDH has been selected, the EA should provide particulars of the selected FDH in the service agreement, including a copy of the resume and the expected date of reporting duty. Should EAs fail to honour the agreed terms or be suspected of contravening the Trade Descriptions Ordinance, employers may lodge a complaint with the Consumer Council or the Customs and Excise Department;



- If EAs assist employers and FDHs in handling the SEC, EAs should send the originals of the completed SEC (signed by both parties) to both employers and FDHs as soon as practicable. If the SEC could not be signed by both parties at the same time, the EA should still provide a copy of the SEC that has been signed by the employer for the employer's retention;
- Employers must not deduct FDHs' wages for paying commission or making any payment to EAs on behalf of FDHs; and
- According to regulation 10 and Part II of the Second Schedule of the Employment Agency Regulations, the maximum commission which may be charged by an EA for each successful job placement shall be an amount not exceeding a sum equal to 10% of the first-month's wages received by the FDH after he/she has been placed in employment by the EA. If employers discover any EA overcharging FDHs, they should encourage the FDHs concerned to seek assistance from the Employment Agencies Administration of LD.

2.2 Procedures for employing FDHs

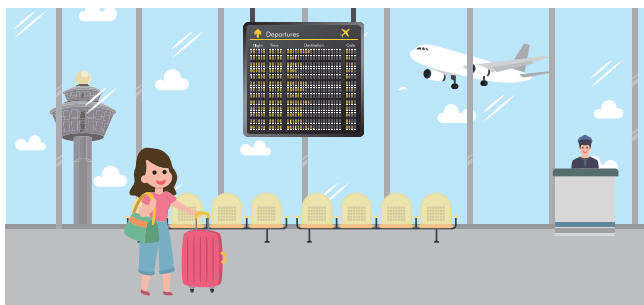
2.2.1 Employing FDHs from abroad

Eligibility Criteria

An employer who wishes to employ FDHs has to satisfy the following criteria:

- (a) the employer is financially capable of employing an FDH after deducting his/her household expenditure. For every FDH to be employed, the employer must have a household income of no less than \$15,000 per month or assets of comparable amount to support the employment of an FDH for the whole contractual period. The household income requirement may be reviewed by the HKSAR Government from time to time;

- (b) the FDH and the employer shall enter into the SEC (ID 407) as specified by the Director of Immigration;
- (c) the FDH shall only perform domestic duties for the employer as per the “Schedule of Accommodation and Domestic Duties” attached to the SEC (ID 407);
- (d) the FDH shall not be required or allowed by the employer to take up any other employment with any other person during his/her stay in the HKSAR and within the contractual period specified in Clause 2 of the SEC (ID 407);
- (e) the employer shall undertake to pay the FDH a salary that is no less than the MAW announced by the HKSAR Government and prevailing at the date of application for employing the FDH;
- (f) the FDH shall work and reside in the employer’s residence as specified in Clause 3 of the SEC (ID 407);
- (g) the FDH shall be provided with suitable accommodation and with reasonable privacy;
- (h) the bona fides of the employer and the FDH are not in doubt, and there is no known record to the detriment of the employer and the FDH. For details on what records will be taken into account, please refer to the section on “Breaches” below; and
- (i) the employer is a bona fide resident in the HKSAR.



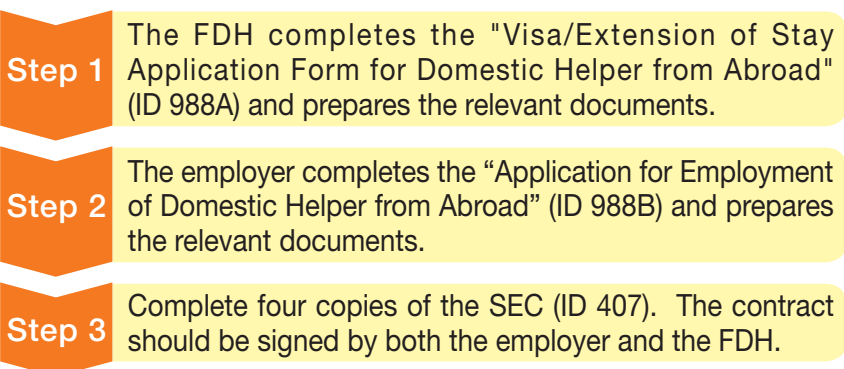
Breaches

An employer will normally be considered not eligible for employing an FDH for a period of time where he/she has breached/been convicted of any of the following breaches/offences:

- (a) offences relating to an FDH under the immigration laws (such as aiding and abetting in the breach of a condition of stay);
- (b) offences relating to an FDH under the labour laws;
- (c) offences relating to assault or harassment of an FDH;
- (d) breach of the SEC (ID 407); or
- (e) breach of the undertaking to the HKSAR Government under Part 5 of the “Application for Employment of Domestic Helper from Abroad” (ID 988B).

Application procedures for entry visas

An employer has to submit application to ImmD for an FDH’s entry visa. The major steps are shown in the flow chart below. For details, please refer to the “Guidebook for the Employment of Domestic Helpers from Abroad” published by ImmD.



Step 4

Submit the SEC to the respective consulate in the HKSAR for notarisation. (If required by the relevant consulate in the HKSAR. For enquiries, please check with the relevant consulate in the HKSAR for any necessary requirements.)

Step 5

Submit all the documents to ImmD by post or in person for processing.

Step 6

ImmD will send an acknowledgement letter upon receipt of the application.

Step 7

It normally takes about four to six weeks to process the application upon receipt of all the required documents. Even if the employer has submitted all the required documents indicated in the "Guidebook for the Employment of Domestic Helpers from Abroad", ImmD may still request the employer to attend an interview for the application. Furthermore, other documents in support of the application may be required by the processing officer in individual cases.

Step 8

If the application is approved, ImmD will notify the employer by letter to collect the visa.

2.2.2 Arrangement for contract renewal

Employers who wish to renew contracts with their FDHs upon completion of the two-year contract should submit fresh applications to ImmD within eight weeks prior to the completion of the existing contract. Details on the required procedures can be found in the "Guidebook for the Employment of Domestic Helpers from Abroad" published by ImmD.

In accordance with Clause 13 of the SEC, the FDH shall, between the expiry of an old contract and the commencement of a new

contract, return to his/her place of origin for vacation of not less than seven days, with the passage paid by the employer. The FDH shall not stay in the HKSAR longer than the permitted limit of stay.

Under normal circumstances, an FDH shall return to his/her place of origin after the completion of a contract and apply for a visa for returning to the HKSAR to commence a new contract. If circumstances do not permit the FDH to return to his/her place of origin for vacation immediately upon completion of the old contract, subject to mutual agreement between the employer and the FDH, the FDH may apply for an extension of stay to defer the vacation leave. The FDH and the employer should complete the relevant parts of the application forms (ID 988A and ID 988B) respectively and submit them to ImmD for consideration. However, such an extension of stay normally does not exceed one year.

2.2.3 Fees

Under Clause 8 of the SEC, the employer shall be responsible for the fees and expenses for the FDH to work in Hong Kong, including:

- medical examination fees;
- authentication fees by the relevant consulate;
- visa fee;
- insurance fee;
- administration fee or fee such as the Philippines Overseas Employment Administration fee, or other fees of similar nature imposed by the relevant government authorities; and
- other fees.



In the event that FDHs have paid the above fees in advance, employers should reimburse the FDHs as soon as practicable and ask the FDHs to sign and acknowledge the reimbursement in writing. If the amount paid to EAs already included the fees for processing the documents of FDHs, employers should ask the EAs for receipts as proof of payment.

2.3 Signing the SEC

Before signing the contract, employers should obtain an understanding of the background of the FDHs, such as through interviews and checking their resumes, in order to choose the ones who suit their families' needs. Here are some examples:

- FDHs' background such as living habits, hobbies, etc.;
- FDHs' academic qualifications;
- FDHs' communication abilities;
- FDHs' work experience; and
- the possession of relevant skills and trainings by FDHs.



Employers may consider the medical examination items that FDHs are required to undergo in light of their families' needs. Before signing the contract, employers should ensure that the FDHs have undergone medical examinations and scrutinise their medical certificates.

To facilitate FDHs to understand the accommodation arrangement, employers are advised to, through EAs or other means, provide information on such arrangement with photographs or written descriptions, etc. for FDHs' reference before signing the SEC.

2.4 Furnishing false information is an offence

An employer who makes false representation to an immigration officer in his/her application for an FDH's visa, such as providing information on financial situation and proof of residential address which he/she knows to be false or does not believe to be true; falsely claiming to pay wages at the rate specified in the SEC; making false representation that an FDH will work and reside in the employer's residence after arrival in Hong Kong, etc. is an offence. Under the IO, any person who makes false representation to an immigration officer is liable to, upon conviction, a maximum fine of \$150,000 and imprisonment for 14 years. Any aider and abettor is also liable to prosecution.

Obligations of employers



Obligations of employers

FDHs are entitled to the same employment rights and protection as local workers under the EO and the ECO. Employers should also observe the employment terms set out in the SEC for employing FDHs. The SEC is prescribed by the HKSAR Government and is the only official employment contract for employing FDHs.

3.1 Restrictions on deployment

FDHs must comply with the IO and the conditions of stay stipulated on their visas. An FDH who breaches the conditions of stay, or an employer who aids/abets an FDH to breach the conditions of stay, is liable to prosecution.

An FDH must reside at the residential address of his/her employer as specified in the SEC and perform domestic duties for the employer named on his/her visa. It is provided in the SEC that:

- Clause 4(a) - The FDH shall only perform domestic duties for the employer as per the “Schedule of Accommodation and Domestic Duties” attached to the SEC;
- Clause 4(b) - The FDH shall not take up, and shall not be required by the employer to take up, any other employment with any other person;
- Clause 4(c) - Clauses 4(a) and (b) will form part of the conditions of stay to be imposed on the FDH by ImmD upon the FDH’s admission to work in Hong Kong.

A breach of one or both of the said conditions of stay will render the FDH and/or any aider and abettor liable to prosecution.

3.1.1 FDHs shall only perform domestic duties

FDHs shall only perform domestic duties. The domestic duties, such as household chores, cooking, looking after aged persons in the household, baby-sitting, child-minding, etc., should be specified clearly in the “Schedule of Accommodation and Domestic Duties” attached to the SEC. If an employer requires an FDH to perform non-domestic duties, he/she will commit an offence under the IO and is liable to prosecution.



3.1.2 FDHs shall not take up part-time employment



An FDH who takes up employment with any person other than the employer specified on his/her visa will be in breach of the IO. He/she will be liable to prosecution and removal from the HKSAR for breaching the conditions of stay. If an FDH is so removed, he/she will not normally be allowed to come to Hong Kong to work as an FDH again. Besides, if an employer deploys an FDH to work for another person other than the employer specified on his/her visa, or asks the FDH to perform non-domestic duties, the employer will be in breach of the IO and is liable to prosecution.

If any person employs an FDH to perform a part-time job, he/she will be in breach of the IO and is liable to prosecution. Employing an illegal worker is a serious offence and liable to, upon conviction, a maximum fine of \$350,000 and imprisonment for three years.

3.1.3 FDHs shall not perform domestic duties in places other than the employers’ residence specified in the SEC

An FDH shall only perform domestic duties at the employer’s residential address specified in the SEC. It is a breach of the SEC and/or relevant legislation to arrange an FDH to perform domestic or non-domestic duties in other residences of the employer or outside the HKSAR.

Some common examples relevant to employing FDHs to perform domestic duties are as follows.

Situations	Explanations
<p>Friends/relatives are invited home for social gatherings and the FDH is requested to serve the guests and prepare refreshments, beverages and food.</p> 	<p>There is no breach of the relevant requirements so long as the duties required to be performed by the FDH are the domestic duties specified in the “Schedule of Accommodation and Domestic Duties” attached to the SEC.</p>
<p>The FDH is requested to bring food or daily necessities to members who live together in the same household but are temporarily hospitalised.</p> 	<p>There is no breach of the relevant requirements so long as it is only a temporary arrangement to bring food or daily necessities to household members.</p>

The FDH is requested to stay full-time in an elderly home to take care of the employer's parents.



The FDH shall only perform domestic duties at the employer's residential address specified in the SEC. Deploying the FDH to stay full-time in an elderly home, meaning the FDH's main workplace is effectively the elderly home, cannot be regarded as genuine domestic duties.

The FDH is requested to perform duties outside the employer's residence such as doing groceries, car-washing, bringing children to activities, taking care of children while dining in a restaurant or at a friend/relative's home.



These duties are services provided to the employer or his/her family members living in the same household. They are considered as domestic duties.

The employer resides alternately at two addresses, and the FDH is requested to perform domestic duties at the other residential address of the employer.



The employer's residence refers to a single residential address in one location. The employer cannot request the FDH to work at another residential address of the employer other than the one specified in the SEC.

3.1.4 Requirements on performing driving duties

According to the SEC, domestic duties to be performed by FDHs exclude driving of a motor vehicle. Moreover, the visa granted to FDHs to take up employment in Hong Kong is subject to the condition of stay that performing of driving duties is not permitted.

However, to address the genuine needs of some employers, a special arrangement is made by ImmD to allow FDHs to perform driving duties which are incidental to or arising from domestic duties, i.e. driving duties arising from the five major categories of domestic duties (household chores, cooking, looking after aged persons in the household, baby-sitting and child-minding). Requesting FDHs to drive employers to and from the office, transport goods, etc. are not included. If employers would like their FDHs to perform driving duties related to domestic duties, they may apply to the Director of Immigration for special permission.

3.1.5 Arranging FDHs to work outside Hong Kong is prohibited

An FDH shall only perform domestic duties at the employer's residential address. If an employer breaches the terms of the SEC and the relevant undertaking in the application forms, irrespective of whether it is voluntary on the part of the FDH, ImmD may take such conduct into account in considering any future application for employing FDHs from the employer concerned. Such application may be refused. If an employer and/or FDH provides false information during the application process, they may be in breach of the IO and liable to prosecution.

3.2 “Live-in requirement”

Under Clause 3 of the SEC, the FDH shall, during the employment period in Hong Kong, work and reside in the employer's residence specified in the contract. The “live-in requirement” is applicable throughout the FDH's

employment period, including the period when he/she is on rest days, statutory holidays and paid annual leave in Hong Kong. If the employer is away from Hong Kong or resides elsewhere from home for a short period of time, the FDH should not be compelled to take leave during that time, or to leave the employer's residence to reside in another place.



Tips

Q : Can an employer apply for his/her FDH to reside in places other than the employer's residential address specified in the SEC? For example, can an FDH live in places other than the employer's residence during pregnancy or maternity leave?

A : Under Clause 3 of the SEC, the FDH shall work and reside in the employer's residence specified in the contract during the employment period.

The "live-in requirement" is applicable throughout the FDH's employment period in Hong Kong, including the period of an FDH's pregnancy or leave (including maternity leave).

Under Clause 15 of the SEC, if the employer wishes to vary Clause 3 of the SEC so that the FDH can reside in places other than the employer's residence, prior consent of the Commissioner for Labour (the Commissioner) shall be obtained. In considering whether to allow an FDH to reside in places other than the employer's residence, the Commissioner will assess each case on its own merits. In general, unless under very exceptional circumstances, the Commissioner will not approve an FDH to live in places other than the employer's residence specified in the SEC. Having mutual agreement between the FDH and the employer alone will normally not be considered by the Commissioner as a special reason.

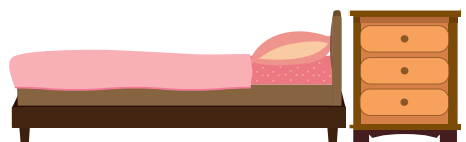
3.2.1 Employers shall provide FDHs with suitable accommodation and with reasonable privacy

Under Clause 5(b) of the SEC, the employer shall provide the FDH with suitable and furnished accommodation free of charge. Under Item 3A of the “Schedule of Accommodation and Domestic Duties” attached to the SEC, the employer shall provide the FDH with suitable accommodation and with reasonable privacy. The Item also lists examples of unsuitable accommodation, including but not limited to the FDH having to sleep on made-do beds in the corridor with little privacy and sharing a room with an adult/teenager of the opposite sex.

Moreover, when employers submit applications for employing FDHs, they should undertake to the HKSAR Government that they will provide FDHs with suitable accommodation and with reasonable privacy, and specify the accommodation arrangement to be provided to FDHs (e.g. whether a separate room is provided or not, or which household member to share a room with) in the SEC. If employers cannot prove that suitable accommodation and with reasonable privacy will be provided to FDHs, the applications may be refused.

3.2.2 Providing essential facilities to FDHs

Under Item 3B of the “Schedule of Accommodation and Domestic Duties”, the employer shall provide the FDH with essential facilities free of charge, including light and water supply, toilet and bathing facilities, bed, blankets or quilt, pillows, wardrobe, etc. Employers are advised to communicate with FDHs and provide them with essential daily necessities.



3.2.3 Revised Schedule of Accommodation and Domestic Duties

If there are substantial changes to the employer's residence and number of household members to be served, the accommodation and facilities to be provided, or domestic duties, the employer should inform the FDH and ImmD. The employer should submit a copy of the "Revised Schedule of Accommodation and Domestic Duties" (ID 407G) signed by both parties to ImmD for record.

3.3 Wages and food

3.3.1 MAW and food free of charge (or food allowance)

Employers shall pay FDHs an amount of wages not less than the MAW announced by the HKSAR Government and prevailing at the date of the contract. The current MAW rate is available on the FDH Portal of LD (www.fdh.labour.gov.hk).

Under Clause 5(b) of the SEC, the employer shall provide the FDH with food free of charge. At present, most of the employers provide FDHs with food free of charge. If food is not provided free of charge, FDHs shall be paid food allowance. The current food allowance rate is available on the FDH Portal of LD (www.fdh.labour.gov.hk).

3.3.2 Pay day for wages

Employers shall pay wages to FDHs not less than once every month. FDHs' wages shall become due on the expiry of the last day of the wage period. Employers shall pay wages to FDHs as soon as practicable but in any case not later than seven days after the end of the wage period. If an employer fails to pay wages to an FDH on time, he/she is required to pay interest on the outstanding amount of wages to the FDH. An employer who wilfully and without reasonable excuse fails to pay wages to an FDH on time is liable to prosecution and, upon conviction, to a maximum fine of \$350,000 and imprisonment for three years. If wages are not paid within

one month after they become due, an FDH may deem the contract to be terminated by the employer without notice. Under such circumstances, the employer is required to pay payment in lieu of notice in addition to other relevant termination payments to the FDH.

3.3.3 Methods of wage payment

Employers can agree with FDHs regarding the methods of wage payment such as by cheque, bank transfer, cash, etc. Employers are advised to pay wages by cheque or bank transfer to obtain payment record for retention. If the payment is made by bank transfer, employers should deposit the payment into a personal bank account held in the FDH's name. The payment should not be collected via a third party. Employers are therefore advised to open a bank account in Hong Kong for their FDHs after their arrival in Hong Kong, so as to facilitate wage payment and other payments in the future. Regardless of the payment method, employers should keep record on wages/payments and ask the FDHs to acknowledge receipt in writing to avoid future disputes. Samples of payment receipts in different languages have been uploaded to the FDH Portal of LD (www.fdh.labour.gov.hk) for employers' reference.

3.4 Rest days, statutory holidays, paid annual leave and other leave entitlements

Under the EO, FDHs are entitled to rest days, statutory holidays and paid annual leave. Employers should agree with FDHs on leave arrangement to accommodate the needs of both parties. If special arrangement is needed to suit an employer's routine, the employer should agree with the FDH on a schedule for the FDH to go out and return home. Under no circumstances should an FDH be assigned to work during his/her leave, such as requesting the FDH to clean the household before he/she leaves home or wash the dishes after he/she returns home, etc. Besides, employers should keep records on FDHs' leave and leave payment to FDHs to avoid future disputes.

3.4.1 Grant of rest days

Employers should grant FDHs not less than one rest day in every period of seven days. A rest day is a continuous period of not less than 24 hours. Rest days may be granted on a regular or an irregular basis. Unless the rest days appointed by an employer are on a regular basis, the employer shall inform the FDH of his/her appointed rest days before the beginning of each month.



Except in unforeseen emergency, employers shall not require FDHs to work on a rest day, which is a continuous period of not less than 24 hours. For any rest day on which an FDH is required to work, the employer shall substitute some other rest day within 30 days after the original rest day, and shall notify the FDH of the arrangement within 48 hours after the FDH is required to work. An employer who compels an FDH to work on a rest day is liable to prosecution and, upon conviction, to a maximum fine of \$50,000.

Besides, an employer may substitute some other rest day with the consent of the FDH, in which case it must be within the same month before the original rest day or within 30 days after it. An employer who without reasonable excuse fails to grant rest days to an FDH is liable to prosecution and, upon conviction, to a maximum fine of \$50,000.

3.4.2 Grant of statutory holidays

Employers must grant FDHs a total of 12 statutory holidays in a year. If an employer is unable to allow an FDH to take leave on the day of the statutory holiday, a prior notice of not less than 48 hours and an alternative holiday



within 60 days before or after the original holiday shall be given to the FDH. If a statutory holiday falls on a rest day, the FDH shall be granted a holiday on the next day which is not a statutory holiday or an alternative/substituted holiday or a rest day. Besides, if the FDH has been employed continuously for not less than three months immediately preceding a statutory holiday, he/she is entitled to holiday pay. The holiday pay shall be paid to the FDH not later than the day on which he/she is next paid the wages after that statutory holiday. Under no circumstances shall the employer make any form of payment to the FDH in lieu of granting a statutory holiday.

An employer who without reasonable excuse fails to grant statutory holidays or alternative/substituted holidays, or fails to pay holiday pay to an FDH is liable to prosecution and, upon conviction, to a maximum fine of \$50,000.

3.4.3 Grant of paid annual leave

Employers must grant FDHs paid annual leave for every 12 months that the FDHs have been employed. Entitlement to paid annual leave increases progressively from seven days to a maximum of 14 days according to an FDH's length of service:

Years of Service	Paid annual leave entitlements
1	7
2	7
3	8
4	9
5	10
6	11
7	12
8	13
9 or above	14

Employers should discuss with FDHs the arrangement of paid annual leave and inform the FDHs of the dates of the annual leave in writing at least 14 days in advance, unless a shorter notice period has been mutually agreed upon. Any rest day or statutory holiday falling within the period of annual leave will be counted as annual leave and employers must appoint another rest day or statutory holiday for their FDHs.

Employers must pay FDHs the annual leave pay not later than the normal pay day after the period of annual leave taken. An employer who without reasonable excuse fails to grant annual leave or fails to pay annual leave pay to an FDH is liable to prosecution and, upon conviction, to a maximum fine of \$50,000.

3.4.4 Other leave: no pay leave and seven days of paid/unpaid leave upon renewal of contract

The arrangement of taking no pay leave should be mutually agreed by both parties and no arrangement should serve to reduce the protection enjoyed by FDHs under the EO. Employers should not unilaterally compel FDHs to take no pay leave.

Under Clause 13 of the SEC, if both parties agree to enter into a new contract upon expiry of the existing one, the FDH shall return to his/her place of origin for a vacation of not less than seven days before the new contract commences (unless prior approval for an extension of stay was given by the Director of Immigration). Whether the vacation leave is paid or unpaid depends on the terms set out in the contract.

3.5 Taking out employees' compensation insurance for FDHs

3.5.1 Obligations under the ECO

Under the ECO, employers are required to take out employees' compensation insurance to cover their liabilities under the law (including the common law) for injuries at work in respect of all employees (including FDHs). An employer who fails to comply with the ECO to secure an insurance cover is liable to prosecution and, upon conviction, to a maximum fine of \$100,000 and imprisonment for two years.



Employers shall bear the full cost of the insurance policy and shall not make any deduction from the earnings of FDHs to defray the cost. Employers are required, at the written request of FDHs, to produce the insurance policy and other documents relating to the policy for inspection. An FDH suffering from incapacity arising from an occupational disease specified in the ECO is entitled to receive the same compensation and protection as those provided to an FDH injured in an accident arising out of and in the course of employment. When an FDH sustains a work injury or contracts an occupational disease specified under the ECO, the employer shall notify LD and the insurer as soon as practicable.

3.5.2 Handling work injury

If an employee sustains an injury or dies as a result of an accident arising out of and in the course of his/her employment, the employer is in general liable to pay compensation under the ECO even if the employee might have committed acts of faults or negligence when the accident occurred.

Employers shall notify the Commissioner of any work injury within 14 days (seven days for fatal cases) after the work accident. An employer who without reasonable excuse does not give notice of an FDH's accident on time, fails to give notice, or makes or furnishes any false or misleading statement to the Commissioner is in breach of the ECO and, upon conviction, liable to a maximum fine of \$50,000. The compensation includes periodical payments, medical expenses and lump sum compensation (in the case of death, or an FDH suffering permanent total or partial incapacity resulting from a work injury). An employer who without reasonable excuse fails to pay the compensation or relevant surcharge is in breach of the ECO and, upon conviction, liable to a maximum fine of \$100,000.



If an accident incapacitates the FDH for not more than seven days and does not result in permanent incapacity, an employer may make direct payment or agree with the FDH as to the compensation payable in accordance with the ECO. For other cases, the Commissioner will assess the compensation payable under the ECO and issue to the employer and the FDH a Certificate of Compensation Assessment stating the amount of compensation payable. An employer shall not terminate the employment contract of an injured FDH unless the relevant Certificate has been issued by LD, or the compensation claim has been settled with the FDH.

3.6 Medical treatment

3.6.1 Providing free medical treatment to FDHs

Under Clause 9(a) of the SEC, in the event that the FDH is ill or suffers personal injury during the period of employment (except for

the period during which the FDH leaves Hong Kong of his/her own volition and for his/her own personal purposes), regardless of whether this arises out of employment, the employer shall provide free medical treatment to the FDH, including medical consultation, maintenance in hospital and emergency dental treatment. The FDH shall accept medical treatment by any registered medical practitioner as provided by the employer.



3.6.2 Taking out of medical insurance suggested

In order to manage unexpected costs arising from medical expenses incurred by FDHs who suffered personal injury or fell ill, employers are encouraged to take out comprehensive FDH insurance policies which cover both medical insurance and employees' compensation insurance. A variety of comprehensive insurance products designed for FDHs are available in the insurance market. Employers can choose the insurance plan that meets their needs.

3.6.3 Sick leave and sickness allowance

Under the EO, an employer shall pay an FDH sickness allowance if:

- the sick leave taken is not less than four consecutive days (unless for any day off taken by the FDH for her pregnancy check-ups, post confinement medical treatment or miscarriage, any such day on which she is absent shall be counted as a sickness day and, subject to the following conditions, be paid sickness allowance);



- the FDH has accumulated a sufficient number of paid sickness days (paid sickness days are accumulated at the rate of two paid sickness days for each completed month of the FDH's employment during the first 12 months; and four paid sickness days for each completed month of employment thereafter. Paid sickness days can be accumulated throughout the whole employment period, but shall not exceed 120 days at any one time); and
- the sick leave is supported by an appropriate medical certificate.

The daily rate of sickness allowance is a sum equivalent to four-fifths of the average daily wages of the FDH*. It shall be paid to the FDH not later than the normal pay day. An employer who without reasonable excuse fails to pay the sickness allowance to an FDH is liable to prosecution and, upon conviction, to a maximum fine of \$50,000.

Except in cases of summary dismissal due to the FDH's serious misconduct, dismissal of an FDH who is on paid sick leave is prohibited, or otherwise liable to prosecution and, upon conviction, to a maximum fine of \$100,000. Moreover, the employer is required to pay the FDH payment in lieu of notice and other relevant compensation payments*. The dismissed FDH may also claim remedies for unreasonable and unlawful dismissal under the EO.

Even if the FDH is not eligible for sickness allowance (such as he/she has not yet accumulated a sufficient number of paid sickness days, the sick leave taken is less than four consecutive days, etc.), the FDH might still need to take sick leave if he/she is feeling unwell or injured. The employer should allow the FDH to rest for recovery, and should not ask the FDH to work when he/she is on sick leave.

* For more details on the calculation of the sickness allowance and compensation payments, please refer to "A Concise Guide to the Employment Ordinance".

3.7 Maternity protection and paternity leave

3.7.1 Maternity leave and maternity leave pay

A female FDH is eligible for ten weeks' maternity leave if she has given the employer notice of pregnancy and her intention to take maternity leave². The FDH is entitled to maternity leave pay if she:



- has been employed for not less than 40 weeks immediately before the commencement of the scheduled maternity leave;
- has given notice of pregnancy and her intention to take maternity leave to her employer after the pregnancy has been confirmed (such as presentation of a medical certificate confirming her pregnancy to the employer); and
- has produced a medical certificate specifying the expected date of confinement if so required by the employer.

FDHs are entitled to ten weeks of paid maternity leave. The daily rate of maternity leave pay is a sum equivalent to four-fifths of the average daily wages of the FDH* and it shall be paid on the normal pay day of the FDH. An employer who fails to grant maternity leave to a pregnant FDH or fails to pay maternity leave pay to an FDH is liable to prosecution and, upon conviction, to a maximum fine of \$50,000.

² Maternity leave includes:

- a continuous period of ten weeks' maternity leave;
- if confinement occurs later than the expected date of confinement, a further period equal to the number of days from the day after the expected date of confinement to the actual date of confinement;
- an additional period of leave for not more than four weeks on the grounds of illness or disability due to the pregnancy or confinement.

3.7.2 Other protection

If a pregnant FDH produces a medical certificate with an opinion as to her unfitness to handle heavy materials, work in places where gas injurious to pregnancy is generated, or do other work injurious to pregnancy, the employer may not allocate such work to the FDH. If the FDH is already performing such work, the employer shall within 14 days after receiving such request remove her from that work. An employer who without reasonable excuse fails to comply with the relevant requirements is liable to prosecution and, upon conviction, to a maximum fine of \$50,000.

Except in cases of summary dismissal due to the FDH's serious misconduct, an employer is prohibited from dismissing a pregnant FDH from the date on which she is confirmed pregnant by a medical certificate to the date on which she is due to return to work upon the expiry of her maternity leave. An employer who fails to comply with the above requirement is liable to prosecution and, upon conviction, to a maximum fine of \$100,000. Besides, the employer is required to pay the FDH payment in lieu of notice and other relevant compensation payments*. The dismissed FDH may also claim remedies for unreasonable and unlawful dismissal under the EO.



* For more details on the calculation of the maternity leave pay and compensation payments, please refer to “A Concise Guide to the Employment Ordinance”.



Tips

Q : Apart from the above requirements, how should employers deal with pregnancy of FDHs?

A : No other maternity arrangement in respect of FDHs is stated in the EO and the SEC. Employers and FDHs are advised to discuss the maternity leave arrangement as soon as possible in order to reach an agreement on it. If an FDH wishes to return to her place of origin to give birth and take maternity leave, both parties can discuss the relevant arrangement and may allow the FDH to take leave other than her maternity leave (if applicable) before 36 weeks of pregnancy, so that she and her baby may have the support from her family and friends in her home country, and the FDH may resume duty upon the expiry of her maternity leave.

3.7.3 Paternity leave and paternity leave pay

A male FDH who is the father³ of a new-born child or a father-to-be (the child can be born in or outside Hong Kong), and who has given notification to the employer as required under the law, is entitled to five days' paternity leave for each confinement of his spouse/partner (the five-day paternity leave can be taken in one go or on separate days). The male FDH is entitled to paid paternity leave if he:



³ The FDH is not required to be married to the mother of the new-born child for entitlement to paternity leave under the EO.

- has been employed for not less than 40 weeks immediately before the day of the paternity leave; and
- has provided the required document to the employer within the 12 months after the first day of paternity leave taken, or if he ceases to be employed, within six months after cessation of employment (whichever period expires first):
 - the birth certificate of the child on which the FDH's name is entered as the child's father; or
 - if the child is born dead or dies after birth and no birth certificate has been issued in respect of the child, the FDH must produce a medical certificate certifying the delivery of the child.

The daily rate of paternity leave pay is a sum equivalent to four-fifths of the average daily wages of the FDH*. The employer shall pay the FDH paternity leave pay within the following time limit:

- if the FDH has provided the required document to the employer before the day on which paternity leave is taken, the employer must pay him paternity leave pay:
 - not later than the day on which he is next paid his wages after the day of paternity leave; or
 - if the FDH has ceased to be employed, within seven days after cessation of employment.
- if the FDH provides the required document to the employer after taking paternity leave, the employer must pay him paternity leave pay:
 - not later than the day on which he is next paid his wages after the document is provided; or
 - if the FDH has ceased to be employed, within seven days after the document is provided.

An employer who without reasonable excuse fails to grant paternity leave or fails to pay paternity leave pay to an FDH is liable to prosecution and, upon conviction, to a maximum fine of \$50,000.

* For more details on the calculation of the paternity leave pay, please refer to “A Concise Guide to the Employment Ordinance”.

3.8 Termination of employment contract

3.8.1 Arrangement for contract termination

Under Clause 10 of the SEC, both the employer and the FDH may terminate the contract by giving one month’s notice in writing or one month’s wages in lieu of notice. Either party can only terminate the contract without notice or payment in lieu of notice under special circumstances⁴. The party that proposes the termination of contract should have sufficient justification for doing so, otherwise, he/she may face a claim from the other party.

4

<p>An employer can terminate the employment contract without notice or payment in lieu of notice under the following circumstances if the FDH, in relation to the employment:</p> <ul style="list-style-type: none"> - wilfully disobeys a lawful and reasonable order from the employer; - misconducts himself/herself; - is guilty of fraud or dishonesty; or - is habitually neglectful in his/her duties. 	<p>An FDH can terminate the employment contract without notice or payment in lieu of notice under the following circumstances:</p> <ul style="list-style-type: none"> - the FDH reasonably fears physical danger by violence or disease; - the FDH is subjected to ill-treatment by the employer; or - the FDH has been employed for not less than five years and is certified in a specified form issued by a registered medical practitioner or a registered Chinese medicine practitioner as being permanently unfit for his/her present job.
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An employer shall not dismiss an FDH under the following circumstances:

Maternity protection	An employer shall not dismiss an FDH who has been confirmed pregnant and has served a notice of pregnancy.
Paid sick leave	An employer shall not dismiss an FDH who is on paid sick leave.
Giving evidence or information to the authorities	An employer shall not dismiss an FDH by reason of his/her giving of evidence or information in any proceedings or inquiry in connection with the enforcement of the EO or work accidents.
Trade union activities	An employer shall not dismiss an FDH for joining trade union or union activities.
Injury at work	An employer shall not dismiss an injured FDH before having entered into an agreement with the FDH for employee's compensation or before the issue of a certificate of assessment.

An employer dismissing an FDH under the above circumstances is liable to prosecution and, upon conviction, to a maximum fine of \$100,000. In addition, the employer is required to pay the FDH payment in lieu of notice and other relevant compensation payments*. The dismissed FDH may also claim remedies for unreasonable and unlawful dismissal under the EO.



Employers and employees who have labour disputes or wish to terminate the contract immediately are advised to approach the branch offices of the Labour Relations Division of LD for enquiries or assistance. The Labour Relations Division provides free consultation

and conciliation services to both employers and FDHs to help resolve their labour disputes.

* For more details on the calculation of compensation payments, please refer to “A Concise Guide to the Employment Ordinance”.



Tips

Employers and FDHs may at times have disagreements which eventually turn into arguments. Both parties may believe that they have sufficient grounds to terminate the contract immediately. However, the best way to resolve disputes is to be considerate and tolerant of each other as far as possible and try to solve the problem together. They should refrain from hastily resorting to contract termination or other drastic actions to settle disputes.

3.8.2 Notification to ImmD of termination of employment contract

Under Clause 12 of the SEC, both the employer and the FDH shall give the Director of Immigration the “Notification of Termination of Employment Contract with Foreign Domestic Helper” (ID 407E) within seven days of the date of contract termination. A copy of the other party’s written acknowledgement of the contract termination shall also be submitted to ImmD.

If the contract is terminated prematurely, an FDH is only permitted to remain in Hong Kong for two weeks after the termination of contract or the remainder of the permitted stay, whichever is earlier. If an FDH does not leave Hong Kong upon the expiry of stay, he/she will commit an offence for breaching the conditions of stay. A person who aids and abets an FDH in overstaying is also liable to prosecution.



3.8.3 Payments payable upon completion or termination of the contract

Depending on individual circumstances, an employer normally has to pay the FDH for the following items upon completion or termination of the contract.

Items	Remarks
Wages	Any outstanding wages.
Payment in lieu of notice	Under Clause 10 of the SEC, both the employer and the FDH may terminate the contract by giving one month's notice in writing or one month's wages in lieu of notice to the other party.
Annual leave pay	<p>When the employment contract is terminated, an FDH shall be given payment in lieu of any annual leave not yet taken in respect of every 12 months' completed service. If the FDH has been in employment for three but less than 12 months in a leave year (i.e. a period of every 12 months after the commencement of employment), the FDH is entitled to pro rata annual leave pay if the employment contract is terminated other than for the reason of summary dismissal due to his/her serious misconduct. Please refer to the following examples for the calculation method:</p> <ul style="list-style-type: none">• if an FDH resigns or is dismissed after 18 months' employment and he/she has not yet taken any annual leave: <i>Payment in lieu of annual leave for the first 12 completed months of employment (seven days) + the pro rata sum in lieu of annual leave for the remaining employment period (3.5 days).</i>

- if an FDH is summarily dismissed due to his/her serious misconduct after 18 months' employment:

Payment in lieu of annual leave for the first 12 months of employment (i.e. seven days of annual leave pay but not the pro rata sum in lieu of annual leave for the remaining employment period).

Long service payment

An employer shall pay long service payment to an FDH if he/she has worked continuously for not less than five years and under the following circumstances:

- the FDH is dismissed or the employment contract expires without being renewed[^] by reason other than summary dismissal due to his/her serious misconduct or redundancy;
- the FDH is certified in a specified form issued by a registered medical practitioner or a registered Chinese medicine practitioner as being permanently unfit for the present job and he/she resigns;
- the FDH is aged 65 or above and resigns on the ground of old age; or
- the FDH dies in service.

[^] If the employer has offered in writing to renew the contract or re-engage the FDH under a new contract not less than seven days before the expiry of the contract, but the FDH has unreasonably refused the offer, the FDH is not eligible for long service payment.

Formula for calculating long service payment: (Last month wages x 2/3) x reckonable years of service[#]

[#]Service of an incomplete year should be calculated on a pro rata basis.

Note: An FDH will not be simultaneously entitled to both long service payment and severance payment.

Severance payment

An employer shall pay severance payment to an FDH under the following circumstances:

- the FDH is dismissed by reason of redundancy, or the employment contract expires without being renewed by reason of redundancy^{^^}; and
- the FDH has not less than 24 months of continuous employment with the same employer immediately prior to the termination.

^{^^} If the employer has offered in writing to renew the contract or re-engage the FDH under a new contract not less than seven days before the expiry of the contract, but the FDH has unreasonably refused the offer, the FDH is not eligible for severance payment.

Formula for calculating severance payment: (Last month wages x 2/3) x reckonable years of service[#]

[#]Service of an incomplete year should be calculated on a pro rata basis.

Note: An FDH will not be simultaneously entitled to both long service payment and severance payment.

Food allowance

Any outstanding food allowance if no food is provided by the employer.

Free return passage

Under Clause 7 of the SEC, the employer shall provide the FDH with free return passage to his/her place of origin on termination or expiry of the contract.

Points-to-note:

- The employer is advised to provide an air ticket (including basic checked luggage) to the FDH instead of giving cash equivalent to the value of an air ticket, so as to reduce the chance that the FDH departs for neighbouring places other than his/her place of origin after receiving the payment.
- The air ticket provided by the employer should take the most direct route. If the employer does not provide an air ticket with the most direct route to the place of origin, the employer may need to pay a higher daily food and travelling allowance due to additional travelling days. To ensure that both parties have sufficient and reasonable time to handle matters related to contract completion or termination, the employer is advised to confirm the departure arrangement with the FDH (such as departure date, destination, etc.) before buying the air ticket.

Food and travelling allowance

Under Clause 7(b) of the SEC, a daily food and travelling allowance of \$100 per day shall be paid to the FDH when the FDH returns to his/her place of origin.

An employer shall pay all wages and other payments due to an FDH under the EO and the SEC not later than seven days after the date of expiry or termination of contract*. An FDH who wishes to claim for severance payment should serve a written notice to the employer within three months after the expiry or termination of contract. The employer shall make the severance payment to the FDH not later than two months from the receipt of such a notice.

* For more details on the statutory entitlements and the calculation of payments, please refer to “A Concise Guide to the Employment Ordinance”.

Please refer to “Practical Guide for Employment of Foreign Domestic Helpers – What foreign domestic helpers and their employers should know”, “A Concise Guide to the Employment Ordinance” and “A Concise Guide to the Employees’ Compensation Ordinance” published by LD for more details on employers’ rights and obligations under the relevant labour laws and the SEC. The EO and ECO shall remain the sole authority for the labour law provisions described in this handbook. The Court is the authority on interpretation of the laws.

To enhance employers’ awareness of their rights and obligations of employing FDHs, LD conducts briefings on matters related to the employment of FDHs from time to time. Employers of FDHs (especially first-time employers) are welcomed to attend the briefings. Interested parties can visit the “What’s New” section of the FDH Portal of LD (www.fdh.labour.gov.hk) for details.

**How to get along
with your FDHs ?**



How to get along with your FDHs?

Employers and their FDHs live under the same roof. If both parties can maintain effective communication and get along well, not only will it enhance the productivity of the FDHs at performing domestic duties but also promote harmonious family life.

4.1 Assisting FDHs in adapting to a new environment

Having left their home countries to work in Hong Kong, FDHs may be unfamiliar with the urban lifestyle. Coupled with language and cultural differences, FDHs may feel estranged or encounter various difficulties when working in a new environment. Employers may help FDHs adapt to the new environment so that the FDHs can get on with their work more smoothly.

Employers should, based on FDHs' individual abilities, allow them sufficient time to adapt to the new lifestyle and family environment and assign tasks to them step by step. Employers can observe whether their FDHs have got used to the new lifestyle or are able to cope with difficulties encountered at work, and consider whether there is a need to adjust the work arrangement.



If an FDH has not worked in Hong Kong before, the employer can help him/her adapt to the urban lifestyle in the initial stage of employment by teaching him/her how to take public transport or use public facilities, etc. As FDHs' work is usually community-based, such as purchasing food and

daily necessities, etc., for their employers, employers can bring them out to familiarise them with the community environment, so as to understand where nearby wet markets and supermarkets are located. If the FDHs are required to bring children to school or accompany the elderly for medical treatments, employers should clearly explain the transport available in the vicinity of their residences and how to use them.

Employers can also provide FDHs with emergency contacts, so that FDHs can contact their employers in case of important matters or emergencies.



Tips

To facilitate ethnic minorities (EMs) to understand the daily life in Hong Kong and the various support services available in society, the Race Relations Unit of the Home Affairs Department has published “Your Guide to Services in Hong Kong” (www.had.gov.hk/rru) for the reference of FDHs/new arrivals/EMs residing in Hong Kong. The Guide is available in seven languages, namely English, Bahasa Indonesia, Tagalog, Thai, Hindi, Nepali and Urdu. Copies can be obtained free of charge from the Home Affairs Enquiry Centres, LD, relevant consulates in Hong Kong and community organisations. Copies of the guide are also distributed to non-Chinese new arrivals at the Hong Kong International Airport.



4.2 Respect the differences

Coming from different countries, the cultural background and religious beliefs of FDHs may be different from those of Hong Kong people. Employers should respect the differences.

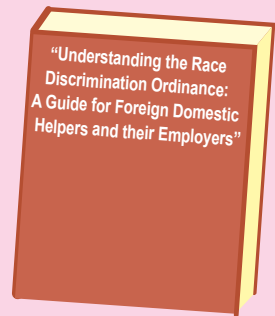
Employers may approach EAs for the background of their FDHs before signing the contract, and making suitable adjustments when devising work schedules and meal arrangements. For instance, employers can seek to know whether a Muslim FDH is willing to handle pork, whether a Buddhist FDH needs a strict vegetarian diet, etc. Employers can also learn about their FDHs' religious background and living habits and make adjustments to their daily lives. For example, arrangements may be made for Muslims during Ramadan and daily worship. If employers request their FDHs to assist in religious ceremonies such as worship of gods or ancestors, etc., they may first seek the FDHs' views.



Tips

The Equal Opportunities Commission has published:

- “Understanding the Race Discrimination Ordinance: A Guide for Foreign Domestic Helpers and their Employers” – provides a general overview of the Ordinance so as to allow employers and FDHs to gain an understanding about the Ordinance and its applications to themselves. The Guide is also available in English, Bahasa Indonesia and Tagalog for FDHs’ reference (www.eoc.org.hk).



- “Preventing Sexual Harassment: A Guide for Foreign Domestic Workers and their Employers” – the Sex Discrimination Ordinance protects everyone, including FDHs, from sexual harassment. Employers have an obligation to provide a workplace that is free from sexual harassment. The Guide is also available in English, Bahasa Indonesia and Tagalog for FDHs’ reference (www.eoc.org.hk).

4.3 Effective communication and building of mutual trust

As FDHs work in their employers’ home full-time, employers should treat their FDHs with respect, which helps both parties to build a harmonious relationship. FDHs have left their families to work overseas and it is understandable that they may feel homesick in the initial stage of employment. Employers should show care and consideration.



The majority of FDHs do not speak Cantonese well. When communicating with FDHs, employers may try to speak slowly or even with body language. When necessary, online translation tools can also be used.

4.4 Work arrangement

As FDHs work and rest in their employers’ home, appropriate work arrangement is essential. Frequent communication with FDHs can also enable them to understand the employers’ expectations and family needs. This would assist the FDHs in completing their work more effectively:

- employers can show their FDHs where household items are stored and guide them on how to use various tools, electrical appliances, etc.;
- in view of the myriad of household chores, employers can prioritise the domestic duties for their FDHs according to family routine and set a work schedule. Employers should ensure that their FDHs have sufficient time to perform the duties and have adequate rest;
- even if an FDH already has a certain level of work experience, he/she may not be proficient in performing all household chores. As the needs of each family vary, employers should explain the work requirements to their FDHs in detail and coach them as appropriate;
- as learning abilities vary between different people, employers should be patient when coaching their FDHs and should not be hasty. Employers may post reminders of housework arrangement at home or encourage their FDHs to take notes;
- employers can enhance communication with family members to avoid setting different work requirements which would confuse their FDHs;
- if FDHs are required to take care of infants, children, elderly, people with disabilities, etc., employers should give them clear guidance on the detailed work procedures, preferences of the family members, points-to-note, etc., and demonstrate to them if necessary. At the same time, employers should encourage the family



members to communicate more with the FDHs so as to let the FDHs understand their needs;

- if FDHs are required to take care of children, employers can give them a detailed account of the children's temperaments and habits, and tell them how they are expected to interact with the children. Employers can also explain the role of FDHs to the children so that they will not shout at the FDHs;
- if FDHs meet the employers' requirements or perform well, employers can give them recognition; if there is still room for improvement in their performance, employers can give them advice, patient guidance or demonstration. Employers' feedback on their FDHs' work can help the FDHs understand their requirements. If FDHs make mistakes at work, employers should correct them by pointing out the mistakes clearly, rather than scolding or thrashing the FDHs;
- if FDHs are required to do grocery, they should be given enough money. Employers can also request their FDHs to provide a breakdown of the expenditures incurred for groceries or keep the receipts for checking or record purpose whenever necessary; and
- if FDHs are required to bring children to activities or do grocery, employers can give them clear instructions on the transport arrangement and provide them with enough money to travel.

4.5 Adequate rest

Adequate sleep and rest can help enhance FDHs' work efficiency. If FDHs are required to work at night, employers should allow them sufficient time to take rest during the day.



Under the EO, employers shall provide FDHs with rest days, statutory holidays, and paid annual leave. For details on the relevant requirements and arrangements, please refer to Section 3.4.

4.6 Meal arrangement

Employers are required to provide FDHs with food free of charge during the employment period. If food is not provided free of charge, a food allowance shall be paid to the FDHs. If employers are unable to provide food free of charge for a certain period of time, say when they travel abroad, a food allowance can be paid for that period.

Employers are advised to explain the meal arrangement to their FDHs at the beginning of employment to understand whether the FDHs are willing to have meals together. If FDHs have to perform other duties during meal time, such as feeding the children or elderly, etc., employers can save some food in advance for the FDHs, rather than merely leaving leftovers. If FDHs have their meals separately, employers may allow them to prepare their own food and provide sufficient time for meal breaks.

FDHs' health has a direct impact on their performance. As domestic duties involve manual work, employers should provide FDHs with at least three meals every day with nutritious and energy-replenishing food. If FDHs are used to eating other staple food, employers should try to accommodate.



The Food and Environmental Hygiene Department's (FEHD) webpage on Recipes of Chef's Daily Recommendation provides daily recipes of "Three Dishes and One Soup" weekly (www.fehd.gov.hk/english/). The recipes are available in English, Bahasa Indonesia and Tagalog for FDHs' reference.

In addition, FEHD has published a booklet on “Common Food/Goods Items and Service Trades in Public Markets”, which lists over 500 common food items, goods and service trades available in public markets with illustrations. The booklet is available in ten languages (including English, Bahasa Indonesia, Tagalog, etc.) for FDHs’ reference (www.fehd.gov.hk/english/).



Tips

A healthy and balanced diet should include grains (e.g. rice, noodles, oatmeal and bread) as the major dietary source, plenty of fresh fruits and vegetables, a moderate amount of low-fat milk products, fish, lean meat, poultry, and their alternatives. Reduce intake of fat, salt and sugar.



Employers can visit the relevant webpage of the Department of Health on a balanced nutritional diet (www.chp.gov.hk/en/).

Employers can ask FDHs about their dietary habits. For instance, whether they have to follow certain dietary restrictions out of religious reason or whether they have food allergy, so as to provide suitable alternatives for their meals. Employers can also communicate with FDHs and clearly indicate which of the food in the household that the FDHs may eat. Besides, FDHs may be unable to distinguish the value and use of certain foods such as dried seafood, other precious ingredients, etc. Employers may consider storing these foods in a separate location to avoid misunderstanding.

4.7 How to handle ill/injured FDHs?

Employers should pay attention to the physical condition of their FDHs. If an FDH is ill or injured, the employer should ask him/her to consult a medical practitioner as soon as possible, and may ask him/her to obtain a certificate of consultation from the medical practitioner to prove that he/she has received medical treatment. Also, the employer can understand the FDH's illnesses or injuries from the medical certificate (if applicable). According to Clause 9(a) of the SEC, the employer shall provide free medical treatment to the FDH, who shall accept medical treatment by any registered medical practitioner as provided by the employer.

If an FDH feels unwell, the employer can adjust the work arrangement so that he/she can have adequate rest for a speedy recovery.

If an FDH is seriously ill, employers should notify the FDH's family and consulate in Hong Kong and/or the relevant EA to make appropriate arrangement.

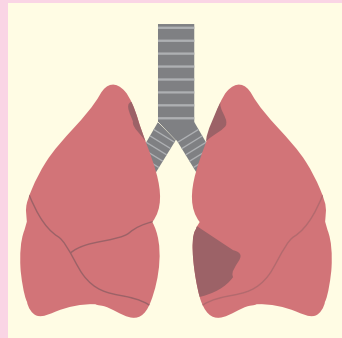




Tips

Tuberculosis (TB)

TB (a kind of infectious disease transmitted by air) is still a common disease globally, including some Asian countries that export FDHs. When a TB patient coughs or sneezes, small droplet nuclei containing the tubercle bacilli may be generated. These tiny particles can remain suspended in the air for several hours. Inhalation of these particles can cause infection. Prolonged exposure, however, is usually required for the disease to be transmitted.



If an FDH has symptoms of TB such as persistent cough, blood-stained sputum, loss of body weight, continuous fever, night sweating, poor appetite, etc., the employer should promptly arrange medical consultation for him/her. Employers can visit the Tuberculosis and Chest Service webpage of the Public Health Services Branch of the Centre for Health Protection, Department of Health for more information on TB (www.info.gov.hk/tb_chest/).

Measles

Measles is a highly infectious viral disease. It can infect any person who is not immune and may lead to serious consequences or even death. Measles remains an endemic infection in some countries in Southeast Asia, including Indonesia, the Philippines and Thailand. Some FDHs may not have had measles immunisation in their home countries before they arrive in Hong Kong. Once infected, they may pass the infection to their friends and relatives, their employers and their families, especially infants who have not yet received vaccination.



The Measles, Mumps and Rubella (MMR) vaccine is a safe and effective vaccine to prevent MMR infections. To prevent infection and transmission in the community, all FDHs who did not have measles infection confirmed by laboratory test before, and who have not been fully vaccinated against measles or have unknown vaccination status, are advised to receive the MMR vaccine, preferably before they arrive in Hong Kong. If this is not possible, they can consult a doctor after arrival in Hong Kong. Employers can visit the webpage of the Centre for Health Protection, Department of Health for more information on measles and MMR vaccination (www.chp.gov.hk/en/).

4.8 Respect privacy

Employers should, as far as possible, provide their FDHs with their own space and respect their privacy. In addition to suitable accommodation and with reasonable privacy, employers should also provide their FDHs with sufficient space for storing their personal belongings. Both parties should respect each other. Employers should not inspect FDHs' personal belongings.

Employers should also observe whether the daily routine would intervene in FDHs' private living space. They should avoid interfering with FDHs' activities during their rest time such as social gatherings on rest days, etc.

Taking account of home safety and the need to take care of family members, some employers may install a closed circuit television (CCTV) monitoring system at home. Employers who intend to do so should notify their FDHs of the arrangement in advance, and should not film activities inside toilets, bathrooms, or the private space where FDHs rest after work. If such monitoring is carried out without FDHs' knowledge, employers may have seriously invaded their privacy.



Besides, as the use of smart phones, the Internet and social media becomes increasingly popular, employers should remind FDHs to respect the privacy of the employers and other family members when using the above communication means. Employers should also advise FDHs not to release to the public any photographs or videos involving the privacy of the employers and their family members unless with consent, or else the FDHs may have infringed on their privacy and even risk criminal liability.



For important points-to-note on the installation and use of CCTV monitoring systems at home for monitoring FDHs' work activities, please refer to the following guidelines issued by the Privacy Commissioner for Personal Data:

“Monitoring and Personal Data Privacy at Work: Points to Note for Employers of Domestic Helpers” (www.pcpd.org.hk/index.html)

4.9 Safe working environment

Employers are obliged to provide a safe working environment for FDHs and give them appropriate advice on their personal safety.

4.9.1 Points-to-note when cleaning windows

The SEC includes a clause on cleaning exterior windows to safeguard the occupational safety of FDHs. The clause stipulates that, when an FDH is required by the employer to clean the outside of any window which is not



located on the ground level or adjacent to a balcony (on which it must be reasonably safe for the FDH to work) or common corridor, the work shall be performed under the following conditions:

- (a) the window being cleaned is fitted with a grille which is locked or secured in a manner that prevents the grille from being opened; and
- (b) no part of the FDH's body extends beyond the window ledge except the arms.

4.9.2 Points-to-note and occupational safety and health regarding other types of domestic duties

While domestic duties may look simple, there are various potential occupational safety and health hazards, for example, musculoskeletal disorders due to improper postures, electric shock accidents caused by inappropriate use of electrical appliances, cuts or scalds while working in the kitchen, etc.

Domestic duties	Points-to-note
Cooking – There are a lot of hot utensils and food in the kitchen. Carelessness may cause burns or scalds.	<ul style="list-style-type: none">• Employers should teach FDHs to use the cooking stove at home and remind them to adjust the flame to a suitable level while cooking to keep it from getting too strong.• If liquefied petroleum gas (LPG) cooker is used, employers should remind FDHs how to store LPG cylinders.• Employers can provide insulated gloves if FDHs have to handle hot and boiling things.

Using electrical appliances –

FDHs may frequently use electrical appliances when performing household chores. Damaged or improper use of electrical appliances may lead to accidents.

- Employers should regularly check whether the electrical appliances are functioning properly and whether the electric wires are damaged. Electrical appliances that may have electricity leakage should be replaced.
- Employers should inform FDHs of the socket locations at home and avoid using extension units.
- Employers should advise FDHs to grip the plug and never pull the wire when unplugging.

Using chemicals –

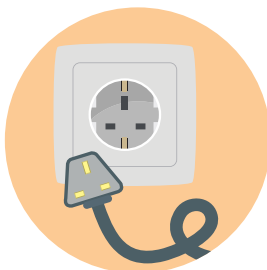
Cleaning is an important work process of domestic duties. It often involves the use of chemicals (such as disinfectants and cleansing agents). These chemicals are potential hazards and improper use may injure FDHs or even cause fatalities (such as inhaling toxic gases, etc.).

- Employers should consider using less hazardous chemicals and educate FDHs on the safe use of them.
- Employers should ensure that FDHs are familiar with and adopt the proper methods of use and safety measures for various types of chemicals, such as keeping away from fire when using these products and refraining from randomly mixing different chemicals.
- Employers should provide proper personal protective gears such as gloves, masks, goggles, etc., for FDHs to wear when using chemicals.
- Chemicals should be securely covered and properly stored in a shaded, dry, cool, and well-ventilated place.

Manual handling operations –

Domestic duties often involve frequent and repetitive movements (such as propping up or holding up an elderly or a child, moving furniture, etc.). Inappropriate physical exertion or improper posture will easily cause musculoskeletal disorders.

- Pay attention to personal hygiene. Do not eat or drink when using chemicals and wash the hands, arms, and face after use.
- Employers should teach FDHs to adopt proper postures for lifting and carrying objects and do some stretching exercises before work or during breaks.
- When propping up or holding up an elderly or a child, FDHs should communicate with them to ensure coordination of postures by both parties.
- Provide suitable tools for FDHs, such as using machinery to assist with household chores.



For the relevant safety and health tips on performing domestic duties, please refer to the “Safety and Health Tips for Household Workers” published by the Occupational Safety and Health Council. The booklet is available in English, Bahasa Indonesia, Tagalog and Thai for FDHs’ reference (www.oshc.org.hk/eng/main/).

Employers may arrange for FDHs to enrol in the General Safety for Domestic Helpers Courses organised by the Occupational Safety and Health Council to enhance their work safety awareness and knowledge (www.oshc.org.hk/eng/main/).

4.9.3 Providing first aid items at home and teaching FDHs to seek help

Employers should keep basic first aid items such as adhesive plasters, disinfectants, etc. at home, and inform their FDHs of the storage location and the method of use. Employers should also tell the FDHs how to seek help in case of an emergency, such as calling 999 for the Police and fire or ambulance services, or seeking help from neighbours and/or the security guards of the building.



4.10 Exploitation/abuse of FDHs and withholding of their personal property are serious offences

The HKSAR Government does not tolerate any abuse or exploitation of FDHs and will take stringent enforcement actions against any irregularities detected.

Employers must not retain their FDHs' personal property such as passport, identity card, ATM bank cards, employment contract, the Government's publications and leaflets for FDHs, etc. Such action may be a criminal offence. Employers should not defy the law.





Tips

When it came to light in 2014 that an Indonesian domestic helper was abused by the employer, LD instituted prosecution against the employer after investigation for a total of 11 charges of suspected breaches of the EO and the ECO, including non-payment of wages, non-grant of rest days and statutory holidays, and failure to take out a valid employee's compensation insurance policy. The employer was convicted as charged and was sentenced to four months' immediate imprisonment and a fine of \$15,000. Together with eight other convictions on charges of assault and intimidation, the employer was sentenced to six years' imprisonment. In 2017, the District Court also ruled that the employer had to pay the FDH a total compensation of around \$810,000.

4.11 How to handle FDHs' misconduct?

4.11.1 Termination of contract without notice

An employer should notify ImmD of the termination of the employment contract if his/her FDH leaves the employment without notice or payment in lieu of notice, and the employer considers that the contract has been unilaterally terminated by the FDH. If an employer is unable to locate the whereabouts of an FDH, he/she should consider reporting the case to the Police and notify the relevant consulate in Hong Kong and/or the EA concerned.

If the employer considers that the FDH is not entitled to terminate the contract without notice and wishes to claim payment in lieu of

notice⁵, he/she should approach the branch offices of the Labour Relations Division of LD for assistance as soon as possible. The branch offices will help settle the claim by conciliation.

4.11.2 Theft and abuse of child/elderly

If an FDH is suspected of committing any criminal offence such as theft, assault (abuse of child/elderly), etc., the employer should report the case to the Police immediately.



The End Child Sexual Abuse Foundation has produced a promotional leaflet on the protection of children to remind FDHs not to commit any child sexual abuse, including taking photographs of naked children, unnecessarily touching the private parts of the children, asking the children to see or touch the private parts of others, etc. The leaflet also calls on FDHs, as a member of the family, to protect the children from sexual abuse. They should inform their employers immediately if they notice that a child has an injury and intervene immediately if they see anyone indecently assaulting the children in their care. The leaflet is available in English, Bahasa Indonesia and Tagalog for FDHs' reference (www.ecsaf.org.hk).

⁵ An FDH may terminate his/her employment contract without prior notice or payment in lieu of notice if:

- he/she reasonably fears physical danger by violence or disease;
- he/she is subjected to ill-treatment by his/her employer; or
- he/she has been employed for not less than five years and is certified in a specified form issued by a registered medical practitioner or a registered Chinese medicine practitioner as being permanently unfit for his/her present job.

When necessary, employers may call the following hotlines for enquiries or assistance:

End Child Sexual Abuse Foundation hotline: 2889 9933

Social Welfare Department hotline: 2343 2255

Against Child Abuse hotline: 2755 1122

4.11.3 Borrowing money

LD has all along reminded FDHs to manage their finances in a prudent manner and avoid borrowing money. At the same time, EAs should not be involved in the financial affairs of FDHs directly or indirectly, or arrange for FDHs to take out loans from financial institutions. If an FDH borrows money from a financial institution and causes nuisance to the employer's family, the employer can report it to the Police for assistance. If EAs are found to be engaged in malpractices, complaints can be lodged with the Employment Agencies Administration of LD.



4.11.4 Abusing the arrangement for premature termination of employment contract

If an FDH is suspected of abusing the arrangement for premature termination of employment contract to change employers, ImmD will consider rejecting the application concerned.



Tips from employers



Meaningful stories

**5.1 Interview – Mrs Betty Yung
(Chairperson of the Hong Kong Employers
of Domestic Helpers Association)****“Moving forward together under the same roof”**

With more and more Hong Kong families choosing to employ FDHs to perform housework and take care of the children and the elderly, getting along with FDHs has become a common issue among many families. Apart from an ordinary employment relationship, employers and FDHs are also family members living under the same roof. It is not an easy task to integrate a stranger from a different country into one's family. Mrs Yung, Chairperson of the Hong Kong Employers of Domestic Helpers Association, has employed FDHs for years and helped resolve many disputes between employers and FDHs. She certainly has her own insights on how to get along with FDHs and create a harmonious family environment together.

“I am grateful to my FDHs”

Mrs Yung described the relationships with her FDHs to be as close as family. “I am grateful to my FDHs. Grateful for their coming all the way to Hong Kong to help with our housework. They have left their families to come to Hong Kong to work in order to support their families and their children's education.” A considerate employer, she is observant of her FDH's daily needs so as to make her feel at “a home away from home”. “I have a very good relationship with my FDH. From the very beginning, I have treated her like family.



When I go shopping, I will buy her some clothes whenever I come across comfortable and reasonably-priced ones.”

Since FDHs live in their employers’ residence, if the employer-FDH relationship is so discordant that both sides wear a scowl on their face at home all day long, neither party will feel comfortable or happy. Mrs Yung will try to pay attention to her FDH’s emotions and offer assistance when necessary. “If I find my FDH feeling upset or having something on her mind, I will give her extra care and consideration. FDHs are also humans and it is understandable that they may get emotional. However, if it becomes frequent, I will talk with her and try to understand her concerns and difficulties. Employers should refrain from scolding their FDHs for being bad-mannered when they pull a long face. This will only make them feel more upset.”

FDHs have travelled alone all the way here by themselves and it is inevitable that they may get homesick. “There was a time when my FDH missed her family and asked me what she could do, and then she burst into tears. I can understand this feeling of homesickness because it is by no means easy for a woman to leave her hometown and make a living alone.” Mrs Yung understood her FDH’s occasional homesickness and, if possible,

would arrange her to return home to visit her family and relatives. “For example, I once went on a trip to Australia and I did not want to leave my FDH alone in Hong Kong. So I asked her if she would like to take her



annual leave and go back to the Philippines. She replied that she would love to visit her family and relatives, so I arranged a return air ticket for her. The ticket did not cost much but she was very happy and grateful. It was worthwhile for me because she could go home to see her family and relatives, and I did not have to worry about her when I was out of town. I felt more at ease while enjoying my holiday in Australia.” Mrs Yung also praised one of her friends for being able to take good care even of the FDH’s family members.

“When the FDH’s family came to visit the FDH in Hong Kong, my friend helped them find an affordable accommodation and also made some special holiday arrangements for the FDH. It was not a big deal for my friend but it made the FDH very happy and thankful for my friend’s understanding.”



Family members are close and intimate, but they also need personal space. Employers have to strike a balance and respect the privacy of FDHs. “FDHs also have their own private lives. Do not take it personally if they keep something to themselves and do not want to share it with you. Yet, if you show your care, you have already taken the initiative to offer a helping hand no matter whether they finally decide to share it with you or not. At least, they will not feel alone and will gradually be moved by you.”

“Do not assume that FDHs know everything”

Although regarded as members of the family, FDHs are employed to do the housework for their employers and are relied on to look after the household. Sometimes it is frustrating to find them not up to the job and “persistently failing to understand despite repeated guidance, or constantly making mistakes despite frequent practice”. Employers sometimes get discouraged and it is not surprising to see employers talk about how to coach FDHs on online discussion forums and WhatsApp groups. Mrs Yung wished to remind fellow employers that “although discussion is not a bad thing in itself, employers should assess their own situations and needs and refrain from applying all negative hearsay presumptions to their own FDHs. Otherwise, it will affect the relationship and trust between the employers and the FDHs.”



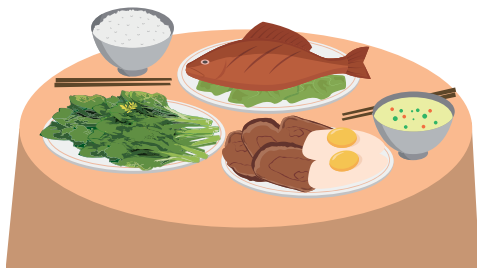
Mrs Yung also shared with us some tips on how to manage the work of FDHs. First and foremost, she said that “employers should adjust their expectations” and “employers should not assume that FDHs know everything and that there is nothing that they cannot do or do not know how to do”. Employers should understand that FDHs may not be proficient in all sorts of housework. “In Hong Kong, the requirements vary among different families. Some employers employ FDHs to take care of their children, some to take care of the elderly... However, not every FDH is able to perform all the tasks perfectly. Some FDHs are good at looking after the elderly and children, while some are more skilled in housework. Different FDHs have different strengths. When selecting FDHs, employers may take an FDH’s abilities into consideration.” Housework covers a multitude of chores. Mrs Yung suggested that employers set a work schedule for FDHs at the early stage of employment so that the FDHs could plan their work better. “Of course, employers should give sufficient time for their FDHs to complete the tasks.” Aside from an FDH’s abilities and skills, Mrs Yung also suggested that employers should take time to learn more about the FDH before signing the contract, such as his/her work experience, health conditions, etc. Employers should avoid rushing into signing the contract. After hiring the FDHs, employers should also properly keep the wage payment and leave records signed by the FDHs.



Mrs Yung considered “time” and “communication” critical in coaching FDHs. She advised employers not to expect FDHs to “know how to do everything without guidance” or “know everything just by telling them in a few words”. Employers need time to assess the abilities of their FDHs, while FDHs also need to have worked for some time before getting to know their employers’ needs and expectations. “Whenever I instruct my FDH to do something, whether it is cooking or doing grocery, I will explain to her slowly. If possible, I will give a brief demonstration first.” Apart from continuous communication, employers should be tolerant and let their FDHs make improvement gradually. If you keep blaming them, it may actually make things worse. FDHs who have shown improvement in their performance deserve praise and encouragement. Just like all employees, FDHs also hope to receive recognition from their employers. Employers can reward their FDHs occasionally, such as a few words of praise or a red packet during the Lunar New Year or on the FDH’s birthday. “Due rewards will motivate FDHs to work harder and they will be more willing to renew the contract. It is also advantageous to the employers as they do not need to bother finding a new FDH and teach the new FDH how to do the housework again.”



Of course, the majority of FDHs do not speak Cantonese well and both employers and FDHs have to deal with language difference. “Since many FDHs are not proficient in Chinese and English, they may misunderstand their employers’ instructions easily. As a result, they may make mistakes or fail to do a perfect job.” On top of this, there are also differences in dietary habit. “Some FDHs may not be accustomed to Hong Kong people’s dietary habits, and some FDHs may not eat certain food out of religious beliefs. For instance, Muslims do not eat pork (some of them may even refuse to handle pork products). Employers should respect their FDHs, put themselves in their FDHs’ shoes, and try to understand their FDHs’ needs, such as whether the portions or taste of the food can fit the FDHs’ dietary habits.”



What tips does Mrs Yung have for first-time employers? “As employers, it is better for us not to be too calculating but try to see things from the FDHs’ perspective and help them to work smoothly and effectively. For example, if FDHs are required to go out frequently for grocery or bringing the children/elderly to activities, employers can provide them with Octopus cards to facilitate their work. On the other hand, employers should familiarise themselves with the relevant laws in Hong Kong, as well as their own rights and obligations under the legislation and the employment contract, in order to avoid unnecessary labour disputes with their FDHs.” In short, to make life easier for FDHs is to make your own life easier. If employers facilitate their FDHs’ work, the FDHs will perform their tasks more efficiently and, in turn, employers can more readily entrust FDHs with taking care of the household.

Getting along with FDHs is not easy, but not too difficult either. The key to communication is nothing more than “be good to me and I will be good to you too”. Employers can by all means be more thoughtful and spend more time on the FDHs who live in their own home. By doing so, they can definitely overcome the differences in language, religion and living habits. “As long as you are willing to develop a mutual understanding with your FDHs and maintain a caring attitude towards them, everything will go smoothly.”



Mrs Yung details her way of living with her FDHs.

(The interviewee consented to publishing this photo.)

5.2 Interview – Miss Kearen Pang (Renowned Hong Kong Artist, Awardee of Ten Outstanding Young Persons Selection of Hong Kong)

Miss Kearen Pang is an internationally renowned Hong Kong cross-media creator, experienced in portraying life on stage and in films. Behind the limelight, she also puts herself in other people's shoes as a considerate and understanding employer.

At first, we invited Kearen only for an interview to share the details of how she gets along with her FDH. Accepting our invitation readily, Kearen also suggested taking Marian, her newly-hired FDH, to the interview, so that we could also get to know the FDH's thoughts. It is not difficult to imagine that their employment relationship is built on mutual respect. "When I received the invitation for this interview, I found it very meaningful. Many employers in Hong Kong do not know how to treat their FDHs, and still cling to the old-school mentality that employers are superior and FDHs are merely maids." Indeed, the relationship between Kearen and her FDH is more like friends. The interview was conducted in a restaurant. Kearen and Marian served food for each other as if they had already known each other's favourite food. It was a harmonious sight to see.



It was seven years ago when Kearen first employed an FDH to look after her daily chores and meals so that she could focus on her career. Upon her friend's recommendation, she hired Kayla. Kearen and Kayla had lived together for six years and built up a bond like family members, until last year when Kayla had to leave Hong Kong to get married in her home country. Kearen had talked about Kayla in other newspaper interviews before but she still could not help missing Kayla much during our interview.



Kearen hired Marian all because of Kayla's recommendation. To make sure that her employer would still be taken good care of after she left, Kayla also participated in the interviews for selecting a new FDH. As for Kearen, she trusted Kayla's opinion and judgment. There was a time when Kayla had acted like a "detective" and walked the dogs with the FDH candidates in order to select the most suitable one for Kearen. Kearen was still touched when recounting this recruitment process. Kayla left at ease only when a new FDH was finally selected. As Kayla needed to leave soon, Kearen arranged a day to have fun with her at Ocean Park. It was not easy to say farewell for both of them.

“I want my FDH to know what sort of a person I am”

As she welcomed Marian, Kearen knew that it would not be easy for them to adjust to each other and build mutual trust within a short period of time. When asked how she could get along with the new FDH, Kearen believed that “trust is the most important”. Only honest and sincere communication could start off a good relationship. While employers should explain clearly to FDHs about the job so that the FDHs would know their work requirements and preferences, FDHs should also tell their employers frankly about any problems at work and have the courage to admit to their mistakes. Only then can both parties build mutual trust. Moreover, Kearen reckoned that it was necessary to make the FDHs feel that they were treasured and wanted, and employers should give feedback on the FDHs’ work. Only when the FDHs understood that their work is being taken seriously will they have a greater sense of belonging to their employers’ home and put more efforts into their work.

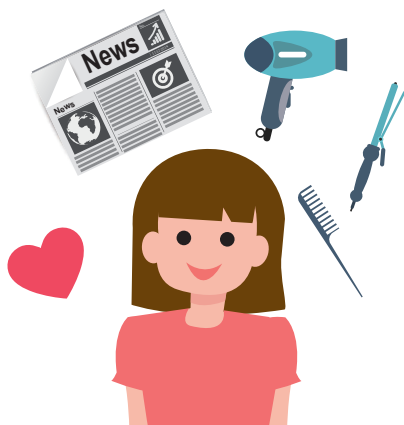
Kearen recalled how she developed a close friendship with Kayla, her first FDH. It started when she was ready to let Kayla know her more. Kearen would share with Kayla about her daily life and work from time to time. She liked to explain to Kayla in English the repertoires she performed and listen to her views. She also invited Kayla to watch her drama performances, and let Kayla know more about her world. Kearen believed that when FDHs knew their employers better, they would become more aware of their employers’ needs and thus, could perform the housework more effectively. On one



occasion, Kayla knew that Kearen had completed an important project and could finally go home for dinner after a hectic period. To celebrate, Kayla prepared Kearen's favourite seafood stew. In addition to taking care of Kearen's daily chores and meals, Kayla might give her employer a surprise by changing the home decoration while her employer was out. Kearen added that employers might give FDHs a free hand and let them make decisions by themselves on housekeeping. Employers might actually be surprised by the results.

"I want to know my FDH's thoughts"

"As we live together, I want to know more about my FDH's personality and views." Kearen would try to get to know the place where her FDHs come from and "visit" her FDH's residence in northern Philippines on Google. Kearen and her FDHs could chat about almost anything. She would ask them about her attire, explain the local news to them from time to time, and even discuss philosophical issues like "What is happiness?". To Kearen, FDHs are not merely helpers who help with the housework, but individuals with their own thoughts, likes and dislikes, and distinctive strengths. For example, Kearen noticed that Kayla was skilled at styling her hair, while Marian was good at communicating with dogs. Kearen has always been generous in giving her praise for them.



“Sometimes, I can even learn a lot from them.” There was a time when Kayla lent money to the neighbour’s FDH. She finally got back the money after quite some time. When Kearen asked Kayla if she would lend money to others again, she still replied, “I should help others whenever I can.” FDHs do not earn much, but they still insist on helping others as far as they could. Such an attitude is not easy to come by indeed.

“A happy FDH can bring happiness to an employer”

Finally, Kearen shared with us a handy tip on how she got along with her FDHs – knowing how to crack jokes. Kearen did not mind joking with her FDHs and making fun of each other. She even hoped that her FDHs could “have the guts” to joke with her. To her, laughter was essential for a happy household, and she believed that every employer wanted the home to be filled with positive energy and happiness.



Kearen concluded by saying that the key to a good employment relationship was “putting yourself in their shoes”. As an employer, Kearen appreciated that it was not easy for FDHs to leave their hometown and work in Hong Kong. The night before the interview, Marian just came back to Hong Kong after visiting her relatives in the Philippines. Marian missed her home so much that she looked morose every time she mentioned her hometown during the interview, and Kearen would pat her shoulder to comfort her. Marian said that her homesickness got worse every time she returned to Hong Kong from her hometown. Also, her

previous employer often vented temper on her. Hence, the thought of coming back to Hong Kong for work made her feel so miserable that she was almost driven to tears. However, while Marian still dearly missed her relatives in the Philippines, the feeling this time was not as bad as before because Kearen's home is just like her second home.

“A happy FDH can bring happiness to an employer.” After all, a harmonious employment relationship hinges on this simple belief.



Behind the limelight, Kearen and her two FDHs have shown us a different picture of what an employment relationship could look like.

(Photo provided by the interviewee.)

Useful references



Useful references

6.1 Contact numbers and relevant websites

Organisations	Scopes	Telephones	Websites/emails
Government Departments/Statutory Bodies			
Labour Department	Rights of employers and FDHs, and labour legislation	2717 1771 (handled by "1823")	www.labour.gov.hk FDH Portal www.fdh.labour.gov.hk
	Regulation of EAs	2115 3667	EA Portal www.eaa.labour.gov.hk
	Enquiry on occupational safety & health	2559 2297	www.labour.gov.hk/eng/osh
Occupational Safety & Health Council	Enquiry on courses for FDHs	2311 3322	www.oshc.org.hk
Hong Kong Police Force	Emergency assistance	999	--
Immigration Department	Matters related to FDH visa	2824 6111	www.immd.gov.hk
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
Social Welfare Department	Social welfare	2343 2255	www.swd.gov.hk
Centre for Health Protection, Department of Health	Encourage FDHs to receive Measles, Mumps and Rubella (MMR) vaccine	2125 2235	www.chp.gov.hk
	Information on tuberculosis and contact information of the Tuberculosis and Chest Service of the Public Health Services Branch	2572 6024	www.info.gov.hk/tb_chest/

Consulates in Hong Kong (arranged in alphabetical order)

Consulates in Hong Kong	Bangladesh	2827 4278	www.bangladeshconsulate.hk
	Cambodia	2546 0718	cacghk@netvigator.com camcg.hk@mfaic.gov.kh
	India	3970 9900	www.cgihk.gov.in
	Indonesia	3651 0200	kemlu.go.id/hongkong
	Myanmar	2845 0810	myanmar.e-consulate.org

Consulates in Hong Kong	Nepal	2369 7813	hkg.nepalconsulate.gov.np
	Pakistan	2827 0681	www.pakistan.hk
	Philippines	2823 8501	hongkongpcg.dfa.gov.ph
	Sri Lanka	2581 4111	bosco@jdbhk.com gmtbosco@hotmail.com
	Thailand	2521 6481	www.thai-consulate.org.hk

Non-governmental Organisations

Hong Kong Christian Service — Centre for Harmony and Enhancement of Ethnic Minority Residents (CHEER)	Telephone Interpretation Service (TELIS) and translation service	3106 3104	www.hkcs.org
Hong Kong Sheng Kung Hui Lady MacLehose Centre	Interpretation and translation services	2423 5101	www.skhlmc-em.org
Christian Action	Domestic Helpers and Migrant Workers Programme	2739 6193	www.christian-action.org.hk

The Salvation Army	Migrant Workers' Counseling and Referral Centre	2893 0081	www.salvationarmy.org.hk
Caritas Hong Kong	Caritas Asian Migrant Workers Social Service Project	2147 5988	cd.caritas.org.hk/amp.htm
The YMCA of Hong Kong	Overseas Domestic Workers Programmes	2268 7736	www.ymcahk.org.hk
The Family Planning Association of Hong Kong	Information and services related to contraceptive methods, emergency contraception and unplanned pregnancy	2572 2222	www.famplan.org.hk

6.2 Branch offices of the Labour Relations Division of the Labour Department

Office	Address
Hong Kong	
Hong Kong East	12/F, CityPlaza Three, 14 Taikoo Wan Road, Taikoo Shing, Hong Kong
Hong Kong West	3/F, Western Magistracy Building, 2A Pokfulam Road, Hong Kong

Kowloon	
Kowloon East	UGF, Trade and Industry Tower, 3 Concorde Road, Kowloon
Kowloon West	Room 1009, 10/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Sham Shui Po, Kowloon
Kowloon South	2/F, Mongkok Government Offices, 30 Luen Wan Street, Mongkok, Kowloon
Kwun Tong	6/F, Kowloon East Government Offices, 12 Lei Yue Mun Road, Kwun Tong, Kowloon
New Territories	
Tsuen Wan	5/F, Tsuen Wan Government Offices, 38 Sai Lau Kok Road, Tsuen Wan, New Territories
Kwai Chung	6/F, Kwai Hing Government Offices, 166 - 174 Hing Fong Road, Kwai Chung, New Territories
Tuen Mun	Unit 2, East Wing, 22/F, Tuen Mun Central Square, 22 Hoi Wing Road, Tuen Mun, New Territories
Shatin & Tai Po	Rooms 304-313, 3/F, Sha Tin Government Offices, 1 Sheung Wo Che Road, Sha Tin, New Territories

Service hours : Monday to Friday (except public holidays)
(9:00 a.m. - 1:00 p.m. and 2:00 p.m. - 6:15 p.m.)

6.3 Branch offices of the Employees' Compensation Division of the Labour Department

Place of Accident / Place of Employment	Office	Address
Hong Kong Island, Outlying Islands and areas outside Hong Kong	Hong Kong	Room 1605, 16/F, Southorn Centre, 130 Hennessy Road, Hong Kong
Kowloon East and Kowloon West	Kowloon	Room 1007, 10/F, Cheung Sha Wan Government Offices, 303 Cheung Sha Wan Road, Kowloon
Kwai Chung, Tsing Yi, Tsuen Wan, Tuen Mun and Yuen Long	Kwai Chung and Tsuen Wan	6/F, Tsuen Wan Government Offices, 38 Sai Lau Kok Road, Tsuen Wan, New Territories
Tseung Kwan O, Sai Kung and cases involving government employees and seamen	Government Employees and Seamen	Rooms 05-06, 23/F, KOLOUR • Tsuen Wan I, 68 Chung On Street, Tsuen Wan, New Territories
Shatin, Taiipo, Fanling and North District	Shatin	Room 239, 2/F, Shatin Government Offices, 1 Sheung Wo Che Road, Shatin, New Territories
Fatal Cases	Fatal Cases	Room 601, 6/F, Harbour Building, 38 Pier Road, Central, Hong Kong

Service hours: Monday to Friday (except public holidays)
(9:00 a.m. - 1:00 p.m. and 2:00 p.m. - 6:15 p.m.)

List 6.2 and 6.3 are finalised in February 2019 and the addresses of the relevant offices are subject to change. For the latest details, please visit the Labour Department's website (www.labour.gov.hk) or call the 24-hour hotline at 2717 1771 (the hotline is handled by "1823").

