

Employers should not dismiss foreign domestic helpers who have contracted COVID-19

The Labour Department (LD) today (February 24) reminded employers that they should not dismiss foreign domestic helpers (FDHs) who have contracted COVID-19 and should continue to observe the requirements under the Employment Ordinance (EO) and the Standard Employment Contract (SEC) amidst the pandemic.

An LD spokesman said, "Employers who employ FDHs should observe their obligations and requirements under the EO and the SEC. We would like to remind employers that they should not terminate an employment contract because the FDH has contracted COVID-19. Under the EO, an employer is prohibited from terminating the contract of employment of an employee on his/her paid sickness day, except in cases of summary dismissal due to the latter's serious misconduct. An employer who contravenes relevant provisions of the EO commits an offence and is liable to prosecution and, upon conviction, to a maximum fine of \$100,000. Besides, if an employer has breached the EO, he/she will not be considered eligible to employ an FDH for a period of time and his/her visa applications for FDHs will be refused. Employers are also reminded of possible violation of the Disability Discrimination Ordinance (DDO) if they treat their FDHs less favourably (e.g. by dismissing them) because the FDHs have been infected with or recovered from COVID-19."

Where the EO is applicable, an employer should grant sick leave and sickness allowance to the eligible FDH in accordance with the EO if the FDH falls sick. Where a sick FDH has not accumulated sufficient paid sickness days to cover the period of his/her sick leave, the Government appeals to the employer to be compassionate and consider granting the FDH paid sick leave. In addition, according to the requirements in the SEC, employers should provide to their FDHs free and suitable accommodation as well as free medical treatment.

The spokesman continued, "FDHs assist families of Hong Kong to do household chores and look after the elderly and children. Their contribution to Hong Kong is significant. Currently, the number of FDHs has already decreased to about 340 000 from the peak of about 400 000 in January 2020 owing to the pandemic. Mutual support and understanding are all the more necessary in face of the pandemic. To meet the needs of local families, we must strengthen support and protection for FDHs in order to maintain Hong Kong as an attractive place for FDHs to work. The Government appeals to employers and FDHs to fight the virus together. Employers must not arbitrarily dismiss infected FDHs. Any FDH dismissed by the employer because of contracting COVID-19 may approach the LD for assistance."

FDHs and employers may call the FDH hotline at 2157 9537 (handled by

1823), send an email to fdh-enquiry@labour.gov.hk or contact the LD through the online form on the dedicated Portal (www.fdh.labour.gov.hk). For information relating to COVID-19 and the DDO, employers may visit the Equal Opportunities Commission's website (www.eoc.org.hk/en/news-and-events/covid-19-and-discrimination).