

## Second Reading debate on Employment (Amendment) Bill 2019 to resume on June 24

The Employment (Amendment) Bill 2019 (Bill) would resume its Second Reading debate at the meeting of the Legislative Council (LegCo) on June 24, 2020.

"The Bill proposes that the maternity leave (ML) under the Employment Ordinance (EO) (Cap. 57) be increased by four weeks and be taken by the employee continuously after the 10 weeks' ML, if so entitled. The current statutory rate of maternity leave pay (MLP) (i.e. four-fifths of the employee's average daily wages) will be maintained for calculating the additional MLP in respect of the extension of ML, subject to a cap of \$36,822 (Note) per employee," a spokesman for the Government said today (June 15).

"The Bill also proposes two technical amendments which include updating the definition of 'miscarriage' under EO from 'before 28 weeks of pregnancy' to 'before 24 weeks of pregnancy' to entitle a female employee whose child is incapable of survival after being born at or after 24 weeks of pregnancy to ML if other conditions are met; and accepting a certificate of attendance issued by professionally trained persons as documentary proof for entitling an eligible employee to sickness allowance for any day on which the employee has attended a medical examination in relation to her pregnancy.

"The Government has committed that for the amount of additional MLP that is required to be paid under the Bill and has been paid by the employers, the latter may apply to the Government for full reimbursement which will be done by way of an administrative scheme."

Taking account of the views of the community and to further enhance the protection to pregnant employees, the Government has given notice to LegCo today that the Government will move an amendment to uplift the cap of the additional four weeks' MLP (i.e. \$36,822) in the Bill to \$80,000. This amount already exceeds the four weeks' MLP based on a monthly wage of \$100,000. Employees with a monthly wage of \$100,000 or below account for over 99% of female employees in Hong Kong, with reference to 2018 statistics.

If the amendment is passed by LegCo, the cap of the additional MLP that employers may apply to the Government for reimbursement would correspondingly be \$80,000 per employee.

"All along, the Government has publicly pledged that its aim is to implement the reimbursement regime for the additional MLP by end-2021. In light of the expectation of the community at large to benefit pregnant employees as early as possible, we have re-visited the implementation timetable. The Government would explore the feasibility of earlier implementation of the Amendment Ordinance and consult the Labour Advisory

Board accordingly. We hope to advance the implementation of the Amendment Ordinance by one year, i.e., towards the end of this year," the spokesman added.

Note : The cap of \$36,822 is equivalent to four-fifths of the wages of an employee with a monthly wage of \$50,000 in four weeks. According to 2016 statistics, employees with a monthly wage of \$50,000 or below accounted for about 95% of female employees in Hong Kong.