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Employment Update: Statutory Hong Kong Maternity Leave Increases to 14 Weeks

The Hong Kong Government announced last week that The Employment (Amendment) Ordinance 2020 (“Ordinance”) - passed by the Legislative Council on 9 July 2020 - will come into operation on 11 December 2020.

Under the Ordinance, statutory maternity leave will be extended by 4 weeks, to a total of 14 weeks. The leave must be taken continuously.

Key Takeaways

- 1) **Eligibility:** Female employees under a continuous employment contract for no less than 40 weeks will be eligible;
- 2) **Confinement date:** If confinement commences before 11 December 2020, a female employee’s maternity leave period will remain at 10 weeks. If confinement commences on or after 11 December 2020, her entitlement will be extended to 14 weeks;
- 3) **Maternity leave pay:** Pay is to be calculated at four-fifths the daily average of the wages earned by the employee. The Hong Kong Government will reimburse employers for the cost of the additional 4 week leave, capped at HK\$80,000, though details regarding how employers can apply for reimbursement for the additional 4 week leave have yet to be announced by the Hong Kong Government;
- 4) **Paternity leave:** Under the Ordinance, male employees will be able to take their statutory paternity leave within a 14 week period (instead of a 10 week period) if the child is born on or after 11 December 2020;

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5) **Internal policies:** Employers should be prepared to update their policies and procedures in light of the Bill.

Visit our website to read our earlier article detailing other important aspects under the Ordinance, including the revised definition of a miscarriage, and revisions regarding sickness allowance when employees attend medical appointments relating to their pregnancy.

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