



## HONG KONG LAW CHANGE INTRODUCES THREE DAYS' PATERNITY LEAVE

On 18 December 2014, the Legislative Council passed the Employment (Amendment) Bill 2014, introducing statutory paternity leave for male employees in Hong Kong under new Part IIIA of the Hong Kong Employment Ordinance. From March 2015, male employees will be entitled to three days' paternity leave at 80% of their average daily wages.

The key features of the new statutory paternity leave are as follows:

- A male employee who is the father of a newborn or a father-to-be is entitled to three days of paternity leave if he has been employed under a continuous contract for a period of not less than 40 weeks immediately before taking such leave. Multiple births are treated as one pregnancy for the purposes of calculating the period of paternity leave.
- The three days of paternity leave can be taken consecutively or separately.
- The days of paternity leave can be taken during the period from four weeks before the expected date of delivery of the employee's child to 10 weeks from and inclusive of the actual date of delivery.
- A male employee who intends to take paternity leave in respect of the birth of a child must notify his employer of his intention –
  - a) at least three months before the expected date of delivery of the child; and at least two days before the day on which paternity leave is to be taken; or

- b) at least five days before the day on which paternity leave is to be taken if the employee fails to notify the employer three months before the expected date of delivery of the child.

- An employer who fails to grant paternity leave or effect paternity leave pay to an eligible employee is liable to prosecution and, upon conviction, to a fine of HK\$50,000.
- The new statutory paternity leave entitlement is expected to take effect in March 2015.

### Background

The Labour Department of the Hong Kong government conducted a study on legislating for paternity leave in Hong Kong and consulted the Labour Advisory Board in May 2012. The Labour Advisory Board subsequently endorsed the proposal for legislating for three days' paternity leave with pay at four-fifths of the employee's average daily wages in November 2012.

Before the Employment (Amendment) Bill was passed by the Legislative Council, pan-democrat legislators proposed amendments to increase the period of the paternity leave and pay level to seven days with full pay, but their proposal was vetoed. The third reading of the Employment (Amendment) Bill was finally passed with 52 legislators voting in favour and 1 abstention, on 18 December 2014.

The government has stated that the new employment law will be reviewed a year after its implementation.

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