

Employment (Amendment) Ordinance 2020 gazetted today

The Government published the Employment (Amendment) Ordinance 2020 (Amendment Ordinance) in the Gazette today (July 17).

The Amendment Ordinance seeks to increase the maternity leave (ML) under the Employment Ordinance (EO) (Cap. 57) by four weeks, which should 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 the ML, subject to a cap of \$80,000 per employee.

The Amendment Ordinance also covers two technical amendments which include updating the definition of "miscarriage" under the 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 the 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 Amendment Ordinance will come into operation on a day to be appointed by the Secretary for Labour and Welfare by notice published in the Gazette," a spokesman for the Government said.

"Employers may apply to the Government for full reimbursement for the amount of additional MLP that is required to be paid and has been paid under the Amendment Ordinance, which will be done by way of an administrative scheme. The Government will announce the details in due course.

"The Government is exploring the feasibility of earlier implementation of the Amendment Ordinance and would consult the Labour Advisory Board accordingly. We hope to implement the Amendment Ordinance towards the end of this year," the spokesman added.