

Labour Department reminds foreign domestic helpers and employers of tightening of social distancing measures by the Government

The Labour Department (LD) today (December 4) reminded foreign domestic helpers (FDHs) and their employers of the tightening of social distancing measures by the Government and appealed to eligible FDHs to participate in the free COVID-19 testing service.

An LD spokesman said, "The Government has amended the Prevention and Control of Disease (Prohibition on Group Gathering) Regulation (Cap. 599G) to prohibit group gatherings of more than two persons in public places. A person who participates in a prohibited group gathering may be charged a fixed penalty, the amount of which will be raised to \$5,000 starting from December 11. At the same time, the fixed penalty charged against a person who fails to wear a mask in accordance with the Prevention and Control of Disease (Wearing of Mask) Regulation (Cap. 599I) will also be raised to \$5,000 starting from December 11."

"We remind FDHs to observe and comply with the regulations and appeal to them to avoid meal gatherings, food sharing and other social activities on their rest days and stay at home for rest as far as possible to safeguard their personal health. We also encourage employers and FDHs to discuss rest day arrangements and arrange rest days on a weekday instead of during the weekend, so as to minimise the health risk of participating in social activities. The Government will continue to conduct mobile broadcast at popular FDH gathering places across the territory to call upon FDHs to comply with the latest requirements. As at November 30, a total of 37 FDHs were charged a fixed penalty for breach of the Cap. 599G requirements."

Employers are reminded that they must not compel their FDHs to work on a rest day. Under the Employment Ordinance (Cap. 57), if an employer requests an FDH to work on a rest day, the employer must substitute another rest day for the FDH within 30 days after the original rest day; the employer must also notify the FDH of the arrangement within 48 hours after he/she is required to work. An employer who compels his/her FDH to work on a rest day without the agreement of the FDH or fails to grant rest days to the FDH is in breach of the Employment Ordinance and is liable to prosecution and, upon conviction, to a maximum fine of \$50,000.

"Regarding FDHs who have to stay in boarding facilities while waiting to change employers, we strongly advise them to actively participate in the free COVID-19 testing service provided by LD to safeguard their health. If an FDH needs to stay in a boarding facility for an extended period of time while waiting to change employers, he/she may retake the test as appropriate,

especially before joining the new employer's family. We appeal for employment agencies (EAs)' active assistance in arranging for FDHs to collect specimen collection packs at LD's temporary distribution/collection point at the Wan Chai Sports Ground and to return the specimens for testing. Employers are also strongly advised to check that their new FDHs have a valid negative test result before joining the family," the spokesman continued.

"At the same time, we would like to remind EAs not to arrange FDHs to stay in crowded environments and pay attention to personal hygiene and maintain social distance. Pursuant to the Code of Practice for EAs promulgated by the Commissioner for Labour, should an EA conduct any other activities (e.g. providing temporary accommodation) or non-EA related business at an EA's licensed address or other premises, the EA must comply with the relevant laws at all times. EAs in breach of the Code of Practice for EAs may have their licences revoked or refused renewal by the Commissioner for Labour."

Details of the free COVID-19 testing service provided by LD from December 1 to December 24 for FDHs waiting to join their new employers' family can be found in the press release issued on November 27 (www.info.gov.hk/gia/general/202011/27/P2020112600605.htm).

Should FDHs and their employers have any enquiries on employment matters or the testing service, they may contact LD through the dedicated FDH hotline at 2157 9537 (manned by 1823), by email to fdh-enquiry@labour.gov.hk or through the online form on the dedicated portal (www.fdh.labour.gov.hk).