

Submission from Deacons dated 30 April 2014

Thank you for your invitation to be involved in the discussion of the Employment (Amendment) Bill 2014. We generally support the granting of paid paternity leave (PL) to employees in Hong Kong. In addition, the introduction of this benefit is a recognition of the importance of fatherhood. Fathers of this age seem to play a larger role with new-borns than before. We therefore welcome the introduction of this benefit.

Using the same numbering in the Legislative Council Brief dated February 2014, our views are as follows : -

(a) Duration of PL

3 days' of paid paternity leave for each incident of birth seems reasonable. However, since the Government provides for 5 days of paternity leave, consideration may be made to align the 2 benefits.

(b) Rate of PL pay

We agree that the rate of pay should be in line with maternity leave pay i.e. 4/5 of wages.

(c) Period and mode of taking PL

The suggestion to allow taking of PL in one go or on discrete days seems to make sense. The notice to employers (in (h) below) should clearly state the mode in order to give time for employer to consider contingencies.

(d) Childbirths outside Hong Kong

Agree to the suggestion in paragraph 8.

(e) Childbirths outside of marriage

We agree that PL should be granted to "legal" fathers and not just husbands who are legally married to the mothers. This is certainly in line with the anti-discrimination Ordinances and in line with modern family structures.

(f) Miscarriage and stillbirth cases

We agree that the treatment for PL should be the same as the arrangement made on maternity leave in this regard.

(g) Length of service requirement

We agree with the suggestion that all fathers in continuous employment may take PL and for those who have been working for more than 40 weeks, PL should be paid.

(h) Notification requirement

We agree advance notice will need to be given to the employer.

(i) Documentary requirement

We would suggest that the written statement required of the father should be in the form of a statutory declaration. The other requirements set out under that paragraph are acceptable to us.

(j) Time for payment of PL pay

We agree that payment should not be made until the required documents are produced. As long as there is a claw back provision, employers may also choose to effect payment before the production of the documents.

(k) Penalty

The proposed penalty level is agreed.

We are also of the view that it is time to legislate for this particular benefit. Organisations have been left to formulate their own policies but generally still a large proportion of male employees in private sector are not protected. Such benefit is also great to support the mothers.

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