

The Employment (Amendment) Ordinance 2014 to be effective

Key Features of Statutory Paternity Leave

- Male employees with child born on or after the commencement of the Employment (Amendment) Ordinance 2014 are entitled to 3 days' paternity leave to be taken consecutively or separately for each confinement of their spouse/partner if they fulfil other requirements as stipulated in the law. The employee may take paternity leave at any time during the period from 4 weeks before the expected date of delivery of the child to 10 weeks beginning on the actual date of delivery of the child. An employee who is qualified for paternity leave pay may receive a daily rate of four-fifths of his average wages as paternity leave pay.

Who is eligible for paternity leave?

- A male employee is eligible for paternity leave if he –
 - (a) is the father of a new-born child or a father-to-be;
 - (b) has been employed under a continuous contract (Under the Employment Ordinance, an employee who has been employed continuously by the same employer for 4 weeks or more and has been working for at least 18 hours each week is regarded as being employed under a continuous contract); and
 - (c) has given the required notification to the employer.

Who is eligible for paternity leave pay?

- A male employee is entitled to paternity leave pay if he –
 - (a) has been employed under a continuous contract for not less than 40 weeks immediately before the day of paternity leave; and
 - (b) has provided the required document to the employer within the specified period (***For birth in Hong Kong:*** the birth certificate of the child on which the employee's name is entered as the child's father; ***For birth outside Hong Kong:*** the birth certificate of the child issued by the authorities of the place and on which the employee's name is entered as the child's father).