



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**CHILD DEVELOPMENT CO-SAVINGS ACT**

**(CHAPTER 38A)**

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# Child Development Co-Savings Act

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An Act to encourage married persons in Singapore to have more children, to facilitate the provision of cash grants and the making of financial provision for the development of children, to enable financial provision to be made for children of parents who have been granted a divorce, a judicial separation or an annulment of marriage, and for matters connected therewith.

*[13/2011 wef 01/05/2011]*

[1st April 2001]

## PART I PRELIMINARY

### **Short title**

1. This Act may be cited as the Child Development Co-Savings Act.

*[13/2011 wef 01/05/2011]*

### **Interpretation**

2.—(1) In this Act, unless the context otherwise requires —

“adoptive father” includes a man who —

- (a) applies to adopt a child in accordance with any written law relating to the adoption of children; or
- (b) has obtained a dependant’s pass for a child whom he intends to adopt in accordance with any written law relating to the adoption of children;

*[Act 33 of 2016 wef 01/01/2017]*

“adoptive mother” includes a woman who —

- (a) applies to adopt a child in accordance with any written law relating to the adoption of children; or
- (b) has obtained a dependant’s pass for a child whom she intends to adopt in accordance with any written law relating to the adoption of children;

*[Act 33 of 2016 wef 01/01/2017]*

“approved person” means a person approved by the Minister as an approved person under the regulations made under section 7;

“bank account” means a bank account opened under the regulations made under section 3;

“benefit period”, in relation to a female employee to whom subsection (1), (1A) or (1B) of section 9 applies, means such period as she is entitled under the applicable subsection to receive payment from her employer at her gross rate of pay;

*[28/2008 wef 31/10/2008]*

*[Act 33 of 2016 wef 01/01/2017]*

“confinement” means the delivery of one or more children from one pregnancy;

*[Act 33 of 2016 wef 01/01/2017]*

“dependant’s pass”, in relation to a child, means a dependant’s pass issued in respect of the child under regulations made under the Immigration Act (Cap. 133) to enable the child to remain, or to enter and remain, in Singapore for the purposes of adoption under the Adoption of Children Act (Cap. 4), and includes a document evidencing that the application for the dependant’s pass has been approved;

*[Act 12 of 2013 wef 01/05/2013]*

“eligibility date”, in relation to an application to adopt a child in accordance with any written law relating to the adoption of children, means —

- (a) if the child is a citizen of Singapore, the date on which the application to adopt the child is made; or
- (b) if the child is not a citizen of Singapore, the date on which a dependant’s pass is issued in respect of the child;

*[Act 33 of 2016 wef 01/01/2017]*

“employee” means any person who has entered into or works under a contract of service with an employer in Singapore, and includes a workman and any officer or employee of the Government;

*[42/2004 wef 01/10/2004]*

“employer” means any person who employs another person under a contract of service and includes —

(a) the Government;

*[42/2004 wef 01/10/2004]*

(b) any statutory authority;

(c) the duly authorised agent or manager of the employer;  
and

(d) the person who owns or who is carrying on or is for the time being responsible for the management of the profession, business, trade or work in which the employee is engaged;

“estimated delivery date” means the estimated delivery date of a child as certified by a medical practitioner;

*[Act 33 of 2016 wef 01/01/2017]*

“gross rate of pay” means the total amount of money (including allowances) to which an employee is entitled under the employee’s contract of service, either for working for a period of time (that is, for an hour, a day, a week or a month, or for such other period, as may be stated or implied in the contract of service) or for each completed piece or task of work, but does not include any of the following:

(a) additional payments by way of overtime payments;

(b) additional payments by way of bonus payments or annual wage supplements;

(c) any sum paid to the employee to reimburse the employee for special expenses incurred by the employee in the course of the employee’s employment;

(d) productivity incentive payments;

(e) travelling, food or housing allowances;

*[Act 33 of 2016 wef 01/01/2017]*

“lost income”, in relation to a period during which a self-employed man or self-employed woman ceased to be actively engaged in his or her trade, business, profession or vocation, means the income that he or she would otherwise have derived from that trade, business, profession or vocation had

he or she continued to be actively engaged in that trade, business, profession or vocation during that period;

*[Act 33 of 2016 wef 01/01/2017]*

“medical practitioner” means a medical practitioner registered under the Medical Registration Act (Cap. 174);

*[28/2008 wef 31/10/2008]*

“member” means a member of the Scheme;

“natural father”, in relation to a child, includes a person who is identified in the registration of the birth of the child as the father of the child;

*[28/2008 wef 31/10/2008]*

“parent”, in relation to a child, includes a legal guardian of the child;

“part-time employee” has the same meaning as in section 66A(1) of the Employment Act (Cap. 91);

*[28/2008 wef 31/10/2008]*

“personal representative” means the executor, original or by representation, or administrator for the time being of a deceased person;

“productivity incentive payment” has the same meaning as in section 2(1) of the Employment Act (Cap. 91);

*[Act 12 of 2013 wef 01/05/2013]*

“PSE account” has the same meaning as in the Education Endowment and Savings Schemes Act (Cap. 87A);

*[52/2007 wef 01/01/2008]*

“Scheme” means the Child Development Co-Savings Scheme established by the regulations made under section 3;

*[13/2011 wef 01/05/2011]*

“self-employed man” means any man resident in Singapore who engages in or carries on any trade, business, profession or vocation other than employment under a contract of service and derives income from such trade, business, profession or

vocation, or such other man declared by the Minister to be a self-employed man for the purposes of this Act;

*[Act 12 of 2013 wef 01/05/2013]*

“self-employed woman” means any woman resident in Singapore who engages in or carries on any trade, business, profession or vocation other than employment under a contract of service and derives income from such trade, business, profession or vocation or such other woman declared by the Minister to be a self-employed woman for the purposes of this Act;

*[42/2004 wef 01/10/2004]*

*[Act 33 of 2016 wef 01/01/2017]*

“specified event”, in relation to a woman, means —

- (a) the woman’s confinement;
- (b) the making of an application by the woman to adopt a child in accordance with any written law relating to the adoption of children, if —
  - (i) the woman is not the child’s natural mother; and
  - (ii) at the time of the application, the child —
    - (A) is below the age of 12 months; and
    - (B) is a citizen of Singapore;
- (c) the issue of a dependant’s pass in respect of a child whom the woman intends to adopt in accordance with any written law relating to the adoption of children, if —
  - (i) the woman is not the child’s natural mother; and
  - (ii) at the time the dependant’s pass is issued, the child —
    - (A) is below the age of 12 months; and
    - (B) is not a citizen of Singapore;
- (d) the adoption of a child by the woman under any foreign law relating to the adoption of children, if —

- (i) the woman is not the child's natural mother; and
- (ii) at the time of the adoption, the child is below the age of 12 months;

*[Act 33 of 2016 wef 01/07/2017]*

“weekly index”, in relation to a male or female employee or a self-employed man or self-employed woman, means his or her number of work days per week determined in accordance with the Schedule.

*[Act 33 of 2016 wef 01/01/2017]*

(2) For the purpose of determining whether a woman's specified event (called in this subsection the relevant specified event) is the woman's first, second, third or subsequent specified event —

(a) any previous specified event of the woman is to be disregarded if, at the time of the relevant specified event, either of the following applies to each child from the previous specified event:

- (i) the child is dead;
- (ii) the child has been adopted by another person (other than jointly with the woman); and

(b) any previous specified event involving an application by the woman to adopt a child is to be disregarded if, at the time of the relevant specified event, the application has been withdrawn or refused.

*[Act 33 of 2016 wef 01/07/2017]*

(3) The number of work days determined in accordance with the Schedule to be the weekly index of a male or female employee or a self-employed man or self-employed woman, if not a whole number, is to be rounded down to the nearest half day or whole day.

*[Act 33 of 2016 wef 01/01/2017]*

## PART II

### CHILD DEVELOPMENT CO-SAVINGS SCHEME

*[13/2011 wef 01/05/2011]*

**Establishment of Child Development Co-Savings Scheme to assist families**

**3.—(1)** The Minister may by regulations establish a scheme to be called the Child Development Co-Savings Scheme —

(a) to encourage married women to have more children, by the provision of financial assistance for the development of the children of families through a co-savings arrangement;

*[Act 17 of 2016 wef 01/07/2016]*

(aa) to provide financial assistance for the development of any other child through a co-savings arrangement;

*[Act 17 of 2016 wef 01/07/2016]*

(b) to facilitate the provision of cash grants made by the Government from time to time for the development of children;

(c) to facilitate the making of financial provision for the development of a child, whether or not the child is eligible for a co-savings arrangement, through the making of contributions to the child's bank account by or on behalf of any parent of the child; and

*[Act 17 of 2016 wef 01/07/2016]*

(d) to make financial provision for a child whose parents have obtained a judgment for the dissolution or annulment of their marriage or judicial separation, through the transfer of matrimonial assets divided between the parents by a court pursuant to the divorce, annulment or judicial separation proceedings into the child's bank account.

*[13/2011 wef 01/05/2011]*

(2) Without prejudice to the generality of subsection (1), such regulations may provide for —

(a) different types of membership of the Scheme, and the eligibility criteria, benefits and terms and conditions for each type of membership of the Scheme;

*[13/2011 wef 01/05/2011]*

(b) the appointment of one or more managing agents responsible for the operation and administration of the Scheme and the powers, functions and duties of such

managing agents, including the duty of such managing agents to comply with any requirement relating to confidentiality of information;

- (c) the payment of contributions to the Scheme by or on behalf of any parent of a member, whether or not the member is eligible for a co-savings arrangement;

*[13/2011 wef 01/05/2011]*

*[Act 17 of 2016 wef 01/07/2016]*

- (d) the payment of moneys to a member, and the amount, mode, manner and terms and conditions of any such payment;

*[13/2011 wef 01/05/2011]*

- (e) the opening of and the type of bank account for each member into which such moneys will be paid;

- (f) the suspension or termination of such bank account and the circumstances in which the account may be suspended or terminated;

- (g) the terms and conditions governing the relationship between the bank at which a bank account under the Scheme is opened and maintained and the member and the trustee of such bank account;

- (h) the purposes for which the moneys paid under the Scheme can be utilised and the terms and conditions subject to which withdrawals of such moneys can be made;

- (i) the transfer of any moneys standing to the credit of a member in his bank account to his PSE account or such other account in his name as may be prescribed, or the withdrawal of such moneys, at such time, in such manner and in such circumstances as may be prescribed;

*[9/2007 wef 01/03/2007]*

*[52/2007 wef 01/01/2008]*

- (j) the consequences for any breach of the regulations, including making any act or omission in contravention of such regulations an offence and prescribing penalties for such offence not exceeding a fine of \$20,000 or

imprisonment for a term not exceeding 12 months or both;  
and

- (k) different provisions in respect of a child eligible for membership of the Scheme whose parents have not attained the age of majority.

*[13/2011 wef 01/05/2011]*

(3) In this section, “co-savings arrangement”, in relation to a child, means an arrangement whereby the Government makes contributions to the bank account of a child eligible for that arrangement, equal to the contributions made by or on behalf of any parent of the child.

*[Act 17 of 2016 wef 01/07/2016]*

### **Compulsory substitution of trustee**

**4.—(1)** Unless otherwise provided in an order of court or directed by the Minister, the trustee of the moneys standing to the credit of a member’s bank account shall —

- (a) where the custody, care and control of the member is granted (under an order of court or by agreement between the parents of the member) to the parent of the member who is not the trustee, be substituted with the parent to whom custody, care and control has been granted;
- (b) where the care and control of the member is granted (under an order of court or by agreement between the parents of the member) to the parent of the member who is not the trustee, be substituted with the parent to whom care and control has been granted, notwithstanding that custody of the member remains with the parent who is the trustee;
- (c) where the custody, care and control, or care and control, of the member is granted (under an order of court or by agreement between the parents of the member) to a person other than the parents of the member, be substituted with the person granted custody, care and control, or care and control, of the member;
- (d) where the member is legally adopted by any person, be substituted with the adopter of the member;

- (e) where the trustee is dead and the member has no other legal guardian, be substituted with the personal representative of the trustee;
  - (f) where the trustee is no longer able to act as trustee by reason that the trustee lacks capacity (within the meaning of the Mental Capacity Act (Cap. 177A)) to exercise the trustee's functions as trustee, and the member has no other legal guardian, be substituted with —
    - (i) a donee of a lasting power of attorney which is granted by the trustee under that Act, and under which the trustee confers on the donee authority either to make decisions concerning the trustee's property and affairs or to exercise the functions as trustee;
    - (ii) a deputy appointed or deemed to be appointed for the trustee by the court under that Act, and who is conferred power either to make decisions concerning the trustee's property and affairs or to exercise the functions as trustee; or
    - (iii) if there is no such donee or deputy, a person nominated by the Minister; and
- [Act 33 of 2016 wef 01/01/2017]*
- (g) where the trustee is unable or unwilling to act as trustee for any other reason and the member has no other legal guardian, be substituted with the person nominated by the trustee and approved by the Minister to act in the place of the existing trustee.

(2) Notwithstanding subsection (1), the Minister may, if he considers it necessary, direct that a trustee be removed and substituted with such other person as the Minister may nominate.

(3) This section shall have effect notwithstanding anything to the contrary in the Trustees Act (Cap. 337).

**Protection of benefits**

5. Subject to the Education Endowment and Savings Schemes Act (Cap. 87A) and any regulations made under section 3 (in so far as they provide for the withdrawal, transfer or utilisation of any moneys paid into a member's bank account), the ownership of any moneys paid into a member's bank account by the Government or the parent of the member under the Scheme shall, with effect from the date of such payment, belong to the member absolutely and —

- (a) the payment by the parent shall not constitute “matrimonial asset” within the meaning of section 112 of the Women's Charter (Cap. 353);
- (b) the payment by the parent shall not constitute a transaction at undervalue or an unfair preference under section 98 or 99 of the Bankruptcy Act (Cap. 20) or form part of the estate of a parent who has been adjudicated bankrupt; and
- (c) the moneys in the bank account of the member shall not be assignable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim.

*[52/2007 wef 01/01/2008]*

**Moneys payable on death of member**

6.—(1) Where a member dies, the moneys standing to his credit in his bank account shall be paid to the Public Trustee for disposal in accordance with —

- (a) the Intestate Succession Act (Cap. 146), if the member was not a Muslim at the time of his death; or
- (b) section 112 of the Administration of Muslim Law Act (Cap. 3), if the member was a Muslim at the time of his death.

*[Act 2 of 2012 wef 01/03/2012]*

(2) The receipt of the Public Trustee shall be a good discharge to the Minister and the managing agent for such portions of the moneys payable out of the bank account on the death of a member as are payable to the Public Trustee under subsection (1).

(3) All moneys paid out of the bank account on the death of any member shall be deemed to be impressed with a trust in favour of the person or persons determined by the Public Trustee in accordance with subsection (1) to be entitled thereto but shall, without prejudice to the Estate Duty Act (Cap. 96), be deemed not to form part of the deceased member's estate or to be subject to his debts.

### **Approved persons**

7.—(1) The Minister may make regulations to approve a person as an approved person for the purposes of the Scheme and for purposes connected therewith.

(2) Without prejudice to the generality of subsection (1), such regulations may —

- (a) prescribe the manner in which applications for approval as an approved person may be made;
- (b) require any refund of payment made for any service which has not been provided by an approved person to be credited into the bank account of the member;
- (c) require the approved person to execute a security bond as a pre-condition for such approval;
- (d) specify such other terms and conditions subject to which the approval of the Minister is granted; and
- (e) empower the Minister to revoke the approval granted to an approved person and prescribe the circumstances in which such power is to be exercised.

### **Recovery of payment by Government**

8.—(1) Where any payment has been made into a member's bank account by the Government under the Scheme and such payment is —

- (a) made in reliance of any false or misleading statement or document made or furnished by the parent of the member;
- (b) made by reason of a mistake of fact; or
- (c) utilised for purposes not authorised by the Scheme,

the Government may recover such payment from any moneys standing to the credit of the member's bank account.

(2) Where the Government is entitled to recover any payment from a member's bank account under subsection (1), the bank at which the account is opened and maintained shall not authorise any further withdrawal from the account until the payment due to the Government has been deducted from the moneys standing to the credit of the account and paid to the Government.

### PART III

#### MATERNITY PROTECTION AND BENEFITS, ADOPTION LEAVE, CHILDCARE LEAVE, EXTENDED CHILDCARE LEAVE, UNPAID INFANT CARE LEAVE, SHARED PARENTAL LEAVE AND PATERNITY LEAVE

*[Act 12 of 2013 wef 01/05/2013]*

#### **Length of maternity benefit period, etc., for female employee or self-employed woman**

**9.—**(1) Subject to subsections (2) and (3), sections 9A and 12E and any regulations made under section 20, every female employee who satisfies the requirements of section 9A(1) shall be entitled to absent herself from work —

(a) during —

(i) the period of 4 weeks immediately before her confinement; and

(ii) the period of 12 weeks immediately after her confinement;

*[28/2008 wef 31/10/2008]*

(b) during a period of 16 weeks, as agreed to by her and her employer, commencing —

(i) not earlier than 28 days immediately preceding the day of her confinement; and

(ii) not later than the day of her confinement; or

*[28/2008 wef 31/10/2008]*

(c) during —

(i) a period of 8 weeks, as agreed to by her and her employer, commencing —

(A) not earlier than 28 days immediately preceding the day of her confinement; and

(B) not later than the day of her confinement; and

(ii) one or more than one later period, each being of such duration as is agreed between the employee and her employer, all of which in aggregate are equal in duration to 8 times the employee's weekly index or 48 days (whichever is the lower), and all of which must be taken within the period of 12 months commencing on the day of her confinement,

*[Act 33 of 2016 wef 01/01/2017]*

and for such period of her absence from work, she shall be entitled to receive payment from her employer at her gross rate of pay.

*[9/2007 wef 01/03/2007]*

(1A) Subject to subsection (3A), sections 9A and 12E and any regulations made under section 20, every female employee who —

(a) delivers a child who is not a citizen of Singapore at the time of his birth;

(b) satisfies the requirements of section 9A(1A); and

(c) absents herself from work under section 76(1) of the Employment Act (Cap. 91),

shall be entitled —

(i) where section 76(1)(a) of that Act applies and her confinement during which the child is delivered is her first or second specified event —

(A) if the child becomes a citizen of Singapore within the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act —

(AA) to receive payment from her employer at her gross rate of pay for the last 4 weeks of the

- period referred to in section 76(1)(a)(ii) of that Act; and
- (AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(a)(ii) of that Act;
- (B) if the child becomes a citizen of Singapore after the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act but within that period —
- (BA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act; and
- (BB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(a)(ii) of that Act; or
- (C) if the child becomes a citizen of Singapore within a period (referred to in this sub-paragraph as the relevant period) of 4 weeks commencing immediately after the period referred to in section 76(1)(a)(ii) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the relevant period;

*[Act 33 of 2016 wef 01/07/2017]*

- (ii) where section 76(1)(a) of that Act applies and her confinement during which the child is delivered is her third or subsequent specified event —
- (A) if the child becomes a citizen of Singapore within the period referred to in section 76(1)(a)(ii) of that Act —
    - (AA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act; and
    - (AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(a)(ii) of that Act; or
  - (B) if the child becomes a citizen of Singapore within a period (referred to in this sub-paragraph as the relevant period) of 4 weeks commencing immediately after the period referred to in section 76(1)(a)(ii) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the relevant period;
- [Act 33 of 2016 wef 01/07/2017]*
- (iii) where section 76(1)(b) of that Act applies and her confinement during which the child is delivered is her first or second specified event —
- (A) if the child becomes a citizen of Singapore within the first 8 weeks of the period referred to in section 76(1)(b) of that Act —
    - (AA) to receive payment from her employer at her gross rate of pay for the last 4 weeks of the

period referred to in section 76(1)(b) of that Act; and

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(b) of that Act;

(B) if the child becomes a citizen of Singapore after the first 8 weeks of the period referred to in section 76(1)(b) of that Act but within that period —

(BA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(b) of that Act; and

(BB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(b) of that Act; or

(C) if the child becomes a citizen of Singapore within a period (referred to in this sub-paragraph as the relevant period) of 4 weeks commencing immediately after the period referred to in section 76(1)(b) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the relevant period;

*[Act 33 of 2016 wef 01/07/2017]*

(iv) where section 76(1)(b) of that Act applies and her confinement during which the child is delivered is her third or subsequent specified event —

- (A) if the child becomes a citizen of Singapore within the period referred to in section 76(1)(b) of that Act —
  - (AA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(b) of that Act; and
  - (AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(b) of that Act; or
- (B) if the child becomes a citizen of Singapore within a period (referred to in this sub-paragraph as the relevant period) of 4 weeks commencing immediately after the period referred to in section 76(1)(b) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the relevant period;  
*[Act 33 of 2016 wef 01/07/2017]*
- (v) where section 76(1)(c) of that Act applies and her confinement during which the child is delivered is her first or second specified event —
  - (A) if the child becomes a citizen of Singapore within the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —
    - (AA) to receive payment from her employer at her gross rate of pay for every period referred to in section 76(1)(c)(ii) of that Act; and
    - (AB) to absent herself from work and receive payment from her employer at her gross rate of pay for one or more than one later period,

each being of such duration as is agreed between the employee and her employer, all of which in aggregate are equal in duration to 4 times the employee's weekly index or 24 days (whichever is the lower), and all of which must be taken within the period of 12 months commencing on the day of her confinement; or

*[Act 33 of 2016 wef 01/01/2017]*

(B) if the child becomes a citizen of Singapore after the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —

(BA) to receive payment from her employer at her gross rate of pay for every period referred to in section 76(1)(c)(ii) of that Act commencing on or after the day the child becomes a citizen of Singapore; and

(BB) to absent herself from work and receive payment from her employer at her gross rate of pay for one or more than one later period, each being of such duration as is agreed between the employee and her employer, all of which in aggregate are equal in duration to 4 times the employee's weekly index or 24 days (whichever is the lower), and all of which must commence on or after the day the child becomes a citizen of Singapore and be taken within the period of 12 months commencing on the day of her confinement; or

*[Act 33 of 2016 wef 01/01/2017]*

*[Act 33 of 2016 wef 01/07/2017]*

(vi) where section 76(1)(c) of that Act applies and her confinement during which the child is delivered is her third or subsequent specified event —

(A) if the child becomes a citizen of Singapore within the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —

- (AA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(c)(i) of that Act, and for every period referred to in section 76(1)(c)(ii) of that Act; and
- (AB) to absent herself from work and receive payment from her employer at her gross rate of pay for one or more than one later period, each being of such duration as is agreed between the employee and her employer, all of which in aggregate are equal in duration to 4 times the employee's weekly index or 24 days (whichever is the lower), and all of which must be taken within the period of 12 months commencing on the day of her confinement; or  
*[Act 33 of 2016 wef 01/01/2017]*
- (B) if the child becomes a citizen of Singapore after the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —
  - (BA) to receive payment from her employer at her gross rate of pay for every period referred to in section 76(1)(c)(ii) of that Act commencing on or after the day the child becomes a citizen of Singapore; and
  - (BB) to absent herself from work and receive payment from her employer at her gross rate of pay for one or more than one later period, each being of such duration as is agreed between the employee and her employer, all of which in aggregate are equal in duration to 4 times the employee's weekly index or 24 days (whichever is the lower), and all of which must commence on or after the day the child becomes a citizen of Singapore and be taken

within the period of 12 months commencing on the day of her confinement.

*[Act 33 of 2016 wef 01/01/2017]*

*[Act 33 of 2016 wef 01/07/2017]*

(1B) Subject to subsection (3), sections 9A and 12E and any regulations made under section 20, every female employee who —

- (a) delivers a child who is not a citizen of Singapore at the time of his birth;
- (b) satisfies the requirements of section 9A(1A); and
- (c) is not entitled to absent herself from work under section 76(1) of the Employment Act (Cap. 91),

shall be entitled to absent herself from work during, and to receive payment from her employer at her gross rate of pay for —

- (i) the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period of 16 weeks commencing on the day of her confinement;  
*[28/2008 wef 31/10/2008]*
- (ii) if the child becomes a citizen of Singapore within the period of 8 weeks commencing on the day of her confinement —
  - (A) the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period of 8 weeks commencing on the day of her confinement; and
  - (B) one or more than one later period, each being of such duration as is agreed between the employee and her employer, all of which in aggregate are equal in duration to 8 times the employee's weekly index or 48 days (whichever is the lower), and all of which must be taken within the period of 12 months commencing on the day of her confinement; or  
*[Act 33 of 2016 wef 01/01/2017]*
- (iii) if the child becomes a citizen of Singapore after the period of 8 weeks commencing on the day of her confinement, one or more than one period, each being of such duration as is

agreed between the employee and her employer, all of which in aggregate are equal in duration to 8 times the employee's weekly index or 48 days (whichever is the lower), and all of which must commence on or after the day the child becomes a citizen of Singapore and be taken within the period of 12 months commencing on the day of her confinement.

*[Act 33 of 2016 wef 01/01/2017]*

(1C) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

(1D) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

(1E) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

(1F) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

(2) Where a female employee has worked in her employment for any day during the benefit period before her confinement, she shall be entitled —

- (a) to receive, in addition to her gross rate of pay for that day, an amount that is equivalent to a day's pay at the gross rate of pay; or
- (b) to absent herself from work on another day at the end of the benefit period.

*[42/2004 wef 01/10/2004]*

(3) Where the employment of a female employee is terminated (whether by resignation or dismissal, upon the completion of her contract of service, or for any other reason) before she has exercised, wholly or partly, her entitlement to absent herself from work during a period referred to in subsection (1)(c)(ii), (1A)(v)(A)(AB) or (B)(BB) or (vi)(A)(AB) or (B)(BB) or (1B)(ii)(B) or (iii), she shall forfeit that entitlement (or the balance thereof) upon the termination of her employment.

*[28/2008 wef 31/10/2008]*

*[Act 33 of 2016 wef 01/01/2017]*

(3A) For the avoidance of doubt, where the employment of a female employee is terminated (whether by resignation or dismissal, upon the completion of her contract of service, or for any other reason) before she has exercised, wholly or partly, her entitlement to absent herself

from work during a period referred to in section 76(1)(c)(ii) of the Employment Act (Cap. 91), she shall forfeit her entitlement (or the balance thereof) to receive payment from her employer at her gross rate of pay for that period under subsection (1A)(v)(A)(AA) or (B)(BA) or (vi)(A)(AA) or (B)(BA) upon the termination of her employment.

*[9/2007 wef 01/03/2007]*

*[28/2008 wef 31/10/2008]*

*[Act 33 of 2016 wef 01/01/2017]*

(4) Subject to subsection (5), sections 9A and 12E and any regulations made under section 20, every self-employed woman who —

- (a) satisfies the requirements of section 9A(1);
- (b) ceases to be actively engaged in her trade, business, profession or vocation —
  - (i) during —
    - (A) the period of 4 weeks immediately before her confinement; and
    - (B) the period of 12 weeks immediately after her confinement;
  - (ii) during a period of 16 weeks commencing —
    - (A) not earlier than 28 days immediately preceding the day of her confinement; and
    - (B) not later than the day of her confinement; or
  - (iii) during —
    - (A) a period of 8 weeks commencing —
      - (AA) not earlier than 28 days immediately preceding the day of her confinement; and
      - (AB) not later than the day of her confinement; and

(B) one or more than one later period —

(BA) all of which in aggregate are equal in duration to 8 times her weekly index or 48 days (whichever is the lower); and

(BB) all of which are within the period of 12 months commencing on the day of her confinement; and

(c) has lost any income by reason of her ceasing to be actively engaged in that trade, business, profession or vocation,

is entitled to claim from the Government her lost income for the applicable period mentioned in subsection (5).

*[Act 33 of 2016 wef 01/01/2017]*

(4A) Subject to subsection (5), sections 9A and 12E and any regulations made under section 20, every self-employed woman who —

(a) delivers a child who is not a citizen of Singapore at the time of the child's birth;

(b) satisfies the requirements of section 9A(1A);

(c) ceases to be actively engaged in her trade, business, profession or vocation —

(i) during the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period of 16 weeks commencing on the day of her confinement;

(ii) if the child becomes a citizen of Singapore within the period of 8 weeks commencing on the day of her confinement, during —

(A) the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period of 8 weeks commencing on the day of her confinement; and

(B) one or more than one later period —

(BA) all of which in aggregate are equal in duration to 8 times her weekly index or 48 days (whichever is the lower); and

(BB) all of which are within the period of 12 months commencing on the day of her confinement; or

(iii) if the child becomes a citizen of Singapore after the period of 8 weeks commencing on the day of her confinement, during one or more than one period, all of which in aggregate are equal in duration to 8 times her weekly index or 48 days (whichever is the lower), and all of which commence on or after the day the child becomes a citizen of Singapore and are within the period of 12 months commencing on the day of her confinement; and

(d) has lost any income by reason of her ceasing to be actively engaged in that trade, business, profession or vocation,

is entitled to claim from the Government her lost income for the applicable period mentioned in subsection (5).

*[Act 33 of 2016 wef 01/01/2017]*

(4B) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

(4C) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

(5) A self-employed woman shall be entitled to receive payment from the Government —

(a) if her confinement mentioned in subsection (4) or (4A) is her first or second specified event —

(i) under subsection (4), for such period of her cessation of active engagement in her trade, business, profession or vocation which is after the first 8 weeks of such cessation; or

(ii) under subsection (4A), for a period of her cessation of active engagement in her trade, business, profession or vocation which —

(A) does not exceed 8 weeks; and

*[28/2008 wef 31/10/2008]*

(B) is after a period of 8 weeks commencing not earlier than 28 days immediately preceding the date of that confinement, during which she ceases to be actively engaged in her trade, business, profession or vocation; and

*[Act 33 of 2016 wef 01/01/2017]*

*[Act 33 of 2016 wef 01/07/2017]*

(b) if her confinement mentioned in subsection (4) or (4A) is her third or subsequent specified event, under subsection (4) or (4A), for the whole period of her cessation of active engagement in her trade, business, profession or vocation.

*[28/2008 wef 31/10/2008]*

*[9/2007 wef 01/03/2007]*

*[Act 33 of 2016 wef 01/01/2017]*

*[Act 33 of 2016 wef 01/07/2017]*

(5A) Unless disqualified by subsection (6), and subject to section 9A and any regulations made under section 20, every woman who is or was a female employee or a self-employed woman, who delivers a child and satisfies the requirements under section 9A(2), shall be entitled to claim from the Government —

(a) an amount equivalent to 56 days of her total income during such period before delivery as may be prescribed, where her confinement during which the child is delivered is her first or second specified event; or

*[Act 33 of 2016 wef 01/07/2017]*

(b) an amount equivalent to 112 days of her total income during such period before delivery as may be prescribed, where her confinement during which the child is delivered is her third or subsequent specified event.

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 33 of 2016 wef 01/01/2017]*

*[Act 33 of 2016 wef 01/07/2017]*

(5B) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

(5C) [*Deleted by Act 33 of 2016 wef 01/01/2017*]

(5D) [*Deleted by Act 33 of 2016 wef 01/01/2017*]

(5E) [*Deleted by Act 33 of 2016 wef 01/01/2017*]

(6) Except as provided in subsections (6A) and (6B), a woman who is or was a female employee or a self-employed woman is not entitled to claim any payment from the Government under subsection (5A) if —

(a) she is also a female employee who is entitled to absent herself from work or to receive payment from her employer under subsection (1), (1A) or (1B), in respect of the same confinement, regardless of whether she has forfeited the whole or part of her entitlement to absent herself from work or to receive payment from her employer under subsection (3) or (3A), as the case may be; or

(b) she is also a self-employed woman who is entitled to claim from the Government her lost income under subsection (4) or (4A), in respect of the same confinement.

*[Act 33 of 2016 wef 01/01/2017]*

(6A) Subsection (6) and section 12M do not disqualify a female employee from claiming payment from the Government under subsection (5A) in respect of any period when she is on leave of absence without pay granted by her employer at her request, if the leave is for a continuous period ending at least 12 months after the date of the delivery mentioned in subsection (5A).

*[Act 33 of 2016 wef 01/01/2017]*

(6B) Subsections (3), (3A) and (6) do not disqualify a female employee whose employment is terminated on the completion of her contract of service from claiming payment from the Government under subsection (5A) if she would have been entitled to absent herself from work or to receive payment from her employer under subsection (1), (1A) or (1B) had her employment not been so terminated.

*[Act 33 of 2016 wef 01/01/2017]*

(7) In subsection (5A), “total income”, in relation to a period prescribed for the purposes of subsection (5A), means —

- (a) in the case of a female employee who is or was employed by one or more employers in that period, the total gross rate of pay which she is entitled to receive from all her employers in respect of that period;
- (b) in relation to a woman who is or was self-employed, the income she derived from her trade, business, profession or vocation during the prescribed period; and
- (c) in relation to a woman who is or was both a female employee and a self-employed woman in that period, the aggregate of —
  - (i) the total gross rate of pay which she is entitled to receive from all her employers in respect of the period she was employed during the prescribed period; and
  - (ii) the income she derived from her trade, business, profession or vocation, where she was self-employed, during the prescribed period.

*[Act 12 of 2013 wef 01/05/2013]*

(8) Despite subsection (7), “total income” in subsection (5A) excludes the gross rate of pay which a female employee is entitled to receive from her employer in respect of the period she was employed by that employer during the period prescribed for the purposes of subsection (5A) if, upon a referral to the Minister for Manpower under the Employment Act (Cap. 91) or the Industrial Relations Act (Cap. 136), that Minister is satisfied that the female employee was dismissed for sufficient cause, or with just cause or excuse, by that employer before her confinement.

*[Act 33 of 2016 wef 01/01/2017]*

(9) The Government may recover as a civil debt from a woman who delivers a child any amount paid to her under subsection (5A) if —

- (a) under subsection (6), she is not entitled to the amount; or
- (b) the amount was paid to her in reliance on subsection (6A) in respect of any period when she is on leave of absence without pay granted by the employer at her request, but her leave subsequently ends less than 12 months after the date of the delivery mentioned in subsection (5A).

*[Act 33 of 2016 wef 01/01/2017]*

(10) The Government may recover as a civil debt from a woman who delivers a child an amount in accordance with regulations made under section 20 if —

(a) the Government has paid one or more of the following:

- (i) any amount under subsection (5A) in respect of the woman's delivery of the child;
- (ii) any reimbursement claimed by the woman's employer under section 10 (whether or not pursuant to an exemption under section 22) for any amount paid to the woman in respect of her delivery of the child;
- (iii) where the woman has made an election under section 12E(5) for the natural father or adoptive father of the child to take shared parental leave or claim lost income in respect of the child —
  - (A) any reimbursement claimed by the father's employer under section 12G(1) (whether or not pursuant to an exemption under section 22) for any amount paid to the father under section 12E(2) for shared parental leave taken in respect of the child; or
  - (B) any amount of lost income claimed by the father under section 12E(3) (whether or not pursuant to an exemption under section 22) for ceasing to be actively engaged in his trade, business, profession or vocation in respect of the child; and

*[Act 33 of 2016 wef 01/07/2017]*

(b) either of the following applies:

- (i) the total period of absence from work under subsection (1), (1A) or (1B) or section 12E(1) and cessation from active engagement in trade, business, profession or vocation under section 12E(3) to which the payment by the Government under paragraph (a) relates, exceeds —

- (A) 56 days, if the woman's confinement during which the child is delivered is the woman's first or second specified event; or  
*[Act 33 of 2016 wef 01/07/2017]*
- (B) 112 days, if the woman's confinement during which the child is delivered is the woman's third or subsequent specified event;  
*[Act 33 of 2016 wef 01/01/2017]*  
*[Act 33 of 2016 wef 01/07/2017]*
- (ii) the total amount paid by the Government under paragraph (a) exceeds —
- (A) the amount mentioned in subsection (5A)(a), if the woman's confinement during which the child is delivered is the woman's first or second specified event; or  
*[Act 33 of 2016 wef 01/07/2017]*
- (B) the amount mentioned in subsection (5A)(b), if the woman's confinement during which the child is delivered is the woman's third or subsequent specified event.  
*[Act 33 of 2016 wef 01/01/2017]*  
*[Act 33 of 2016 wef 01/07/2017]*

### **Eligibility criteria and cap in respect of maternity benefits**

**9A.**—(1) Subject to this section, a female employee is entitled to absent herself from work and to payment under section 9(1), and a self-employed woman is entitled to payment by the Government under section 9(4), if —

- (a) her confinement occurs, or the estimated delivery date for her confinement is, on or after the date of commencement of section 5(1)(a) of the Child Development Co-Savings (Amendment No. 2) Act 2016;
- (b) a child delivered during her confinement is a citizen of Singapore at the time of the child's birth;

- (c) in the case of a female employee, she has served her employer for a period of at least 3 months before the day of her confinement; and
- (d) in the case of a self-employed woman, she has been carrying on her trade, business, profession or vocation for a continuous period of at least 3 months before the day of her confinement.

*[Act 33 of 2016 wef 01/01/2017]*

(1A) Subject to this section, a female employee is entitled to absent herself from work and to payment under section 9(1A) or (1B), and a self-employed woman is entitled to payment by the Government under section 9(4A), if —

- (a) her confinement occurs, or the estimated delivery date for her confinement is, on or after the date of commencement of section 5(1)(a) of the Child Development Co-Savings (Amendment No. 2) Act 2016;
- (b) a child delivered during her confinement —
  - (i) is not a citizen of Singapore at the time of the child's birth; but
  - (ii) becomes a citizen of Singapore within the period of 12 months commencing on the date of the child's birth;
- (c) in the case of a female employee, she has served her employer for a period of at least 3 months before the day of her confinement; and
- (d) in the case of a self-employed woman, she has been carrying on her trade, business, profession or vocation for a continuous period of at least 3 months before the day of her confinement.

*[Act 33 of 2016 wef 01/01/2017]*

(1B) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

(1C) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

(2) Subject to this section, a woman who is or was a female employee or self-employed woman is entitled to payment by the Government under section 9(5A) if —

- (a) her confinement occurs, or the estimated delivery date for her confinement is, on or after the date of commencement of section 5(1)(a) of the Child Development Co-Savings (Amendment No. 2) Act 2016;
- (b) a child delivered during her confinement —
  - (i) is a citizen of Singapore at the time of the child's birth; or
  - (ii) is not a citizen of Singapore at the time of the child's birth, but becomes a citizen of Singapore within the period of 12 months commencing on the date of the child's birth;
- (c) for at least 90 days in the aggregate during the period of 12 months before the day of her confinement, she has been employed by one or more employers, self-employed or both; and
- (d) where either or both of the following apply:
  - (i) she opts to use any period (during the 12 months immediately before the day of her confinement) when she was employed outside Singapore, or was self-employed outside Singapore, to satisfy the requirement in paragraph (c);
  - (ii) she opts to use her income during any period mentioned in sub-paragraph (i) to calculate her total income for the purposes of section 9(5A),on the day of her confinement, she —
  - (A) is resident in Singapore; and
  - (B) is no longer employed outside Singapore or self-employed outside Singapore.

*[Act 33 of 2016 wef 01/01/2017]*

(2A) For the purposes of reckoning the number of days under subsection (2)(c) in which a woman has been employed or self-employed —

- (a) the aggregate number of days need not immediately precede the day of her confinement;
- (b) Saturdays, Sundays and public holidays shall be included, in the case of a female employee who is or was employed by an employer for a continuous period, or a self-employed woman who is or was engaged in her trade, business, profession or vocation for a continuous period;
- (c) in the case of a female employee who is or was a daily-rated employee, the number of days shall be the actual number of days in which the female employee had worked;
- (d) in the case of a self-employed woman who is or was engaged in her trade, business, profession or vocation for a non-continuous period, the number of days shall be the actual number of days in which the self-employed woman was engaged in her trade, business, profession or vocation; and
- (e) where 2 or more periods of employment overlap, the overlapping periods shall be counted only once.

*[Act 33 of 2016 wef 01/01/2017]*

(3) Notwithstanding anything in the Employment Act (Cap. 91), no female employee shall be entitled to absent herself from work or to any payment under section 76 of that Act in respect of any confinement to which she is entitled to absent herself from work or to payment under section 9(1).

(3A) Despite anything in the Employment Act (Cap. 91), no female employee is entitled to receive payment under section 76 of that Act in respect of any period of her absence from work under section 76(1) of that Act for which she is entitled to receive payment under section 9(1A).

*[Act 33 of 2016 wef 01/01/2017]*

(4) Where a female employee absents herself from work during the whole or part of the benefit period for her confinement —

- (a) if her confinement is her first or second specified event, the payment she is entitled to receive from her employer is an amount that —
- (i) does not exceed \$10,000 for any of the following periods of absence:
    - (A) if the amount is paid under section 9(1)(a) or (b), for every 4 weeks of her absence from work under that provision after the first 8 weeks of such absence;
    - (B) if the amount is paid under section 9(1)(c)(ii) or (1A)(v)(A)(AB) or (B)(BB), for every 24 days of her absence from work under that provision after the first 8 weeks of her absence from work under section 9(1)(c)(i) or under section 76(1)(c)(i) of the Employment Act, as the case may be;
    - (C) if the amount is paid under section 9(1A)(i) or (iii), for every 4 weeks of her absence from work under that provision or under section 76(1)(a) or (b) of the Employment Act, as the case may be, after the first 8 weeks of her absence from work under section 76(1)(a) or (b) of that Act;
    - (D) if the amount is paid under section 9(1A)(v)(A)(AA) or (B)(BA), for every 24 days of her absence from work under section 76(1)(c)(ii) of the Employment Act after the first 8 weeks of her absence from work under section 76(1)(c)(i) of that Act;
    - (E) if the amount is paid under section 9(1B)(i) or (ii)(A), for every 4 weeks of her absence from work under that provision;
    - (F) if the amount is paid under section 9(1B)(ii)(B) or (iii), for every 24 days of her absence from work under that provision; and

(ii) does not exceed a total of \$20,000; and

*[Act 33 of 2016 wef 01/07/2017]*

(b) if her confinement is her third or subsequent specified event, the payment she is entitled to receive from her employer is an amount that —

(i) does not exceed \$10,000 for either of the following periods:

(A) if the amount is paid under section 9(1)(a), (b) or (c)(i), (1A)(ii) or (iv) or (1B)(i) or (ii)(A), for every 4 weeks of her absence from work;

(B) if the amount is paid under section 9(1)(c)(ii), (1A)(vi) or (1B)(ii)(B) or (iii), for every 24 days of her absence from work; and

(ii) does not exceed a total of \$40,000.

*[Act 33 of 2016 wef 01/01/2017]*

*[Act 33 of 2016 wef 01/07/2017]*

(5) Where a self-employed woman ceases to be actively engaged in her trade, business, profession or vocation during the whole or part of any period mentioned in section 9(4) or (4A) for her confinement —

(a) if her confinement is her first or second specified event, the payment she is entitled to receive from the Government under section 9(5)(a) is an amount that —

(i) does not exceed \$10,000 for any of the following periods:

(A) for every 4 weeks of her cessation of active engagement in her trade, business, profession or vocation under section 9(4)(b)(i) or (ii) which is after the first 8 weeks of such cessation;

(B) for every 24 days of her cessation of active engagement in her trade, business, profession or vocation under section 9(4)(b)(iii)(B) which is after the first 8 weeks of such cessation under section 9(4)(b)(iii)(A);

- (C) for every 4 weeks of her cessation of active engagement in her trade, business, profession or vocation under section 9(4A)(c)(i) or (ii)(A) which is after the period of 8 weeks mentioned in section 9(5)(a)(ii)(B);
  - (D) for every 24 days of her cessation of active engagement in her trade, business, profession or vocation under section 9(4A)(c)(ii)(B) or (iii) which is after the period of 8 weeks mentioned in section 9(5)(a)(ii)(B); and
- (ii) does not exceed a total of \$20,000; and  
*[Act 33 of 2016 wef 01/07/2017]*
- (b) if her confinement is her third or subsequent specified event, the payment she is entitled to receive from the Government under section 9(5)(b) is an amount that —
- (i) does not exceed \$10,000 for any of the following periods:
    - (A) for every 4 weeks of her cessation of active engagement in her trade, business, profession or vocation under section 9(4)(b)(i), (ii) or (iii)(A) or (4A)(c)(i) or (ii)(A);
    - (B) for every 24 days of her cessation of active engagement in her trade, business, profession or vocation under section 9(4)(b)(iii)(B) or (4A)(c)(ii)(B) or (iii); and
  - (ii) does not exceed a total of \$40,000.  
*[Act 33 of 2016 wef 01/01/2017]*  
*[Act 33 of 2016 wef 01/07/2017]*

(5A) The payment that a female employee or a self-employed woman is entitled to receive from the Government under section 9(5A) for her confinement —

- (a) is an amount that does not exceed \$10,000 for every 28 days; and
- (b) is to be reduced in accordance with any regulations made under section 20, if —

- (i) in the case of a female employee, her employer —
  - (A) has paid or is required to pay her any amount in respect of her confinement; and
  - (B) is entitled, upon such payment, to claim reimbursement from the Government under section 10 (whether or not pursuant to an exemption under section 22); or
- (ii) where the female employee has made an election under section 12E(5) for the natural father or adoptive father of the child delivered during her confinement to take shared parental leave or claim lost income in respect of the child —
  - (A) the father's employer —
    - (AA) has paid or is required to pay the father an amount under section 12E(2) for shared parental leave in respect of the child; and
    - (AB) the employer is entitled, upon such payment, to claim reimbursement from the Government under section 12G(1) (whether or not pursuant to an exemption under section 22); or
  - (B) the father is entitled to claim his lost income under section 12E(3) in respect of the child for ceasing to be actively engaged in his trade, business, profession or vocation (whether or not pursuant to an exemption under section 22).

*[Act 33 of 2016 wef 01/07/2017]*

*[Act 33 of 2016 wef 01/01/2017]*

(5B) To avoid doubt, a woman's entitlement under section 9 to absent herself from work or to payment applies only once for each confinement, regardless of the number of children born during that confinement.

*[Act 33 of 2016 wef 01/01/2017]*

(6) The amounts of payment referred to in subsections (4), (5) and (5A)(a) shall be inclusive of any contribution to the Central Provident Fund which an employer, a female employee or a self-employed woman is liable to make under the Central Provident Fund Act (Cap. 36).

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 33 of 2016 wef 01/01/2017]*

(7) Subject to subsections (3) and (3A), nothing in section 9 and this section shall be construed as derogating from any other benefits that a female employee is entitled to during the benefit period under the terms of her contract of service or under any written law.

*[28/2008 wef 31/10/2008]*

*[Act 12 of 2013 wef 01/05/2013]*

(8) For the purposes of section 9(5A) to (10) and subsections (2), (2A), (5A), (6) and (7), and of any other provisions of this Act, and any regulations made under section 20, that may be prescribed —

“employed outside Singapore” means employed outside Singapore under a contract of service with an employer outside Singapore;

“female employee” includes any woman who —

(a) is employed outside Singapore before her confinement; but

(b) on the day of her confinement, is resident in Singapore and is no longer employed outside Singapore;

“self-employed outside Singapore” means engaged in, or carrying on, while resident outside Singapore, any trade, business, profession or vocation other than employment under a contract of service, and deriving income from that trade, business, profession or vocation;

“self-employed woman” includes any woman who —

(a) is self-employed outside Singapore before her confinement; but

- (b) on the day of her confinement, is resident in Singapore and is no longer self-employed outside Singapore.

*[Act 33 of 2016 wef 01/01/2017]*

### **Reimbursement from Government for maternity benefits**

**10.**—(1) Subject to subsections (2) and (3), section 12E and any regulations made under section 20, where an employer makes any payment to a female employee under section 9(1), (1A) or (1B) for her confinement, the employer is entitled to claim reimbursement from the Government —

- (a) if the employee's confinement is her first or second specified event, for —

- (i) the amount paid to the employee —

(A) under section 9(1) for the period of her absence from work under that provision which is after the first 8 weeks of such absence;

(B) under section 9(1A) for such period of her absence from work under section 76(1) of the Employment Act (Cap. 91), or under section 9(1A), after the first 8 weeks of her absence from work under section 76(1) of that Act as she is entitled to receive payment under section 9(1A); or

- (C) under section 9(1B) —

(CA) for the whole period of her absence from work under that provision, if that period does not exceed 8 weeks; or

(CB) if that period exceeds 8 weeks, for a period of 8 weeks of her absence from work under that provision; and

- (ii) any contribution which the employer has made under the Central Provident Fund Act (Cap. 36) in respect

of such payment which is not recoverable from the employee's wages; and

*[Act 33 of 2016 wef 01/07/2017]*

(b) if the employee's confinement is her third or subsequent specified event, for —

(i) the amount paid to the employee —

(A) under section 9(1) or (1B) for the whole period of her absence from work under that provision; or

(B) under section 9(1A) for such period of her absence from work under section 76(1) of the Employment Act, or under section 9(1A), as she is entitled to receive payment under section 9(1A); and

(ii) any contribution which the employer has made under the Central Provident Fund Act in respect of such payment which is not recoverable from the employee's wages.

*[Act 33 of 2016 wef 01/01/2017]*

*[Act 33 of 2016 wef 01/07/2017]*

(2) The amount of reimbursement an employer shall be entitled to claim from the Government under subsection (1) in respect of a female employee —

(a) where subsection (1)(a) applies —

(i) shall not exceed \$10,000 for every 4 weeks or 24 days, as the case may be, of the employee's absence from work; and

(ii) shall not exceed a total of \$20,000; and

(b) where subsection (1)(b) applies —

(i) shall not exceed \$10,000 for every 4 weeks or 24 days, as the case may be, of the employee's absence from work; and

(ii) shall not exceed a total of \$40,000.

*[28/2008 wef 31/10/2008]*

*[42/2004 wef 01/10/2004]*

(3) An employer is not entitled to claim reimbursement from the Government for any amount that the employer is directed, on or after the date of commencement of section 6(1)(b) of the Child Development Co-Savings (Amendment No. 2) Act 2016, by any of the following to pay to a female employee, unless the direction has been withdrawn or reversed:

- (a) by the Minister for Manpower under the Employment Act or the Industrial Relations Act (Cap. 136);
- (b) by the Commissioner for Labour under section 115 of the Employment Act;
- (c) by any court.

*[Act 33 of 2016 wef 01/01/2017]*

**10A.** *[Repealed by Act 33 of 2016 wef 01/01/2017]*

### **Recovery of payment by Government and employer**

**11.—**(1) Where any payment has been made by an employer or the Government to an employee, or by the Government to a self-employed person under section 9, 12AA, 12AB, 12E or 12H or the repealed section 10A, 12A, 12K, 12KB or 12KC, as the case may be, by reason of a mistake of fact or in reliance on any false or misleading statement or document made or furnished by that employee or self-employed person —

- (a) the employer (who is not the Government) may, if he has not been reimbursed by the Government for the payment to the employee under section 9, 12AA, 12E or 12H or the repealed section 10A, 12A, 12K or 12KB, as the case may be, recover the payment directly from the employee;

*[Act 17 of 2016 wef 01/07/2016]*

*[Act 33 of 2016 wef 01/01/2017]*

- (b) in the case of a payment made by the employer (who is the Government) or by the Government to an employee under section 9, 12AA, 12E or 12H or the repealed section 10A, 12A, 12K or 12KB, as the case may be, the Government

may recover the payment or part thereof from the employee as a civil debt; and

*[Act 17 of 2016 wef 01/07/2016]*

*[Act 33 of 2016 wef 01/01/2017]*

(c) the Government may —

(i) where it has reimbursed the employer under section 10, 12AD, 12G or 12J or the repealed section 10A, 12A, 12K or 12KB, as the case may be, for the whole or any part of the payment to the employee, recover the payment or part thereof from the employee as a civil debt; or

*[Act 17 of 2016 wef 01/07/2016]*

*[Act 33 of 2016 wef 01/01/2017]*

(ii) where the payment is made to a self-employed person, recover the payment from that person as a civil debt.

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 17 of 2016 wef 01/07/2016]*

*[Act 33 of 2016 wef 01/01/2017]*

(2) Where the Government is satisfied that an employer, despite all reasonable efforts to recover under subsection (1)(a) from his employee any payment he made under section 9, 12AA, 12E or 12H or the repealed section 10A, 12A, 12K or 12KB to the employee, has been unable to recover the whole or any part of the payment successfully, the Government shall reimburse the employer under section 10, 12AD, 12G or 12J or the repealed section 10A, 12A, 12K or 12KB, as the case may be, for the payment or part thereof not recovered by the employer.

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 17 of 2016 wef 01/07/2016]*

*[Act 33 of 2016 wef 01/01/2017]*

(3) Where any payment has been made by an employer to an employee under section 12B by reason of a mistake of fact, in reliance on any false or misleading statement or document made or furnished by the employee, or for any childcare leave or extended childcare leave taken by the employee in any relevant period which is in excess

of the childcare leave or extended childcare leave to which the employee is entitled under that section for that relevant period —

- (a) the employer (who is not the Government) may, if he has not been reimbursed by the Government for the payment to the employee under that section, recover the payment directly from the employee;
- (b) the employer (who is the Government) may, if it has made payment to the employee under that section, recover the payment or part thereof from the employee as a civil debt; and
- (c) the Government may, where it has reimbursed the employer under section 12C or 12CA, as the case may be, for the whole or any part of the payment to the employee, recover the payment or part thereof from the employee as a civil debt.

*[Act 12 of 2013 wef 01/05/2013]*

(4) Where the Government is satisfied that an employer, despite all reasonable efforts to recover under subsection (3)(a) from his employee any payment he made under section 12B to the employee, has been unable to recover the whole or any part of the payment successfully, the Government shall reimburse the employer under section 12C or 12CA, as the case may be, for the payment or part thereof not recovered by the employer.

*[28/2008 wef 31/10/2008]*

*[Act 12 of 2013 wef 01/05/2013]*

(5) Where any payment has been made by the Government to a self-employed person under section 12B by reason of a mistake of fact or in reliance on any false or misleading statement or document made or furnished by that person, the Government may recover that payment from that person as a civil debt.

*[28/2008 wef 31/10/2008]*

(6) Where the Government has reimbursed an employer under section 10, 12AD, 12C, 12CA, 12G or 12J or the repealed section 10A, 12A, 12K or 12KB for any payment made by the employer to his employee, and the employer recovers the same payment or any part thereof directly from his employee under subsection (1)(a) or (3)(a), as the case may be —

(a) the employer shall refund to the Government the amount of the payment or part thereof recovered from his employee within one month from the later of the following dates:

(i) the date the payment or part thereof is recovered from his employee; or

(ii) the date he receives the amount reimbursed; and

(b) if the employer fails to do so, the Government may recover the amount reimbursed from the employer as a civil debt.

*[28/2008 wef 31/10/2008]*

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 17 of 2016 wef 01/07/2016]*

*[Act 33 of 2016 wef 01/01/2017]*

(7) Any employer who contravenes subsection (6)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

*[28/2008 wef 31/10/2008]*

(8) Notwithstanding anything in section 12B, where any amount has been paid by an employer to an employee under that section, and the Government has refused under section 12C(3) or (4) or 12CA(3) or (4) to reimburse the employer for that amount —

(a) the employer may recover that amount directly from the employee; and

(b) the recovery of that amount by the employer shall not be treated as a contravention of section 12B(9).

*[28/2008 wef 31/10/2008]*

*[Act 12 of 2013 wef 01/05/2013]*

(9) In this section, any reference to the repealed section 10A, 12A, 12K, 12KB or 12KC is a reference to the section concerned as in force immediately before the date of commencement of section 8 of the Child Development Co-Savings (Amendment No. 2) Act 2016.

*[Act 33 of 2016 wef 01/01/2017]*

### **Application of certain provisions of Employment Act**

**12.—**(1) Sections 77 to 84A and 86 of the Employment Act (Cap. 91) shall apply to a payment under section 9 and to any female employee to which this Part applies and for the purposes of such

application, any reference in those sections of the Employment Act to —

- (a) a female employee shall be read as a reference to a female employee to which this Act applies;
- (b) an employer shall be read as a reference to an employer to which this Act applies;
- (c) “this Part” shall be read as a reference to Part III of this Act;
- (d) “this Act” shall be read as a reference to this Act; and
- (e) section 76 shall be read as a reference to section 9 of this Act.

*[Act 12 of 2013 wef 01/05/2013]*

(2) Parts XIII and XVI and sections 124, 125 and 126 of the Employment Act, and such other provisions of that Act as the Minister for Manpower may prescribe by order in the *Gazette*, apply, with such exceptions, adaptations and modifications as may be prescribed in the order, in relation to —

- (a) an employer or employee to whom section 9, 12AA, 12B, 12D, 12E or 12H applies or the repealed section 10A, 12K or 12KB (as in force immediately before the date of commencement of section 9 of the Child Development Co-Savings (Amendment No. 2) Act 2016) applied;

*[Act 33 of 2016 wef 01/01/2017]*

- (b) any dispute under this Part, or under any regulations made under section 20, between any such employer and any such employee; and

*[28/2008 wef 31/10/2008]*

- (c) any offence or proceedings under section 12AA, 12B, 12D, 12E, 12H or 17 (including any act or omission in respect of which a penalty is imposed),

*[Act 12 of 2013 wef 01/05/2013]*

as they apply in relation to any employer, employee, dispute, offence or proceedings, as the case may be, under that Act.

*[42/2004 wef 01/10/2004]*

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 21 of 2016 wef 01/04/2017]*

(3) Sections 115 to 123 of the Employment Act apply, with such exceptions, adaptations and modifications as the Minister for Manpower may prescribe by order in the *Gazette*, to a dispute mentioned in subsection (2)(b), if a claim is lodged, before the date of commencement of section 36(b) of the Employment Claims Act 2016, under section 119 of the Employment Act in relation to that dispute.

*[Act 21 of 2016 wef 01/04/2017]*

**12A.** *[Repealed by Act 33 of 2016 wef 01/01/2017]*

### **Adoption leave for female employee**

**12AA.**—(1) Subject to subsection (2), section 12AC and any regulations made under section 20, every female employee who applies to adopt a child in accordance with any written law relating to the adoption of children, and who satisfies the requirements of section 12AC, is entitled, within a period of 12 months commencing on the date of the child's birth, to absent herself from work on adoption leave —

- (a) for a period of 12 weeks commencing on the eligibility date for the application to adopt the child;
- (b) during a period of 12 weeks, as agreed to by her and her employer, commencing —
  - (i) not earlier than the eligibility date for the application to adopt the child; and
  - (ii) not later than the date the adoption order is made; or
- (c) during —
  - (i) a period of 8 weeks, as agreed to by her and her employer, commencing —
    - (A) not earlier than the eligibility date for the application to adopt the child; and
    - (B) not later than the date the adoption order is made; and
  - (ii) one or more than one later period, each being of such duration as is agreed between the employee and her employer, and all of which in aggregate are equal in

duration to 4 times the employee's weekly index or 24 days (whichever is the lower).

*[Act 33 of 2016 wef 01/07/2017]*

(2) Where, in any of the following circumstances, a female employee does not take any adoption leave to which she is entitled, she ceases to be entitled to that leave, and is not entitled to any payment in lieu of that leave:

- (a) her employment is terminated (whether by resignation or dismissal, on the completion of her contract of service, or for any other reason);
- (b) she does not take that leave within the period of 12 months commencing on the date of the child's birth.

*[Act 33 of 2016 wef 01/07/2017]*

(3) *[Deleted by Act 33 of 2016 wef 01/07/2017]*

(4) Subject to subsection (5), an employer shall pay a female employee who is entitled to adoption leave, her gross rate of pay for every day of such leave that is taken by the female employee.

(5) The payment that the female employee is entitled to receive from her employer under subsection (4) for adoption leave in respect of a child is an amount that —

- (a) does not exceed \$10,000 for every 4 weeks or 24 days (as the case may be) of adoption leave taken by the female employee; and
- (b) does not exceed a total of \$30,000.

*[Act 33 of 2016 wef 01/07/2017]*

(6) The amount of payment referred to in subsection (5) shall be inclusive of any contribution to the Central Provident Fund which an employer or an employee is liable to make under the Central Provident Fund Act (Cap. 36).

(7) *[Deleted by Act 33 of 2016 wef 01/07/2017]*

(8) Any employer who fails, without reasonable cause, to grant adoption leave to a female employee who is entitled to and requests for such leave shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(9) Any employer who fails to pay his female employee in accordance with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(10) Where an employer has been convicted of an offence under subsection (9), the court may order the employer to make restitution of any moneys paid out to the employer by the Government under section 12AD which have not been paid to a female employee in accordance with this section.

(11) Where an employer who is convicted or found guilty of an offence under subsection (8) or (9) is a repeat offender, he shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(12) For the purposes of subsection (11), a person is a repeat offender in relation to an offence under subsection (8) or (9) if the person who is convicted or found guilty of an offence under subsection (8) or (9) (referred to as the current offence) has been convicted or found guilty of an offence under subsection (8) or (9) on at least one other occasion before the date on which he is convicted or found guilty of the current offence.

(13) Nothing in this section shall be construed as derogating from any other benefits that a female employee is entitled to, during any period of adoption leave taken by her, under the terms of her contract of service or under any written law.

*[Act 12 of 2013 wef 01/05/2013]*

### **Adoption leave for self-employed woman**

**12AB.**—(1) Subject to subsection (2), section 12AC and any regulations made under section 20, a self-employed woman who —

- (a) applies to adopt a child in accordance with any written law relating to the adoption of children;
- (b) satisfies the requirements of section 12AC;
- (c) within a period of 12 months commencing on the date of the child's birth, ceases to be actively engaged in her trade, business, profession or vocation —

- (i) for a period of 12 weeks commencing on the eligibility date for the application to adopt the child;
  - (ii) during a period of 12 weeks commencing —
    - (A) not earlier than the eligibility date for the application to adopt the child; and
    - (B) not later than the date the adoption order is made; or
  - (iii) during —
    - (A) a period of 8 weeks commencing —
      - (AA) not earlier than the eligibility date for the application to adopt the child; and
      - (AB) not later than the date the adoption order is made; and
    - (B) one or more than one later period, all of which in aggregate are equal in duration to 4 times her weekly index or 24 days (whichever is the lower); and
- (d) has lost any income by reason of her ceasing to be actively engaged in that trade, business, profession or vocation, is entitled to claim from the Government her lost income for the applicable period mentioned in subsection (2).

*[Act 33 of 2016 wef 01/07/2017]*

(2) A self-employed woman is entitled to receive from the Government under subsection (1), for ceasing to be actively engaged in her trade, business, profession or vocation, in respect of a child —

- (a) if the making of the woman's application to adopt that child, or the issue of the dependant's pass in respect of that child, is the woman's first or second specified event —
  - (i) not more than \$10,000 for every 4 weeks or 24 days (as the case may be) of her cessation of active engagement in her trade, business, profession or vocation after the first 4 weeks of that cessation; and

- (ii) not more than a total of \$20,000; or
- (b) if the making of the woman's application to adopt that child, or the issue of the dependant's pass in respect of that child, is the woman's third or subsequent specified event —
  - (i) not more than \$10,000 for every 4 weeks or 24 days (as the case may be) of her cessation of active engagement in her trade, business, profession or vocation; and
  - (ii) not more than a total of \$30,000.

*[Act 33 of 2016 wef 01/07/2017]*

(3) *[Deleted by Act 33 of 2016 wef 01/07/2017]*

(4) The amount of payment referred to in subsection (2) shall be inclusive of any contribution to the Central Provident Fund which a self-employed woman is liable to make under the Central Provident Fund Act (Cap. 36).

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 33 of 2016 wef 01/07/2017]*

### **Eligibility criteria for adoption leave**

**12AC.** A female employee who applies to adopt a child in accordance with any written law relating to the adoption of children is entitled to adoption leave and payment under section 12AA, and a self-employed woman who applies to adopt a child in accordance with any written law relating to the adoption of children is entitled to payment under section 12AB, if —

- (a) the eligibility date for the application is on or after the date of commencement of section 13 of the Child Development Co-Savings (Amendment No. 2) Act 2016;
- (b) in the case of a female employee — she has served her employer for a period of at least 3 months preceding the eligibility date for the application;
- (c) in the case of a self-employed woman — she has been carrying on her trade, business, profession or vocation for a continuous period of at least 3 months preceding the eligibility date for the application;

- (d) the child is below the age of 12 months on the eligibility date for the application;
- (e) where the child is not a citizen of Singapore on the date the application is made, and a dependant's pass in respect of the child has been issued —
  - (i) if the application is made in the sole name of the female employee or self-employed woman — the female employee or self-employed woman (as the case may be) is a citizen of Singapore on the date the dependant's pass is issued; or
  - (ii) if the application is made in the joint names of the female employee or self-employed woman and of her husband — either the female employee or self-employed woman (as the case may be) or her husband is a citizen of Singapore on the date the dependant's pass is issued; and
- (f) the female employee or self-employed woman is not the natural mother of the child.

*[Act 33 of 2016 wef 01/01/2017]*

### **Reimbursement from, or payment by, Government for adoption leave**

**12AD.**—(1) Subject to subsection (2) and any regulations made under section 20, where a female employee who takes adoption leave in respect of a child has received payment from her employer at her gross rate of pay under section 12AA(4), the employer is entitled to claim reimbursement from the Government —

- (a) if the making of the employee's application to adopt that child, or the issue of a dependant's pass in respect of that child, is the employee's first or second specified event, for —
  - (i) the amount paid to the employee under section 12AA(4) for the period after the first 4 weeks of adoption leave taken by the employee; and

- (ii) any contribution which the employer has made under the Central Provident Fund Act (Cap. 36) in respect of the amount mentioned in sub-paragraph (i) which is not recoverable from the employee's wages; and
- (b) if the making of the employee's application to adopt that child, or the issue of a dependant's pass in respect of that child, is the employee's third or subsequent specified event, for —
  - (i) the amount paid to the employee under section 12AA(4) for the whole period of adoption leave taken by the employee; and
  - (ii) any contribution which the employer has made under the Central Provident Fund Act in respect of the amount mentioned in sub-paragraph (i) which is not recoverable from the employee's wages.

*[Act 33 of 2016 wef 01/07/2017]*

(2) The reimbursement that an employer is entitled to claim from the Government under subsection (1) in respect of a female employee is an amount that —

- (a) where subsection (1)(a) applies —
  - (i) does not exceed \$10,000 for every 4 weeks or 24 days (as the case may be) after the first 4 weeks of adoption leave taken by the female employee; and
  - (ii) does not exceed a total of \$20,000; or
- (b) where subsection (1)(b) applies —
  - (i) does not exceed \$10,000 for every 4 weeks or 24 days (as the case may be) of adoption leave taken by the female employee; and
  - (ii) does not exceed a total of \$30,000.

*[Act 33 of 2016 wef 01/07/2017]*

(3) Where —

- (a) the Government has reimbursed an employer for any payment made by the employer to a female employee under subsection (1); and

(b) the child referred to in section 12AA(1) whom the employee has applied to adopt —

(i) is not adopted by that employee within 12 months commencing on the date the application to adopt is made, or the dependant's pass in respect of the child is issued, as the case may be; or

*[Act 33 of 2016 wef 01/07/2017]*

(ii) where the child is not a citizen of Singapore by birth, does not become a citizen of Singapore within 6 months commencing on the date he is adopted by that employee,

the Government may recover the payment from that employee as a civil debt.

(4) Where —

(a) any payment has been made by the Government to a self-employed woman under section 12AB(1); and

(b) the child referred to in that section whom the self-employed woman has applied to adopt —

(i) is not adopted by that self-employed woman within 12 months commencing on the date the application to adopt is made, or the dependant's pass in respect of the child is issued, as the case may be; or

*[Act 33 of 2016 wef 01/07/2017]*

(ii) where the child is not a citizen of Singapore by birth, does not become a citizen of Singapore within 6 months commencing on the date he is adopted by that self-employed woman,

the Government may recover the payment from that self-employed woman as a civil debt.

*[Act 12 of 2013 wef 01/05/2013]*

### **Childcare leave and extended childcare leave and benefits for parent of qualifying child**

**12B.**—(1) Subject to subsections (2) and (3) and any regulations made under section 20, where any employee —

- (a) has served an employer for a period of not less than 3 months; and
- (b) has any child who is below the age of 7 years, and who is, or who becomes, a qualifying child, at any time during any relevant period,

the employee shall be entitled to childcare leave (referred to in this section and section 12CA as childcare leave) for that relevant period of —

- (i) 2 days, if he serves his employer for a period of less than 5 months during that relevant period;
- (ii) 3 days, if he serves his employer for a period of not less than 5 months but less than 7 months during that relevant period;
- (iii) 4 days, if he serves his employer for a period of not less than 7 months but less than 9 months during that relevant period;
- (iv) 5 days, if he serves his employer for a period of not less than 9 months but less than 11 months during that relevant period; and
- (v) 6 days, if he serves his employer for not less than 11 months during that relevant period.

*[28/2008 wef 31/10/2008]*

*[Act 12 of 2013 wef 01/05/2013]*

(1A) Subject to subsection (2) and any regulations made under section 20, where any employee —

- (a) has served an employer for a period of not less than 3 months; and
- (b) has any child who is of or above the age of 7 years but below the age of 13 years, and who is, or who becomes, a qualifying child, at any time during any relevant period,

the employee shall be entitled to 2 days of extended childcare leave (referred to in this section and section 12CA as extended childcare leave) for that relevant period.

*[Act 12 of 2013 wef 01/05/2013]*

## (2) An employee —

## (a) shall not be entitled to —

- (i) more than 42 days of childcare leave in respect of any qualifying child;
- (ii) more than 12 days of extended childcare leave in respect of any qualifying child; and
- (iii) more than a combined total of 6 days of childcare leave and extended childcare leave during any relevant period; and

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 33 of 2016 wef 01/01/2017]*

## (b) shall —

- (i) take his first entitlement of childcare leave or extended childcare leave for a relevant period in that relevant period or the next succeeding relevant period; and

*[Act 12 of 2013 wef 01/05/2013]*

- (ii) thereafter, take his next and each subsequent entitlement of childcare leave or extended childcare leave for a relevant period in the next succeeding relevant period and in each subsequent succeeding relevant period, respectively.

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 33 of 2016 wef 01/01/2017]*

(c) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

(3) Notwithstanding anything in section 87A of the Employment Act, when an employee becomes entitled (whether before, on or after 1st April 2014) to childcare leave or extended childcare leave in relation to a qualifying child under this section, whether or not he has taken (before, on or after 1st April 2014) any childcare leave under section 87A of that Act and whether or not in relation to the same child before he becomes so entitled, then —

- (a) he shall not be entitled to childcare leave under section 87A of that Act, or to payment from his employer under section 87A(5) of that Act, for so long as he is entitled to

childcare leave or extended childcare leave under this section;

- (b) any childcare leave taken under section 87A of that Act (before he became entitled to childcare leave or extended childcare leave under this section) in a relevant period shall be treated, for the purposes of this Act, as childcare leave or extended childcare leave taken under this section in that relevant period in relation to the qualifying child;
- (c) where he has not received any payment from his employer under section 87A(5) of that Act in respect of any childcare leave already taken by him under section 87A of that Act, he shall be entitled to payment from his employer under subsection (9) in respect of the childcare leave so taken by him; and
- (d) where he has received payment from his employer under section 87A(5) of that Act with respect to the childcare leave taken by him under section 87A of that Act, the payment shall be treated, for the purposes of this Act, as a payment made by his employer to him under subsection (9).

*[Act 26 of 2013 wef 01/04/2014]*

(4) *[Deleted by Act 26 of 2013 wef 01/04/2014]*

(5) Notwithstanding anything in section 87A of the Employment Act, when an employee —

- (a) ceases to be entitled to childcare leave and extended childcare leave (whether before, on or after 1st April 2014) under this section; or
- (b) ceases to be entitled to childcare leave (whether before, on or after 1st April 2014) and is not entitled to extended childcare leave under this section,

but has any child below the age of 7 years at any time during any relevant period, his entitlement, if any, to childcare leave under section 87A of that Act shall be affected in the following manner:

- (i) he shall be entitled to 2 days of childcare leave under section 87A of that Act for that relevant period, if he had

not taken any childcare leave or extended childcare leave under this section during that relevant period;

- (ii) he shall be entitled to one day of childcare leave under section 87A of that Act for that relevant period, if he had taken one day of childcare leave or extended childcare leave under this section during that relevant period; and
- (iii) he shall not be entitled to any childcare leave under section 87A of that Act for that relevant period, if he had taken 2 or more days in total of childcare leave or extended childcare leave or both under this section during that relevant period.

*[Act 26 of 2013 wef 01/04/2014]*

(6) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

(6A) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

(7) The childcare leave and extended childcare leave shall be in addition to —

- (a) the rest days, holidays, annual leave and sick leave to which an employee is entitled under sections 36, 88, 43 and 89, respectively, of the Employment Act; and
- (b) in the case of childcare leave, any unpaid infant care leave to which an employee may be entitled under section 12D.

*[Act 12 of 2013 wef 01/05/2013]*

(8) Subject to subsection (2)(b), an employer shall grant, and an employee who is entitled to childcare leave or extended childcare leave shall take, the entitlement of childcare leave or extended childcare leave, as the case may be, for a relevant period not later than the last day of that relevant period, and any employee who fails to take that leave by that day —

- (a) shall thereupon cease to be entitled to that leave; and
- (b) shall not be entitled to any payment in lieu thereof.

*[Act 12 of 2013 wef 01/05/2013]*

(9) Subject to subsections (10) and (10A), an employer shall pay an employee who is entitled to childcare leave or extended childcare

leave, as the case may be, his gross rate of pay for every day of such leave that is taken by the employee.

*[Act 12 of 2013 wef 01/05/2013]*

(10) Where an employee has taken 3 days of childcare leave, the amount of payment the employee is entitled to receive from his employer under subsection (9) shall not exceed \$500 for each subsequent day of childcare leave that the employee is entitled to under subsection (1) and that is taken by the employee.

*[28/2008 wef 31/10/2008]*

(10A) The amount of payment an employee is entitled to receive from his employer under subsection (9) shall not exceed \$500 for each day of extended childcare leave that the employee is entitled to under subsection (1A) and that is taken by the employee.

*[Act 12 of 2013 wef 01/05/2013]*

(11) If the employment of an employee who is entitled to childcare leave or extended childcare leave, as the case may be, is terminated (whether by resignation or dismissal, upon the completion of his contract of service, or for any other reason) before he has taken the entitlement of childcare leave or extended childcare leave, as the case may be, for a relevant period, the employee —

(a) shall cease to be entitled to that leave upon the termination of his employment; and

(b) shall not be entitled to any payment in lieu thereof.

*[28/2008 wef 31/10/2008]*

*[Act 12 of 2013 wef 01/05/2013]*

(11A) To avoid doubt, if an employee's qualifying child is adopted by another person (other than jointly with the employee), the employee ceases to be entitled to any childcare leave or extended childcare leave in respect of that qualifying child, and is not entitled to any payment in lieu of that leave.

*[Act 33 of 2016 wef 01/01/2017]*

(12) Any employer who fails, without reasonable cause, to grant childcare leave to an employee who is entitled to and requests for such leave shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 12 of 2013 wef 01/05/2013]*

(13) Any employer who fails, without reasonable cause, to grant extended childcare leave to an employee who is entitled to and requests for such leave shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 12 of 2013 wef 01/05/2013]*

(14) Any employer who fails to pay his employee in accordance with this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 12 of 2013 wef 01/05/2013]*

(14A) Where an employer has been convicted of an offence under subsection (14), the court may order the employer to make restitution of any moneys paid out to the employer by the Government under section 12C or 12CA, as the case may be, which have not been paid to an employee in accordance with this section.

*[Act 12 of 2013 wef 01/05/2013]*

(14B) Where an employer who is convicted or found guilty of an offence under subsection (12), (13) or (14) is a repeat offender, he shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

*[Act 12 of 2013 wef 01/05/2013]*

(14C) For the purposes of subsection (14B), a person is a repeat offender in relation to an offence under subsection (12), (13) or (14) if the person who is convicted or found guilty of an offence under subsection (12), (13) or (14) (referred to as the current offence) has been convicted or found guilty of —

(a) an offence under subsection (12), (13) or (14); or

(b) an offence under section 87A(7) or (7A) of the Employment Act in force before, on or after 1st May 2013,

on at least one other occasion on or after 1st May 2013 and before the date on which he is convicted or found guilty of the current offence.

*[Act 12 of 2013 wef 01/05/2013]*

(15) Subject to subsections (4) and (5), nothing in this section shall be construed as derogating from any other benefits that an employee is entitled to, during any period of childcare leave or extended childcare

leave, as the case may be, taken by him, under the terms of his contract of service or under any written law.

*[28/2008 wef 31/10/2008]*

*[Act 12 of 2013 wef 01/05/2013]*

(16) Subject to subsections (17), (18) and (19) and any regulations made under section 20, where on or after 17th August 2008 any self-employed person —

- (a) has been carrying on his trade, business, profession or vocation for a continuous period of not less than 3 months;
- (b) has any child who is below the age of 7 years, and who is, or who becomes, a qualifying child, at any time during any calendar year;
- (c) ceases to be actively engaged in his trade, business, profession or vocation for childcare purposes for not less than 4 days during that calendar year; and
- (d) has lost any income by reason of such cessation of active engagement in his trade, business, profession or vocation,

he shall be entitled to claim from the Government the income he would otherwise have derived from his trade, business, profession or vocation for —

- (i) one day, if he ceased to be actively engaged in his trade, business, profession or vocation for childcare purposes for 4 days during that calendar year;
- (ii) 2 days, if he ceased to be actively engaged in his trade, business, profession or vocation for childcare purposes for 5 days during that calendar year; and
- (iii) 3 days, if he ceased to be actively engaged in his trade, business, profession or vocation for childcare purposes for 6 or more days during that calendar year.

*[28/2008 wef 31/10/2008]*

(16A) Subject to subsections (18A) and (19), where on or after 1st January 2013 any self-employed person —

- (a) has been carrying on his trade, business, profession or vocation for a continuous period of not less than 3 months;

- (b) has any child who is of or above the age of 7 years but below the age of 13 years, and who is, or who becomes, a qualifying child, at any time during any calendar year;
- (c) ceases to be actively engaged in his trade, business, profession or vocation for childcare purposes during one or more periods not exceeding 2 days during that calendar year; and
- (d) has lost any income by reason of such cessation of active engagement in his trade, business, profession or vocation,

he shall be entitled to claim from the Government the income he would otherwise have derived from his trade, business, profession or vocation had he continued to be actively engaged in such trade, business, profession or vocation, during the period or periods, not exceeding 2 days, in which he had ceased to be actively engaged in his trade, business, profession or vocation.

*[Act 12 of 2013 wef 01/05/2013]*

(17) No self-employed woman shall be entitled to make a claim under subsection (16) in respect of any period of her cessation of active engagement in her trade, business, profession or vocation for which she is entitled to make a claim under section 9(4) or (4A), or was entitled to make a claim under the repealed section 9(4B) or (4C) or 10A(4) as in force immediately before the date of commencement of section 15(f) of the Child Development Co-Savings (Amendment No. 2) Act 2016.

*[28/2008 wef 31/10/2008]*

*[Act 33 of 2016 wef 01/01/2017]*

(18) A self-employed person shall not be entitled to claim from the Government under subsection (16) —

- (a) more than 21 days of income lost by reason of his cessation of active engagement in his trade, business, profession or vocation for childcare purposes in respect of any qualifying child; or
- (b) any income lost by reason of his cessation of active engagement in his trade, business, profession or vocation

for childcare purposes during any period occurring before 17th August 2008.

*[28/2008 wef 31/10/2008]*

(18A) A self-employed person shall not be entitled to claim from the Government under subsection (16A) —

- (a) more than 12 days of income lost by reason of his cessation of active engagement in his trade, business, profession or vocation for childcare purposes in respect of any qualifying child; or
- (b) any income lost by reason of his cessation of active engagement in his trade, business, profession or vocation for childcare purposes during any period occurring before 1st January 2013.

*[Act 12 of 2013 wef 01/05/2013]*

(19) The amount of payment a self-employed person is entitled to claim from the Government under subsection (16) or (16A), as the case may be, shall not exceed \$500 for each day of his cessation of active engagement in his trade, business, profession or vocation for childcare purposes.

*[28/2008 wef 31/10/2008]*

*[Act 12 of 2013 wef 01/05/2013]*

(20) The amounts of payment referred to in subsections (10), (10A) and (19) shall be inclusive of any contribution to the Central Provident Fund which an employer, an employee or a self-employed person is liable to make under the Central Provident Fund Act (Cap. 36).

*[28/2008 wef 31/10/2008]*

*[Act 12 of 2013 wef 01/05/2013]*

(21) In this section and sections 11, 12C and 12CA —

“child”, in relation to an employee or a self-employed person, includes any adopted child or step-child of the employee or self-employed person;

“qualifying child” means a child who is a citizen of Singapore;

*[Act 12 of 2013 wef 01/05/2013]*

“relevant period”, in relation to an employee, means —

- (a) any period of 12 months as is agreed to by the employee and his employer; or
- (b) where there is no such agreement, a calendar year.

*[28/2008 wef 31/10/2008]*

*[Act 12 of 2013 wef 01/05/2013]*

### **Reimbursement from Government for childcare leave**

**12C.**—(1) Subject to subsections (2), (3) and (4) and any regulations made under section 20, where an employer has made payment to an employee under section 12B(9) for not less than 4 days of childcare leave taken in any relevant period by the employee, the employer shall be entitled to claim reimbursement from the Government for the amount paid to the employee for —

- (a) one day of childcare leave, if the employer granted the employee 4 days of childcare leave during that relevant period;
- (b) 2 days of childcare leave, if the employer granted the employee 5 days of childcare leave during that relevant period; and
- (c) 3 days of childcare leave, if the employer granted the employee 6 days of childcare leave during that relevant period.

*[28/2008 wef 31/10/2008]*

(2) Subject to subsections (3) and (4), the amount of reimbursement which an employer shall be entitled to claim from the Government under subsection (1) in respect of an employee —

- (a) shall not exceed \$500 for each day of childcare leave taken by the employee; and
- (b) shall not exceed \$1,500 in any calendar year.

*[28/2008 wef 31/10/2008]*

(3) Notwithstanding subsections (1) and (2), the Government may refuse to reimburse an employer for any amount paid by the employer to an employee for any day of childcare leave taken by the employee in any calendar year, if the Government has already reimbursed the

employer or any other employer or employers for the amount or amounts paid to the employee for a total of 3 days of childcare leave taken by the employee in that calendar year.

[28/2008 wef 31/10/2008]

(4) Notwithstanding subsections (1) and (2), the Government may refuse to reimburse an employer for any amount paid by the employer to an employee for any day of childcare leave taken by the employee in respect of a qualifying child, if the Government has already reimbursed the employer or any other employer or employers for the amount or amounts paid to the employee for a total of 21 days of childcare leave taken by the employee in respect of that qualifying child.

[28/2008 wef 31/10/2008]

### **Reimbursement from Government for extended childcare leave**

**12CA.**—(1) Subject to subsections (2), (3) and (4) and any regulations made under section 20, where an employer has made payment to an employee under section 12B(9) for extended childcare leave taken in any relevant period by the employee, the employer shall be entitled to claim reimbursement from the Government for the amount paid to the employee for the extended childcare leave not exceeding 2 days.

(2) Subject to subsections (3) and (4), the amount of reimbursement which an employer shall be entitled to claim from the Government under subsection (1) in respect of an employee —

(a) shall not exceed \$500 for each day of extended childcare leave taken by the employee; and

(b) shall not exceed \$1,000 in any calendar year.

(3) Notwithstanding subsections (1) and (2), the Government may refuse to reimburse an employer for any amount paid by the employer to an employee for any day of extended childcare leave taken by the employee in any calendar year, if the Government has already reimbursed the employer or any other employer or employers for the amount or amounts paid to the employee for a total of 2 days of extended childcare leave taken by the employee in that calendar year.

(4) Notwithstanding subsections (1) and (2), the Government may refuse to reimburse an employer for any amount paid by the employer to an employee for any day of extended childcare leave taken by the employee in respect of a qualifying child, if the Government has already reimbursed the employer or any other employer or employers for the amount or amounts paid to the employee for a total of 12 days of extended childcare leave taken by the employee in respect of that qualifying child.

*[Act 12 of 2013 wef 01/05/2013]*

### **Unpaid infant care leave for parent of qualifying child**

**12D.**—(1) Subject to subsection (2) and any regulations made under section 20, where any employee —

- (a) has served an employer for a period of not less than 3 months; and
- (b) has any child who is below the age of 2 years, and who is, or who becomes, a qualifying child, at any time during any relevant period,

the employee shall be entitled to unpaid infant care leave of 6 days for that relevant period.

*[28/2008 wef 31/10/2008]*

(2) An employee —

- (a) shall not be entitled to more than 12 days of unpaid infant care leave in respect of any qualifying child; and
- (b) shall —
  - (i) take his first entitlement of unpaid infant care leave of 6 days for a relevant period in that relevant period or the next succeeding relevant period; and
  - (ii) thereafter, take his next and each subsequent entitlement of unpaid infant care leave of 6 days for a relevant period in the next succeeding relevant period and in each subsequent succeeding relevant period, respectively.

*[28/2008 wef 31/10/2008]*

(3) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

- (4) The unpaid infant care leave shall be in addition to —
- (a) the rest days, holidays, annual leave and sick leave to which an employee is entitled under sections 36, 88, 43 and 89, respectively, of the Employment Act (Cap. 91); and  
*[32/2008 wef 01/01/2009]*
  - (b) any childcare leave to which an employee may be entitled under section 87A of the Employment Act or under section 12B.  
*[28/2008 wef 31/10/2008]*
- (5) Subject to subsection (2)(b), an employer shall grant, and an employee who is entitled to unpaid infant care leave shall take, the entitlement of unpaid infant care leave for a relevant period not later than the last day of that relevant period, and any employee who fails to take that leave by that day —
- (a) shall thereupon cease to be entitled to that leave; and
  - (b) shall not be entitled to any payment in lieu thereof.  
*[28/2008 wef 31/10/2008]*
- (6) If the employment of an employee who is entitled to unpaid infant care leave is terminated (whether by resignation or dismissal, upon the completion of his contract of service, or for any other reason) before he has taken the entitlement of unpaid infant care leave for a relevant period, the employee —
- (a) shall cease to be entitled to that leave upon the termination of his employment; and
  - (b) shall not be entitled to any payment in lieu thereof.
- (6A) To avoid doubt, if an employee's qualifying child is adopted by another person (other than jointly with the employee), the employee ceases to be entitled to any unpaid infant care leave in respect of that qualifying child.  
*[Act 33 of 2016 wef 01/01/2017]*
- (7) Any employer who fails, without reasonable cause, to grant unpaid infant care leave to an employee who is entitled to and requests for such leave shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; and

*[Act 12 of 2013 wef 01/05/2013]*

(b) for a subsequent offence, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

*[Act 12 of 2013 wef 01/05/2013]*

(8) Nothing in this section shall be construed as derogating from any other benefits that an employee is entitled to, during any period of unpaid infant care leave taken by him, under the terms of his contract of service or under any written law.

*[28/2008 wef 31/10/2008]*

(9) Notwithstanding anything to the contrary in the Employment Act, a period of unpaid infant care leave taken by an employee under this section shall count towards the length of the employee's service for the purposes of that Act.

*[28/2008 wef 31/10/2008]*

(10) In this section —

“child”, in relation to an employee, includes any adopted child or step-child of the employee;

“qualifying child” means a child who is a citizen of Singapore;

*[Act 12 of 2013 wef 01/05/2013]*

“relevant period”, in relation to an employee, means —

(a) any period of 12 months as is agreed to by the employee and his employer; or

(b) where there is no such agreement, a calendar year.

*[28/2008 wef 31/10/2008]*

### **Length of benefit period, etc., in respect of shared parental leave**

**12E.**—(1) This section applies to a male employee or a self-employed man, if —

(a) he is —

(i) the natural father of a child and satisfies the requirements of section 12F(1); or

- (ii) the adoptive father of a child and satisfies the requirements of section 12F(1A); and
- (b) the appropriate applicant in subsection (6) has made an election under subsection (5) for him —
  - (i) to take shared parental leave, in accordance with subsection (2); or
  - (ii) to claim lost income in accordance with subsection (3).

*[Act 33 of 2016 wef 01/07/2017]*

(2) Subject to this section and section 12F and any regulations made under section 20, the male employee mentioned in subsection (1) is entitled —

- (a) to absent himself from work on shared parental leave, within the period of 12 months commencing on the date of the child's birth, for —
  - (i) one period equal in duration to N weeks;
  - (ii) more than one period, each being of one or more whole weeks, and all of which in aggregate are equal in duration to N weeks; or
  - (iii) more than one period, each being of such duration as is agreed between him and his employer, and all of which in aggregate are equal in duration to N times the lower of the male employee's weekly index or 6 days; and
- (b) to receive from his employer his gross rate of pay for each day of such leave that is taken by him.

*[Act 33 of 2016 wef 01/07/2017]*

(3) Subject to this section and section 12F and any regulations made under section 20, if the self-employed man mentioned in subsection (1) —

- (a) within 12 months commencing on the date of the child's birth, ceases to be actively engaged in his trade, business, profession or vocation during one or more than one period, all of which in aggregate are equal in duration to N times

the lower of the self-employed man's weekly index or 6 days; and

- (b) has lost any income by reason of his ceasing to be actively engaged in that trade, business, profession or vocation,

he is entitled to claim from the Government his lost income for each period of cessation of active engagement in his trade, business, profession or vocation mentioned in paragraph (a).

*[Act 33 of 2016 wef 01/07/2017]*

(4) The adoptive father of a child can do either of the following only after the eligibility date of the adoptive father's joint application with the child's adoptive mother to adopt the child:

- (a) take shared parental leave in accordance with subsection (2);

- (b) claim lost income in accordance with subsection (3).

*[Act 33 of 2016 wef 01/07/2017]*

(5) The appropriate applicant mentioned in subsection (6) may make an election for the natural father or adoptive father (as the case may be) of the child —

- (a) to take N weeks of shared parental leave in accordance with subsection (2); or

- (b) to claim N weeks of lost income in accordance with subsection (3).

*[Act 33 of 2016 wef 01/07/2017]*

(5A) An election under subsection (5) —

- (a) must be made in such form and manner as the Minister may provide;

- (b) must be made within 12 months commencing on the date of the child's birth; and

- (c) except as otherwise provided in subsection (9A) or by any regulations made under section 20, is irrevocable.

*[Act 33 of 2016 wef 01/07/2017]*

(6) The appropriate applicant is —

- (a) in the case of an election under subsection (5) for the natural father of the child to take shared parental leave or

claim lost income — the mother of the child, being a female employee to whom section 9(1), (1A) or (1B) applies or a self-employed woman to whom section 9(4) or (4A) applies, in respect of the delivery of the child;

- (b) in the case of an election under subsection (5) for the adoptive father of the child to take shared parental leave or claim lost income — the adoptive mother of the child, being —
- (i) a female employee to whom section 12AA applies, or a self-employed woman to whom section 12AB applies, in respect of an application to adopt the child; or
  - (ii) a female employee to whom section 9(1), (1A) or (1B) or a self-employed woman to whom section 9(4) or (4A) applies, in respect of the delivery of the child.

*[Act 33 of 2016 wef 01/07/2017]*

(7) Where a female employee makes an election under subsection (5) in favour of the natural father or adoptive father (as the case may be) of the child, the female employee's entitlement under section 9(1), (1A) or (1B) in respect of her delivery of the child, or under section 12AA in respect of her joint application with the child's adoptive father to adopt the child, is reduced by N weeks, taken from the last N weeks of that entitlement.

*[Act 33 of 2016 wef 01/07/2017]*

(7A) Where a self-employed woman makes an election under subsection (5) in favour of the natural father or adoptive father (as the case may be) of the child, the self-employed woman's entitlement under section 9(4) or (4A) in respect of her delivery of the child, or under section 12AB in respect of her joint application with the child's adoptive father to adopt the child, is reduced by N weeks, taken from the last N weeks of that entitlement.

*[Act 33 of 2016 wef 01/07/2017]*

(8) In this section and sections 12F and 12G, "N" is the integer 1, 2, 3 or 4, as specified by the appropriate applicant mentioned in subsection (6) in her election made under subsection (5).

*[Act 33 of 2016 wef 01/07/2017]*

(9) Subject to any regulations made under section 20 that provide otherwise, a male employee or self-employed man forfeits any part of his entitlement under subsection (2) or (3) that is not consumed within the period of 12 months commencing on the date of the child's birth.

*[Act 33 of 2016 wef 01/07/2017]*

(9A) Subject to any regulations made under section 20 that provide otherwise, if, at any time after a child's natural mother or adoptive mother makes an election under subsection (5) but within the period of 12 months commencing on the date of the child's birth —

- (a) the employment of the child's natural father or adoptive father is terminated (whether by resignation or dismissal, on the completion of his contract of service, or for any other reason); or
- (b) the natural father or adoptive father ceases to be actively engaged in his trade, business, profession or vocation,

then —

- (i) the election is revoked as regards each whole week of the father's entitlement under subsection (2) or (3) that is not consumed at the time his employment is terminated or he ceases to be actively engaged in his trade, business, profession or vocation (as the case may be); and
- (ii) any remaining period of that entitlement is forfeited.

*[Act 33 of 2016 wef 01/07/2017]*

(10) Any employer who fails, without reasonable cause, to grant shared parental leave to a male employee who is entitled to and requests for such leave shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(11) Any employer who fails to pay his male employee in accordance with this section and section 12F shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(12) Where an employer has been convicted of an offence under subsection (11), the court may order the employer to make restitution

of any moneys paid out to the employer by the Government under section 12G which have not been paid to a male employee in accordance with this section and section 12F.

(13) Where an employer who is convicted or found guilty of an offence under subsection (10) or (11) is a repeat offender, he shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(14) For the purposes of subsection (13), a person is a repeat offender in relation to an offence under subsection (10) or (11) if the person who is convicted or found guilty of an offence under subsection (10) or (11) (referred to as the current offence) has been convicted or found guilty of an offence under subsection (10) or (11) on at least one other occasion before the date on which he is convicted or found guilty of the current offence.

*[Act 12 of 2013 wef 01/05/2013]*

### **Eligibility criteria and cap in respect of shared parental leave benefits**

**12F.**—(1) A male employee who is the natural father of a child is entitled to absent himself from work on shared parental leave, and to payment by his employer, under section 12E(2), and a self-employed man who is the natural father of a child is entitled to payment by the Government under section 12E(3), if —

- (a) the mother's confinement in respect of the child occurs, or the estimated delivery date for that confinement is, on or after the date of commencement of section 18(2) of the Child Development Co-Savings (Amendment No. 2) Act 2016;
- (b) the child —
  - (i) is a citizen of Singapore at the time of the child's birth; or
  - (ii) becomes a citizen of Singapore within 12 months commencing on the date of the child's birth;
- (c) the child's mother was lawfully married to the child's natural father —

- (i) at the time the child was conceived;
- (ii) after the child was conceived but before the child's birth; or
- (iii) within 12 months commencing on the date of the child's birth but on or before the date she makes an election under section 12E(5) in favour of the child's natural father,

whether or not such marriage remains subsisting at the time of the child's birth or at the time of the election.

*[Act 33 of 2016 wef 01/07/2017]*

(1A) A male employee who is the adoptive father of a child is entitled to absent himself from work on shared parental leave, and to payment by his employer, under section 12E(2), and a self-employed man who is the adoptive father of a child is entitled to payment by the Government under section 12E(3), if —

- (a) the adoptive father has made a joint application with the child's adoptive mother to adopt the child;
- (b) the eligibility date for the joint application to adopt the child is on or after the date of commencement of section 18(2) of the Child Development Co-Savings (Amendment No. 2) Act 2016;
- (c) on or before the date that the adoptive mother makes an election under section 12E(5) in favour of the adoptive father, the adoptive father is lawfully married to the adoptive mother; and
- (d) where the child is not a citizen of Singapore, the adoptive father or the adoptive mother is a citizen of Singapore on the date a dependant's pass is issued in respect of the child.

*[Act 33 of 2016 wef 01/07/2017]*

(2) Subject to any regulations made under section 20, where a male employee absents himself from work on shared parental leave for any period mentioned in section 12E(2)(a), the payment he is entitled to receive from his employer under section 12E(2)(b) is an amount that —

(a) does not exceed \$2,500 per week of the male employee's absence from work under section 12E(2)(a); and

(b) does not exceed a total of N times \$2,500.

*[Act 33 of 2016 wef 01/07/2017]*

(3) Subject to any regulations made under section 20, where a self-employed man ceases to be actively engaged in his trade, business, profession or vocation during any period mentioned in section 12E(3), he is entitled to receive from the Government under that section an amount that —

(a) does not exceed \$2,000 per week of his cessation of active engagement in his trade, business, profession or vocation; and

(b) does not exceed a total of N times \$2,500.

*[Act 33 of 2016 wef 01/07/2017]*

(4) The amounts of payment referred to in subsections (2) and (3) shall be inclusive of any contribution to the Central Provident Fund which an employer, a male employee or a self-employed man is liable to make under the Central Provident Fund Act (Cap. 36).

(5) Nothing in this section and section 12E shall be construed as derogating from any other benefits that a male employee is entitled to, during the period in which he is entitled to shared parental leave and to payment for such leave, under the terms of his contract of service or under any written law.

*[Act 12 of 2013 wef 01/05/2013]*

### **Reimbursement from Government for, and recovery by the Government of, shared parental leave benefits**

**12G.**—(1) Subject to subsection (2) and any regulations made under section 20, where an employer makes payment to a male employee under section 12E(2), he shall be entitled to claim reimbursement from the Government for —

(a) the amount paid to the employee under section 12E(2) for the period of his absence from work under that provision; and

(b) any contribution which the employer has made under the Central Provident Fund Act (Cap. 36) in respect of such

payment which is not recoverable from the employee's wages.

(2) The reimbursement that an employer is entitled to claim from the Government under subsection (1) in respect of a male employee is an amount that —

(a) does not exceed \$2,500 per week of the male employee's absence from work under section 12E(2)(a); and

(b) does not exceed a total of N times \$2,500.

*[Act 33 of 2016 wef 01/07/2017]*

(3) Where —

(a) the Government has reimbursed an employer under subsection (1) for any payment made by the employer to a male employee who has applied to adopt a child; and

(b) the child —

(i) is not adopted by that male employee within 12 months commencing on the eligibility date of the application to adopt the child; or

(ii) if not a citizen of Singapore by birth — does not become a citizen of Singapore within 6 months commencing on the date the child is adopted by that male employee,

the Government may recover that payment from that male employee as a civil debt.

*[Act 33 of 2016 wef 01/07/2017]*

(4) Where —

(a) the Government has made any payment under section 12E(3) to a self-employed man who has applied to adopt a child; and

(b) the child —

(i) is not adopted by that self-employed man within 12 months commencing on the eligibility date of the application to adopt the child; or

- (ii) if not a citizen of Singapore by birth — does not become a citizen of Singapore within 6 months commencing on the date the child is adopted by that self-employed man,

the Government may recover that payment from that self-employed man as a civil debt.

*[Act 33 of 2016 wef 01/07/2017]*

*[Act 33 of 2016 wef 01/07/2017]*

*[Act 12 of 2013 wef 01/05/2013]*

### **Length of benefit period, etc., in respect of paternity leave**

**12H.**—(1) Subject to subsection (5) and any regulations made under section 20, every male employee, who is the natural father of a child and who satisfies the requirements of section 12I(1), or who is the adoptive father of a child and who satisfies the requirements of section 12I(2), shall be entitled to absent himself from work on paternity leave for —

- (a) a period of 2 weeks, which must be consumed within 16 weeks commencing on the date of the child's birth; or

*[Act 33 of 2016 wef 01/01/2017]*

- (b) one or more than one period, each being of such duration as is agreed between the employee and his employer, all of which in aggregate are equal in duration to twice the employee's weekly index or 12 days (whichever is the lower), and all of which must be consumed within 12 months commencing on the date of the birth of the child.

*[Act 33 of 2016 wef 01/01/2017]*

(2) An employer shall grant an employee his entitlement to paternity leave in accordance with this Act and pay the employee who is entitled to such leave his gross rate of pay for every day of such leave that is taken by the employee.

(3) Where the employment of a male employee is terminated (whether by resignation or dismissal, upon the completion of his contract of service, or for any other reason) before he has exercised, wholly or partly, his entitlement to absent himself from work on paternity leave, he shall forfeit his entitlement (or the balance thereof) upon the termination of his employment.

(4) Subject to subsection (5) and any regulations made under section 20, a self-employed man who —

- (a) is the natural father of a child and satisfies the requirements of section 12I(1), or is the adoptive father of a child and satisfies the requirements of section 12I(2);
- (b) within 12 months commencing on the date of the child's birth, ceases to be actively engaged in his trade, business, profession or vocation during one or more than one period, all of which in aggregate are equal in duration to twice his weekly index or 12 days (whichever is the lower); and
- (c) has lost any income by reason of his ceasing to be actively engaged in that trade, business, profession or vocation,

is entitled to claim from the Government his lost income for each period of cessation of active engagement in his trade, business, profession or vocation mentioned in paragraph (b).

*[Act 33 of 2016 wef 01/01/2017]*

(5) Every male employee or self-employed man who is the adoptive father of a child and who satisfies the requirements of section 12I(2) shall only be entitled to take the paternity leave commencing not earlier than —

- (a) the date on which an application is made by the adoptive father to adopt the child, where the child is a citizen of Singapore; or
- (b) the date on which the dependant's pass in respect of the child is issued, where the child is not a citizen of Singapore.

(6) *[Deleted by Act 26 of 2013 wef 01/04/2014]*

(7) Any employer who fails, without reasonable cause, to grant paternity leave to a male employee who is entitled to and requests for such leave shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(8) Any employer who fails to pay his male employee in accordance with this section and section 12I shall be guilty of an offence and shall

be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

(9) Where an employer has been convicted of an offence under subsection (8), the court may order the employer to make restitution of any moneys paid out to the employer by the Government under section 12J which have not been paid to a male employee in accordance with this section and section 12I.

(10) Where an employer who is convicted or found guilty of an offence under subsection (7) or (8) is a repeat offender, he shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

(11) For the purposes of subsection (10), a person is a repeat offender in relation to an offence under subsection (7) or (8) if the person who is convicted or found guilty of an offence under subsection (7) or (8) (referred to as the current offence) has been convicted or found guilty of an offence under subsection (7) or (8) on at least one other occasion before the date on which he is convicted or found guilty of the current offence.

*[Act 12 of 2013 wef 01/05/2013]*

### **Eligibility criteria and cap in respect of paternity leave benefits**

**12I.—**(1) A male employee who is the natural father of a child shall be entitled to absent himself from work on paternity leave and to payment under section 12H(1) and (2), and a self-employed man who is the natural father of a child shall be entitled to payment by the Government under section 12H(4), if —

- (a) the mother's confinement in respect of the child occurs, or the estimated delivery date for that confinement is, on or after the date of commencement of section 21(a) of the Child Development Co-Savings (Amendment No. 2) Act 2016;

*[Act 33 of 2016 wef 01/01/2017]*

- (b) the child delivered during the mother's confinement is —
- (i) a citizen of Singapore at the time of his birth; or

- (ii) not a citizen of Singapore at the time of his birth but becomes a citizen of Singapore within the period of 12 months commencing on the date of his birth;
- (c) the child's mother —
- (i) is lawfully married to the child's natural father at the time the child is conceived;
  - (ii) becomes lawfully married to the child's natural father after the child is conceived but before the child's birth, whether or not such marriage remains subsisting at the time of the birth of the child; or
  - (iii) is not lawfully married to the child's natural father at the time the child is conceived or at any time after the child is conceived but before the child's birth, but becomes lawfully married to the child's natural father within the period of 12 months commencing on the date of the birth of the child;
- (d) in the case of a male employee, he has served the employer for a period of at least 3 months preceding the date of the birth of the child; and
- [Act 27 of 2015 wef 22/08/2015]*
- (e) in the case of a self-employed man, he has been carrying on his trade, business, profession or vocation for a continuous period of at least 3 months preceding the date of the birth of the child.

*[Act 27 of 2015 wef 22/08/2015]*

(1A) To avoid doubt, where a male employee or a self-employed man is the natural father of a child, his entitlement under section 12H(1) or (2) or section 12H(4) (as the case may be) applies only once for each confinement of the child's mother, regardless of the number of children born during that confinement.

*[Act 33 of 2016 wef 01/01/2017]*

(2) A male employee who is the adoptive father of a child shall be entitled to absent himself from work on paternity leave and to payment under section 12H(1) and (2), and a self-employed man who is the adoptive father of a child shall be entitled to payment by the Government under section 12H(4), if —

- (a) the eligibility date for the application to adopt the child is on or after the date of commencement of section 21(c) of the Child Development Co-Savings (Amendment No. 2) Act 2016;

*[Act 33 of 2016 wef 01/01/2017]*

- (b) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

- (c) where the child is not a citizen of Singapore, the adoptive father or his wife, if she is a joint applicant to the adoption, is a citizen of Singapore on the date the dependant's pass is issued in respect of the child;

- (d) in the case of a male employee, he has served his employer for a period of at least 3 months before the eligibility date for the application to adopt the child;

*[Act 33 of 2016 wef 01/01/2017]*

- (e) in the case of a self-employed man, he has been carrying on his trade, business, profession or vocation for a continuous period of at least 3 months before the eligibility date for the application to adopt the child; and

*[Act 33 of 2016 wef 01/01/2017]*

- (f) he is not the natural father of the child.

*[Act 33 of 2016 wef 01/01/2017]*

(3) Subject to any regulations made under section 20, where a male employee absents himself from work on paternity leave for any period mentioned in section 12H(1), the payment he is entitled to receive from his employer under section 12H(2) is an amount that —

- (a) does not exceed \$2,500 per week of the male employee's absence from work under section 12H(1); and

- (b) does not exceed a total of \$5,000.

*[Act 33 of 2016 wef 01/01/2017]*

(4) Subject to any regulations made under section 20, where a self-employed man ceases to be actively engaged in his trade, business, profession or vocation during any period mentioned in section 12H(4), the payment he is entitled to receive from the Government under section 12H(4) is an amount that —

- (a) does not exceed \$2,500 per week of his cessation of active engagement in his trade, business, profession or vocation; and
- (b) does not exceed a total of \$5,000.

*[Act 33 of 2016 wef 01/01/2017]*

(5) The amounts of payment referred to in subsections (3) and (4) shall be inclusive of any contribution to the Central Provident Fund which an employer, a male employee or a self-employed man is liable to make under the Central Provident Fund Act (Cap. 36).

(6) Nothing in this section and section 12H shall be construed as derogating from any other benefits that a male employee is entitled to, during the period in which he is entitled to paternity leave and to payment for such leave, under the terms of his contract of service or under any written law.

(7) *[Deleted by Act 33 of 2016 wef 01/01/2017]*

### **Reimbursement from Government for paternity leave benefits**

**12J.**—(1) Subject to subsection (2) and any regulations made under section 20, where an employer makes payment to a male employee under section 12H(2), he shall be entitled to claim reimbursement from the Government, for —

- (a) the amount paid to the employee under section 12H(2) for the period of his absence from work under that provision; and
- (b) any contribution which the employer has made under the Central Provident Fund Act (Cap. 36) in respect of such payment which is not recoverable from the employee's wages.

(2) The reimbursement an employer is entitled to claim from the Government under subsection (1) in respect of a male employee is an amount that —

- (a) does not exceed \$2,500 per week of the male employee's absence from work under section 12H(1); and
- (b) does not exceed a total of \$5,000.

*[Act 33 of 2016 wef 01/01/2017]*

## (3) Where —

- (a) the Government has reimbursed an employer for any payment made by the employer to a male employee under subsection (1); and
- (b) the child referred to in section 12I(2) whom the employee has applied to adopt —
  - (i) is not adopted by that employee within 12 months commencing on the date the application to adopt is made, or the dependant's pass in respect of the child is issued, as the case may be; and
  - (ii) where the child is not a citizen of Singapore by birth, does not become a citizen of Singapore within 6 months commencing on the date he is adopted by that employee,

the Government may recover that payment from that employee as a civil debt.

## (4) Where —

- (a) any payment has been made by the Government to a self-employed man under section 12H(4); and
- (b) the child referred to in section 12I(2) whom the self-employed man has applied to adopt —
  - (i) is not adopted by that self-employed man within 12 months commencing on the date the application to adopt is made, or the dependant's pass in respect of the child is issued, as the case may be; and
  - (ii) where the child is not a citizen of Singapore by birth, does not become a citizen of Singapore within 6 months commencing on the date he is adopted by that self-employed man,

the Government may recover that payment from that self-employed man as a civil debt.

*[Act 12 of 2013 wef 01/05/2013]*

**12K.** *[Repealed by Act 33 of 2016 wef 01/01/2017]*

**12KA.** [*Repealed by Act 33 of 2016 wef 01/01/2017*]

**12KB.** [*Repealed by Act 33 of 2016 wef 01/01/2017*]

**12KC.** [*Repealed by Act 33 of 2016 wef 01/01/2017*]

### **Payments to include holidays**

**12L.**—(1) For the avoidance of doubt, the payment for any benefit period referred to in sections 12AA, 12AB, 12E and 12H shall be paid for every day of the benefit period, including holidays.

(2) Nothing in this section shall be construed to require an employer to pay an employee an extra day's salary for a holiday which falls within any of the benefit period referred to in subsection (1).

*[Act 12 of 2013 wef 01/05/2013]*

### **No payment under this Part on certain days for employee on leave of absence without pay**

**12M.**—(1) No female employee is entitled to any payment under this Part for any day on which the female employee is entitled to be absent from work or receive payment under section 9(1), (1A) or (1B), if that day falls on a day the female employee takes leave of absence without pay granted by the employer at the female employee's request.

*[Act 33 of 2016 wef 01/01/2017]*

(2) No employee is entitled to take —

- (a) paid adoption leave;
- (b) paid childcare leave or paid extended childcare leave;
- (c) paid shared parental leave; or
- (d) paid paternity leave,

under this Part on a day the employee takes leave of absence without pay granted by the employer at the employee's request.

*[Act 27 of 2015 wef 22/08/2015]*

### **Exclusion of certain classes of persons**

**13.** This Part or any provision of this Part shall not apply to —

- (a) such class or classes of employees;

*[28/2008 wef 31/10/2008]*

(b) such class or classes of self-employed persons; and

*[Act 12 of 2013 wef 01/05/2013]*

*[28/2008 wef 31/10/2008]*

(c) such class or classes of employers,

as the Minister may, by notification in the *Gazette*, specify.

## PART IV

### MISCELLANEOUS

#### **Disputes**

**14.—(1)** Any question or dispute arising from or in connection with —

(a) the eligibility of a child for membership of the Scheme;

(b) the payment of any moneys to an approved person;

(c) the entitlement of a person to make a withdrawal of moneys under the Scheme;

(d) the entitlement of a self-employed woman to any payment under section 9 or 12AB or the repealed section 10A or 12A;

*[42/2004 wef 01/10/2004]*

*[28/2008 wef 31/10/2008]*

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 33 of 2016 wef 01/01/2017]*

(da) the entitlement of a self-employed person to any payment under section 12B;

*[28/2008 wef 31/10/2008]*

(db) the entitlement of a female employee to any payment from the Government under section 9(5A) or (6B);

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 33 of 2016 wef 01/01/2017]*

(dc) the entitlement of a self-employed man to any payment under section 12E or 12H or the repealed section 12K or 12KC;

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 17 of 2016 wef 01/07/2016]*

*[Act 33 of 2016 wef 01/01/2017]*

(e) the entitlement of an employer to reimbursement from the Government under section 10, 11, 12AD, 12C, 12CA, 12G or 12J or the repealed section 10A, 12A, 12K or 12KB; or

*[42/2004 wef 01/10/2004]*

*[28/2008 wef 31/10/2008]*

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 17 of 2016 wef 01/07/2016]*

*[Act 33 of 2016 wef 01/01/2017]*

(f) such other matter under Part II or III or the repealed section 10A, 12A, 12K, 12KA, 12KB or 12KC as the Minister may determine,

*[Act 33 of 2016 wef 01/01/2017]*

shall be referred to the Minister for decision within one month from the date on which the question or dispute arises or such other later time as the Minister may allow.

(2) The decision of the Minister under subsection (1) shall be final and conclusive.

(3) In this section, any reference to the repealed section 10A, 12A, 12K, 12KA, 12KB or 12KC is a reference to the section concerned as in force immediately before the date of commencement of section 25(f) of the Child Development Co-Savings (Amendment No. 2) Act 2016.

*[Act 33 of 2016 wef 01/01/2017]*

### **Notification of change of residence**

**15.—**(1) Every parent of a member shall notify the Minister of any change in his place of residence.

(2) Every parent who makes a report of the change of his place of residence under section 8 of the National Registration Act (Cap. 201) shall be deemed to have complied with subsection (1).

**False or misleading statement**

**16.—(1)** Any person who for any purpose connected with this Act —

- (a) knowingly makes any false or misleading statement; or
- (b) produces or furnishes or causes or knowingly allows to be produced or furnished any document which he knows to be false or misleading in a material particular,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) Where a person has been convicted by the court of having made any false or misleading statement or having produced or furnished any document which is false or misleading in any material particular under subsection (1), the court may order that person to make restitution of any moneys paid out to that person by the Government in reliance of the false or misleading statement or document.

**Offences and penalties**

**17.—(1)** Any employer who —

- (a) fails, without reasonable cause, to grant maternity leave, in accordance with sections 9 and 9A, to a female employee who is entitled to and requests for such leave;
- (b) fails to pay his female employee in accordance with sections 9 and 9A;
- (c) fails to pay his female employee in accordance with any provision of sections 77 to 80, 84(1) and 84A(1) of the Employment Act (Cap. 91) as made applicable by section 12;
- (d) acts in contravention of section 81 of the Employment Act as made applicable by section 12; or
- (e) acts in contravention of section 82 of the Employment Act as made applicable by section 12,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.

*[Act 12 of 2013 wef 01/05/2013]*

(1A) Where an employer who is convicted or found guilty of an offence under subsection (1)(a), (b), (c), (d) or (e) is a repeat offender, he shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

*[Act 12 of 2013 wef 01/05/2013]*

(1AA) For the purposes of subsection (1A), a person is a repeat offender in relation to an offence under subsection (1)(a), (b), (c), (d) or (e) if the person who is convicted or found guilty of an offence under subsection (1)(a), (b), (c), (d) or (e) (referred to as the current offence) has been convicted or found guilty of —

(a) an offence under subsection (1)(a), (b), (c), (d) or (e); or

(b) an offence under section 82 or 87(1) of the Employment Act in force before, on or after 1st May 2013,

on at least one other occasion on or after 1st May 2013 and before the date on which he is convicted or found guilty of the current offence.

*[Act 12 of 2013 wef 01/05/2013]*

(1B) Any employer who fails to comply with the direction of the Minister for Manpower under section 84(3) of the Employment Act as made applicable by section 12 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

*[42/2004 wef 01/10/2004]*

*[28/2008 wef 31/10/2008]*

(2) Where an employer has been convicted of an offence under subsection (1)(b), (c) or (d), the court may order that employer to make restitution of any moneys paid out to that employer by the Government under section 10 which has not been paid to the female employee in accordance with the provisions of Part III.

*[Act 12 of 2013 wef 01/05/2013]*

### **Holding out as approved person**

**18.—(1)** Where any person holds himself or itself out to be an approved person when the person is not an approved person, such

person shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both.

(2) *[Deleted by Act 28/2008 wef 31/10/2008]*

(3) Where the person referred to in subsection (1) is a partnership, every partner, other than a partner who is proved to have been ignorant of or attempted to prevent the commission of the offence, shall be guilty of the offence under subsection (1) and liable to be proceeded against and punished accordingly.

### **Offence by body corporate**

**18A.** Where —

- (a) an offence under this Act is committed by a body corporate; and
- (b) it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of —
  - (i) any director, manager, secretary or other similar officer of the body corporate; or
  - (ii) any person who was purporting to act in any such capacity,

he, as well as the body corporate, shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*[28/2008 wef 31/10/2008]*

### **Composition of offences**

**19.—**(1) The Minister or any person authorised by him may, in his discretion, compound any offence under section 11, 16 or 18 or any regulations made under this Act by collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$5,000.

*[42/2004 wef 01/10/2004]*

*[28/2008 wef 31/10/2008]*

(2) The Commissioner for Labour may, in his discretion, compound any offence under section 12AA, 12B, 12D, 12E, 12H or 17 by

collecting from the person reasonably suspected of having committed the offence a sum not exceeding \$1,000.

*[42/2004 wef 01/10/2004]*

*[28/2008 wef 31/10/2008]*

*[Act 12 of 2013 wef 01/05/2013]*

## **Regulations**

**20.**—(1) The Minister may make such regulations as may be necessary or expedient for the purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the Minister may make regulations relating to —

(a) the terms and conditions, manner and method of —

(i) any payment to any female or male employee or self-employed man or woman under section 9, 12AA, 12AB, 12E or 12H, as the case may be; and

*[Act 17 of 2016 wef 01/07/2016]*

*[Act 33 of 2016 wef 01/01/2017]*

(ii) any payment to any employee or self-employed person under section 12B;

*[Act 12 of 2013 wef 01/05/2013]*

(b) the manner of and method for determining —

(i) the income which a self-employed man or woman is entitled to claim from the Government under section 9, 12AB, 12E or 12H, as the case may be; and

*[Act 17 of 2016 wef 01/07/2016]*

*[Act 33 of 2016 wef 01/01/2017]*

(ii) the income which a self-employed person is entitled to claim from the Government under section 12B;

*[Act 12 of 2013 wef 01/05/2013]*

(c) the manner of and method for determining the amount of reimbursement which an employer is entitled to claim under section 10, 12AD, 12C, 12CA, 12G or 12J and the

terms and conditions subject to which the employer may be reimbursed;

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 17 of 2016 wef 01/07/2016]*

*[Act 33 of 2016 wef 01/01/2017]*

(d) the authority responsible for the assessment and payment of —

(i) the income which a self-employed man or woman is entitled to claim under section 9, 12AB, 12E or 12H, as the case may be;

*[Act 17 of 2016 wef 01/07/2016]*

*[Act 33 of 2016 wef 01/01/2017]*

(ii) the income which a self-employed person is entitled to claim under section 12B; and

(iii) the reimbursement which an employer is entitled to claim under section 10, 12AD, 12C, 12CA, 12G or 12J;

*[Act 12 of 2013 wef 01/05/2013]*

*[Act 17 of 2016 wef 01/07/2016]*

*[Act 33 of 2016 wef 01/01/2017]*

(e) the registers and records to be maintained for the purposes of Part III and the forms and contents thereof; and

(f) the prescribing of anything that may be prescribed under this Act.

(2A) Without prejudice to the generality of subsection (1), the Minister may make regulations to provide for Part III and any regulations made under this section to apply, with such modifications as may be specified, to any part-time employee or class of part-time employees.

*[28/2008 wef 31/10/2008]*

(3) Any regulations made under this section may provide that any act or omission in contravention of any regulation shall be an offence and may provide for the imposition of penalties for such offence not exceeding a fine of \$20,000 or imprisonment for a term not exceeding 12 months or both.

**Class exemption**

**21.** The Minister may, by order published in the *Gazette*, exempt any class of persons from complying with any provision of this Act or any regulations made thereunder, subject to such terms or conditions as may be specified in the order.

*[Act 12 of 2013 wef 01/05/2013]*

**Exemption on application**

**22.—(1)** The Minister may, on the application of any person, exempt that person from complying with any requirement of this Act or any regulations made thereunder.

(2) An exemption under subsection (1) —

- (a) may be granted subject to such terms or conditions as the Minister considers appropriate;
- (b) shall have effect for such period as the Minister considers appropriate;
- (c) shall be in writing and sent by the Minister to the person to whom the exemption is granted; and
- (d) need not be published in the *Gazette*.

(3) An exemption under this section shall, unless previously revoked in accordance with the terms of such exemption, continue in force for such period as may be specified in the exemption.

(4) The Minister may, on the application of any person —

- (a) extend the period for which an exemption granted under subsection (1) has effect;
- (b) vary or revoke any existing term or condition specified in an exemption granted under subsection (1);
- (c) revoke, whether wholly or partly, any exemption granted to a person under subsection (1); or
- (d) impose additional terms or conditions in an exemption granted under subsection (1).

(5) In this section, any reference to the Minister shall include a reference to any of the following persons designated by the Minister to

exercise the power to exempt under this section in place of the Minister:

- (a) a Second Minister, Minister of State or Senior Minister of State for his Ministry;
- (b) a Parliamentary Secretary or Senior Parliamentary Secretary to his Ministry.

[Act 12 of 2013 wef 01/05/2013]

## THE SCHEDULE

Section 2(1) and (3)

### DETERMINATION OF WEEKLY INDEX

#### PART 1

#### WEEKLY INDEX DETERMINED ACCORDING TO WORK PATTERN

<i>First column</i>	<i>Second column</i>
<i>Work pattern</i>	<i>Weekly index</i>
1. Number of work days in a week is the same in every week	Number of work days in a week
2. Number of work days varies from one week to another, but there is a consistent or regular pattern repeated over a fixed number of weeks	$\frac{T}{W}$ <p>where T is the total number of work days in the fixed number of weeks over which the pattern is repeated; and W is the fixed number of weeks over which the pattern is repeated</p>
3. Number of work days varies from one week to another, and there is no consistent or regular pattern repeated over a fixed number of weeks	$\frac{T}{3}$ <p>where T is the total number of work days in the period of 3 weeks immediately preceding the applicable</p>

THE SCHEDULE — *continued**First column**Second column**Work pattern**Weekly index*date determined according  
to Part 2 of this Schedule**Notes on Table:**

1. In this Table, the work pattern of a male or female employee is determined in accordance with the employee's contract of service as in force on the date immediately before the applicable date determined according to Part 2 of this Schedule.

2. In this Table, the work pattern of a self-employed man or self-employed woman is his or her work pattern immediately before the applicable date determined according to Part 2 of this Schedule.

3. In calculating the number of work days for the purposes of this Table, the following are each regarded as half a work day:

- (a) any day on which an employee is required to work for 5 hours or shorter under the employee's contract of service;
- (b) any day on which a self-employed man or self-employed woman is engaged in his or her trade, business, profession or vocation for 5 hours or shorter.

4. In this Table, "week" means a continuous period of 7 days commencing at midnight on Sunday.

## PART 2

APPLICABLE DATE FOR DETERMINING WEEKLY INDEX  
ACCORDING TO CONTEXT IN WHICH  
WEEKLY INDEX IS MENTIONED

*First column**Second column**Context in which  
weekly index is mentioned**Applicable date*

1. Section 9(1)

The day of the female employee's  
confinement or her first day of absence  
from work under section 9(1),  
whichever is the earlier

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Context in which weekly index is mentioned</i>	<i>Applicable date</i>
2. Section 9(1A)	The day on which the last of all the eligibility criteria applicable to the female employee under section 9A(1A) is satisfied
3. Section 9(1B)	The day on which the last of all the eligibility criteria applicable to the female employee under section 9A(1A) is satisfied
4. Section 9(4)	The day of the self-employed woman's confinement or the first day that she ceases to be actively engaged in her trade, business, profession or vocation for the purposes of section 9(4), whichever is the earlier
5. Section 9(4A)	The day on which the last of all the eligibility criteria applicable to the self-employed woman under section 9A(1A), is satisfied
6. Section 12AA(1), where the child to be adopted is a citizen of Singapore when the female employee applies to adopt the child	The date on which the female employee makes the application to adopt the child
7. Section 12AA(1), where the child to be adopted is not a citizen of Singapore when the female employee applies to adopt the child	The date on which a dependant's pass is issued in respect of the child
8. Section 12AB(1), where the child to be adopted is a citizen of Singapore when the self-employed woman applies to adopt the child	The date on which the self-employed woman makes an application to adopt the child
9. Section 12AB(1), where the child to be adopted is not a	The date on which a dependant's pass is issued in respect of the child

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Context in which weekly index is mentioned</i>	<i>Applicable date</i>
citizen of Singapore when the self-employed woman applies to adopt the child	
10. Section 12E	The day on which the last of all the eligibility criteria applicable to the male employee or self-employed man under section 12F is satisfied
11. Section 12H(1) and (4), where the male employee or self-employed man is the natural father of the child	The day on which the last of all the eligibility criteria applicable to the male employee or self-employed man under section 12I(1) is satisfied
12. Section 12H(1) and (4), where the male employee or self-employed man is the adoptive father of the child, and the child is a citizen of Singapore when an application is made by the adoptive father to adopt the child	The date on which the application by the male employee or self-employed man to adopt the child is made
13. Section 12H(1) and (4), where the male employee or self-employed man is the adoptive father of the child, and the child is not a citizen of Singapore when an application is made by the adoptive father to adopt the child	The date on which a dependant's pass is issued in respect of the child

*[Act 33 of 2016 wef 01/01/2017]*

LEGISLATIVE HISTORY  
CHILD DEVELOPMENT CO-SAVINGS ACT  
(CHAPTER 38A)

This Legislative History is provided for the convenience of users of the Children Development Co-Savings Act. It is not part of the Act.

**1. Act 13 of 2001 — Children Development Co-Savings Act 2001**

Date of First Reading : 22 February 2001  
(Bill No. 13/2001 published on  
23 February 2001)

Date of Second and Third Readings : 16 March 2001

Date of commencement : 1 April 2001

**2. 2002 Revised Edition — Children Development Co-Savings Act**

Date of operation : 31 July 2002

**3. Act 42 of 2004 — Children Development Co-Savings (Amendment) Act 2004**

Date of First Reading : 1 September 2004  
(Bill No. 41/2004 published on  
2 September 2004)

Date of Second and Third Readings : 21 September 2004

Date of commencement : 1 October 2004

**4. Act 9 of 2007 — Children Development Co-Savings (Amendment) Act 2007**

Date of First Reading : 8 November 2006  
(Bill No. 21/2006 published on  
9 November 2006)

Date of Second and Third Readings : 22 January 2007

Date of commencement : 1 March 2007

**5. Act 52 of 2007 — Education Endowment Scheme (Amendment No. 2) Act 2007**

(Consequential amendments made to Act by)

Date of First Reading : 17 September 2007  
(Bill No. 40/2007 published on  
18 September 2007)

Date of Second and Third Readings : 23 October 2007

Date of commencement : 1 January 2008

**6. Act 28 of 2008 — Children Development Co-Savings (Amendment) Act 2008**

Date of First Reading : 15 September 2008  
(Bill No. 26/2008 published on 16 September 2008)

Date of Second and Third Readings : 21 October 2008

Date of commencement : 31 October 2008

**7. Act 32 of 2008 — Employment (Amendment) Act 2008**

(Consequential amendments made to Act by)

Date of First Reading : 20 October 2008  
(Bill No. 34/2008 published on 20 October 2008)

Date of Second and Third Readings : 18 November 2008

Date of commencement : 1 January 2009

**8. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008**

(Consequential amendments made to Act by)

Date of First Reading : 21 July 2008  
(Bill No. 11/2008 published on 22 July 2008)

Date of Second and Third Readings : 16 September 2008

Date of commencement : 1 March 2010

**9. Act 2 of 2011 — Women's Charter (Amendment) Act 2011**

(Consequential amendments made to Act by)

Date of First Reading : 22 November 2010  
(Bill No. 34/2010 published on 22 November 2010)

Date of Second and Third Readings : 10 January 2011

Date of commencement : 9 March 2011

**10. Act 13 of 2011 — Children Development Co-Savings (Amendment) Act 2011**

Date of First Reading : 28 February 2011  
(Bill No. 8/2011 published on 28 February 2011)

Date of Second and Third Readings : 10 March 2011

- Date of commencement : 1 May 2011
- 11. Act 2 of 2012 — Statutes (Miscellaneous Amendments) Act 2012**
- Date of First Reading : 21 November 2011  
(Bill No. 22/2011 published on 21 November 2011)
- Date of Second and Third Readings : 18 January 2012
- Date of commencement : 1 March 2012 (except sections 26 and 29)
- 12. Act 12 of 2013 — Child Development Co-Savings (Amendment) Act 2013**
- Date of First Reading : 15 March 2013 (Bill No. 10/2013 published on 15 March 2013)
- Date of Second and Third Readings : 8 April 2013
- Date of commencement : 1 May 2013
- 13. Act 26 of 2013 — Employment, Parental Leave and Other Measures Act 2013**  
(Consequential amendments made to Act by)
- Date of First Reading : 21 October 2013 (Bill No. 21/2013 published on 21 October 2013)
- Date of Second and Third Readings : 12 November 2013
- Date of commencement : 1 April 2014
- 14. Act 27 of 2015 — Employment (Amendment) Act 2015**
- Date of First Reading : 13 July 2015 (Bill No. 23/2015 published on 13 July 2015)
- Date of Second and Third Readings : 17 August 2015
- Date of commencement : 22 August 2015
- 15. Act 17 of 2016 — Child Development Co-Savings (Amendment) Act 2016**
- Date of First Reading : 14 April 2016 (Bill No. 17/2016 published on 14 April 2016)
- Date of Second and Third Readings : 9 May 2016
- Date of commencement : 1 July 2016

**16. Act 33 of 2016 — Child Development Co-Savings (Amendment No. 2) Act 2016**

Date of First Reading : 10 October 2016 (Bill No. 33/2016 published on 10 October 2016)

Date of Second and Third Readings : 10 November 2016

Date of commencement : 1 January 2017

**17. Act 21 of 2016 — Employment Claims Act 2016**

Date of First Reading : 11 July 2016 (Bill No. 20/2016 published on 11 July 2016)

Date of Second and Third Readings : 16 August 2016

Date of commencement : 1 April 2017

**18. Act 33 of 2016 — Child Development Co-Savings (Amendment No. 2) Act 2016**

Date of First Reading : 10 October 2016 (Bill No. 33/2016 published on 10 October 2016)

Date of Second and Third Readings : 10 November 2016

Date of commencement : 1 July 2017