



**THE STATUTES OF THE REPUBLIC OF SINGAPORE**

**CHILD DEVELOPMENT CO-SAVINGS  
ACT 2001**

**2020 REVISED EDITION**

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# Child Development Co-Savings Act 2001

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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]

[1 April 2001]

PART 1

PRELIMINARY

**Short title**

1. This Act is the Child Development Co-Savings Act 2001.

[13/2011]

**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;

“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;

- “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 the period that she is entitled under the applicable subsection to receive payment from her employer at her gross rate of pay;
- “confinement” means the delivery of one or more children (including a stillborn child) from one pregnancy;
- “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 1959 to enable the child to remain, or to enter and remain, in Singapore for the purposes of adoption under the Adoption of Children Act 1939, and includes a document evidencing that the application for the dependant’s pass has been approved;
- “Director” means a public officer appointed by the Minister for the purposes of administering any provision of this Act;
- “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;
- “employed outside Singapore” means employed outside Singapore under a contract of service with an employer outside Singapore;
- “employee” means any person who has entered into or works under a contract of service with an employer in Singapore,

and includes a workman as defined in the Employment Act 1968 and any officer or employee of the Government;

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

- (a) the Government;
- (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;

“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 any other period, that 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;

“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;

“medical practitioner” means a medical practitioner registered under the Medical Registration Act 1997;

“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;

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

“part-time employee” has the meaning given by section 66A(1) of the Employment Act 1968;

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

“productivity incentive payment” has the meaning given by section 2(1) of the Employment Act 1968;

“PSE account” has the meaning given by the Education Endowment and Savings Schemes Act 1992;

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

“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 that trade, business, profession or vocation, or any other man declared by the Minister to be a self-employed man for the purposes of this Act;

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

“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 that trade, business, profession or vocation or any other woman declared by the Minister to be a self-employed woman for the purposes of this Act;

“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 12 months of age; 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 12 months of age; 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 12 months of age;

“stillborn child” has the meaning given by section 2(1) of the Registration of Births and Deaths Act 2021;

*[Act 19 of 2021 wef 29/05/2022]*

“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.

*[42/2004; 9/2007; 52/2007; 28/2008; 13/2011; 12/2013; 33/2016; 19/2021]*

(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) if the relevant specified event occurs before 1 November 2021, 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 or was a stillborn child;
- (ii) the child has been adopted by another person (other than jointly with the woman);

- (aa) if the relevant specified event occurs on or after 1 November 2021, any previous specified event of the woman is to be disregarded if, at the time of the relevant specified event, each child from that previous specified event 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.

*[33/2016; 19/2021]*

- (2A) In reckoning the age of a person for the purposes of this Act —
- (a) the person is taken to have attained a particular age expressed in years on the relevant anniversary of the person's birth;
  - (b) a reference to the anniversary of the birth of the person in paragraph (a) is a reference to the day on which the anniversary occurs; and
  - (c) where a person was born on 29 February in any year, then, in any subsequent year that is not a leap year, the anniversary of that person's birth is taken to be 28 February in that subsequent year.

[19/2021]

- (2B) In reckoning the period of —

- (a) a person's entitlement under this Act to leave or to be absent from work; or
- (b) a person's cessation of active engagement in any trade, business, profession or vocation for which the person is entitled to claim lost income under this Act,

the period ceases on and excludes the day of the person's death.

[19/2021]

- (3) The Minister may, by order in the *Gazette*, amend the Schedule.

[55/2018]

(4) The Minister may, in an order under subsection (3), make any provisions of a saving or transitional nature consequent to the enactment of that order that the Minister may consider necessary or expedient.

[55/2018]

## PART 2

### CHILD DEVELOPMENT CO-SAVINGS SCHEME

[13/2011]

**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;
- (aa) to provide financial assistance for the development of any other child through a co-savings arrangement;
- (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
- (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; 17/2016]*

(2) Without limiting subsection (1), the 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;
- (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 the managing agents, including the duty of the 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;
- (d) the payment of moneys to a member, and the amount, mode, manner and terms and conditions of any such payment;
- (e) the opening of and the type of bank account for each member into which 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 the 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 the moneys can be made;
- (i) the transfer of any moneys standing to the credit of a member in his or her bank account to his or her PSE account or one or more other accounts opened for the member's benefit as may be prescribed, or the withdrawal of such moneys, at such time, in such manner and in such circumstances, as may be prescribed;
- (j) the consequences for any breach of the regulations, including making any act or omission in contravention of the 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.

*[9/2007; 52/2007; 13/2011; 17/2016; 19/2021]*

(3) In this section, “co-savings arrangement”, in relation to a child, means an arrangement by which 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.

[17/2016]

### **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 must —

- (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, even though 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;
- (da) where the circumstances in paragraph (e), (f) or (g) exist in relation to the trustee and the member has a legal guardian, be substituted with that legal guardian instead of the substitute trustee mentioned in any of those paragraphs;
- (e) where the trustee is dead, be substituted with the trustee’s personal representative;

- (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 2008) to exercise the trustee's functions as trustee, be substituted with —
- (i) a donee of a lasting power of attorney 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;
- (g) where the trustee is unable or unwilling to act as trustee for any other reason —
- (i) be substituted with the person nominated by the trustee and approved by the Minister to act in the place of the existing trustee; or
  - (ii) if no person was nominated to act in place of the existing trustee, be substituted with a person appointed by a Director until sub-paragraph (i) applies;
- (h) where the trustee is a parent of the member and both parents of the member agree to his or her substitution as trustee, be substituted with a person whom both parents have nominated to act in place of the existing trustee;
- (i) where the trustee is not a parent of the member, and both parents of the member and the trustee agree to the substitution of that trustee, be substituted with a person whom both parents have nominated to act in place of the existing trustee; and

- (j) where the trustee is a parent (*A*) of the member, and the other parent (*B*) of the member is of the opinion that circumstances exist such that *A* is unable to act as trustee and *A*'s agreement for *A*'s substitution as trustee cannot practically be obtained, be substituted with *B* or a trustee nominated by *B* to act in place of *A* if a Director is satisfied that those circumstances exist.

*[21/2008; 33/2016; 19/2021]*

(2) Despite subsection (1), the Minister may, if he or she considers it necessary, direct that a trustee be removed and substituted with any other person that the Minister may nominate.

(3) This section has effect despite anything to the contrary in the Trustees Act 1967.

### **Protection of benefits**

5. Subject to the Education Endowment and Savings Schemes Act 1992 and any regulations made under section 3 (insofar 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 member's parent under the Scheme belongs, with effect from the date of the payment, to the member absolutely and —

- (a) the payment by the parent does not constitute a "matrimonial asset" within the meaning of section 112 of the Women's Charter 1961;
- (b) the payment by the parent does not constitute a transaction at an undervalue or an unfair preference under section 361 or 362 of the Insolvency, Restructuring and Dissolution Act 2018, or form part of the estate of a parent who has been adjudicated bankrupt; and
- (c) the moneys in the member's bank account are not assignable or liable to be attached, sequestered or levied upon for or in respect of any debt or claim.

*[52/2007; 40/2018]*

### **Moneys payable on death of member**

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

- (a) the Intestate Succession Act 1967, if the member was not a Muslim at the time of death; or
- (b) section 112 of the Administration of Muslim Law Act 1966, if the member was a Muslim at the time of death.

*[2/2012]*

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

(3) All moneys paid out of the bank account on the death of any member are 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 to the moneys but are, without prejudice to the Estate Duty Act 1929, deemed not to form part of the deceased member's estate or to be subject to the member's debts.

### **Approved persons**

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

(2) Without limiting subsection (1), the regulations may —

- (a) prescribe the manner in which applications for approval as an approved person may be made, or provide for the circumstances in which the Minister may appoint an approved person without such applications being made;
- (b) provide for the refund of any payment made to an approved person under the Scheme (including the circumstances for refund and the manner of refund);
- (c) require the approved person to execute a security bond as a precondition for such approval;



- (d) specify any other terms and conditions subject to which the approval of the Minister is granted;
- (e) empower the Minister to suspend or revoke the approval granted to an approved person and prescribe the circumstances in which such power is to be exercised; and
- (f) empower a Director to require an approved person to appoint an auditor to conduct an audit of the approved person's compliance with this Act, its regulations or any terms and conditions of approval applicable to that person, and to make provision for other matters with respect to such audit.

[19/2021]

### **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 the payment is —

- (a) made in reliance on any false or misleading statement, document or information made or provided by a parent of the member or any other person;
- (b) made by reason of any error (however caused); or
- (c) utilised for purposes not authorised by the Scheme,

the Government may —

- (d) recover that payment from any moneys standing to the credit of the member's bank account;
- (e) deduct or set off the amount of that payment from any other payment made or to be made by the Government under the Scheme or a prescribed scheme to the member's bank account;
- (f) deduct or set off the amount of that payment from any other payment made or to be made by the Government under a prescribed scheme to a parent of the member or a person nominated by the parent;
- (g) where the payment was made on account of any false or misleading statement, document or information made or

provided by, or any error caused or permitted to be caused by, a parent of the member or any other person (called the person in default), recover that payment from the person in default as a civil debt; or

- (h) recover that payment from a parent or legal guardian of the member as a civil debt, even if he or she is not the person in default under paragraph (g), if the Government is unable to recover that payment under paragraph (d) or (g) or make the deduction or set-off under paragraph (e) or (f).

[19/2021]

(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 must 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.

(3) Where a trustee of a member's bank account or an approved person utilises any moneys from the member's bank account for purposes not authorised by the Scheme, the Government may —

- (a) require the trustee or approved person (as the case may be) to refund the amount so utilised to the member's bank account, or if there is no longer a bank account under the Scheme to which the refund may be made, to such other account for the member's benefit as a Director may determine; and
- (b) where the approved person, the trustee or any other person had deposited moneys into the member's bank account for the purpose of facilitating such utilisation for unauthorised purposes, recover as a civil debt from that approved person, trustee or other person (as the case may be) any contributions made by the Government under a co-savings arrangement mentioned in section 3(3) relating to such deposited moneys.

[19/2021]

## PART 3

## LEAVE AND BENEFITS

[19/2021]

**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) is 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;

(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

(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 a duration that 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,

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

*[42/2004; 9/2007; 28/2008; 12/2013; 26/2013; 33/2016]*

(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 the child's birth;
- (b) satisfies the requirements of section 9A(1A); and
- (c) absents herself from work under section 76(1) of the Employment Act 1968,

is entitled —

(i) where section 76(1)(a) of the Employment Act 1968 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 (called in this paragraph the specified period) —

(AA) to receive payment from her employer at her gross rate of pay for the last 4 weeks of the specified period; 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 specified period, or for the agreed flexible period mentioned in subsection (1AA);

(B) if the child becomes a citizen of Singapore after the first 4 weeks of, but within, the specified 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 specified period; 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 specified period, or for the agreed flexible period mentioned in subsection (1AA); or
- (C) if the child becomes a citizen of Singapore within a period of 4 weeks commencing immediately after the specified period ends, 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 on the day the child becomes a citizen of Singapore, or for the agreed flexible period mentioned in subsection (1AA);
- (ii) where section 76(1)(a) of the Employment Act 1968 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 (called in this paragraph the specified period) —
    - (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 specified period; 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 specified period, or for the agreed flexible period mentioned in subsection (1AA); or
    - (B) if the child becomes a citizen of Singapore within a period of 4 weeks commencing immediately after the specified period ends, 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 on the day the child becomes a citizen of Singapore, or for the agreed flexible period mentioned in subsection (1AA);

- (iii) where section 76(1)(b) of the Employment Act 1968 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 (called in this paragraph the specified period) —
    - (AA) to receive payment from her employer at her gross rate of pay for the last 4 weeks of the specified period; 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 specified period, or for the agreed flexible period mentioned in subsection (1AA);
  - (B) if the child becomes a citizen of Singapore after the first 8 weeks of, but within, the specified 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 specified period; 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 specified period, or for the agreed flexible period mentioned in subsection (1AA); or
  - (C) if the child becomes a citizen of Singapore within a period of 4 weeks commencing immediately after the specified period ends, 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 on the day the child becomes a citizen of Singapore, or for the agreed flexible period mentioned in subsection (1AA);

- (iv) where section 76(1)(b) of the Employment Act 1968 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 (called in this paragraph the specified period) —
    - (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 specified period; 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 specified period, or for the agreed flexible period mentioned in subsection (1AA); or
  - (B) if the child becomes a citizen of Singapore within a period of 4 weeks commencing immediately after the specified period ends, 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 on the day the child becomes a citizen of Singapore, or for the agreed flexible period mentioned in subsection (1AA);
- (iva) where section 76(1)(a) or (b) of the Employment Act 1968 applies, and the child becomes a citizen of Singapore after the period of 16 weeks, which commences on the first day on which she exercised her entitlement under section 76(1)(a) or (b) (as the case may be) of that Act,

but within the period of 12 months commencing on the day of her confinement —

- (A) to absent herself from work for a further period of 4 weeks commencing on the day the child becomes a citizen of Singapore, or for the agreed flexible period mentioned in subsection (1AA); and
  - (B) to receive payment from her employer at her gross rate of pay for the further period of 4 weeks or the agreed flexible period under sub-paragraph (A);
- (v) where section 76(1)(c) of the Employment Act 1968 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 (called in this paragraph the eight-week period) —
    - (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 a duration that 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
  - (B) if the child becomes a citizen of Singapore after the eight-week period —
    - (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 a duration that 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
- (vi) where section 76(1)(c) of the Employment Act 1968 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 (called in this paragraph the eight-week period) —
    - (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 eight-week period, 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 a duration that 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

(B) if the child becomes a citizen of Singapore after the eight-week period —

(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 a duration that 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.

*[28/2008; 12/2013; 26/2013; 33/2016; 19/2021]*

(1AA) For the purposes of subsection (1A), the agreed flexible period consists of one or more periods where —

- (a) each period is of a duration agreed between a female employee and her employer;
- (b) the total duration of the period (if only one), or all the periods, is equal to 4 times the employee's weekly index, or 24 days, whichever is the lower; and
- (c) the period (if only one), or all the periods, must commence on or after the day the child becomes a citizen of Singapore and must end on or before the last day of the period of 12 months commencing on the day of her confinement relating to that child.

*[19/2021]*

(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 the child's 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 1968,

is 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;
- (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 a duration that 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
- (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 a duration that 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.

*[28/2008; 12/2013; 26/2013; 33/2016]*

(2) Where a female employee has worked in her employment for any day during the benefit period before her confinement, she is 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]*

(2A) Where the employment of a female employee is terminated because she resigns before she has exercised, wholly or partly, her entitlement under subsection (1), (1A) or (1B) to absent herself from work, she forfeits the following upon the termination of her employment:

- (a) the entitlement (or the balance of that entitlement) under subsection (1), (1A) or (1B) (as the case may be) to absent herself from work;
- (b) the entitlement to receive payment from her employer at her gross rate of pay in respect of the forfeited period of absence from work under paragraph (a).

*[19/2021]*

(3) Without affecting section 84 or 84A of the Employment Act 1968, where the employment of a female employee is terminated (whether by dismissal, upon the completion of her contract of service, or for any reason other than by resignation), before she has exercised, wholly or partly, her entitlement to absent herself from work during —

- (a) a period mentioned 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); or

- (b) the agreed flexible period applicable to her under subsection (1A),

she forfeits the following upon the termination of her employment:

- (c) the entitlement (or the balance of that entitlement) to absent herself from work during any of the applicable periods mentioned in paragraph (a) or (b);
- (d) the entitlement to receive payment from her employer at her gross rate of pay in respect of the forfeited period of absence from work under paragraph (c).

[19/2021]

(3A) To avoid doubt, where the employment of a female employee is terminated (whether by dismissal, upon the completion of her contract of service, or for any reason other than by resignation) 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 1968, she forfeits her entitlement (or the balance of that entitlement) 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; 28/2008; 33/2016; 19/2021]

(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).

[33/2016]

(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).

[33/2016]

(5) A self-employed woman is 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 the period of her cessation of active engagement in her trade, business, profession or vocation which is after the first 8 weeks of the 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
    - (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
- (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.

*[9/2007; 28/2008; 33/2016]*

(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), is 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
- (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.

*[12/2013; 33/2016]*



(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 (2A), (3) or (3A), as the case may be;
- (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; or
- (c) she is also a female employee who, before her child became a citizen of Singapore, is entitled to absent herself from work or to receive payment from any employer under section 76 of the Employment Act 1968, 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 the employer under section 76(5A) or (6) of that Act.

*[33/2016; 19/2021]*

(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).

*[33/2016]*

(6B) Subsections (3), (3A) and (6) do not disqualify a female employee 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), or section 76(1)(a), (b) or (c) or (1A)

of the Employment Act 1968, had her employment not been terminated by reason of one of the following:

- (a) upon the completion of her contract of service;
- (b) on the ground of redundancy or by reason of any reorganisation of her employer's profession, business, trade or work.

[19/2021]

(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.

[12/2013]

(8) Despite subsection (7), “total income” in subsection (5A) excludes the gross rate of pay that 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 —

- (a) upon the making of any representations to the Minister charged with the responsibility for manpower under section 35 of the Industrial Relations Act 1960, that

Minister is satisfied that the female employee was dismissed with just cause or excuse by that employer before her confinement;

- (b) an Employment Claims Tribunal has decided, after hearing a claim mentioned in section 14(2) or 84(2) of the Employment Act 1968, that the female employee was dismissed with just cause or excuse, or for sufficient cause, by that employer before her confinement; or
- (c) any other court of competent jurisdiction in Singapore has decided that the female employee was dismissed with just cause or excuse, or for sufficient cause, by that employer before her confinement.

*[55/2018; 19/2021]*

**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 in respect of a child occurs, or the estimated delivery date for her confinement is, on or after 1 January 2017, or (in the case of a stillborn child) on or after 1 November 2021;
- (b) a child delivered during her confinement is a citizen of Singapore at the time of the child’s birth, or (in the case of a stillborn child) would have been a citizen of Singapore at 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.

*[33/2016; 19/2021]*

(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 1 January 2017;
- (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.

[33/2016]

(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 in respect of a child occurs, or the estimated delivery date for her confinement is, on or after 1 January 2017, or (in the case of a stillborn child) on or after 1 November 2021;
- (b) a child delivered during her confinement —
  - (i) is a citizen of Singapore at the time of the child's birth, or (in the case of a stillborn child) would have been a citizen of Singapore at 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 immediately before the day of her confinement, she has been employed by one or more employers, self-employed or both (whether in Singapore or outside Singapore); and
- (d) in the case of a woman who has been employed outside Singapore or self-employed outside Singapore, she —
  - (i) is resident in Singapore, and is no longer employed outside Singapore or self-employed outside Singapore (as the case may be), on the day of her confinement; and
  - (ii) opts to do either or both of the following:
    - (A) 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);
    - (B) use her income during any period mentioned in sub-paragraph (A) to calculate her total income for the purposes of section 9(5A).

*[33/2016; 19/2021]*

(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 are 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 is 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 is 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 are counted only once.

[12/2013; 33/2016]

(3) Despite anything in the Employment Act 1968, no female employee is 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 1968, 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).

[33/2016]

(4) The payment that a female employee is entitled to receive from her employer under section 9(1), (1A) or (1B) in respect of her confinement is subject to the following amounts that apply for the following period or periods:

- (a) if her confinement is her first or second specified event —
  - (i) an amount that does not exceed \$10,000 for every period of absence specified in each of the following sub-paragraphs:
    - (A) where the amount is paid under section 9(1) in respect of her absence from work under section 9(1)(a) or (b) — every period equal in duration to 4 times the employee's weekly index or every 24 days, whichever is the lower,

of her absence from work under section 9(1)(a) or (b) (as the case may be) after the first 8 weeks of such absence;

- (B) where the amount is paid under section 9(1) in respect of her absence from work under section 9(1)(c)(ii) — every period equal in duration to 4 times the employee’s weekly index or every 24 days, whichever is the lower, of her absence from work under that provision after the first 8 weeks of her absence from work under section 9(1)(c)(i);
- (C) where the amount is paid under section 9(1A)(i) or (iii) — every period equal in duration to 4 times the employee’s weekly index or every 24 days, whichever is the lower, of her absence from work under that provision or under section 76(1)(a) or (b) of the Employment Act 1968 (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) where the amount is paid under section 9(1A)(iva) or (1B)(ii)(B) or (iii) — every period equal in duration to 4 times the employee’s weekly index or every 24 days, whichever is the lower, of her absence from work under any of those provisions;
- (E) where the amount is paid under section 9(1A)(v)(A)(AA) or (B)(BA) — every period equal in duration to 4 times the employee’s weekly index or every 24 days, whichever is the lower, of her absence from work under section 76(1)(c)(ii) of the Employment Act 1968 after the first 8 weeks of her absence from work under section 76(1)(c)(i) of that Act;

- (F) where the amount is paid under section 9(1A)(v)(A)(AB) or (B)(BB) — every period equal in duration to 4 times the employee’s weekly index or every 24 days, whichever is the lower, of her absence from work under that provision after the first 8 weeks of her absence from work under section 76(1)(c)(i) of the Employment Act 1968;
  - (G) where the amount is paid under section 9(1B)(i) — every period equal in duration to 4 times the employee’s weekly index or every 24 days, whichever is the lower, of her absence from work under that provision after the first 8 weeks of such absence; and
    - (ii) in any case, an amount that does not exceed a total of \$20,000 for the period of absence (if only one), or all the periods of absence, under sub-paragraph (i)(A), (B), (C), (D), (E), (F) or (G), whichever is applicable;
  - (b) if her confinement is her third or subsequent specified event and the amount is paid under section 9(1) in respect of any period of absence under section 9(1)(a), (b) or (c)(i) or (ii), or paid under section 9(1A)(ii), (iv), (iva) or (vi) or (1B)(i), (ii)(A) or (B) or (iii) —
    - (i) an amount that does not exceed \$10,000 for every period equal in duration to 4 times the employee’s weekly index or every 24 days, whichever is the lower, of her absence from work; and
    - (ii) in any case, an amount that does not exceed a total of \$40,000 for the period of absence (if only one) under sub-paragraph (i), or all the periods of absence under that sub-paragraph, whichever is applicable.
- [19/2021]*
- (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, the amount of payment she is entitled to receive from the Government —

- (a) under section 9(5)(a), if her confinement is her first or second specified event, is an amount that does not exceed —
  - (i) \$10,000 for every period equal in duration to 4 times her weekly index or every 24 days, whichever is the lower, of her cessation of active engagement in her trade, business, profession or vocation —
    - (A) under section 9(4)(b)(i) or (ii), which period is after the first 8 weeks of such cessation;
    - (B) under section 9(4)(b)(iii)(B), which period is after the first 8 weeks of such cessation under section 9(4)(b)(iii)(A);
    - (C) under section 9(4A)(c)(i) or (ii)(A), which period is after the period of 8 weeks mentioned in section 9(5)(a)(ii)(B); or
    - (D) under section 9(4A)(c)(ii)(B) or (iii), which period is after the period of 8 weeks mentioned in section 9(5)(a)(ii)(B); and
  - (ii) in any case, a total of \$20,000 for the period of cessation (if only one), or all the periods of cessation, under sub-paragraph (i)(A), (B), (C) or (D), whichever is applicable; and
- (b) under section 9(5)(b), if her confinement is her third or subsequent specified event, is an amount that does not exceed —
  - (i) \$10,000 for every period equal in duration to 4 times her weekly index or every 24 days, whichever is the lower, of her cessation of active engagement in her trade, business, profession or vocation under section 9(4)(b)(i), (ii) or (iii)(A) or (B) or (4A)(c)(i), (ii)(A) or (B) or (iii); and

- (ii) in any case, a total of \$40,000 for the period (if only one) under sub-paragraph (i), or all the periods under that sub-paragraph, whichever is applicable.

*[33/2016; 19/2021]*

(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 the case of a female employee, in accordance with any regulations made under section 20, if —

- (i) the female employee's employer —

- (A) has paid or is required to pay the female employee any amount in respect of her confinement; and

- (B) is entitled to claim, or has claimed, reimbursement from the Government for such payment under section 10 (whether or not pursuant to an exemption under section 22);

- (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); or

(iii) the female employee's employment is terminated upon completion of her contract of service, and she failed to exercise any part of her entitlement under this Act to be absent from work before the date of completion of her contract.

*[33/2016; 19/2021]*

(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 or stillborn during that confinement.

*[33/2016; 19/2021]*

(6) The amounts of payment referred to in subsections (4), (5) and (5A)(a) are 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 1953.

*[12/2013; 33/2016]*

(7) Subject to subsections (3) and (3A), section 9 and this section must not 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; 12/2013]*

(8) For the purposes of section 9(5A) to (8) 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 —

“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 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.

[33/2016; 19/2021]

### **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 1968, 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 made by the employer under the Central Provident Fund Act 1953 in respect of the amount mentioned in sub-paragraph (i) which is not recoverable from the employee's wages; and
- (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 1968, or under section 9(1A), as she is entitled to receive payment under section 9(1A); and
  - (ii) any contribution made by the employer under the Central Provident Fund Act 1953 in respect of the amount mentioned in sub-paragraph (i) which is not recoverable from the employee's wages.

*[33/2016]*

(2) The amount of reimbursement an employer is entitled to claim from the Government under subsection (1) in respect of a female employee is an amount that does not exceed —

- (a) where subsection (1)(a) applies —
  - (i) \$10,000 for every period equal in duration to 4 times the employee's weekly index or every 24 days, whichever is the lower, of the employee's absence from work; and
  - (ii) a total of \$20,000; and

- (b) where subsection (1)(b) applies —
- (i) \$10,000 for every period equal in duration to 4 times the employee's weekly index or every 24 days, whichever is the lower, of the employee's absence from work; and
  - (ii) a total of \$40,000.

[42/2004; 28/2008; 19/2021]

(2A) Where an employer makes payment to a female employee in relation to whom the requirements of subsection (2B) are satisfied, in respect of her absence from work for her confinement, the Government may reimburse the employer an amount that does not exceed —

- (a) if the employee's confinement is her first or second specified event — each of the amounts mentioned in subsection (2)(a)(i) and (ii); and
- (b) if the employee's confinement is her third or subsequent specified event — each of the amounts mentioned in subsection (2)(b)(i) and (ii).

[19/2021]

(2B) For the purposes of subsection (2A), the requirements are all of the following:

- (a) the female employee's confinement occurs, or the estimated delivery date for her confinement is, on or after 1 November 2021;
- (b) the child delivered during her confinement —
  - (i) is a citizen of Singapore at the time of the child's birth, or is a stillborn child who would have been a citizen of Singapore at 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) where paragraph (b)(ii) applies, the female employee's absence from work commences on or after the day the

child becomes a citizen of Singapore in accordance with that provision;

- (d) the female employee's absence from work occurs within 12 months commencing on the day of her confinement;
- (e) the female employee does not satisfy the requirement in section 9A(1)(c) or 9A(1A)(c).

[19/2021]

(3) An employer is not entitled to claim reimbursement from the Government for any amount that the employer is directed, on or after 1 January 2017, by any of the following to pay to a female employee, unless the direction has been withdrawn or reversed:

- (a) by the Minister charged with the responsibility for manpower under section 35 of the Industrial Relations Act 1960;
- (b) by the Commissioner for Labour under section 115 of the Employment Act 1968;
- (c) by any court.

[33/2016; 55/2018]

**10A.** [Repealed by Act 33 of 2016]

**11.** [Repealed by Act 19 of 2021]

### **Application of certain provisions of Employment Act 1968**

**12.—**(1) Sections 77 to 84A and 86 of the Employment Act 1968 apply to a payment under section 9 and to any female employee to whom this Part applies and for the purposes of such application, any reference in those sections of that Act to —

- (a) a female employee is a reference to a female employee to whom this Act applies;
- (b) an employer is a reference to an employer to whom this Act applies;
- (c) “this Part” is a reference to Part 3 of this Act;
- (d) “this Act” is a reference to this Act; and
- (e) section 76 is a reference to section 9 of this Act.

[42/2004; 12/2013]

(2) Parts 13 and 16 and sections 124, 125 and 126 of the Employment Act 1968, and such other provisions of that Act as the Minister charged with the responsibility for manpower may prescribe by order in the *Gazette*, apply, with any exceptions, adaptations and modifications that 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 of this Act (as in force immediately before 1 January 2017) applied;
- (b) any dispute under this Part, or under any regulations made under section 20, between any such employer and any such employee; and
- (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),

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

[42/2004; 28/2008; 12/2013; 17/2016; 21/2016; 33/2016; 55/2018]

(3) Sections 115 to 123 of the Employment Act 1968 apply, with any exceptions, adaptations and modifications that the Minister charged with the responsibility for manpower may prescribe by order in the *Gazette*, to a dispute mentioned in subsection (2)(b), if a claim is lodged, before 1 April 2017, under section 119 of that Act in relation to that dispute.

[21/2016; 55/2018]

### **Adoption benefits for eligible adoptive mothers**

**12A.**—(1) This section applies to a woman who satisfies the requirements of section 12AC(2) (called in this section an eligible adoptive mother).

[19/2021]

(2) Unless disqualified under subsection (5), an eligible adoptive mother is entitled to claim from the Government —



- (a) if the making of her application to adopt a child, or the issue of the dependant's pass in respect of a child, is her first or second specified event — an amount equivalent to 56 days of her total income during such period before the eligibility date of the application as may be prescribed; or
- (b) if the making of her application to adopt a child, or the issue of the dependant's pass in respect of a child, is her third or subsequent specified event — an amount equivalent to 84 days of her total income during such period before the eligibility date of the application as may be prescribed.

[19/2021]

(3) An eligible adoptive mother's entitlement under subsection (2) —

- (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 any of the conditions in subsection (4) applies in relation to her.

[19/2021]

(4) The conditions mentioned in subsection (3)(b) are the following:

- (a) the employer of the eligible adoptive mother —
  - (i) has paid or is required to pay her any amount in respect of her adoption of the child; and
  - (ii) is entitled to claim, or has claimed, reimbursement from the Government for such payment under section 12AD (whether or not pursuant to an exemption under section 22);
- (b) where the eligible adoptive mother has made an election under section 12E(5) for the adoptive father of the child to take shared parental leave or claim lost income in respect of the child —

- (i) the father's employer —
  - (A) 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
  - (B) is entitled to claim reimbursement from the Government for such payment under section 12G (whether or not pursuant to an exemption under section 22); or
- (ii) 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);
- (c) the employment of the eligible adoptive mother is terminated upon completion of her contract of service, and she failed to exercise any part of her entitlement under this Act to be absent from work before the date of completion of her contract.

[19/2021]

(5) Except as provided in subsections (6) and (7), an eligible adoptive mother is not entitled to claim any payment from the Government under subsection (2) if —

- (a) she is also a female employee who is entitled to absent herself from work and to receive payment from her employer under section 12AA, in respect of the same adoption, regardless of whether she has ceased to be entitled to any adoption leave and any payment in lieu of that leave under section 12AA(2); or
- (b) she is also a self-employed woman who is entitled to claim from the Government her lost income under section 12AB in respect of the same adoption.

[19/2021]

(6) Subsection (5) and section 12M do not disqualify an eligible adoptive mother from claiming payment from the Government under subsection (2) 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 birth of the adopted child.

[19/2021]

(7) Subsection (5) and section 12AA(2)(a) do not disqualify an eligible adoptive mother from claiming payment from the Government under subsection (2), if she would have been entitled to absent herself from work and to receive payment from her employer under section 12AA, had her employment not been terminated by reason of one of the following:

- (a) upon the completion of her contract of service;
- (b) on the ground of redundancy or by reason of any reorganisation of her employer's profession, business, trade or work.

[19/2021]

(8) Section 9(7) and (8) applies to the meaning of the total income of an eligible adoptive mother under subsection (2), with the following modifications:

- (a) every reference in section 9(7) and (8) to a period prescribed for the purposes of section 9(5A) is a reference to a period prescribed for the purposes of subsection (2);
- (b) every reference in section 9(7) and (8) to a woman's employment or self-employment, or both, is a reference to an eligible adoptive mother's employment or self-employment, or both.

[19/2021]

(9) The amount of payment mentioned in subsection (3)(a) is inclusive of any contribution to the Central Provident Fund which a female employee or a self-employed woman is liable to make under the Central Provident Fund Act 1953.

[19/2021]

(10) Nothing in this section affects any other benefits that a female employee is entitled to, in respect of her adoption of a child, under the terms of her contract of service or under any written law.

[19/2021]

**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 of 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 of 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 of 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 a duration that 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).

[33/2016]

(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.

[33/2016]

(3) [*Deleted by Act 33 of 2016*]

(4) Subject to subsection (5), an employer must 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.

[12/2013]

(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 does not exceed —

(a) if the making of the female employee's application to adopt that child, or the issue of a dependant's pass in respect of that child, is the female employee's first or second specified event —

(i) \$10,000 for every period equal in duration to 4 times the employee's weekly index or every 24 days, whichever is the lower, of the adoption leave taken by the female employee after the first 4 weeks of such leave; and

(ii) in any case, a total of \$20,000 for the period of adoption leave (if only one), or all the periods of adoption leave, under sub-paragraph (i), whichever is applicable; and

(b) if the making of the female employee's application to adopt that child, or the issue of a dependant's pass in respect of that child, is the female employee's third or subsequent specified event —

(i) \$10,000 for every period equal in duration to 4 times the employee's weekly index or every 24 days, whichever is the lower, of the adoption leave taken by the female employee under subsection (1); and

- (ii) in any case, a total of \$30,000 for the adoption leave taken by the female employee under subsection (1).

*[33/2016; 19/2021]*

(6) The amount of payment referred to in subsection (5) is 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 1953.

*[12/2013]*

(7) *[Deleted by Act 33 of 2016]*

(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.

*[12/2013]*

(9) Any employer who fails to pay a 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.

*[12/2013]*

(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.

*[12/2013]*

(11) Where an employer who is convicted or found guilty of an offence under subsection (8) or (9) is a repeat offender, the employer 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.

*[12/2013]*

(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) (called 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 the person is convicted or found guilty of the current offence.

[12/2013]

(13) This section must not 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.

[12/2013]

### **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 of the application to adopt the child;
  - (ii) during a period of 12 weeks commencing —
    - (A) not earlier than the eligibility date of 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 of 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).

[33/2016]

(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 period equal in duration to 4 times the employee's weekly index or every 24 days, whichever is the lower, of her cessation of active engagement in her trade, business, profession or vocation after the first 4 weeks of that cessation; and

(ii) in any case, not more than a total of \$20,000 for the period of cessation (if only one), or all the periods of cessation, under sub-paragraph (i), whichever is applicable; 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 period equal in duration to 4 times the employee's weekly index or every 24 days, whichever is the lower, of her cessation of active engagement in her trade, business, profession or vocation; and

(ii) not more than a total of \$30,000.

[33/2016; 19/2021]



(3) [*Deleted by Act 33 of 2016*]

(4) The amount of payment referred to in subsection (2) is inclusive of any contribution to the Central Provident Fund which a self-employed woman is liable to make under the Central Provident Fund Act 1953.

[12/2013; 33/2016]

### **Eligibility criteria for adoption leave and benefits**

**12AC.**—(1) 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 of the application is on or after 1 January 2017;
- (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 of 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 of the application;
- (d) the child is below 12 months of age on the eligibility date of 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.

[33/2016; 19/2021]

(2) A woman who applies to adopt a child in accordance with any written law relating to the adoption of children is entitled to adoption benefits under section 12A, if —

- (a) the eligibility date of the application to adopt the child is on or after 1 January 2021;
- (b) for at least 90 days in total during the period of 12 months immediately before the eligibility date of the application to adopt the child, she has been employed by one or more employers, self-employed or both (whether in Singapore or outside Singapore);
- (c) in the case of a woman who has been employed outside Singapore or self-employed outside Singapore, she —
- (i) is resident in Singapore, and is no longer employed outside Singapore or self-employed outside Singapore (as the case may be), on the eligibility date of the application to adopt the child; and
- (ii) opts to do either or both of the following:
- (A) use any period during the 12 months immediately before the eligibility date of the application to adopt the child when she was employed outside Singapore, or was self-employed outside Singapore, to satisfy the requirement in paragraph (b);
- (B) use her income during any period mentioned in sub-paragraph (A) to calculate her total income for the purposes of section 12A(2);

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

[19/2021]

(3) Section 9A(2A) applies for the purposes of reckoning the number of days under subsection (2)(b) in which a woman has been employed or self-employed, with the following modifications:

- (a) the reference to the day of a woman's confinement in section 9A(2A)(a) is a reference to the eligibility date of the application to adopt the child;
- (b) every reference in section 9A(2A) to a woman's employment or self-employment is a reference to the employment or self-employment (as the case may be) of the woman mentioned in subsection (2).

[19/2021]

### **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 made by the employer under the Central Provident Fund Act 1953 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 made by the employer under the Central Provident Fund Act 1953 in respect of the amount mentioned in sub-paragraph (i) which is not recoverable from the employee's wages.

[33/2016]

(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 does not exceed —

- (a) where subsection (1)(a) applies —
- (i) \$10,000 for every period equal in duration to 4 times the employee's weekly index or every 24 days, whichever is the lower, after the first 4 weeks of adoption leave taken by the female employee; and
  - (ii) a total of \$20,000; or

(b) where subsection (1)(b) applies —

- (i) \$10,000 for every period equal in duration to 4 times the employee's weekly index or every 24 days, whichever is the lower, of adoption leave taken by the female employee; and
- (ii) a total of \$30,000.

*[33/2016; 19/2021]*

(3) Where an employer makes payment to a female employee in relation to whom the requirements of subsection (4) are satisfied, in respect of her absence from work for the adoption of a child, the Government may reimburse the employer an amount that does not exceed —

- (a) if the making of the 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 — each of the amounts mentioned in subsection (2)(a)(i) and (ii); and
- (b) if the making of the 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 — each of the amounts mentioned in subsection (2)(b)(i) and (ii).

*[19/2021]*

(4) For the purposes of subsection (3), the requirements are all of the following:

- (a) the eligibility date of the application to adopt the child is on or after 1 November 2021;
- (b) the requirements of section 12AC(1)(d), (e) and (f) are satisfied, but not the requirements of section 12AC(1)(b);
- (c) the female employee's absence from work commences on or after the eligibility date of the application to adopt the child;
- (d) the female employee's absence from work occurs within 12 months commencing on the date of birth of the child.

*[19/2021]*

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

**12B.**—(1) Subject to subsections (1B), (1C), (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 7 years of age and who is, or who becomes, a qualifying child, at any time during any relevant period,

the employee is entitled to childcare leave (called childcare leave in this section and section 12C) for that relevant period of —

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

*[28/2008; 12/2013; 19/2021]*

(1A) Subject to subsections (1B), (1C) and (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 7 years of age but below 13 years of age, and who is, or who becomes, a qualifying child, at any time during any relevant period,

the employee is entitled to 2 days of extended childcare leave (called extended childcare leave in this section and section 12CA) for that relevant period.

*[12/2013; 19/2021]*

(1B) A male employee is not entitled to childcare leave and extended childcare leave under subsections (1) and (1A) respectively in respect of a qualifying child if —

- (a) the male employee is the natural father of the qualifying child; and
- (b) either the male employee or the natural mother of the qualifying child was lawfully married to another person, or both of them were lawfully married but not to each other, at the time the qualifying child was conceived.

*[19/2021]*

(1C) Despite subsection (1B), if the male employee and the natural mother of the qualifying child become lawfully married to each other after the child is conceived (whether or not the marriage remains subsisting), the male employee then becomes entitled to childcare leave and extended childcare leave under subsections (1) and (1A) respectively in respect of the qualifying child —

- (a) in a case where the lawful marriage occurred before the birth of the qualifying child — starting on the date of the child's birth; and
- (b) in any other case — starting on the date of their lawful marriage.

*[19/2021]*

(2) An employee who is entitled to childcare leave and extended childcare leave under subsections (1) and (1A), respectively —

- (a) is not 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
- (b) must —
- (i) take the employee's first entitlement of childcare leave or extended childcare leave for a relevant period in that relevant period or the next succeeding relevant period; and
  - (ii) thereafter, take the 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.

*[28/2008; 12/2013; 33/2016; 19/2021]*

(3) Despite section 87A of the Employment Act 1968, when an employee becomes entitled (whether before, on or after 1 April 2014) to childcare leave or extended childcare leave in relation to a qualifying child under this section, whether or not the employee has taken (before, on or after 1 April 2014) any childcare leave under section 87A of that Act and whether or not in relation to the same child before the employee becomes so entitled, then —

- (a) the employee is not entitled to childcare leave under section 87A of that Act, or to payment from the employer under section 87A(5) of that Act, for so long as the employee is entitled to childcare leave or extended childcare leave under this section;
- (b) any childcare leave taken under section 87A of that Act (before the employee became entitled to childcare leave or extended childcare leave under this section) in a relevant period is 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 the employee has not received any payment from the employer under section 87A(5) of that Act in respect of any childcare leave already taken by the employee under section 87A of that Act, the employee is entitled to



payment from the employer under subsection (9) in respect of the childcare leave so taken; and

- (d) where the employee has received payment from the employer under section 87A(5) of that Act with respect to the childcare leave taken by the employee under section 87A of that Act, the payment is treated, for the purposes of this Act, as a payment made by the employer to the employee under subsection (9).

[26/2013]

(4) [Deleted by Act 26 of 2013]

(5) Despite section 87A of the Employment Act 1968, when an employee —

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

but has any child below 7 years of age at any time during any relevant period, the employee's entitlement (if any) to childcare leave under section 87A of that Act is affected in the following manner:

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

[26/2013]

(6) *[Deleted by Act 33 of 2016]*

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

(a) the rest days, holidays, annual leave and sick leave to which an employee is entitled under sections 36, 88, 88A and 89, respectively, of the Employment Act 1968; and

(b) in the case of childcare leave, any unpaid infant care leave to which an employee may be entitled under section 12D.

*[12/2013; 55/2018]*

(8) Subject to subsection (2)(b), an employer must grant, and an employee who is entitled to childcare leave or extended childcare leave must 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) thereupon ceases to be entitled to that leave; and

(b) is not entitled to any payment in lieu of that leave.

*[12/2013]*

(9) Subject to subsections (10) and (10A), an employer must pay an employee who is entitled to childcare leave or extended childcare leave (as the case may be) the employee's gross rate of pay for every day of such leave that is taken by the employee.

*[12/2013]*

(10) Where an employee has taken 3 days of childcare leave, the amount of payment the employee is entitled to receive from the employer under subsection (9) must 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]*

(10A) The amount of payment an employee is entitled to receive from the employer under subsection (9) must 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.

*[12/2013]*

(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 or her contract of service, or for any other reason) before he or she has taken the entitlement of childcare leave or extended childcare leave (as the case may be) for a relevant period, the employee —

- (a) ceases to be entitled to that leave upon the termination of the employment; and
- (b) is not entitled to any payment in lieu of that leave.

*[28/2008; 12/2013]*

(11A) To avoid doubt, the employee ceases to be entitled to any childcare leave or extended childcare leave in respect of a qualifying child, and is not entitled to any payment in lieu of that leave, if —

- (a) the qualifying child is adopted by another person, other than jointly with the employee; or
- (b) the employee ceases to provide care, protection or supervision as a foster parent to the child under a voluntary care agreement as mentioned in section 15 of the Children and Young Persons Act 1993, or pursuant to an order under section 54(1)(b) or 56(2), or section 57 (read with section 56) of that Act.

*[30/2019]*

(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.

*[12/2013]*

(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.

*[12/2013]*

(14) Any employer who fails to pay an 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.

*[12/2013]*

(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.

*[12/2013]*

(14B) Where an employer who is convicted or found guilty of an offence under subsection (12), (13) or (14) is a repeat offender, the employer 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.

*[12/2013]*

(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) (called 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 1968 in force before, on or after 1 May 2013,

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

*[12/2013]*

(15) Subject to subsection (5), this section must not 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 the employee, under the terms of the employee's contract of service or under any written law.

*[28/2008; 12/2013]*

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

- (a) has been carrying on a trade, business, profession or vocation for a continuous period of not less than 3 months;
- (b) has any child who is below 7 years of age and who is, or who becomes, a qualifying child, at any time during any calendar year;
- (c) ceases to be actively engaged in the 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 the trade, business, profession or vocation,

the person is entitled to claim from the Government the income the person would otherwise have derived from the trade, business, profession or vocation for —

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

*[28/2008; 19/2021]*

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

- (a) has been carrying on a trade, business, profession or vocation for a continuous period of not less than 3 months;
- (b) has any child who is of or above 7 years of age but below 13 years of age and who is, or who becomes, a qualifying child, at any time during any calendar year;

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

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

*[12/2013; 19/2021]*

(16B) Subsections (1B) and (1C) apply to a self-employed man as they apply to a male employee, with the following modifications:

(a) every reference in those subsections to a male employee is to be read as a reference to a self-employed man;

(b) every reference in those subsections to childcare leave under subsection (1) is to be read as a reference to a claim from the Government of the income mentioned in subsection (16);

(c) every reference in those subsections to extended childcare leave under subsection (1A) is to be read as a reference to a claim from the Government of the income mentioned in subsection (16A).

*[19/2021]*

(17) A self-employed woman is not 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) of this Act as in force immediately before 1 January 2017.

*[28/2008; 33/2016]*

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

- (a) more than 21 days of income lost by reason of his or her cessation of active engagement in his or her trade, business, profession or vocation for childcare purposes in respect of any qualifying child; or
- (b) any income lost by reason of his or her cessation of active engagement in his or her trade, business, profession or vocation for childcare purposes during any period occurring before 17 August 2008.

*[28/2008]*

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

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

*[12/2013]*

(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) must not exceed \$500 for each day of the person's cessation of active engagement in the person's trade, business, profession or vocation for childcare purposes.

*[28/2008; 12/2013]*

(20) The amounts of payment referred to in subsections (10), (10A) and (19) are 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 1953.

*[28/2008; 12/2013]*

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

“child”, in relation to an employee or a self-employed person, includes —

- (a) any adopted child or stepchild of the employee or self-employed person; and

- (b) any child to whom the employee or self-employed person is providing care, protection and supervision as a foster parent under a voluntary care agreement as mentioned in section 15 of the Children and Young Persons Act 1993, or pursuant to an order under section 54(1)(b) or 56(2), or section 57 (read with section 56) of that Act;

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

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

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

*[28/2008; 12/2013; 30/2019; 19/2021]*

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

**12C.**—(1) Subject to subsections (2), (2A), (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 is 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; 19/2021]*

(2) Subject to subsections (2A), (3) and (4), the amount of reimbursement, which an employer is entitled to claim from the Government under subsection (1) in respect of an employee, is an amount that does not exceed —



(a) \$500 for each day of childcare leave taken by the employee; and

(b) \$1,500 in any calendar year.

*[28/2008; 19/2021]*

(2A) Where, during a relevant period that starts in a calendar year (called the first calendar year) and ends in another calendar year (called the second calendar year), an employee takes any childcare leave under subsection (1), the Government may permit the employer to treat the childcare leave as being taken in either the first calendar year or second calendar year for the purpose of a claim under subsection (2).

*[19/2021]*

(3) Despite subsections (1), (2) and (2A), 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 or treated as 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 or treated as taken by the employee in that calendar year.

*[28/2008; 19/2021]*

(4) Despite 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]*

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

**12CA.**—(1) Subject to subsections (2), (2A), (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 is entitled to claim reimbursement from the Government for the amount

paid to the employee for the extended childcare leave not exceeding 2 days.

*[12/2013; 19/2021]*

(2) Subject to subsections (2A), (3) and (4), the amount of reimbursement, which an employer is entitled to claim from the Government under subsection (1) in respect of an employee, is an amount that does not exceed —

- (a) \$500 for each day of extended childcare leave taken by the employee; and
- (b) \$1,000 in any calendar year.

*[12/2013; 19/2021]*

(2A) Where, during a relevant period that starts in a calendar year (called the first calendar year) and ends in another calendar year (called the second calendar year), an employee takes any extended childcare leave under subsection (1), the Government may permit the employer to treat the extended childcare leave as being taken in either the first calendar year or second calendar year for the purpose of a claim under subsection (2).

*[19/2021]*

(3) Despite subsections (1), (2) and (2A), 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 or treated as 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 or treated as taken by the employee in that calendar year.

*[12/2013; 19/2021]*

(4) Despite 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.

*[12/2013]*

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

**12D.**—(1) Subject to subsections (1A), (1B) and (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 2 years of age and who is, or who becomes, a qualifying child, at any time during any relevant period,

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

*[28/2008; 19/2021]*

(1A) A male employee is not entitled to unpaid infant care leave under subsection (1) in respect of a qualifying child if —

- (a) the male employee is the natural father of the qualifying child; and
- (b) either the male employee or the natural mother of the qualifying child was lawfully married to another person, or both of them were lawfully married but not to each other, at the time the qualifying child was conceived.

*[19/2021]*

(1B) Despite subsection (1A), if the male employee and the natural mother of the qualifying child become lawfully married to each other after the child is conceived (whether or not the marriage remains subsisting), the male employee then becomes entitled to unpaid infant care leave under subsection (1) in respect of the qualifying child —

- (a) in a case where the lawful marriage occurred before the birth of the qualifying child — starting on the date of the child’s birth; and
- (b) in any other case — starting on the date of their lawful marriage.

*[19/2021]*

(2) An employee who is entitled to unpaid infant care leave under subsection (1) —

- (a) is not entitled to more than 12 days of unpaid infant care leave in respect of any qualifying child; and
- (b) must —
  - (i) take his or her 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 the next entitlement of unpaid infant care leave of 6 days for a relevant period in the next succeeding relevant period.

*[28/2008; 19/2021]*

(3) *[Deleted by Act 33 of 2016]*

- (4) The unpaid infant care leave is in addition to —
  - (a) the rest days, holidays, annual leave and sick leave to which an employee is entitled under sections 36, 88, 88A and 89, respectively, of the Employment Act 1968; and
  - (b) any childcare leave to which an employee may be entitled under section 87A of the Employment Act 1968 or under section 12B.

*[28/2008; 32/2008; 55/2018]*

(5) Subject to subsection (2)(b), an employer must grant, and an employee who is entitled to unpaid infant care leave must 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) thereupon ceases to be entitled to that leave; and
- (b) is not entitled to any payment in lieu of that leave.

*[28/2008]*

(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 or her contract of service, or for any other reason) before he or she has taken the entitlement of unpaid infant care leave for a relevant period, the employee —

- (a) ceases to be entitled to that leave upon the termination of the employment; and

(b) is not entitled to any payment in lieu of that leave.

[28/2008]

(6A) To avoid doubt, the employee ceases to be entitled to any unpaid infant care leave in respect of a qualifying child, and is not entitled to any payment in lieu of that leave, if —

(a) the qualifying child is adopted by another person, other than jointly with the employee; or

(b) the employee ceases to provide care, protection or supervision as a foster parent to the child under a voluntary care agreement as mentioned in section 15 of the Children and Young Persons Act 1993, or pursuant to an order under section 54(1)(b) or 56(2), or section 57 (read with section 56) of that Act.

[30/2019]

(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

(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.

[28/2008; 12/2013]

(8) This section must not 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 or her, under the terms of his or her contract of service or under any written law.

[28/2008]

(9) Despite anything to the contrary in the Employment Act 1968, a period of unpaid infant care leave taken by an employee under this section counts towards the length of the employee's service for the purposes of that Act.

[28/2008]

(10) In this section —

“child”, in relation to an employee, includes —

- (a) any adopted child or stepchild of the employee; and
- (b) any child to whom the employee is providing care, protection and supervision as a foster parent under a voluntary care agreement as mentioned in section 15 of the Children and Young Persons Act 1993, or pursuant to an order under section 54(1)(b) or 56(2), or section 57 (read with section 56) of that Act;

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

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

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

*[28/2008; 12/2013; 30/2019]*

### **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, or subsection (7B) entitles him —

- (i) to take shared parental leave, in accordance with subsection (2); or
- (ii) to claim lost income in accordance with subsection (3).

*[12/2013; 33/2016; 19/2021]*

(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 a duration that 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.

[33/2016]

(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).

[33/2016]

(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).

*[33/2016]*

(5) Subject to subsection (7B), 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).

*[33/2016; 19/2021]*

(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 a period which commences after the prescribed week of pregnancy and ends on the last day of the period of 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.

*[33/2016; 19/2021]*

(6) The appropriate applicant is —

(a) in relation to a natural father of a child mentioned in subsection (1)(a)(i) — 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 relation to an adoptive father of a child mentioned in subsection (1)(a)(ii) — 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.

*[33/2016; 19/2021]*

(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.

*[33/2016]*

(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.

*[33/2016]*

(7B) Subject to subsection (7C), where an appropriate applicant mentioned in subsection (6) —

- (a) dies before making an election under subsection (5); or
- (b) revokes an election in accordance with the regulations mentioned in subsection (5A)(c) but dies before making a new election,

the male employee or self-employed man who is the natural father or adoptive father mentioned in subsection (1)(a) is entitled to take shared parental leave in accordance with subsection (2) or to claim lost income in accordance with subsection (3), as the case may be —

- (c) in the case of the natural father of the child where the appropriate applicant was the natural mother of the child — for N weeks of the mother’s entitlement as a female employee under section 9(1), (1A) or (1B), or as a self-employed woman under section 9(4) or (4A) (whichever is applicable), in respect of her delivery of the child, that she did not consume before her death; and
- (d) in the case of the adoptive father of the child where the appropriate applicant was the adoptive mother of the child — for N weeks of the adoptive mother’s entitlement that she did not consume before her death under one of the following provisions:
  - (i) if there was an application to adopt the child — section 12AA (in the case of a female employee) or section 12AB (in the case of a self-employed woman);
  - (ii) if the child was delivered by the appropriate applicant — section 9(1), (1A) or (1B) (in the case of a female employee) or section 9(4) or (4A) (in the case of a self-employed woman).

[19/2021]

(7C) The shared parental leave or lost income under subsection (7B)(c) or (d) must not exceed N weeks of such leave or lost income, as the case may be.

[19/2021]

(8) In this section and sections 12F and 12G, “N” is —

- (a) the integer 1, 2, 3 or 4, as specified by the appropriate applicant mentioned in subsection (6) in her election made under subsection (5); or
- (b) if subsection (7B) applies, the number of whole weeks of the appropriate applicant’s unconsumed entitlement mentioned in subsection (7B)(c) or (d) (whichever is applicable), which must not exceed 4.

[19/2021]

(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.

*[33/2016]*

(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.

*[33/2016]*

(9B) If, at any time after the death of the appropriate applicant 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 —

- (c) the father's entitlement under subsection (7B)(c) or (d) is reduced to the number of whole weeks of shared parental leave that he has not consumed by 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;

(d) any remaining days of the entitlement under subsection (7B)(c) or (d) that do not constitute a whole week are forfeited; and

(e) the reduced entitlement under paragraph (c) may be consumed by the father in the course of his re-employment with the same or another employer, or upon his active engagement in his trade, business, profession or vocation.

[19/2021]

(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.

[12/2013]

(11) Any employer who fails to pay a 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.

[12/2013]

(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.

[12/2013]

(13) Where an employer who is convicted or found guilty of an offence under subsection (10) or (11) is a repeat offender, the employer 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.

[12/2013]

(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) (called 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 the person is convicted or found guilty of the current offence.

[12/2013]

(15) This section and section 12F apply in relation to the natural father of a stillborn child as they apply to the natural father of a child born alive, and in that case, the reference to the mother of the child who is the appropriate applicant is to be read as a reference to the mother of the stillborn child.

[19/2021]

### **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 1 July 2017, or (in the case of a stillborn child) on or after 1 November 2021;
- (b) the child —
  - (i) is a citizen of Singapore at the time of the child’s birth, or (in the case of a stillborn child) would have been a citizen of Singapore at 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 either of the following applicable dates:

(A) the date that the child's mother makes an election under section 12E(5) in favour of the child's natural father;

(B) if the circumstances mentioned in section 12E(7B)(a) or (b) apply in relation to the child's mother, the date of her death,

whether or not such marriage remains subsisting at the time of the child's birth, or on the date of the election or the mother's death, as the case may be.

*[33/2016; 19/2021]*

(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 of the joint application to adopt the child is on or after 1 July 2017;

(c) the adoptive father is lawfully married to the adoptive mother on or before either of the following applicable dates:

(i) the date that the adoptive mother makes an election under section 12E(5) in favour of the adoptive father;

(ii) if the circumstances mentioned in section 12E(7B)(a) or (b) apply in relation to the adoptive mother, the date of her death; 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.

*[33/2016; 19/2021]*

(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 does not exceed —

- (a) \$2,500 for every period equal in duration to the male employee's weekly index or every 6 days, whichever is the lower, of the male employee's absence from work under section 12E(2)(a); and
- (b) a total of N times \$2,500.

*[33/2016; 19/2021]*

(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 does not exceed —

- (a) \$2,500 for every period equal in duration to the self-employed man's weekly index or every 6 days, whichever is the lower, of his cessation of active engagement in his trade, business, profession or vocation; and
- (b) a total of N times \$2,500.

*[33/2016; 19/2021]*

(4) The amounts of payment referred to in subsections (2) and (3) are 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 1953.

*[12/2013]*

(5) This section and section 12E must not 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.

*[12/2013]*

**Reimbursement from Government for 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), the employer is entitled to claim reimbursement from the Government for —

- (a) the amount paid to the employee under section 12E(2) for the period of the employee’s absence from work under that provision; and
- (b) any contribution which the employer has made under the Central Provident Fund Act 1953 in respect of such payment which is not recoverable from the employee’s wages.

[12/2013; 33/2016; 19/2021]

(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 does not exceed —

- (a) \$2,500 for every period equal in duration to the male employee’s weekly index or every 6 days, whichever is the lower, of the male employee’s absence from work under section 12E(2)(a); and
- (b) a total of N times \$2,500.

[33/2016; 19/2021]

**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), is 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
- (b) one or more than one period, each being of a duration that 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 child's birth.

*[12/2013; 33/2016]*

(2) An employer must grant a male 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.

*[12/2013]*

(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 forfeits the following upon the termination of his employment:

- (a) the entitlement (or the balance of that entitlement) to absent himself from work on paternity leave;
- (b) the entitlement to receive payment from his employer at his gross rate of pay in respect of the forfeited period of absence from work under paragraph (a).

*[12/2013; 19/2021]*

(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).

[33/2016]

(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) is only entitled to take the paternity leave commencing on or after —

- (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.

[12/2013]

(6) [*Deleted by Act 26 of 2013*]

(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.

[12/2013]

(8) Any employer who fails to pay a 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.

[12/2013]

(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.

[12/2013]

(10) Where an employer who is convicted or found guilty of an offence under subsection (7) or (8) is a repeat offender, the employer 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.

[12/2013]

(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) (called 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 the person is convicted or found guilty of the current offence.

[12/2013]

(12) This section and section 12I apply in relation to the natural father of a stillborn child as they apply to the natural father of a child born alive.

[19/2021]

### **Paternity benefits for eligible fathers**

**12HA.**—(1) This section applies to a man who satisfies the requirements of section 12I(4A) (called in this section an eligible father).

[19/2021]

(2) Unless disqualified under subsection (4), an eligible father is entitled to claim from the Government an amount equivalent to 14 days of his total income during such period before the delivery of the child or the eligibility date of the application to adopt the child (whichever is applicable) as may be prescribed.

[19/2021]

(3) An eligible father's entitlement under subsection (2) —

(a) is an amount that does not exceed \$2,500 for every 7 days; and

(b) is to be reduced in accordance with any regulations made under section 20 if any of the following conditions applies to him:

(i) his employer has paid or is required to pay him any amount in respect of the delivery of his child or the adoption of the child, as the case may be;

(ii) his employer is entitled to claim, or has claimed, reimbursement from the Government for such

payment under section 12J (whether or not pursuant to an exemption under section 22);

- (iii) his employment is terminated upon completion of his contract of service, and he failed to exercise any part of his entitlement under this Act to be absent from work before the date of completion of his contract.

[19/2021]

(4) Except as provided in subsections (5) and (6), an eligible father is not entitled to claim any payment from the Government under subsection (2), if —

- (a) he is also a male employee who is entitled to absent himself from work under section 12H(1) and to receive payment from his employer under section 12H(2), in respect of the same birth or adoption of the child (as the case may be), regardless of whether he has forfeited the whole or part of his entitlement to absent himself from work and to receive payment from his employer under section 12H(3); or
- (b) he is also a self-employed man who is entitled to claim from the Government his lost income under section 12H(4), in respect of the same birth or adoption of the child, as the case may be.

[19/2021]

(5) Subsection (4) and section 12M do not disqualify an eligible father from claiming payment from the Government under subsection (2) in respect of any period when he is on leave of absence without pay granted by his employer at his request, if the leave is for a continuous period ending at least 12 months after the date of birth of the child.

[19/2021]

(6) Subsection (4) and section 12H(3) do not disqualify an eligible father from claiming payment from the Government under subsection (2) if he would have been entitled to absent himself from work under section 12H(1) and to receive payment from his employer under section 12H(2), had his employment not been terminated by reason of one of the following:

- (a) upon the completion of his contract of service;

- (b) on the ground of redundancy or by reason of any reorganisation of his employer's profession, business, trade or work.

[19/2021]

(7) Section 9(7) and (8) applies to the meaning of the total income of an eligible father under subsection (2), with the following modifications:

- (a) every reference in section 9(7) and (8) to a period prescribed for the purposes of section 9(5A) is a reference to a period prescribed for the purposes of subsection (2);
- (b) every reference in section 9(7) and (8) to a woman's employment or self-employment, or both, is a reference to an eligible father's employment or self-employment, or both.

[19/2021]

(8) The amount of payment mentioned in subsection (3)(a) is inclusive of any contribution to the Central Provident Fund which a male employee or a self-employed man is liable to make under the Central Provident Fund Act 1953.

[19/2021]

(9) Nothing in this section affects any other benefits that a male employee is entitled to, in respect of the birth of his child or his adoption of a child (as the case may be), under the terms of his contract of service or under any written law.

[19/2021]

(10) This section applies in relation to the natural father of a stillborn child as it applies to the natural father of a child born alive.

[19/2021]

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

**12I.—**(1) A male employee who is the natural father of a child is 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 is 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 1 January 2017, or (in the case of a stillborn child) on or after 1 November 2021;
- (b) the child delivered during the mother's confinement —
  - (i) is a citizen of Singapore at the time of the child's birth, or (in the case of a stillborn child) would have been a citizen of Singapore at 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) 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 child's birth; 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 child's birth;
- (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 child's birth; and
- (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 child's birth.

[12/2013; 27/2015; 33/2016; 19/2021]

(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) and (2), section 12H(4) or section 12HA(2) (as the case may be) applies only once for each confinement of the child's mother, regardless of the number of children born or stillborn during that confinement.

*[33/2016; 19/2021]*

(2) A male employee who is the adoptive father of a child is 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 is entitled to payment by the Government under section 12H(4), if —

- (a) the eligibility date of the application to adopt the child is on or after 1 January 2017;
- (b) *[Deleted by Act 33 of 2016]*
- (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 of the application to adopt the child;
- (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 of the application to adopt the child; and
- (f) he is not the natural father of the child.

*[12/2013; 27/2015; 33/2016]*

(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 does not exceed —

(a) \$2,500 for every period equal in duration to the male employee's weekly index or every 6 days, whichever is the lower, of his absence from work under section 12H(1); and

(b) a total of \$5,000.

*[33/2016; 19/2021]*

(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 does not exceed —

(a) \$2,500 for every period equal in duration to the self-employed man's weekly index or every 6 days, whichever is the lower, of his cessation of active engagement in his trade, business, profession or vocation; and

(b) a total of \$5,000.

*[33/2016; 19/2021]*

(4A) A man who is the natural father of a child or the adoptive father of a child is entitled to paternity benefits under section 12HA(2), if —

(a) in relation to the child —

(i) the mother's confinement in respect of the child occurs, or the estimated delivery date for that confinement is, on or after 1 January 2021; or

(ii) the eligibility date of the application to adopt the child is on or after 1 January 2021, and the child is below 12 months of age on that eligibility date;

(b) for at least 90 days in total during the period of 12 months immediately before the day of the mother's confinement or the eligibility date of the application to adopt the child (as the case may be), the man has been employed by one or more employers, self-employed or both (whether in Singapore or outside Singapore);



- (c) in the case of a man who is the natural father of the child, the requirements of subsection (1)(b) and (c) are satisfied;
- (d) in the case of a man who is the adoptive father of the child, the requirements of subsection (2)(c) and (f) are satisfied; and
- (e) in the case of a man who has been employed outside Singapore or self-employed outside Singapore, he —
  - (i) is resident in Singapore, and is no longer employed outside Singapore or self-employed outside Singapore (as the case may be), on the day of the mother's confinement or the eligibility date of the application to adopt the child, as the case may be; and
  - (ii) opts to do either or both of the following:
    - (A) use any period during the 12 months immediately before the day of the mother's confinement or the eligibility date of the application to adopt the child (as the case may be) when he was employed outside Singapore, or was self-employed outside Singapore, to satisfy the requirement in paragraph (b);
    - (B) use his income during any period mentioned in sub-paragraph (A) to calculate his total income for the purposes of section 12HA(2).

[19/2021]

(4B) Section 9A(2A) applies for the purposes of reckoning the number of days under subsection (4A)(b) in which a man has been employed or self-employed, with the following modifications:

- (a) the reference to the day of a woman's confinement in section 9A(2A)(a) is a reference to the day of confinement of the mother of the child or the eligibility date of the application to adopt the child, whichever is applicable;
- (b) every reference in section 9A(2A) to a woman's employment or self-employment is a reference to the

employment or self-employment (as the case may be) of the man mentioned in subsection (4A).

[19/2021]

(5) The amounts of payment referred to in subsections (3) and (4) are 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 1953.

[12/2013]

(6) This section and section 12H must not 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.

[12/2013]

### **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), the employer is 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 1953 in respect of such payment which is not recoverable from the employee's wages.

[12/2013]

(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 does not exceed —

- (a) \$2,500 for every period equal in duration to the male employee's weekly index or every 6 days, whichever is the lower, of his absence from work under section 12H(1); and
- (b) a total of \$5,000.

[33/2016; 19/2021]

(3) Where an employer makes payment to a male employee in relation to whom the requirements of subsection (4) are satisfied, for his absence from work with respect to the delivery or adoption of a child, the Government may reimburse the employer an amount that does not exceed each of the amounts mentioned in subsection (2)(a) and (b).

[19/2021]

(4) For the purposes of subsection (3), the requirements are all of the following:

- (a) in the case of a male employee who is the natural father of the child —
  - (i) the requirements of section 12I(1)(b) and (c) are satisfied, but not the requirements of section 12I(1)(d); and
  - (ii) the date of birth of his child is on or after 1 November 2021;
- (b) in the case of a male employee who is the adoptive father of the child —
  - (i) the requirements of section 12I(2)(c) and (f) are satisfied, but not the requirements of section 12I(2)(d); and
  - (ii) the eligibility date of the employee's application to adopt that child is on or after 1 November 2021;
- (c) where section 12I(1)(b)(ii) applies, the male employee's absence from work commences on or after the date that his child becomes a citizen of Singapore;
- (d) the male employee's absence from work occurs within 12 months commencing on the date of birth of the child.

[19/2021]

(5) Subsection (4) applies in relation to the natural father of a stillborn child as it applies to the natural father of a child born alive.

[19/2021]

**12K.** [Repealed by Act 33 of 2016]

**12KA.** [Repealed by Act 33 of 2016]

**12KB.** [Repealed by Act 33 of 2016]

**12KC.** [Repealed by Act 33 of 2016]

**Payments to include holidays**

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

[12/2013]

(2) This section must not be construed to require an employer to pay an employee an extra day's salary for a holiday which falls within any benefit period mentioned in subsection (1).

[12/2013]

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

**12M.**—(1) A female employee is not 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.

[27/2015; 33/2016]

(2) An employee is not 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.

[27/2015]

(3) This section does not affect the operation of sections 9(6A), 12A(6) and 12HA(5).

[19/2021]

**Recovery by employer or Government due to defaulting event**

**12N.—**(1) Where an employer (not being the Government) —

- (a) has, on account of a defaulting event, made any payment under a relevant statutory provision to an employee to which the employee is not entitled; and
- (b) has not been reimbursed by the Government under a relevant statutory provision for that payment,

the employer may recover the payment directly from the employee.  
*[19/2021]*

(2) Where an employer (not being the Government) has made any payment to an employee under a relevant statutory provision in respect of the employee’s adoption of a child and a defaulting event mentioned in paragraph (f) of the definition of “defaulting event” in subsection (9) occurs after the payment has been made, the employer may —

- (a) in a case where the Government has refused to reimburse the employer for that payment — recover that payment directly from the employee; or
- (b) in a case where the Government has given written notice to the employer of the Government’s intention to recover the whole or any part of the amount reimbursed by the Government to the employer for that payment — recover from the employee any remaining amount of that payment that the Government does not intend to recover.

*[19/2021]*

(3) However, if the employer mentioned in subsection (1) fails to recover the whole or any part of the payment from the employee, the Government may reimburse the employer for the whole or any part of that payment if the Government is satisfied that —

- (a) the employer has failed to so recover despite all reasonable efforts; and
- (b) that payment was not made on account of a defaulting event caused or permitted to be caused by the employer.

*[19/2021]*

(4) Where the Government has reimbursed an employer under a relevant statutory provision in respect of any payment made by the employer to the employer's employee and the employer recovers the payment or any part of it directly from the employee —

- (a) the employer must refund to the Government the amount of the payment or part of it (as the case may be) recovered from the employee within one month after the later of the following dates:
  - (i) the date the amount is so recovered;
  - (ii) the date the employer receives the amount reimbursed; and
- (b) if the employer fails to refund the amount recovered to the Government under paragraph (a), the Government may —
  - (i) recover the whole or any part of the amount reimbursed from the employer as a civil debt;
  - (ii) deduct the whole or any part of the amount reimbursed from any subsequent reimbursement to be made by the Government under the same or a different relevant statutory provision to the employer in respect of the same employee; or
  - (iii) make a deduction under sub-paragraph (ii) and recover any amount that remains outstanding after the deduction from the employer as a civil debt.

[19/2021]

(5) An employer who contravenes subsection (4)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

[19/2021]

(6) Despite 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 is not to be treated as a contravention of section 12B(9).

[19/2021]

(7) Where the Government (as an employer or otherwise) has, on account of a defaulting event —

- (a) made any payment under a relevant statutory provision to any employee, self-employed person or other person (called a relevant payee) to which the relevant payee is not entitled; or
- (b) reimbursed an employer under a relevant statutory provision for the whole or any part of the payment made by the employer to a relevant payee (then being an employee of that employer), that ought not to have been reimbursed,

the Government may —

- (c) recover the whole or any part of the payment from the relevant payee as a civil debt;
- (d) deduct the whole or any part of the payment from any subsequent payment to be made under the same or a different relevant statutory provision by the Government to the relevant payee; or
- (e) make a deduction under paragraph (d) and recover any amount that remains outstanding after the deduction from the relevant payee as a civil debt.

[19/2021]

(8) Where —

- (a) the Government has, on account of a defaulting event caused or permitted to be caused by an employer, reimbursed the employer under a relevant statutory provision for making a payment in respect of an employee, to which the employer is not entitled; and
- (b) the Government has not recovered, or is unable to recover, in accordance with subsection (7)(c), (d) or (e), the whole or any part of the payment for which the reimbursement under paragraph (a) was made,

the Government may —

- (c) recover the whole or any part of the reimbursement under paragraph (a) (except for any amount recovered by the Government under subsection (7)(c), (d) or (e) in relation to that reimbursement) from the employer as a civil debt;
- (d) deduct the whole or any part of the reimbursement under paragraph (a) (except for any amount recovered by the Government under subsection (7)(c), (d) or (e) in relation to that reimbursement) from any subsequent reimbursement to be made by the Government to the employer —
  - (i) under the same or a different relevant statutory provision; and
  - (ii) in respect of the same employee; or
- (e) make a deduction under paragraph (d) and recover any amount that remains outstanding after the deduction from the employer as a civil debt.

[19/2021]

(9) In this section —

“defaulting event”, in relation to any payment or reimbursement, means any of the following:

- (a) an error (however caused);
- (b) any false or misleading statement, document, or information made or provided by any person;
- (c) in the case of a payment by an employer to an employee under section 12B in respect of any childcare leave or extended childcare leave — the taking of any such leave in excess of the employee’s entitlement, or despite the lack of the employee’s entitlement, under that section;
- (d) in the case of a payment by the Government to a person under section 9(5A), 12A(2) or 12HA(2) —



- (i) the entitlement to such payment is disqualified under section 9(6), 12A(5) or 12HA(4), whichever is applicable; or
  - (ii) any absence without pay mentioned in section 9(6A), 12A(6) or 12HA(5) (whichever is applicable) ends before the 12-month period mentioned in the applicable provision;
- (e) in the case of any reimbursement made by the Government to an employer, or any payment made by the Government (as an employer or otherwise), under a relevant statutory provision in respect of a person's application to adopt a child, the child whom that person has applied to adopt —
  - (i) is not adopted by that person within 12 months commencing on the eligibility date in relation to the application to adopt the child; or
  - (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 the child is adopted by that person;
- (f) in the case of a payment made by an employer to the employer's employee under a relevant statutory provision in respect of the employee's application to adopt a child —
  - (i) the events referred to in sub-paragraph (i) or (ii) of paragraph (e) apply in relation to the child; and
  - (ii) the Government has refused the employer's claim for reimbursement under a relevant statutory provision, or has given written notice to the employer that the Government intends to recover from that employee the whole or any part of the amount reimbursed by

the Government to the employer in respect of that employee;

“employee” includes a person alleged to be an employee, even though the person is not so employed.

[19/2021]

(10) In this section and section 12O, “relevant statutory provision” means any of the following provisions:

- (a) any provision of this Part;
- (b) section 10A, 12A, 12K, 12KB or 12KC of this Act as in force immediately before 1 January 2017.

[19/2021]

### **Recovery by Government in other circumstances**

**12O.**—(1) The Government may recover 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 section 9(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 (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

(b) either of the following applies:

(i) the total period of absence from work under section 9(1), (1A) or (1B) or section 12E(2) and cessation of 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

(B) 112 days, if the woman's confinement during which the child is delivered is the woman's third or subsequent specified event;

(ii) the total amount paid by the Government under paragraph (a) exceeds —

(A) the amount mentioned in section 9(5A)(a), if the woman's confinement during which the child is delivered is the woman's first or second specified event; or

(B) the amount mentioned in section 9(5A)(b), if the woman's confinement during which the child is delivered is the woman's third or subsequent specified event.

[19/2021]

(2) The Government may recover from a woman an amount in accordance with regulations made under section 20 if, in relation to the woman's adoption of a child —

- (a) the Government has paid one or more of the following:
- (i) any amount under section 12A(2) in respect of the woman's adoption of the child;
  - (ii) any reimbursement claimed by the woman's employer under section 12AD (whether or not pursuant to an exemption under section 22) for any amount paid to the woman in respect of her adoption of the child;
  - (iii) where the woman has made an election under section 12E(5) for the 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 (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
- (b) either of the following applies:
- (i) the total period of absence from work under section 12AA(1) or section 12E(2) and cessation of 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 adoption of the child is the woman's first or second specified event; or

- (B) 84 days, if the woman's adoption of the child is the woman's third or subsequent specified event;
  - (ii) the total amount paid by the Government under paragraph (a) exceeds —
    - (A) the amount mentioned in section 12A(2)(a), if the woman's adoption of the child is the woman's first or second specified event; or
    - (B) the amount mentioned in section 12A(2)(b), if the woman's adoption of the child is the woman's third or subsequent specified event.
- [19/2021]*
- (3) The Government may recover from a man an amount in accordance with regulations made under section 20 if, in relation to the delivery or adoption of a child —
- (a) the Government has paid one or more of the following:
    - (i) any amount under section 12HA(2) in respect of the delivery or adoption of a child, whichever is applicable;
    - (ii) any reimbursement claimed by the man's employer under section 12J (whether or not pursuant to an exemption under section 22) for any amount paid to the man in respect of the delivery of the child or the adoption of the child, as the case may be; and
  - (b) either of the following applies:
    - (i) the total period of absence from work under section 12H(1) to which the payment by the Government under paragraph (a) relates, exceeds 14 days;
    - (ii) the total amount paid by the Government under paragraph (a) exceeds the amount mentioned in section 12HA(2).

*[19/2021]*

(4) For the purposes of subsections (1), (2) and (3), the Government may recover the amount concerned from the woman or man (as the case may be) as a civil debt or by deducting the amount concerned from any subsequent payment made by the Government to the woman or man concerned (as the case may be) under any relevant statutory provision.

[19/2021]

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

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

- (a) any class of employees;
- (b) any class of self-employed persons; or
- (c) any class of employers,

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

[28/2008; 12/2013]

## **PART 4**

### **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;
- (da) the entitlement of a self-employed person to any payment under section 12B;
- (db) the entitlement of a person to any payment from the Government under section 9(5A) or (6B), section 12A(2) or (7) or section 12HA(2) or (6);

- (dc) the entitlement of a self-employed man to any payment under section 12E or 12H or the repealed section 12K or 12KC;
- (e) the entitlement of an employer to reimbursement from the Government under section 10, 12AD, 12C, 12CA, 12G, 12J or 12N or the repealed section 10A, 12A, 12K or 12KB; or
- (f) any other matter under Part 2 or 3 or the repealed section 10A, 12A, 12K, 12KA, 12KB or 12KC that the Minister may determine,

must 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.

*[42/2004; 28/2008; 12/2013; 17/2016; 33/2016; 19/2021]*

(2) The decision of the Minister under subsection (1) is final.

(3) In this section, any reference to the repealed section 10A, 12A, 12K, 12KA, 12KB or 12KC is a reference to the section concerned of this Act as in force immediately before 1 January 2017.

*[33/2016]*

### **Notification of change of residence**

**15.—**(1) Every parent of a member must notify the Minister of any change in his or her place of residence.

(2) Every parent who makes a report of the change of his or her place of residence under section 10 of the National Registration Act 1965 is deemed to have complied with subsection (1).

### **Powers to verify statement, document or information, etc.**

**15A.—**(1) The powers under this section may be exercised only for the purposes of inquiring into or ascertaining the truth or correctness of any statement, document or information made or provided by any person to a Director or a person authorised by the Director (called an authorised person) in connection with —

- (a) any membership of the Scheme, or any payment, withdrawal or transfer under the Scheme; or

- (b) a claim for any payment, reimbursement or lost income under this Act.

[19/2021]

(2) A Director or an authorised person may, at any reasonable time, do any of the following, without involving any search of any property or person:

- (a) enter any premises;
- (b) require any person to provide or give access to, without charge, any document (in whatever form) or information reasonably required for any purpose in subsection (1);
- (c) inspect and make copies of or take extracts from any such document;
- (d) take possession of any such document if, in the opinion of the Director or authorised person —
  - (i) the inspection or copying of or extraction from the document cannot reasonably be performed without taking possession;
  - (ii) the document may be interfered with or destroyed unless possession is taken; or
  - (iii) the document may be required as evidence in any proceedings instituted or commenced for any of the purposes of, or in connection with, this Act.

[19/2021]

(3) The power to require a person to provide any document or information under subsection (2)(b) includes the power —

- (a) to require the person, or any person who is or was an officer or employee of that person, to provide an explanation of the document or information;
- (b) if the document or information is not provided, to require the person to state, to the best of the person's knowledge and belief, where it is; and
- (c) if the information is recorded otherwise than in legible form, to require the information to be made available to the



Director or authorised person (as the case may be) in legible form.

*[19/2021]*

(4) For the purposes of subsection (2), if any document is kept in electronic form, the power of a Director, or an authorised person who is a public officer, includes the following powers:

- (a) the power to inspect the document includes the power to —
  - (i) access any computer or other equipment (including a mobile telephone) in which the document is stored; and
  - (ii) require any person having charge of, or otherwise concerned with the operation of, the computer or other equipment to provide assistance in gaining such access;
- (b) the power to take possession of the document includes the power to —
  - (i) make copies of the document in legible or electronic form; and
  - (ii) transfer the information from the document to a disk, tape or other storage device.

*[19/2021]*

(5) If the Director or authorised person is unable to make copies of the document, or transfer the information from the document, under subsection (4)(b), the Director or an authorised person who is a public officer may —

- (a) seize the computer or other equipment (including a mobile telephone) in which the document or material is stored, as evidence in proceedings for an offence under this Act; and
- (b) require any person having charge of, or otherwise concerned with the operation of, the computer or other equipment to disclose any password or access code for gaining access to the document stored in the computer or other equipment.

*[19/2021]*

**False or misleading statement**

**16.—**(1) Any person who for any purpose connected with this Act —

- (a) knowingly makes any false or misleading statement;
- (b) provides, or causes or knowingly allows to be provided, any document or information which the person knows to be false or misleading in a material particular; or
- (c) intentionally alters, suppresses or destroys any document which the person is required to provide under section 15A,

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.

[19/2021]

(2) Where a person has been convicted by the court of having made any false or misleading statement or having provided any document or information 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, document or information, as the case may be.

[19/2021]

**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 the female employee in accordance with sections 9 and 9A;
- (c) fails to pay the female employee in accordance with any provision of sections 77 to 80, 84(1) and 84A(1) of the Employment Act 1968 as made applicable by section 12;
- (d) acts in contravention of section 81 of the Employment Act 1968 as made applicable by section 12; or

(e) acts in contravention of section 82 of the Employment Act 1968 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.

[12/2013]

(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, the employer 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.

[12/2013]

(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) (called 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 1968 in force before, on or after 1 May 2013,

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

[12/2013]

(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 3.

[12/2013]

### **Holding out as approved person**

**18.—**(1) Where any person holds himself, herself or itself out to be an approved person when the person is not an approved person, the 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 of 2008]*

(3) Where the person mentioned 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) the offence 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 purporting to act in any such capacity,

he or she, 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]*

### **Composition of offences**

**19.—**(1) The Minister or any person authorised by the Minister may compound any offence under section 12N, 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; 28/2008; 19/2021]*

(2) The Commissioner for Labour may 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; 28/2008; 12/2013]*

## **Regulations**

**20.**—(1) The Minister may make regulations that are necessary or expedient for the purposes of this Act.

(2) Without limiting subsection (1), the Minister may make regulations relating to —

- (aa) the claims by any person for any payment, lost income or reimbursement under this Act, including making provision for the submission of a claim, and the requirements for a submission, on any website or using an electronic system, the time for making a claim or an adjustment to a claim, and the circumstances in which a claim may be refused;
- (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, 12A, 12AA, 12AB, 12E, 12H or 12HA, as the case may be; and
  - (ii) any payment to any employee or self-employed person under section 12B;
- (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;
  - (ii) the income which a self-employed person is entitled to claim from the Government under section 12B; and
  - (iii) the amount which a person is entitled to claim from the Government under section 9(5A), 12A(2) or 12HA(2);
- (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;

- (d) the assessment, determination 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;
  - (ii) the income which a self-employed person is entitled to claim under section 12B;
  - (iii) the reimbursement which an employer is entitled to claim under section 10, 12AD, 12C, 12CA, 12G or 12J; and
  - (iv) any claim under section 9(5A), 12A(2) or 12HA(2) or any other provision of this Act;
- (e) the registers and records to be maintained for the purposes of Part 3 and the forms and contents thereof, or the records to be kept and maintained by any person for the purposes of a claim under this Act; and
- (f) the prescribing of anything that may be prescribed under this Act.

*[42/2004; 28/2008; 12/2013; 17/2016; 33/2016; 19/2021]*

(2A) Without limiting subsection (1), the Minister may make regulations to provide for Part 3 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]*

- (2B) Regulations made for the purposes of subsection (2) may —
- (a) provide for a decision on the assessment, determination and payment of a claim under this Act to be made by a Director or another person acting under the direction of the Director, or a body of persons (each called a relevant authority), or by an electronic system for which operation a relevant authority is responsible;
  - (b) provide that a decision made by the operation of the electronic system is taken to be a decision made by a relevant authority responsible for its operation; and

- (c) provide for the circumstances in which a relevant authority may review or substitute a decision taken to be made by the relevant authority under paragraph (b).

[19/2021]

(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 in the *Gazette*, exempt any class of persons from complying with any provision of this Act or any regulations made under this Act, subject to any terms or conditions specified in the order.

[12/2013]

### **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 under this Act.

[12/2013]

(2) An exemption under subsection (1) —

- (a) may be granted subject to such terms or conditions as the Minister considers appropriate;
- (b) has effect for such period as the Minister considers appropriate;
- (c) must 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*.

[12/2013]

(3) An exemption under this section, unless previously revoked in accordance with the terms of the exemption, continues in force for such period as may be specified in the exemption.

[12/2013]

- (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).

[12/2013]

(5) In this section, any reference to the Minister includes 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 or her Ministry;
- (b) a Parliamentary Secretary or Senior Parliamentary Secretary to his or her Ministry.

[12/2013]

## THE SCHEDULE

Section 2(1) and (3)

### 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	$\frac{T}{W}$ ,
	where T is the total number of work days in the fixed number



THE SCHEDULE — *continued*

pattern repeated over a fixed number of weeks

of weeks over which the pattern is repeated; and

W is the fixed number of weeks over which the pattern is repeated

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

$$\frac{T}{3},$$

where T is the total number of work days in the period of 3 weeks immediately preceding the applicable 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, each of the following is 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.

3A. For the purposes of calculating the weekly index, the maximum number of work days is 6.

4. In this Table —

“week” means a continuous period of 7 days commencing at midnight on Sunday;

“work day”, in relation to an employee, means a day on which the employee is required to work, under the terms of the employee's contract of service.

THE SCHEDULE — *continued*

5. Any duration calculated under this Act as a multiple of the weekly index, if not a whole number of days, is to be rounded down to the nearest half-day or whole day.

PART 2

APPLICABLE DATE FOR DETERMINING WEEKLY INDEX  
ACCORDING TO CONTEXT IN WHICH  
WEEKLY INDEX IS MENTIONED

<i>First column</i>	<i>Second column</i>
<i>Context in which weekly index is mentioned</i>	<i>Applicable date</i>
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
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	The date on which the female employee makes the application to adopt 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>
<p>employee applies to adopt the child</p> <p>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</p> <p>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</p> <p>9. Section 12AB(1), where the child to be adopted is not a citizen of Singapore when the self-employed woman applies to adopt the child</p> <p>9A. Section 12B</p> <p>10. Section 12E</p> <p>11. Section 12H(1) and (4), where the male employee or self-employed man is the natural father of the child</p>	<p>The date on which a dependant's pass is issued in respect of the child</p> <p>The date on which the self-employed woman makes the application to adopt the child</p> <p>The date on which a dependant's pass is issued in respect of the child</p> <p>The date on which the relevant period in relation to the childcare leave or extended childcare leave (as the case may be) starts, or the date on which the parent concerned is eligible for childcare leave or extended childcare leave under that section (as the case may be) during the relevant period, whichever is the later</p> <p>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</p> <p>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</p>

THE SCHEDULE — *continued*

<i>First column</i>	<i>Second column</i>
<i>Context in which weekly index is mentioned</i>	<i>Applicable date</i>
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

*[33/2016; 19/2021; S 203/2019]*

LEGISLATIVE HISTORY  
CHILD DEVELOPMENT CO-SAVINGS  
ACT 2001

*(Formerly known as the Children Development Co-Savings Act (2002 Ed.))*

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

**1. Act 13 of 2001 — Children Development Co-Savings Act 2001**

Bill	:	13/2001
First Reading	:	22 February 2001
Second and Third Readings	:	16 March 2001
Commencement	:	1 April 2001

**2. 2002 Revised Edition — Children Development Co-Savings Act (Chapter 38A)**

Operation	:	31 July 2002
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**3. Act 42 of 2004 — Children Development Co-Savings (Amendment) Act 2004**

Bill	:	41/2004
First Reading	:	1 September 2004
Second and Third Readings	:	21 September 2004
Commencement	:	1 October 2004

**4. Act 9 of 2007 — Children Development Co-Savings (Amendment) Act 2007**

Bill	:	21/2006
First Reading	:	8 November 2006
Second and Third Readings	:	22 January 2007
Commencement	:	1 March 2007

**5. Act 52 of 2007 — Education Endowment Scheme (Amendment No. 2) Act 2007**

(Amendments made by section 22 of the above Act)

Bill	:	40/2007
First Reading	:	17 September 2007
Second and Third Readings	:	23 October 2007

Commencement : 1 January 2008 (section 22)

**6. Act 28 of 2008 — Children Development Co-Savings (Amendment) Act 2008**

Bill : 26/2008  
 First Reading : 15 September 2008  
 Second and Third Readings : 21 October 2008  
 Commencement : 31 October 2008

**7. Act 32 of 2008 — Employment (Amendment) Act 2008**  
 (Amendments made by section 47 of the above Act)

Bill : 34/2008  
 First Reading : 20 October 2008  
 Second and Third Readings : 18 November 2008  
 Commencement : 1 January 2009 (section 47)

**8. Act 21 of 2008 — Mental Health (Care and Treatment) Act 2008**  
 (Amendments made by section 33 read with item 1(10) of the Second Schedule to the above Act)

Bill : 11/2008  
 First Reading : 21 July 2008  
 Second and Third Readings : 16 September 2008  
 Commencement : 1 March 2010 (section 33 read with item 1(10) of the Second Schedule)

**9. Act 2 of 2011 — Women’s Charter (Amendment) Act 2011**  
 (Amendments made by section 16 of the above Act)

Bill : 34/2010  
 First Reading : 22 November 2010  
 Second and Third Readings : 10 January 2011  
 Commencement : 9 March 2011 (section 16)

**10. Act 13 of 2011 — Children Development Co-Savings (Amendment) Act 2011**

Bill : 8/2011  
 First Reading : 28 February 2011  
 Second and Third Readings : 10 March 2011

Commencement : 1 May 2011

*Note: The Children Development Co-Savings Act was renamed as the Child Development Co-Savings Act by this Act.*

**11. Act 2 of 2012 — Statutes (Miscellaneous Amendments) Act 2012**  
(Amendments made by section 16 of the above Act)

Bill : 22/2011  
 First Reading : 21 November 2011  
 Second Reading : 18 January 2012  
 Notice of Amendments : 18 January 2012  
 Third Reading : 18 January 2012  
 Commencement : 1 March 2012 (section 16)

**12. Act 12 of 2013 — Child Development Co-Savings (Amendment) Act 2013**

Bill : 10/2013  
 First Reading : 15 March 2013  
 Second Reading : 8 April 2013  
 Notice of Amendments : 8 April 2013  
 Third Reading : 8 April 2013  
 Commencement : 1 May 2013

**13. Act 26 of 2013 — Employment, Parental Leave and Other Measures Act 2013**

(Amendments made by section 3 of the above Act)

Bill : 21/2013  
 First Reading : 21 October 2013  
 Second and Third Readings : 12 November 2013  
 Commencement : 1 April 2014 (section 3)

**14. Act 27 of 2015 — Employment (Amendment) Act 2015**  
(Amendments made by section 16 of the above Act)

Bill : 23/2015  
 First Reading : 13 July 2015  
 Second and Third Readings : 17 August 2015  
 Commencement : 22 August 2015 (section 16)

**15. Act 17 of 2016 — Child Development Co-Savings (Amendment) Act 2016**

Bill	:	17/2016
First Reading	:	14 April 2016
Second and Third Readings	:	9 May 2016
Commencement	:	1 July 2016

**16. Act 33 of 2016 — Child Development Co-Savings (Amendment No. 2) Act 2016**

Bill	:	33/2016
First Reading	:	10 October 2016
Second and Third Readings	:	10 November 2016
Commencement	:	1 January 2017 (except sections 2(2), 4(2), 5(2), 6(2), 11(2), 12(2), 14, 17(2), 18(2) and 19) 1 July 2017 (sections 2(2), 4(2), 5(2), 6(2), 11(2), 12(2), 14, 17(2), 18(2) and 19)

**17. Act 21 of 2016 — Employment Claims Act 2016**  
(Amendments made by section 36 of the above Act)

Bill	:	20/2016
First Reading	:	11 July 2016
Second and Third Readings	:	16 August 2016
Commencement	:	1 April 2017 (section 36)

**18. Act 55 of 2018 — Employment (Amendment) Act 2018**  
(Amendments made by section 25 of the above Act)

Bill	:	47/2018
First Reading	:	2 October 2018
Second Reading	:	20 November 2018
Notice of Amendments	:	20 November 2018
Third Reading	:	20 November 2018
Commencement	:	1 April 2019 (section 25)

**19. G.N. No. S 203/2019 — Child Development Co-Savings Act (Amendment of Schedule) Order 2019**

Commencement	:	1 April 2019
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**20. Act 30 of 2019 — Children and Young Persons (Amendment) Act 2019**  
(Amendments made by section 57 of the above Act)

Bill	:	22/2019
First Reading	:	5 August 2019
Second Reading	:	3 September 2019
Third Reading	:	4 September 2019
Commencement	:	1 July 2020 (section 57)

**21. Act 40 of 2018 — Insolvency, Restructuring and Dissolution Act 2018**  
(Amendments made by section 459 of the above Act)

Bill	:	32/2018
First Reading	:	10 September 2018
Second and Third Readings	:	1 October 2018
Commencement	:	30 July 2020 (section 459)

**22. Act 19 of 2021 — Child Development Co-Savings (Amendment) Act 2021**

Bill	:	15/2021
First Reading	:	5 July 2021
Second and Third Readings	:	2 August 2021
Commencement	:	1 November 2021 (except sections 2(2), 12 and 39(2))

**23. 2020 Revised Edition — Child Development Co-Savings Act 2001**

Operation	:	31 December 2021
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**24. Act 19 of 2021 — Child Development Co-Savings (Amendment) Act 2021**  
(Amendments made by)

Bill	:	15/2021
First Reading	:	5 July 2021
Second and Third Readings	:	2 August 2021
Commencement	:	29 May 2022 (section 2(2) and 39(2))

Abbreviations

C.P.	Council Paper
G.N. No. S (N.S.)	Government Notification Number Singapore (New Series)
G.N. No.	Government Notification Number
G.N. No. S	Government Notification Number Singapore
G.N. Sp. No. S	Government Notification Special Number Singapore
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian Subsidiary Legislation)
M. Act	Malayan Act/Malaysia Act
M. Ordinance	Malayan Ordinance
Parl.	Parliament
S.S.G.G. (E) No.	Straits Settlements Government Gazette (Extraordinary) Number
S.S.G.G. No.	Straits Settlements Government Gazette Number

**COMPARATIVE TABLE**  
**CHILD DEVELOPMENT CO-SAVINGS**  
**ACT 2001**

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

<b>2020 Ed.</b>	<b>2002 Ed.</b>
—	<b>9</b> —(1C) [ <i>Deleted by Act 33 of 2016</i> ]
—	(1D) [ <i>Deleted by Act 33 of 2016</i> ]
—	(1E) [ <i>Deleted by Act 33 of 2016</i> ]
—	(1F) [ <i>Deleted by Act 33 of 2016</i> ]
—	(4B) [ <i>Deleted by Act 33 of 2016</i> ]
—	(4C) [ <i>Deleted by Act 33 of 2016</i> ]
—	(5B) [ <i>Deleted by Act 33 of 2016</i> ]
—	(5C) [ <i>Deleted by Act 33 of 2016</i> ]
—	(5D) [ <i>Deleted by Act 33 of 2016</i> ]
—	(5E) [ <i>Deleted by Act 33 of 2016</i> ]
—	(9) [ <i>Deleted by Act 19 of 2021</i> ]
—	(10) [ <i>Deleted by Act 19 of 2021</i> ]
—	<b>9A</b> —(1B) [ <i>Deleted by Act 33 of 2016</i> ]
—	(1C) [ <i>Deleted by Act 33 of 2016</i> ]
—	<b>12B</b> —(6A) [ <i>Deleted by Act 33 of 2016</i> ]
—	<b>12G</b> —(3) [ <i>Deleted by Act 19 of 2021</i> ]
—	(4) [ <i>Deleted by Act 19 of 2021</i> ]
—	<b>12I</b> —(7) [ <i>Deleted by Act 33 of 2016</i> ]
—	<b>17</b> —(1B) [ <i>Deleted by Act 55 of 2018</i> ]