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Notification No. B 33 — The Child Development CoSavings (Amendment No. 2) Bill is hereby published for general information. It was introduced in Parliament on 10th October 2016.

Child Development Co-Savings (Amendment No. 2) Bill

Bill No. 33/2016.

Read the first time on 10 October 2016.

A BILL

intituled

An Act to amend the Child Development Co-Savings Act
(Chapter 38A of the 2002 Revised Edition).

Be it enacted by the President with the advice and consent of the
Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Child Development Co-Savings (Amendment No. 2) Act 2016 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Amendment of section 2

2.—(1) Section 2 of the Child Development Co-Savings Act (called in this Act the principal Act) is amended —

(a) by inserting, immediately before the definition of “approved person” in subsection (1), the following definitions:

““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;”;

(b) by deleting the words “subsection (1), (1A), (1B), (1C), (1D), (1E) or (1F)” in the definition of “benefit period” in subsection (1) and substituting the words “subsection (1), (1A) or (1B)”;

(c) by deleting the definition of “confinement” in subsection (1) and substituting the following definition:

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

(d) by inserting, immediately after the definition of “dependant’s pass” in subsection (1), the following definition: 5

““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 10

(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;” 15

(e) by deleting the definition of “gross rate of pay” in subsection (1) and substituting the following definitions:

““estimated delivery date” means the estimated delivery date of a child as certified by a medical practitioner; 20

“gross rate of pay” means the total amount of money (including allowances) to which an employee is entitled under the employee’s contract of service, either for working for a period of time (that is, for an hour, a day, a week or a month, or for such other period, as may be stated or implied in the contract of service) or for each completed piece or task of work, but does not include any of the following: 25 30

(a) additional payments by way of overtime payments;

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

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(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;

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(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;”;

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(f) by deleting the full-stop at the end of the definition of “self-employed woman” in subsection (1) and substituting a semi-colon, and by inserting immediately thereafter the following definition:

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“ “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.”; and

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(g) by inserting, immediately after subsection (2), the following subsection:

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“(3) The number of work days determined in accordance with the Schedule to be the weekly index of a male or female employee or a self-employed man or self-employed woman, if not

a whole number, is to be rounded down to the nearest half day or whole day.”.

(2) Section 2 of the principal Act is amended —

(a) by inserting, immediately after the definition of “self-employed woman”, the following definition: 5

““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 — 10

(i) the woman is not the child’s natural mother; and

(ii) at the time of the application, the child — 15

(A) is below the age of 12 months; and

(B) is a citizen of Singapore;

(c) the issue of a dependant’s pass in respect of a child whom the woman intends to adopt in accordance with any written law relating to the adoption of children, if — 20

(i) the woman is not the child’s natural mother; and 25

(ii) at the time the dependant’s pass is issued, the child —

(A) is below the age of 12 months; and 30

(B) is not a citizen of Singapore;

(d) the adoption of a child by the woman under any foreign law relating to the adoption of children, if —

(i) the woman is not the child’s natural mother; and

(ii) at the time of the adoption, the child is below the age of 12 months;” and

(b) by deleting subsection (2) and substituting the following subsection:

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

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

(i) the child is dead;

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

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

Amendment of section 4

3. Section 4(1) of the principal Act is amended by deleting paragraph (f) and substituting the following paragraph:

“(f) where the trustee is no longer able to act as trustee by reason that the trustee lacks capacity (within the

meaning of the Mental Capacity Act (Cap. 177A)) to exercise the trustee’s functions as trustee, and the member has no other legal guardian, be substituted with —

- (i) a donee of a lasting power of attorney which is granted by the trustee under that Act, and under which the trustee confers on the donee authority either to make decisions concerning the trustee’s property and affairs or to exercise the functions as trustee; 5
- (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 10
- (iii) if there is no such donee or deputy, a person nominated by the Minister; and”. 15

Amendment of section 9

4.—(1) Section 9 of the principal Act is amended —

(a) by deleting sub-paragraph (ii) of subsection (1)(c) and substituting the following sub-paragraph: 20

“(ii) one or more than one later period, each being of such duration as is agreed between the employee and her employer, all of which in aggregate are equal in duration to 8 times the employee’s weekly index or 48 days (whichever is the lower), and all of which must be taken within the period of 12 months commencing on the day of her confinement,”; 25

(b) by deleting sub-paragraph (AB) of subsection (1A)(v)(A) and substituting the following sub-paragraph: 30

“(AB) to absent herself from work and receive payment from her

5 employer at her gross rate of
pay for one or more than one
later period, each being of such
duration as is agreed between
the employee and her employer,
all of which in aggregate are
equal in duration to 4 times the
employee’s weekly index or
10 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”;

15 (c) by deleting sub-paragraph (BB) of subsection (1A)(v)(B)
and substituting the following sub-paragraph:

20 “(BB) to absent herself from work and
receive payment from her
employer at her gross rate of
pay for one or more than one
later period, each being of such
duration as is agreed between
the employee and her employer,
all of which in aggregate are
equal in duration to 4 times the
25 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
30 the period of 12 months
commencing on the day of her
confinement; or”;

35 (d) by deleting sub-paragraph (AB) of subsection (1A)(vi)(A)
and substituting the following sub-paragraph:

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

(e) by deleting sub-paragraph (BB) of subsection (1A)(vi)(B) and substituting the following sub-paragraph:

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

(f) by deleting sub-paragraph (B) of subsection (1B)(ii) and substituting the following sub-paragraph:

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

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(g) by deleting paragraph (iii) of subsection (1B) and substituting the following paragraph:

“(iii) if the child becomes a citizen of Singapore after the period of 8 weeks commencing on the day of her confinement, one or more than one period, each being of such duration as is agreed between the employee and her employer, all of which in aggregate are equal in duration to 8 times the employee’s weekly index or 48 days (whichever is the lower), and all of which must commence on or after the day the child becomes a citizen of Singapore and be taken within the period of 12 months commencing on the day of her confinement.”;

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(h) by deleting subsections (1C), (1D), (1E) and (1F);

(i) by deleting the words “, (1B)(ii)(B) or (iii), (1C)(v)(A)(AB) or (B)(BB) or (vi)(A)(AB) or (B)(BB), (1D)(ii)(B) or (iii), (1E)(v)(A)(AB) or (B)(BB) or (vi)(A)(AB) or (B)(BB) or (1F)(ii)(B) or (iii)” in subsection (3) and substituting the words “or (1B)(ii)(B) or (iii)”;

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(j) by deleting the words “, (1C)(v)(A)(AA) or (B)(BA) or (vi)(A)(AA) or (B)(BA) or (1E)(v)(A)(AA) or (B)(BA) or (vi)(A)(AA) or (B)(BA)” in subsection (3A);

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(k) by deleting subsections (4), (4A), (4B) and (4C) and substituting the following subsections:

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

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(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 10

(B) the period of 12 weeks immediately after her confinement; 15

(ii) during a period of 16 weeks commencing —

(A) not earlier than 28 days immediately preceding the day of her confinement; and 20

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

(iii) during —

(A) a period of 8 weeks commencing — 25

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

(AB) not later than the day of her confinement; and 30

(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).

(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).”;

(l) by deleting the words “(4B) or (4C),” in subsection (5)(a)(ii);

(m) by deleting the words “subsection (4), (4A), (4B) or (4C),” in subsection (5)(b) and substituting the words “subsection (4) or (4A),”;

(n) by deleting the words “subsection (5B)” in subsection (5A) and substituting the words “subsection (6)”;

(o) by deleting subsections (5B), (5C), (5D), (5E) and (6) and substituting the following subsections:

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

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

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

(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).

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

(p) by deleting subsection (8) and substituting the following subsections:

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

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

(a) under subsection (6), she is not entitled to the amount; or

(b) the amount was paid to her in reliance on subsection (6A) in respect of any period when she is on leave of absence without pay granted by the employer at her request, but her leave subsequently ends less than 12 months after the date of the delivery mentioned in subsection (5A).

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

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

(i) any amount under subsection (5A) in respect of the woman's delivery of the child;

(ii) any reimbursement claimed by the woman's employer under section 10 (whether or not pursuant to an exemption under section 22) for any amount paid to the woman in respect of her delivery of the child;

(iii) where the woman has made an election under section 12E(4) for the natural father of the child to take shared parental leave in respect of the child —

(A) any reimbursement claimed by the father's employer under section 12G(1) (whether or not pursuant to an exemption under section 22) for any amount paid to the father under section 12E(2) for shared parental leave taken in respect of the child; or

(B) any amount of lost income claimed by the father under section 12E(3) (whether or not pursuant to an exemption under section 22) for ceasing to be actively engaged in his trade, business, profession or vocation in respect of the child; and 5

(b) either of the following applies: 10

(i) the total period of absence from work under subsection (1), (1A) or (1B) or section 12E(1) and cessation from active engagement in trade, business, profession or vocation under section 12E(3) to which the payment by the Government under paragraph (a) relates, exceeds — 15

(A) 56 days, if the child is delivered during the woman's first or second confinement; or 20

(B) 112 days, if the child is delivered during the woman's third or subsequent confinement; 25

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

(A) the amount mentioned in subsection (5A)(a), if the child is delivered during the woman's first or second confinement; or 30

(B) the amount mentioned in subsection (5A)(b), if the child is delivered during the woman's 35

third or subsequent
confinement.”.

(2) Section 9 of the principal Act, as amended by subsection (1), is amended —

- 5 (a) by deleting the words “the child is delivered during her first or second confinement” in subsections (1A)(i), (iii) and (v) and (5A)(a) and substituting in each case the words “her confinement during which the child is delivered is her first or second specified event”;
- 10 (b) by deleting the words “the child is delivered during her third or subsequent confinement” in subsections (1A)(ii), (iv) and (vi) and (5A)(b) and substituting in each case the words “her confinement during which the child is delivered is her third or subsequent specified event”;
- 15 (c) by deleting the words “in respect of her first or second confinement” in subsection (5)(a) and substituting the words “if her confinement mentioned in subsection (4) or (4A) is her first or second specified event”;
- (d) by deleting the words “in respect of her third or subsequent confinement” in subsection (5)(b) and substituting the words “if her confinement mentioned in subsection (4) or (4A) is her third or subsequent specified event”;
- 20 (e) by deleting the words “under section 12E(4) for the natural father of the child to take shared parental leave” in subsection (10)(a)(iii) and substituting the words “under section 12E(5) for the natural father or adoptive father of the child to take shared parental leave or claim lost income”;
- 25 (f) by deleting the words “the child is delivered during the woman’s first or second confinement” in subsection (10)(b)(i)(A) and (ii)(A) and substituting in each case the words “the woman’s confinement during which the child is delivered is the woman’s first or second specified event”; and
- 30

- (g) by deleting the words “the child is delivered during the woman’s third or subsequent confinement” in subsection (10)(b)(i)(B) and (ii)(B) and substituting in each case the words “the woman’s confinement during which the child is delivered is the woman’s third or subsequent specified event.”. 5

Amendment of section 9A

5.—(1) Section 9A of the principal Act is amended —

- (a) by deleting subsections (1), (1A), (1B), (1C) and (2) and substituting the following subsections: 10

“(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 — 15

- (a) her confinement occurs, or the estimated delivery date for her confinement is, on or after the date of commencement of section 5(1)(a) of the Child Development Co-Savings (Amendment No. 2) Act 2016; 20
- (b) a child delivered during her confinement is a citizen of Singapore at the time of the child’s birth;
- (c) in the case of a female employee, she has served her employer for a period of at least 3 months before the day of her confinement; and 25
- (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. 30

(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 —

5 (a) her confinement occurs, or the estimated delivery date for her confinement is, on or after the date of commencement of section 5(1)(a) of the Child Development Co-Savings (Amendment No. 2) Act 2016;

(b) a child delivered during her confinement —

10 (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;

15 (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

20 (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.

25 (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 —

30 (a) her confinement occurs, or the estimated delivery date for her confinement is, on or after the date of commencement of section 5(1)(a) of the Child Development Co-Savings (Amendment No. 2) Act 2016;

- (b) a child delivered during her confinement —
- (i) is a citizen of Singapore at the time of the child’s birth; or
 - (ii) is not a citizen of Singapore at the time of the child’s birth, but becomes a citizen of Singapore within the period of 12 months commencing on the date of the child’s birth; 5
- (c) for at least 90 days in the aggregate during the period of 12 months before the day of her confinement, she has been employed by one or more employers, self-employed or both; and 10
- (d) where either or both of the following apply:
- (i) she opts to use any period (during the 12 months immediately before the day of her confinement) when she was employed outside Singapore, or was self-employed outside Singapore, to satisfy the requirement in paragraph (c); 15 20
 - (ii) she opts to use her income during any period mentioned in sub-paragraph (i) to calculate her total income for the purposes of section 9(5A), 25
- on the day of her confinement, she —
- (A) is resident in Singapore; and
 - (B) is no longer employed outside Singapore or self-employed outside Singapore.”; 30

(b) by deleting the words “subsection (2)(d)” in subsection (2A) and substituting the words “subsection (2)(c)”;

(c) by deleting subsections (3A), (4), (5) and (5A) and substituting the following subsections:

5 “(3A) Despite anything in the Employment Act (Cap. 91), no female employee is entitled to receive payment under section 76 of that Act in respect of any period of her absence from work under section 76(1) of that Act for which she is entitled to receive payment under section 9(1A).

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

15 (a) in respect of her first or second confinement, the payment she is entitled to receive from her employer is an amount that —

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

20 (A) if the amount is paid under section 9(1)(a) or (b), for every 4 weeks of her absence from work under that provision after the first 8 weeks of such absence;

25 (B) if the amount is paid under section 9(1)(c)(ii) or (1A)(v)(A)(AB) or (B)(BB), for every 24 days of her absence from work under that provision after the first 8 weeks of her absence from work under section 9(1)(c)(i) or under section 76(1)(c)(i) of the Employment Act, as the case may be;

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- (C) if the amount is paid under section 9(1A)(i) or (iii), for every 4 weeks of her absence from work under that provision or under section 76(1)(a) or (b) of the Employment Act, as the case may be, after the first 8 weeks of her absence from work under section 76(1)(a) or (b) of that Act; 5 10
- (D) if the amount is paid under section 9(1A)(v)(A)(AA) or (B)(BA), for every 24 days of her absence from work under section 76(1)(c)(ii) of the Employment Act after the first 8 weeks of her absence from work under section 76(1)(c)(i) of that Act; 15
- (E) if the amount is paid under section 9(1B)(i) or (ii)(A), for every 4 weeks of her absence from work under that provision; 20
- (F) if the amount is paid under section 9(1B)(ii)(B) or (iii), for every 24 days of her absence from work under that provision; and 25
- (ii) does not exceed a total of \$20,000; and 30
- (b) in respect of her third or subsequent confinement, the payment she is entitled to receive from her employer is an amount that —
- (i) does not exceed \$10,000 for either of the following periods: 35

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

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

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

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

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

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

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

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

cessation under
section 9(4)(b)(iii)(A);

(C) for every 4 weeks of her
cessation of active engagement
in her trade, business, 5
profession or vocation under
section 9(4A)(c)(i) or (ii)(A)
which is after the period of
8 weeks mentioned in
section 9(5)(a)(ii)(B); 10

(D) for every 24 days of her
cessation of active engagement
in her trade, business,
profession or vocation under
section 9(4A)(c)(ii)(B) or (iii) 15
which is after the period of
8 weeks mentioned in
section 9(5)(a)(ii)(B); and

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

(b) in respect of her third or subsequent
confinement, the payment she is entitled
to receive from the Government under
section 9(5)(b) is an amount that —

(i) does not exceed \$10,000 for any of 25
the following periods:

(A) for every 4 weeks of her
cessation of active engagement
in her trade, business,
profession or vocation under 30
section 9(4)(b)(i), (ii) or
(iii)(A) or (4A)(c)(i) or (ii)(A);

(B) for every 24 days of her
cessation of active engagement
in her trade, business, 35

profession or vocation under section 9(4)(b)(iii)(B) or (4A)(c)(ii)(B) or (iii); and

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

5 (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 —

10 (a) is an amount that does not exceed \$10,000 for every 28 days; and

(b) is to be reduced in accordance with any regulations made under section 20, if —

(i) in the case of a female employee, her employer —

15 (A) has paid or is required to pay her any amount in respect of her confinement; and

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

25 (ii) where the female employee has made an election under section 12E(4) for the natural father of the child delivered during her confinement to take shared parental leave in respect of the child —

30 (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 5 10

(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). 15 20

(5B) To avoid doubt, a woman's entitlement under section 9 to absent herself from work or to payment applies only once for each confinement, regardless of the number of children born during that confinement." 25

(d) by deleting "(5A)" in subsection (6) and substituting "(5A)(a)"; and

(e) by inserting, immediately after subsection (7), the following subsection:

"(8) For the purposes of section 9(5A) to (10) and subsections (2), (2A), (5A), (6) and (7), and of any other provisions of this Act, and any regulations made under section 20, that may be prescribed — 30

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

“female employee” includes any woman who —

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

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

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

“self-employed woman” includes any woman who —

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

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

(2) Section 9A of the principal Act, as amended by subsection (1), is amended —

(a) by deleting the words “in respect of her first or second confinement” in subsections (4)(a) and (5)(a) and substituting in each case the words “if her confinement is her first or second specified event”;

(b) by deleting the words “in respect of her third or subsequent confinement” in subsections (4)(b) and (5)(b) and substituting in each case the words “if her confinement is her third or subsequent specified event”; and

- (c) by deleting the words “under section 12E(4) for the natural father of the child delivered during her confinement to take shared parental leave” in subsection (5A)(b)(ii) and substituting the words “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”. 5

Amendment of section 10

6.—(1) Section 10 of the principal Act is amended —

- (a) by deleting subsection (1) and substituting the following subsection: 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 — 15

(a) in respect of the first or second confinement of the employee, for —

(i) the amount paid to the employee — 20

(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; 25

(B) under section 9(1A) for such period of her absence from work under section 76(1) of the Employment Act (Cap. 91), or under section 9(1A), after the first 8 weeks of her absence from work under section 76(1) of that Act as she is entitled to receive 30

payment under section 9(1A);
or

(C) under section 9(1B) —

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

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

(ii) any contribution which the employer
has made under the Central Provident
Fund Act (Cap. 36) in respect of such
payment which is not recoverable
from the employee's wages; and

(b) in respect of the third or subsequent
confinement of the employee, for —

(i) the amount paid to the employee —

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

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

(ii) any contribution which the employer
has made under the Central Provident

Fund Act in respect of such payment which is not recoverable from the employee's wages.”; and

(b) by inserting, immediately after subsection (2), the following subsection: 5

“(3) An employer is not entitled to claim reimbursement from the Government for any amount that the employer is directed, on or after the date of commencement of section 6(1)(b) of the Child Development Co-Savings (Amendment No. 2) Act 2016, by any of the following to pay to a female employee, unless the direction has been withdrawn or reversed: 10

(a) by the Minister for Manpower under the Employment Act or the Industrial Relations Act (Cap. 136); 15

(b) by the Commissioner for Labour under section 115 of the Employment Act;

(c) by any court.”.

(2) Section 10 of the principal Act, as amended by subsection (1), is amended — 20

(a) by deleting the words “in respect of the first or second confinement of the employee” in subsection (1)(a) and substituting the words “if the employee's confinement is her first or second specified event”; and 25

(b) by deleting the words “in respect of the third or subsequent confinement of the employee” in subsection (1)(b) and substituting the words “if the employee's confinement is her third or subsequent specified event”.

Repeal of section 10A 30

7. Section 10A of the principal Act is repealed.

Amendment of section 11

8. Section 11 of the principal Act is amended —

(a) by deleting the words “section 9, 10A, 12A, 12AA, 12AB, 12E, 12H, 12K, 12KB or 12KC” in subsection (1) and substituting the words “section 9, 12AA, 12AB, 12E or 12H or the repealed section 10A, 12A, 12K, 12KB or 12KC”;

(b) by deleting the words “section 9, 10A, 12A, 12AA, 12E, 12H, 12K or 12KB” in subsections (1)(a) and (b) and (2) and substituting in each case the words “section 9, 12AA, 12E or 12H or the repealed section 10A, 12A, 12K or 12KB”;

(c) by deleting the words “section 10, 10A, 12A, 12AD, 12G, 12J, 12K or 12KB” in subsections (1)(c)(i) and (2) and substituting in each case the words “section 10, 12AD, 12G or 12J or the repealed section 10A, 12A, 12K or 12KB”;

(d) by deleting the words “section 10, 10A, 12A, 12AD, 12C, 12CA, 12G, 12J, 12K or 12KB” in subsection (6) and substituting the words “section 10, 12AD, 12C, 12CA, 12G or 12J or the repealed section 10A, 12A, 12K or 12KB”; and

(e) by inserting, immediately after subsection (8), the following subsection:

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

Amendment of section 12

9. Section 12(2) of the principal Act is amended by deleting paragraph (a) and substituting the following paragraph:

“(a) an employer or employee to whom section 9, 12AA, 12B, 12D, 12E or 12H applies or the repealed

section 10A, 12K or 12KB (as in force immediately before the date of commencement of section 9 of the Child Development Co-Savings (Amendment No. 2) Act 2016) applied;”.

Repeal of section 12A

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10. Section 12A of the principal Act is repealed.

Amendment of section 12AA

11.—(1) Section 12AA(2) of the principal Act is amended by deleting the words “each of such duration as agreed between the female employee and her employer but in aggregate no shorter than as reckoned in accordance with Part II of the Schedule or 24 days, whichever is the lower,” in paragraph (b) and substituting the words “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 each being of such duration as is agreed between the female employee and her employer;”.

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(2) Section 12AA of the principal Act is amended —

(a) by deleting subsections (1), (2) and (3) and substituting the following subsections:

“(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 —

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(a) for a period of 12 weeks commencing on the eligibility date for the application to adopt the child;

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(b) during a period of 12 weeks, as agreed to by her and her employer, commencing —

- (i) not earlier than the eligibility date for the application to adopt the child; and
- (ii) not later than the date the adoption order is made; or

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(c) during —

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

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(A) not earlier than the eligibility date for the application to adopt the child; and

(B) not later than the date the adoption order is made; and

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- (ii) one or more than one later period, each being of such duration as is agreed between the employee and her employer, and all of which in aggregate are equal in duration to 4 times the employee's weekly index or 24 days (whichever is the lower).

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(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:

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(a) her employment is terminated (whether by resignation or dismissal, on the completion of her contract of service, or for any other reason);

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(b) she does not take that leave within the period of 12 months commencing on the date of the child's birth.”;

(b) by deleting subsection (5) and substituting the following subsection:

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

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

(b) does not exceed a total of \$30,000.”; and

(c) by deleting subsection (7).

Amendment of section 12AB

12.—(1) Section 12AB(1) of the principal Act is amended by deleting paragraph (a) and substituting the following paragraph:

“(a) ceases to be actively engaged in her trade, business, profession or vocation during one or more than one period, all of which in aggregate are equal in duration to 4 times her weekly index or 24 days (whichever is the lower), and all of which are within the period of 12 months commencing on the date of the child’s birth; and”.

(2) Section 12AB of the principal Act is amended —

(a) by deleting subsections (1), (2) and (3) and substituting the following subsections:

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

(a) applies to adopt a child in accordance with any written law relating to the adoption of children;

(b) satisfies the requirements of section 12AC;

(c) within a period of 12 months commencing on the date of the child’s birth, ceases to be actively engaged in her trade, business, profession or vocation —

(i) for a period of 12 weeks commencing on the eligibility date for the application to adopt the child;

(ii) during a period of 12 weeks commencing —

(A) not earlier than the eligibility date for the application to adopt the child; and

(B) not later than the date the adoption order is made; or

(iii) during —

(A) a period of 8 weeks commencing —

(AA) not earlier than the eligibility date for the application to adopt the child; and

(AB) not later than the date the adoption order is made; and

(B) one or more than one later period, all of which in aggregate are equal in duration to 4 times her weekly index or 24 days (whichever is the lower); and

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

is entitled to claim from the Government her lost income for the applicable period mentioned in subsection (2).

(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 — 5

(i) not more than \$10,000 for every 4 weeks or 24 days (as the case may be) of her cessation of active engagement in her trade, business, profession or vocation after the first 4 weeks of that cessation; and 10

(ii) not more than a total of \$20,000; or

(b) if the making of the woman’s application to adopt that child, or the issue of the dependant’s pass in respect of that child, is the woman’s third or subsequent specified event — 15

(i) not more than \$10,000 for every 4 weeks or 24 days (as the case may be) of her cessation of active engagement in her trade, business, profession or vocation; and 20

(ii) not more than a total of \$30,000.”; and 25

(b) by deleting the words “subsection (3)” in subsection (4) and substituting the words “subsection (2)”.

Repeal and re-enactment of section 12AC

13. Section 12AC of the principal Act is repealed and the following section substituted therefor: 30

“Eligibility criteria for adoption leave

5 **12AC.** A female employee who applies to adopt a child in accordance with any written law relating to the adoption of children is entitled to adoption leave and payment under section 12AA, and a self-employed woman who applies to adopt a child in accordance with any written law relating to the adoption of children is entitled to payment under section 12AB, if —

10 (a) the eligibility date for the application is on or after the date of commencement of section 13 of the Child Development Co-Savings (Amendment No. 2) Act 2016;

15 (b) in the case of a female employee — she has served her employer for a period of at least 3 months preceding the eligibility date for the application;

 (c) in the case of a self-employed woman — she has been carrying on her trade, business, profession or vocation for a continuous period of at least 3 months preceding the eligibility date for the application;

20 (d) the child is below the age of 12 months on the eligibility date for the application;

 (e) where the child is not a citizen of Singapore on the date the application is made, and a dependant’s pass in respect of the child has been issued —

25 (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

30 (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.”.

Amendment of section 12AD

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14. Section 12AD of the principal Act is amended —

- (a) by deleting subsections (1) and (2) and substituting the following subsections:

“(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 —

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- (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 —

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- (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

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- (ii) any contribution which the employer has made under the Central Provident Fund Act (Cap. 36) in respect of the amount mentioned in sub-paragraph (i) which is not recoverable from the employee's wages; and

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30

- (b) if the making of the employee's application to adopt that child, or the issue of a dependant's pass in respect of that child,

is the employee's third or subsequent specified event, for —

(i) the amount paid to the employee under section 12AA(4) for the whole period of adoption leave taken by the employee; and

(ii) any contribution which the employer has made under the Central Provident Fund Act in respect of the amount mentioned in sub-paragraph (i) which is not recoverable from the employee's wages.

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

(a) where subsection (1)(a) applies —

(i) does not exceed \$10,000 for every 4 weeks or 24 days (as the case may be) after the first 4 weeks of adoption leave taken by the female employee; and

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

(b) where subsection (1)(b) applies —

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

(ii) does not exceed a total of \$30,000.”; and

(b) by deleting the word “and” at the end of subsections (3)(b)(i) and (4)(b)(i) and substituting in each case the word “or”.

Amendment of section 12B

15. Section 12B of the principal Act is amended —

(a) by inserting the word “and” at the end of subsection (2)(a)(iii);

(b) by deleting the word “; and” at the end of subsection (2)(b)(ii) and substituting a full-stop; 5

(c) by deleting paragraph (c) of subsection (2);

(d) by deleting subsections (6) and (6A);

(e) by inserting, immediately after subsection (11), the following subsection: 10

“(11A) To avoid doubt, if an employee’s qualifying child is adopted by another person (other than jointly with the employee), the employee ceases to be entitled to any childcare leave or extended childcare leave in respect of that qualifying child, and is not entitled to any payment in lieu of that leave.”; and 15

(f) by deleting the words “section 9(4), (4A), (4B) or (4C) or 10A(4)” in subsection (17) and substituting the words “section 9(4) or (4A), or was entitled to make a claim under the repealed section 9(4B) or (4C) or 10A(4) as in force immediately before the date of commencement of section 15(f) of the Child Development Co-Savings (Amendment No. 2) Act 2016”. 20

Amendment of section 12D

16. Section 12D of the principal Act is amended — 25

(a) by deleting subsection (3); and

(b) by inserting, immediately after subsection (6), the following subsection:

“(6A) To avoid doubt, if an employee’s qualifying child is adopted by another person (other than jointly with the employee), the employee ceases to be entitled 30

to any unpaid infant care leave in respect of that qualifying child.”.

Amendment of section 12E

17.—(1) Section 12E of the principal Act is amended —

- 5 (a) by deleting the words “but in aggregate no shorter than as reckoned in accordance with Part III of the Schedule or 6 days, whichever is the lower,” in subsection (1)(b) and substituting the words “, all of which in aggregate are equal in duration to the employee’s weekly index or 6 days
10 (whichever is the lower), and”;
- (b) by deleting the words “that is in aggregate no shorter than as reckoned in accordance with Part III of the Schedule or 6 days, whichever is the lower” in subsection (3)(a) and substituting the words “, all of which in aggregate are equal
15 in duration to his weekly index or 6 days (whichever is the lower)”;
- (c) by deleting the words “section 9(1), (1A), (1B), (1C), (1D), (1E) or (1F)” in subsection (5) and substituting the words “section 9(1), (1A) or (1B)”;
- 20 (d) by deleting the words “section 9(4), (4A), (4B) or (4C)” in subsection (5) and substituting the words “section 9(4) or (4A)”;
- (e) by deleting paragraphs (b) and (c) of subsection (5) and substituting the following paragraph:
- 25 “(b) in any other case, the mother’s weekly index or 6 days (whichever is the lower), which is to be taken from the last 6 days of her entitlement.”.

30 (2) Section 12E of the principal Act is amended by deleting subsections (1) to (8) and substituting the following subsections:

 “(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 5
- (b) the appropriate applicant in subsection (6) has made an election under subsection (5) for him —
- (i) to take shared parental leave, in accordance with subsection (2); or
 - (ii) to claim lost income in accordance with subsection (3). 10

(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, 15
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 20
equal in duration to N weeks; or
 - (iii) more than one period, each being of such duration as is agreed between him and his employer, and all of which in aggregate are 25
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.

(3) Subject to this section and section 12F and any regulations made under section 20, if the self-employed man mentioned in subsection (1) — 30

- (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

- 5 (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).

10 (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:

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

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

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

- 20 (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).

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

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

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

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

(6) The appropriate applicant is —

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

(b) in the case of an election under subsection (5) for the adoptive father of the child to take shared parental leave or claim lost income — the adoptive mother of the child, being —

(i) a female employee to whom section 12AA applies, or a self-employed woman to whom section 12AB applies, in respect of an application to adopt the child; or

(ii) a female employee to whom section 9(1), (1A) or (1B) or a self-employed woman to whom section 9(4) or (4A) applies, in respect of the delivery of the child.

(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.

(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.

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

5 (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.

10 (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 —

15 (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

20 (b) the natural father or adoptive father ceases to be actively engaged in his trade, business, profession or vocation,

then —

25 (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.”.

30 **Amendment of section 12F**

18.—(1) Section 12F(1) of the principal Act is amended by deleting paragraph (a) and substituting the following paragraph:

“(a) the mother’s confinement in respect of the child occurs, or the estimated delivery date for that

confinement is, on or after the date of commencement of section 18(1) of the Child Development Co-Savings (Amendment No. 2) Act 2016;”.

(2) Section 12F of the principal Act is amended by deleting subsections (1), (2) and (3) and substituting the following subsections: 5

“(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 — 10

(a) the mother’s confinement in respect of the child occurs, or the estimated delivery date for that confinement is, on or after the date of commencement of section 18(2) of the Child Development Co-Savings (Amendment No. 2) Act 2016; 15

(b) the child —

(i) is a citizen of Singapore at the time of the child’s birth; or

(ii) becomes a citizen of Singapore within 12 months commencing on the date of the child’s birth; 20

(c) the child’s mother was lawfully married to the child’s natural father —

(i) at the time the child was conceived; 25

(ii) after the child was conceived but before the child’s birth; or

(iii) within 12 months commencing on the date of the child’s birth but on or before the date she makes an election under section 12E(5) in favour of the child’s natural father, 30

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

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

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

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

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

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

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

Amendment of section 12G

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19. Section 12G of the principal Act is amended —

- (a) by deleting subsection (2) and substituting the following subsections:

“(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 —

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

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

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(3) Where —

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

20

- (b) the child —

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

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

30

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

(4) Where —

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

(b) the child —

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

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

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

(b) by inserting, immediately after the words “Reimbursement from Government for” in the section heading, the words “, and recovery by the Government of,”.

Amendment of section 12H

20. Section 12H of the principal Act is amended —

(a) by deleting paragraphs (a) and (b) of subsection (1) and substituting the following paragraphs:

“(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 such duration as is agreed between the employee and his employer, all of which in aggregate are equal in duration to twice the employee’s weekly index or 12 days

(whichever is the lower), and all of which must be consumed within 12 months commencing on the date of the birth of the child.”; and

(b) by deleting subsection (4) and substituting the following subsection: 5

“(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); 10

(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 15

(c) has lost any income by reason of his ceasing to be actively engaged in that trade, business, profession or vocation, 20

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).” 25

Amendment of section 12I

21. Section 12I of the principal Act is amended —

(a) by deleting paragraph (a) of subsection (1) and substituting the following paragraph: 30

“(a) the mother’s confinement in respect of the child occurs, or the estimated delivery date for that confinement is, on or after the date of commencement of section 21(a) of the

Child Development Co-Savings
(Amendment No. 2) Act 2016;”;

(b) by inserting, immediately after subsection (1), the following subsection:

5 “(1A) To avoid doubt, where a male employee or a
self-employed man is the natural father of a child, his
entitlement under section 12H(1) or (2) or
section 12H(4) (as the case may be) applies only
10 once for each confinement of the child’s mother,
regardless of the number of children born during that
confinement.”;

(c) by deleting paragraphs (a) and (b) of subsection (2) and
substituting the following paragraph:

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

(d) by deleting paragraphs (d) and (e) of subsection (2) and
substituting the following paragraphs:

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

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

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

(e) by deleting subsections (3) and (4) and substituting the
following subsections:

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

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

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

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

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

(b) does not exceed a total of \$5,000.”; and

(f) by deleting subsection (7).

Amendment of section 12J

22. Section 12J of the principal Act is amended by deleting subsection (2) and substituting the following subsection:

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

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

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

Repeal of sections 12K, 12KA, 12KB and 12KC

23. Sections 12K, 12KA, 12KB and 12KC of the principal Act are repealed.

Amendment of section 12M

5 **24.** Section 12M(1) of the principal Act is amended by deleting the words “(1A), (1B), (1C), (1D), (1E) or (1F)” and substituting the words “(1A) or (1B)”.

Amendment of section 14

25. Section 14(1) of the principal Act is amended —

- 10 (a) by deleting the words “section 9, 10A, 12A or 12AB” in paragraph (d) and substituting the words “section 9 or 12AB or the repealed section 10A or 12A”;
- (b) by deleting the words “or (5C)” in paragraph (db) and substituting the words “or (6B)”;
- 15 (c) by deleting the words “section 12E, 12H, 12K or 12KC” in paragraph (dc) and substituting the words “section 12E or 12H or the repealed section 12K or 12KC”;
- (d) by deleting the words “section 10, 10A, 11, 12A, 12AD, 12C, 12CA, 12G, 12J, 12K or 12KB” in paragraph (e) and substituting the words “section 10, 11, 12AD, 12C, 12CA, 12G or 12J or the repealed section 10A, 12A, 12K or 12KB”;
- 20 (e) by inserting, immediately after the words “Part II or III” in paragraph (f), the words “or the repealed section 10A, 12A, 12K, 12KA, 12KB or 12KC”; and
- 25 (f) by inserting, immediately after subsection (2), the following subsection:
- 30 “(3) In this section, any reference to the repealed section 10A, 12A, 12K, 12KA, 12KB or 12KC is a reference to the section concerned as in force immediately before the date of commencement of

section 25(f) of the Child Development Co-Savings (Amendment No. 2) Act 2016.”.

Amendment of section 20

26. Section 20(2) of the principal Act is amended —

- (a) by deleting the words “section 9, 10A, 12A, 12AA, 12AB, 12E, 12H, 12K, 12KB or 12KC” in paragraph (a)(i) and substituting the words “section 9, 12AA, 12AB, 12E or 12H”; 5
- (b) by deleting the words “section 9, 10A, 12A, 12AB, 12E, 12H, 12K or 12KC” in paragraph (b)(i) and substituting the words “section 9, 12AB, 12E or 12H”; 10
- (c) by deleting the words “section 10, 10A, 12A, 12AD, 12C, 12CA, 12G, 12J, 12K or 12KB” in paragraph (c) and substituting the words “section 10, 12AD, 12C, 12CA, 12G or 12J”; 15
- (d) by deleting the words “section 9, 10A, 12A, 12AB, 12E, 12H, 12K or 12KC” in paragraph (d)(i) and substituting the words “section 9, 12AB, 12E or 12H”; and
- (e) by deleting the words “section 10, 10A, 12A, 12AD, 12C, 12CA, 12G, 12J, 12K or 12KB” in paragraph (d)(iii) and substituting the words “section 10, 12AD, 12C, 12CA, 12G or 12J”. 20

Repeal and re-enactment of Schedule

27. The Schedule to the principal Act is repealed and the following Schedule substituted therefor:

“THE SCHEDULE

Section 2(1) and (3)

DETERMINATION OF WEEKLY INDEX

PART 1

5

WEEKLY INDEX DETERMINED ACCORDING TO WORK PATTERN

First column

Second column

Work pattern

Weekly index

10

1. Number of work days in a week is the same in every week

Number of work days in a week

15

2. Number of work days varies from one week to another, but there is a consistent or regular pattern repeated over a fixed number of weeks

$$\frac{T}{W},$$

where T is the total number of work days in the fixed number of weeks over which the pattern is repeated; and

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

25

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

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Notes on Table:

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1. In this Table, the work pattern of a male or female employee is determined in accordance with the employee's contract of service as in force on the date immediately before the applicable date determined according to Part 2 of this Schedule.

2. In this Table, the work pattern of a self-employed man or self-employed woman is his or her work pattern immediately before the applicable date determined according to Part 2 of this Schedule.

3. In calculating the number of work days for the purposes of this Table, the following are each regarded as half a work day: 5

(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. 10

4. In this Table, "week" means a continuous period of 7 days commencing at midnight on Sunday.

PART 2

APPLICABLE DATE FOR DETERMINING WEEKLY INDEX ACCORDING TO CONTEXT IN WHICH WEEKLY INDEX IS MENTIONED 15

<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	20
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	25
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	30
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	35

*First column**Second column**Context in which
weekly index is mentioned**Applicable date*

5	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
10	6. Section 12AA(1), where the child to be adopted is a citizen of Singapore when the female employee applies to adopt the child	The date on which the female employee makes the application to adopt the child
15	7. Section 12AA(1), where the child to be adopted is not a citizen of Singapore when the female employee applies to adopt the child	The date on which a dependant's pass is issued in respect of the child
20	8. Section 12AB(1), where the child to be adopted is a citizen of Singapore when the self-employed woman applies to adopt the child	The date on which the self-employed woman makes an application to adopt the child
25	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	The date on which a dependant's pass is issued in respect of the child
30	10. Section 12E	The day on which the last of all the eligibility criteria applicable to the male employee or self-employed man under section 12F is satisfied
35	11. Section 12H(1) and (4), where the male employee or self-employed man is the natural father of the child	The day on which the last of all the eligibility criteria applicable to the male employee or self-employed man under section 12I(1) is satisfied

<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	5 10
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	15 20
	”.	

Saving and transitional provision

28. For a period of 2 years after the date of commencement of any provision of this Act, the Minister may, by regulations, prescribe such provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient. 25

EXPLANATORY STATEMENT

This Bill seeks to amend the Child Development Co-Savings Act (Cap. 38A) for the following main purposes:

- (a) to support parents in caring for their children —
 - (i) by making it mandatory for employers to provide the second week of Government-Paid Paternity Leave (GPPL), which employers previously provided on a voluntary basis;

- (ii) by increasing Shared Parental Leave (SPL) to 4 weeks, and by extending SPL to adoptive fathers;
 - (iii) by increasing Adoption Leave (AL) to 12 weeks;
 - (iv) by extending Government-Paid Maternity Leave (GPML) and Government-Paid Maternity Benefit (GPMB) to all qualifying mothers regardless of their marital status; and
 - (v) by extending AL to all qualifying adoptive mothers and GPPL to all qualifying adoptive fathers, regardless of their marital status;
- (b) to address policy issues relating to GPMB and the administration of payments to employers and employees —
- (i) by providing GPMB for women on no-pay leave that extends beyond 12 months after the date of childbirth;
 - (ii) by aligning the GPMB top-up amount with the Government’s commitment for GPML;
 - (iii) by preventing employees from receiving payments in respect of GPML and GPMB beyond certain statutory limits;
 - (iv) by excluding, from the calculation of a female employee’s total income for the purpose of determining the GPMB payable to the female employee, her income for a period of employment if she was dismissed from that employment before her confinement, for sufficient cause, or with just cause or excuse, as determined by the Minister under the Employment Act (Cap. 91) or the Industrial Relations Act (Cap. 136);
 - (v) by preventing an employer from claiming reimbursement from the Government for payment to a female employee which the employer has been directed to pay by certain authorities;
 - (vi) by providing GPMB to a woman who was employed or self-employed overseas if, at the time of delivery of her child, the woman is resident in Singapore and has ceased to be employed or self-employed overseas; and
 - (vii) by aligning the extent to which the Government will reimburse an employer for granting GPML and AL.

Clause 1 relates to the short title and commencement.

Clause 2(1) amends section 2 —

- (a) by inserting new definitions for “adoptive father”, “adoptive mother” and “confinement” to clarify those terms;

- (b) by modifying the definition of “gross rate of pay” to use gender neutral terms; and
- (c) by inserting new definitions for “eligibility date”, “estimated delivery date”, “lost income” and “weekly index” to shorten certain provisions of the Act by replacing commonly repeated concepts with succinct terms.

An employee’s entitlement to take leave flexibly is described in terms of the “weekly index”, namely, the number of work days per week determined in accordance with the Schedule.

Clause 2(2), which will come into operation after clause 2(1), amends section 2(1) to insert a definition for “specified event”. This aligns the extent to which the Government will reimburse an employer for granting GPML and AL, and the extent to which the Government will compensate a self-employed woman for lost income under sections 9 and 12AB. References to the first, second, third and subsequent specified event will replace references to the first, second, third and subsequent confinement of a woman, which currently determine the extent to which the Government will reimburse an employer for granting GPML, and the extent to which the Government will compensate a self-employed woman for lost income under section 9. The concept of “specified event” takes into account a woman’s confinement, as well as certain matters relating to the adoption of a child by a woman. Section 2(2) is replaced to provide which specified events are to be disregarded when determining whether a woman’s specified event is her first, second, third or subsequent specified event.

Clause 3 amends section 4(1)(f) to allow a trustee of a member’s bank account under the Child Development Co-Savings Scheme, who lacks capacity within the meaning of the Mental Capacity Act (Cap. 177A) to exercise the functions of a trustee, to be replaced by the donee of a lasting power of attorney of the trustee, if the member has no other legal guardian.

Clause 4(1) amends section 9 —

- (a) to insert references to the weekly index in subsections (1), (1A) and (1B);
- (b) by deleting the existing subsections (1C) to (1F), (4B), (4C) and (6), which are no longer needed as section 9A has been amended to extend the benefits under section 9 to mothers regardless of their marital status;
- (c) by deleting the existing subsections (5D) and (5E), which are no longer needed as the reduction in the amount payable under section 9(5A) when a female employee’s employment is terminated on the completion of her contract of service, will now be dealt with under the new section 9A(5A)(b)(i);

- (d) by replacing subsections (4) and (4A) to restate a self-employed woman's entitlement to claim lost income from the Government;
- (e) by replacing the existing subsections (5B), (5C) and (8) with new subsections (6), (6B) and (9);
- (f) by inserting a new subsection (6A) to provide benefits under subsection (5A) for a woman on no-pay leave that ends at least 12 months after the date of the woman's delivery of a child;
- (g) by inserting a new subsection (8) to exclude, from the calculation of a female employee's total income for the purpose of determining the GPMB payable to the female employee, her income for a period of her employment if she was dismissed from that employment before her confinement, for sufficient cause, or with just cause or excuse, as determined by the Minister under the Employment Act or the Industrial Relations Act; and
- (h) by inserting a new subsection (10) to enable the Government to recover from a woman payments in respect of GPML and GPMB in excess of certain statutory limits.

Clause 4(2), which will come into operation after clause 4(1), amends section 9 by replacing references to confinement in subsections (1A), (5) and (5A) with references to specified events, and by making amendments to the new subsection (10) that are consequential to the amendment of section 12E.

Clause 5(1) amends section 9A —

- (a) by replacing the existing subsections (1), (1A), (1B), (1C) and (2) with new subsections (1), (1A) and (2) to restate the eligibility criteria for benefits under section 9(1) and (4), section 9(1A) or (1B) and (4A), and section 9(5A), respectively;
- (b) by replacing subsections (3A), (4), (5) and (5A) to make consequential amendments; and
- (c) by inserting a new subsection (5B) to clarify that a woman's entitlement under section 9 applies only once for each confinement, regardless of the number of children born during that confinement.

The new section 9A(2)(d) allows a woman who was employed outside Singapore or self-employed outside Singapore to use her periods of overseas work to satisfy the work period requirement in the new section 9A(2)(c) or to calculate her total income for the purpose of determining her entitlement under the new section 9(5A), if, on the day of her confinement, she is resident in Singapore and is no longer employed outside Singapore or self-employed outside Singapore. As the existing definitions of the terms "employee" and "self-employed woman" in section 2(1) do not include a woman engaged in such work outside Singapore, the

new subsection (8) provides that in the relevant provisions, those terms include a woman who was employed outside Singapore or self-employed outside Singapore. A consequential amendment is also made to subsection (6).

The new subsection (5A) aligns the extent of payment under section 9(5A) with the Government's commitment for GPML and prevents employees from receiving payments in respect of GPML and GPMB beyond certain statutory limits.

Clause 5(2), which will come into operation after clause 5(1), amends section 9A by replacing references to confinement in subsections (4) and (5) with references to a specified event, and by making amendments to subsection (5A)(b) that are consequential to the amendment of section 12E.

Clause 6(1) amends section 10 by replacing subsection (1) to make consequential amendments, and by inserting a new subsection (3) to prevent an employer from claiming reimbursement from the Government for any payment made to a female employee on the direction of certain authorities. This would apply, for instance, in cases where the employer fails to pay maternity leave benefits on the termination of a female employee's employment, including where the authority has decided that the female employee was dismissed without sufficient cause before her confinement.

Clause 6(2), which will come into operation after clause 6(1), amends section 10 to replace references to confinement in subsection (1) with references to specified event.

Clause 7 repeals section 10A, which relates to maternity benefits for certain past confinements, as that section is spent.

Clauses 8 and 9 amend sections 11 and 12, respectively, to make amendments consequential to the repeal of sections 10A, 12A, 12K, 12KB and 12KC.

Clause 10 repeals section 12A, which relates to reimbursement in respect of adoption leave for certain past adoption applications, as that section is spent.

Clause 11(1) amends section 12AA(2)(b) to insert a reference to the weekly index.

Clause 11(2), which will come into operation after clause 11(1), amends section 12AA —

- (a) by replacing existing subsections (1), (2) and (5) with new subsections (1) and (5) to increase the entitlement of a female employee to adoption leave from 4 weeks to 12 weeks; and
- (b) by replacing subsections (3) and (7) as the new subsection (2) to restate the circumstances in which a female employee will cease to be entitled to unconsumed adoption leave or payment in lieu of that leave.

Clause 12(1) amends section 12AB(1) to insert a reference to the weekly index.

Clause 12(2), which will come into operation after clause 12(1), amends section 12AB —

- (a) by replacing the existing subsections (1), (2) and (3) with new subsections (1) and (2) to increase the entitlement of a self-employed woman to claim lost income under that section from lost income for 4 weeks to lost income for 12 weeks; and
- (b) by making a consequential amendment to subsection (4).

Clause 13 repeals and re-enacts section 12AC to restate the eligibility criteria for AL or payment under section 12AB to cover any qualifying female employee or self-employed woman, regardless of her marital status. A natural mother who adopts her child is not eligible for AL or payment under section 12AB, by virtue of the new paragraph (f).

Clause 14 amends section 12AD by replacing subsections (1) and (2) to make the amount of the reimbursement from the Government for AL contingent on whether the adoption application is the first or second, or the third or subsequent, specified event. The clause also amends section 12AD(3) and (4) to clarify that the Government may recover the reimbursement under section 12AD(1) or payment under section 12AB(1) if the conditions in either sub-paragraph (i) or (ii) of section 12AD(3)(b) or (4)(b), as the case may be, exist.

Clause 15 amends section 12B —

- (a) by deleting subsections (2)(c), (6) and (6A), which are spent, and by making consequential amendments to subsection (2);
- (b) by inserting a new subsection (11A) to clarify that an employee ceases to be entitled to any childcare leave or extended childcare leave in respect of a qualifying child, and to payment in lieu of such leave, if that child is adopted by another person (other than jointly with the employee); and
- (c) by making amendments to subsection (17) that are consequential to the deletion of certain provisions.

Clause 16 amends section 12D —

- (a) by deleting subsection (3), which is spent; and
- (b) by inserting a new subsection (6A) to clarify that an employee ceases to be entitled to any unpaid infant care leave in respect of a qualifying child, if that child is adopted by another person (other than jointly with the employee).

Clause 17(1) amends section 12E by inserting references to the weekly index in subsections (1), (3) and (5), and by making amendments that are consequential to the deletion of certain provisions.

Clause 17(2), which will come into operation after clause 17(1), amends section 12E by replacing the existing subsections (1) to (8) with new subsections (1), (2), (3), (4), (5), (5A), (6), (7), (7A), (8), (9) and (9A) (subsection (9) was deleted previously) —

- (a) to extend SPL benefits to adoptive fathers;
- (b) to allow a natural mother of a child to share up to 4 weeks of her entitlement to maternity leave with the natural father of the child, or the adoptive father who adopts the child jointly with her; and
- (c) to allow an adoptive mother of a child to share up to 4 weeks of her entitlement to adoption leave with the adoptive father of the child.

Clause 18(1) amends section 12F(1)(a) —

- (a) to remove the reference to certification by a medical practitioner, as the new definition of “estimated delivery date” already refers to such certification; and
- (b) to provide that the new entitlements under section 12E apply only if the mother’s confinement occurs, or the estimated delivery date for that confinement is, on or after the date of commencement of clause 18(1).

Clause 18(2), which will come into operation after clause 18(1), amends section 12F —

- (a) by replacing the existing subsection (1) with new subsections (1) and (1A) —
 - (i) to provide that the entitlements to SPL under section 12E, as amended by clause 17(2), only apply if the mother’s confinement occurs, or the estimated delivery date for that confinement is, on or after the date of commencement of clause 18(2); and
 - (ii) to restate the requirement for the parents or adoptive parents of the child to be lawfully married; and
- (b) by replacing subsections (2) and (3) to express the limit for payment to a male employee or a self-employed man for SPL as “\$2,500 per week” and a total of “N times \$2,500”, as SPL may now be for up to 4 weeks.

Clause 19, which will come into operation with clause 18(2), amends section 12G —

- (a) by replacing subsection (2) to express the limit for reimbursement to an employer for SPL taken by a male employee as “\$2,500 per week” and a total of “N times \$2,500”, as SPL may now be for up to 4 weeks;

- (b) by inserting new subsections (3) and (4) to enable the Government to recover the reimbursement paid to the employer of a male employee under section 12G(1) from the male employee, or to recover the payment to a self-employed man under section 12E(3) from the self-employed man, if the child concerned is not adopted within 12 months commencing on the eligibility date for the application to adopt the child or (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 of the adoption of that child by the male employee or self-employed man (as the case may be); and
- (c) by amending the section heading to reflect the amendments mentioned in sub-paragraph (b).

Clause 20 amends section 12H(1) and (4) to increase the entitlement to GPPL to 2 weeks.

Clause 21 amends section 12I —

- (a) by replacing subsection (1)(a) to remove the reference to certification by a medical practitioner, as the new definition of “estimated delivery date” already refers to such certification, and to provide that the new entitlements for natural fathers under section 12H apply only if the mother’s confinement occurs, or the estimated delivery date for that confinement is, on or after the date of commencement of clause 21(a);
- (b) by inserting a new subsection (1A) to clarify that a natural father’s entitlement under section 12H(1), (2) and (4) applies only once for each confinement of the child’s mother, regardless of the number of children born during that confinement;
- (c) by replacing subsection (2)(a) to provide that the new entitlements for adoptive fathers under section 12H apply only if the eligibility date for the application to adopt the child is on or after the date of commencement of clause 21(c);
- (d) by deleting subsection (2)(b) to extend GPPL benefits to all qualifying adoptive fathers, regardless of their marital status;
- (e) by replacing subsection (2)(d) and (e) to insert references to the eligibility date;
- (f) by inserting a new subsection (2)(f) to provide that a natural father who adopts his child is not eligible for paternity leave in his capacity as adoptive father of the child. This avoids duplication with his entitlement to paternity leave as natural father of the child;

(g) by replacing subsections (3) and (4) to reflect the increase in the amount of payment which a male employee or self-employed man is entitled to receive under section 12H; and

(h) by deleting subsection (7), as the definition of “adoptive father” is now provided in section 2(1).

Clause 22 replaces section 12J(2) to reflect the increase in the reimbursement that an employer is entitled to claim from the Government as the result of the extension of GPPL to 2 weeks.

Clause 23 repeals section 12K (relating to shared parental leave and paternity leave for certain children delivered in the past), as that section is spent. The clause also repeals sections 12KA, 12KB and 12KC (providing for reimbursement of voluntary extra leave or extra break) as those sections are no longer required upon the increase in the entitlement to GPPL under section 12H to 2 weeks.

Clause 24 amends section 12M to make amendments consequential to the deletion of certain subsections of section 9.

Clause 25 amends section 14 to make changes that are consequential to the repeal of sections 10A, 12A, 12K, 12KA, 12KB and 12KC. The preservation of references to the repealed sections allows questions or disputes relating to the repealed sections to be referred to the Minister under section 14.

Clause 26 amends section 20(2) to make amendments consequential on the repeal of sections 10A, 12A, 12K, 12KA, 12KB and 12KC.

Clause 27 repeals and re-enacts the Schedule to provide for the determination of the weekly index of an employee or a self-employed man or self-employed woman. Instead of providing for the determination of the number of work days for the whole period of entitlement, the Schedule now provides for the determination of the weekly index, which is then multiplied according to the number of weeks of the entitlement. Paragraph 6 of the existing Schedule is re-enacted as new section 2(3), as it applies to the whole period of entitlement.

Clause 28 is a saving and transitional provision. The clause provides that, for a period of 2 years after the commencement of any provision of the Bill, the Minister may make regulations to prescribe such provisions of a saving or transitional nature consequent on the enactment of that provision as the Minister may consider necessary or expedient. This allows saving and transitional provisions arising from the amendments made by the Bill to be prescribed by regulations.

EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.
