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**No. S 281**

CHILD DEVELOPMENT CO-SAVINGS ACT  
(CHAPTER 38A)

CHILD DEVELOPMENT CO-SAVINGS  
(CHILDCARE LEAVE) (AMENDMENT)  
REGULATIONS 2013

In exercise of the powers conferred by section 20 of the Child Development Co-Savings Act, Mr Chan Chun Sing, Senior Minister of State, charged with the responsibility of the Minister for Social and Family Development, hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Child Development Co-Savings (Childcare Leave) (Amendment) Regulations 2013 and shall come into operation on 1st May 2013.

**Amendment of regulation 1**

2. Regulation 1 of the Child Development Co-Savings (Childcare Leave) Regulations 2008 (G.N. No. S 547/2008) (referred to in these Regulations as the principal Regulations) is amended by inserting, immediately after the words “Childcare Leave”, the words “and Extended Childcare Leave”.

**Amendment of regulation 2**

3. Regulation 2(1) of the principal Regulations is amended —  
(a) by inserting, immediately after the definition of “Director”, the following definition:

““extended childcare leave” means extended childcare leave under section 12B of the Act, and includes any leave of absence for childcare purposes referred to in section 12B(6A)(b) of the Act which is treated, under section 12B(6A) of the Act, as extended childcare leave under section 12B of the Act;” and

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- (b) by inserting, immediately after the words “section 12B(16)(c)” in the definition of “leave period”, the words “or (16A)(c) of the Act”.

#### **Amendment of regulation 4**

**4. Regulation 4 of the principal Regulations is amended —**

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

“(1) Every employee who wishes to take childcare leave under section 12B(1) of the Act or extended childcare leave under section 12B(1A) of the Act shall —

- (a) make a declaration as to his eligibility for childcare leave or extended childcare leave, as the case may be, in —

(i) such form as the Minister may provide; or

(ii) such form in accordance with paragraph (4) as his employer may provide; and

- (b) submit the form to his employer together with his application for childcare leave or extended childcare leave, as the case may be.

(2) Every employer shall, upon receiving from his employee the form and application referred to in paragraph (1) —

- (a) satisfy himself as to whether the employee is entitled under section 12B(1) of the Act to childcare leave or under section 12B(1A) of the Act to extended childcare leave, as the case may be; and

- (b) if he is so satisfied —

(i) grant the childcare leave, or extended childcare leave, as the case may be, to the employee, unless he has reasonable cause not to do so; and

(ii) make payment to the employee, for every day of childcare leave or extended childcare leave, as the case may be, taken

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by the employee, in accordance with sections 11, 12B, 12C and 12CA of the Act and this regulation.

(3) An employer may —

- (a) for the purposes of paragraph (2)(a), require the employee to furnish or provide access to such information or document as may be necessary to ascertain his entitlement to childcare leave or extended childcare leave, as the case may be; and
- (b) if the employee fails to furnish or provide access to such information or document, refuse to grant childcare leave or extended childcare leave, as the case may be, to the employee.”;
- (b) by inserting, immediately after the word “Act” in paragraph (4)(a)(ix), the words “or extended childcare leave under section 12B(1A) of the Act”; and
- (c) by deleting sub-paragraph (b) of paragraph (4) and substituting the following sub-paragraph:
  - “(b) to declare that the employee is eligible for the childcare leave or extended childcare leave, as the case may be, referred to in sub-paragraph (a)(ix)”.

#### **Amendment of regulation 5**

5. Regulation 5 of the principal Regulations is amended —

- (a) by inserting, immediately after the words “section 12C” in paragraph (1), the words “or 12CA”;
- (b) by deleting paragraph (2) and substituting the following paragraph:
  - “(2) An application by an employer under paragraph (1) in respect of childcare leave or extended childcare leave, as the case may be, taken by an employee in a relevant period shall be —
    - (a) made in such form as the Director may provide;
    - (b) made within 3 months, or such extended period as the Director may allow, after —
      - (i) in a case where the employee has taken his entitlement of childcare leave or

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- extended childcare leave, as the case may be, for the relevant period, the last day of such leave taken by the employee for the relevant period;
- (ii) in a case where the employee ceases to be entitled to childcare leave or extended childcare leave, as the case may be, at any time during the relevant period, the day the employee ceases to be entitled to such leave; or
- (iii) in any other case, the last day of the relevant period; and
- (c) accompanied by the following information and documents:
- (i) the dates on which the employee took the childcare leave or extended childcare leave, as the case may be;
- (ii) the employee's monthly gross rate of pay in each month in the relevant period in which the employee has taken childcare leave or extended childcare leave, as the case may be; and
- (iii) such other information or document as may be specified in the form provided by the Director or as may be required by the Director.”;
- (c) by inserting, immediately after paragraph (3), the following paragraph:
- “(3A) Subject to paragraph (4), the amount of reimbursement that an employer is entitled to claim from the Government in respect of the extended childcare leave taken by an employee in a relevant period shall be calculated in accordance with the following formula:

$$\frac{(\text{MGP} + \text{ECPF}) \times 12}{A \times 52} \times B$$

where MGP is the monthly gross rate of pay of the employee;

ECPF is the contribution which the employer is liable to make to the Central Provident Fund under the Central Provident Fund Act (Cap. 36) in respect of the employee and which is not recoverable from the monthly wages of the employee;

A is the number of working days in a week under the terms of the employee's contract of service; and

B is the number of working days in the relevant period on which the employee has taken extended childcare leave.”; and

(d) by deleting paragraph (4) and substituting the following paragraph:

“(4) For the purposes of paragraphs (3) and (3A), where the number of working days in the relevant period on which the employee has taken childcare leave or extended childcare leave, as the case may be, is not a whole number, that number shall be rounded down to the nearest whole number or half.”.

### **Amendment of regulation 6**

6. Regulation 6 of the principal Regulations is amended —

(a) by inserting, immediately after the words “section 12B(16)” in paragraphs (1), (3) and (4), the words “or (16A)”;

(b) by deleting sub-paragraph (b) of paragraph (2) and substituting the following sub-paragraph:

“(b) made within 3 months, or such extended period as the Board may allow, after —

(i) in a case where he has ceased to be actively engaged in his trade, business, profession or vocation for childcare purposes for not less than 4 days in the calendar year for childcare leave, or not exceeding 2 days in the calendar year for extended childcare leave, the last day in the calendar year of such cessation

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of active engagement in his trade, business, profession or vocation;

(ii) in a case where he ceases to satisfy any requirement under section 12B(16)(a) to (d) or (16A)(a) to (d) of the Act, as the case may be, the day he ceases to satisfy that requirement; or

(iii) in any other case, the last day of calendar year; and”; and

(c) by re-lettering the existing sub-paragraph (d) of paragraph (2) as sub-paragraph (c).

*[G.N. Nos. S 698/2008; S 25/2010; S 228/2011; S 546/2012]*

Made this 17th day of April 2013.

CHAN HENG KEE  
*Permanent Secretary,*  
*Ministry of Social and Family Development,*  
*Singapore.*

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