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CHILD DEVELOPMENT CO-SAVINGS ACT
(CHAPTER 38A)

CHILD DEVELOPMENT CO-SAVINGS (PAID MATERNITY
LEAVE, MATERNITY BENEFIT, ADOPTION LEAVE,
SHARED PARENTAL LEAVE AND PATERNITY LEAVE)
(AMENDMENT) REGULATIONS 2016

In exercise of the powers conferred by section 20 of the Child Development Co-Savings Act, the Minister for Social and Family Development makes the following Regulations:

Citation and commencement

1. These Regulations are the Child Development Co-Savings (Paid Maternity Leave, Maternity Benefit, Adoption Leave, Shared Parental Leave and Paternity Leave) (Amendment) Regulations 2016 and come into operation on 1 July 2016.

Amendment of regulation 2

2. Regulation 2(1) of the Child Development Co-Savings (Paid Maternity Leave, Maternity Benefit, Adoption Leave, Shared Parental Leave and Paternity Leave) Regulations (Rg 1) (called in these Regulations the principal Regulations) is amended by deleting paragraph (h) of the definition of “leave period” and substituting the following paragraph:

“(h) where a self-employed man is entitled to claim lost income under section 12K(4) or 12KC(1) of the Act, the period referred to in section 12K(4)(d) or 12KC(1)(c) of the Act for which he is entitled to claim the lost income, as the case may be,”.

Amendment of regulation 5A**3. Regulation 5A of the principal Regulations is amended —**

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

“(1) An employer who is entitled to claim reimbursement from the Government under section 12G(1), 12J(1), 12K(1) or 12KB(1) of the Act in respect of any male employee may apply to the Director to be so reimbursed subject to the limit mentioned in section 12G(2), 12J(2), 12K(3) or 12KB(2) of the Act, as the case may be.”;

(b) by deleting the words “from the last day” in paragraph (2)(a) and substituting the words “after the last day”;

(c) by deleting the word “or” at the end of paragraph (2)(a);

(d) by deleting the full-stop at the end of sub-paragraph (b) of paragraph (2) and substituting the word “; or”, and by inserting immediately thereafter the following sub-paragraph:

“(c) where the employer is entitled to claim reimbursement from the Government under section 12KB(1) of the Act for any extra leave taken —

(i) within 3 months after the last day of the extra leave taken or by 31 December 2016, whichever is the later; or

(ii) within such extended period of time as the Director may allow in any particular case.”;

(e) by deleting the words “paragraph (2)(b)” in paragraph (3) and substituting the words “paragraph (2)”;

(f) by deleting paragraph (4);

- (g) by deleting the words “Every application referred to in paragraph (2) shall be” in paragraph (5) and substituting the words “An application under paragraph (1) must be”;
- (h) by deleting paragraph (6) and substituting the following paragraphs:

“(6) Subject to paragraph (7), the amount of reimbursement that an employer is entitled to claim from the Government in respect of a male employee where the male employee has taken —

- (a) the shared parental leave under section 12E(1)(a) or 12K(1) of the Act within the period mentioned in section 12E(1)(a) of the Act;
- (b) the paternity leave under section 12H(1)(a) or 12K(1) of the Act within the period mentioned in section 12H(1)(a) of the Act; or
- (c) the extra leave under section 12KB(1) of the Act within the period mentioned in section 12H(1)(a) of the Act,

is calculated according to the following formula:

$$\frac{(\text{MGP} + \text{ECPF}) \times 12}{365 \text{ days}} \times \text{N},$$

where MGP is the monthly gross rate of pay of the male employee in respect of whom the claim is made;

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 that male employee and which is not recoverable from that male employee’s monthly wages; and

N is the number of days (inclusive of rest days, non-working days and holidays) on which that male employee has taken the shared parental leave, paternity leave or extra leave, as the case may be.

(6A) Subject to paragraph (7), the amount of reimbursement that an employer is entitled to claim from the Government in respect of a male employee where the male employee has taken —

- (a) the shared parental leave under section 12E(1)(b) or 12K(1) of the Act within the period mentioned in section 12E(1)(b) of the Act;
- (b) the paternity leave under section 12H(1)(b) or 12K(1) of the Act within the period mentioned in section 12H(1)(b) of the Act; or
- (c) the extra leave under section 12KB(1) of the Act within the period mentioned in section 12H(1)(b) of the Act,

is calculated according to the following formula:

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

where MGP is the monthly gross rate of pay of the male employee in respect of whom the claim is made;

ECPF is the contribution which the employer is liable to make to the Central Provident Fund under the Central Provident Fund Act in respect of that male employee and which is not recoverable from that male employee's monthly wages;

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

B is the number of working days on which that male employee has taken the shared parental leave, paternity leave or extra leave, as the case may be.

”;

- (i) by deleting the words “or paternity leave” in paragraph (7) and substituting the words “, paternity leave or extra leave”;
- (j) by deleting the words “paragraph (6)(a)” in paragraph (7)(a) and substituting the words “paragraph (6)”;
- (k) by deleting the words “paragraph (6)(b)” in paragraph (7)(b) and substituting the words “paragraph (6A)”;
- (l) by deleting the words “or 12K(1)” in the regulation heading and substituting the words “, 12K(1) or 12KB(1)”.

Amendment of regulation 6

4. Regulation 6 of the principal Regulations is amended —

- (a) by deleting the words “or 12K(4)” in paragraphs (1), (3) and (4) and substituting in each case the words “, 12K(4) or 12KC(1)”;
- (b) by deleting paragraph (2) and substituting the following paragraphs:

“(2) An application under paragraph (1) must be made —

- (a) where the self-employed person is entitled to claim lost income under section 9(4), (4A), (4B) or (4C), 10A(4), 12A(4), 12AB(1), 12E(3), 12H(4) or 12K(4) of the Act, within 3 months after the last day of the self-employed person's leave period, or

within such longer period as the Board may allow in any particular case; or

(b) where the self-employed man is entitled to claim lost income under section 12KC(1) of the Act for any extra break taken —

(i) within 3 months after the last day of his leave period or by 31 December 2016, whichever is the later; or

(ii) within such longer period as the Board may allow in any particular case.

(2A) An application under paragraph (1) must —

(a) be made in such form as the Board may provide; and

(b) be accompanied by such information or document as may be specified in that form or as may be required by the Board.”

*[G.N. Nos. S 549/2008; S 699/2008; S 180/2009;
S 227/2011; S 359/2012; S 547/2012; S 283/2013;
S 249/2014]*

Made on 24 June 2016.

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