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CHILD DEVELOPMENT CO-SAVINGS ACT (CHAPTER 38A)

CHILD DEVELOPMENT CO-SAVINGS (PART-TIME EMPLOYEES) (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 (Part-Time Employees) (Amendment) Regulations 2016 and come into operation on 1 January 2017.

Amendment of regulation 2

2. Regulation 2 of the Child Development Co-Savings (Part-Time Employees) Regulations 2008 (G.N. No. S 548/2008) (called in these Regulations the principal Regulations) is amended —

(a) by deleting the definitions of “childcare leave” and “extended childcare leave” in paragraph (1) and substituting the following definitions:

““childcare leave” means childcare leave under section 12B of the Act, and includes any childcare leave taken under section 87A of the Employment Act (Cap. 91) that is treated, under section 12B(3) of the Act, as childcare leave under section 12B of the Act;

“extended childcare leave” means extended childcare leave under section 12B of the Act;”;

(b) by deleting the definitions of “gross rate of pay” and “hourly gross rate of pay” in paragraph (1) and substituting the following definitions:

““gross rate of pay”, in relation to a part-time employee, means —

(a) the employee’s gross rate of pay as specified in the employee’s contract of service with the employee’s employer; or

(b) if there is no such specification in the employee’s contract of service with the employee’s employer, such gross rate of pay as the Commissioner for Labour may determine, having regard to the terms of that contract of service;

“hourly gross rate of pay”, in relation to a part-time employee, means —

(a) the employee’s hourly gross rate of pay as specified in the employee’s contract of service with the employee’s employer; or

(b) if there is no such specification in the employee’s contract of service with the employee’s employer, such hourly gross rate of pay as the Commissioner for Labour may determine, having regard to the terms of that contract of service;”; and

(c) by deleting paragraph (2) and substituting the following paragraph:

“(2) For the purposes of calculating any entitlement of a part-time employee under these Regulations, a reference to the average number of hours a week, or the number of hours a day, that an employee is required to work is treated as a reference to —

- (a) the average number of hours a week or the number of hours a day, as the case may be, that the employee is required to work, as specified in the employee's contract of service with the employee's employer; or
- (b) if there is no such specification in the employee's contract of service with the employee's employer, such number of hours a week or number of hours a day, as the case may be, as the Commissioner for Labour may determine, having regard to the terms of that contract of service.”.

Deletion and substitution of regulation 3

3. Regulation 3 of the principal Regulations is deleted and the following regulation substituted therefor:

“Application of Part III of Act

3. Part III of the Act and the following Regulations apply, with such modifications as may be specified in these Regulations, to a part-time employee who satisfies the requirements of section 9A(1), (1A) or (2), 12AC, 12B(1) or (1A), 12D(1), 12F(1) or 12I(1) or (2) of the Act:

- (a) the Child Development Co-Savings (Paid Maternity Leave, Maternity Benefit, Adoption Leave, Shared Parental Leave and Paternity Leave) Regulations 2016 (G.N. No. S 711/2016); and
- (b) the Child Development Co-Savings (Childcare Leave and Extended Childcare Leave) Regulations 2008 (G.N. No. S 547/2008).”.

Deletion and substitution of regulation 4

4. Regulation 4 of the principal Regulations is deleted and the following regulation substituted therefor:

“Maternity benefits

- 4.—(1) Every female part-time employee is entitled to —
- (a) the benefit period under section 9(1) of the Act, if she satisfies the requirements of section 9A(1) of the Act; or
 - (b) the benefit period under section 9(1A) or (1B) of the Act, if she satisfies the requirements of section 9A(1A) of the Act.
- (2) Subject to section 9A(4) of the Act, during such benefit period, a female part-time employee must be paid —
- (a) for each day that she would ordinarily have been required to work under her contract of service with her employer, at her gross rate of pay; and
 - (b) for each paid holiday, the sum mentioned in regulation 6(1) of the Employment (Part-Time Employees) Regulations (Cap. 91, Rg 8), if she is entitled to paid holidays and has not relinquished that entitlement.
- (3) In the case of a female part-time employee, any reference in the Act to a payment under section 9(1), (1A) or (1B) of the Act to a female employee at her gross rate of pay refers to a payment to the female part-time employee at the rate to which she is entitled under paragraph (2).
- (4) Subject to section 9A(5A) of the Act, every woman who is or was a part-time employee, and who satisfies the requirements of section 9A(2) of the Act, is entitled to receive payment from the Government in accordance with section 9(5A) of the Act.
- (5) Sections 9(6) and 12M of the Act do not disqualify a female employee who is a part-time employee from claiming payment from the Government under section 9(5A) of the Act in respect of any period when she is on leave of absence without pay granted by her employer at her request, if the requirement under section 9(6A) of the Act concerning the leave is satisfied in relation to her.

(6) Section 9(3), (3A) and (6) of the Act does not disqualify a female employee mentioned in section 9(6B) of the Act who is a part-time employee, and who satisfies the requirements under section 9(6B) of the Act, from claiming payment from the Government under section 9(5A) of the Act.”.

Deletion and substitution of regulations 5 and 5A

5. Regulations 5 and 5A of the principal Regulations are deleted and the following regulations substituted therefor:

“Childcare leave

5.—(1) Subject to paragraph (2), the number of hours of childcare leave that a part-time employee who satisfies the requirements of section 12B(1) of the Act is entitled to for a relevant period is calculated in accordance with the following formula:

$$\frac{\text{NHWP}}{\text{NHWF}} \times C \times \text{NHDF},$$

where —

- (a) “NHWP” is the average number of hours a week that the part-time employee is required to work;
- (b) “NHWF” is the average number of hours a week that a similar full-time employee is required to work;
- (c) “C” is the number of days of childcare leave that a similar full-time employee is entitled to, under section 12B(1) of the Act, for the relevant period; and
- (d) “NHDF” is the number of hours a day that a similar full-time employee is required to work.

(2) A part-time employee who satisfies the requirements of section 12B(1) of the Act is entitled to not less than 2 days of childcare leave.

(3) Subject to paragraph (4), an employer must pay a part-time employee who is entitled to childcare leave at the employee’s hourly gross rate of pay, for each hour of childcare leave taken by the employee.

(4) Where a part-time employee has taken 3 days of childcare leave, the amount of payment the employee is entitled to receive from the employee's employer under paragraph (3) must not exceed \$500 for each subsequent day of childcare leave that the employee is entitled to under paragraph (1) and that is taken by the employee.

Extended childcare leave

5A.—(1) Every part-time employee who satisfies the requirements of section 12B(1A) of the Act is entitled to 2 days of extended childcare leave.

(2) Subject to paragraph (3), an employer must pay a part-time employee who is entitled to extended childcare leave at the employee's hourly gross rate of pay, for each hour of extended childcare leave taken by the employee.

(3) The amount of payment a part-time employee is entitled to receive from the employee's employer under paragraph (2) must not exceed \$500 for each day of extended childcare leave that the employee is entitled to under paragraph (1) and that is taken by the employee.”.

Deletion and substitution of regulations 6 to 9

6. Regulations 6 to 9 of the principal Regulations are deleted and the following regulations substituted therefor:

“Unpaid infant care leave

6. The number of hours of unpaid infant care leave that a part-time employee who satisfies the requirements of section 12D(1) of the Act is entitled to for a relevant period is calculated in accordance with the following formula:

$$\frac{\text{NHWP}}{\text{NHWF}} \times 6 \times \text{NHDF},$$

where —

- (a) “NHWP” is the average number of hours a week that the part-time employee is required to work;
- (b) “NHWF” is the average number of hours a week that a similar full-time employee is required to work; and
- (c) “NHDF” is the number of hours a day that a similar full-time employee is required to work.

Adoption leave

7.—(1) Every female part-time employee is entitled to adoption leave under section 12AA(1) of the Act, for such period or periods specified in section 12AA(2) of the Act, if she satisfies the requirements of section 12AC of the Act.

(2) Subject to section 12AA(5) of the Act, during the period of adoption leave, a female part-time employee must be paid —

- (a) for each day that she would ordinarily have been required to work under her contract of service with her employer, at her gross rate of pay; and
- (b) for each paid holiday, the sum mentioned in regulation 6(1) of the Employment (Part-Time Employees) Regulations (Cap. 91, Rg 8), if she is entitled to paid holidays and has not relinquished that entitlement.

(3) In the case of a female part-time employee, any reference in the Act to a payment under section 12AA(4) of the Act to a female employee at her gross rate of pay refers to a payment to the female part-time employee at the rate to which she is entitled under paragraph (2).

Shared parental leave

8.—(1) Every male part-time employee is entitled to shared parental leave for such period or periods specified in section 12E(1) of the Act, if he satisfies the requirements of section 12F(1) of the Act.

(2) Subject to section 12F(2) of the Act, during the period of shared parental leave, a male part-time employee must be paid —

- (a) for each day that he would ordinarily have been required to work under his contract of service with his employer, at his gross rate of pay; and
- (b) for each paid holiday, the sum mentioned in regulation 6(1) of the Employment (Part-Time Employees) Regulations (Cap. 91, Rg 8), if he is entitled to paid holidays and has not relinquished that entitlement.

(3) In the case of a male part-time employee, any reference in the Act to a payment under section 12E(2) of the Act to a male employee at his gross rate of pay refers to a payment to the male part-time employee at the rate to which he is entitled under paragraph (2).

Paternity leave

9.—(1) Every male part-time employee is entitled to paternity leave for such period or periods specified in section 12H(1) of the Act, if he satisfies the requirements of section 12I(1) or (2) of the Act.

(2) Subject to section 12I(3) of the Act, during the period of paternity leave, a male part-time employee must be paid —

- (a) for each day that he would ordinarily have been required to work under his contract of service with his employer, at his gross rate of pay; and

(b) for each paid holiday, the sum mentioned in regulation 6(1) of the Employment (Part-Time Employees) Regulations (Cap. 91, Rg 8), if he is entitled to paid holidays and has not relinquished that entitlement.

(3) In the case of a male part-time employee, any reference in the Act to a payment under section 12H(2) of the Act to a male employee at his gross rate of pay refers to a payment to the male part-time employee at the rate to which he is entitled under paragraph (2).”.

Saving and transitional provisions

7.—(1) Despite regulation 3 of these Regulations, regulation 3 of the principal Regulations as in force immediately before 1 January 2017 continues to apply —

- (a) to or in relation to any female part-time employee whose confinement occurs, and whose estimated delivery date for that confinement is, before 1 January 2017;
- (b) to or in relation to any female part-time employee who makes an application to adopt a child in accordance with any written law relating to the adoption of children, if the eligibility date for that application is before 1 January 2017;
- (c) to or in relation to any male part-time employee who is the natural father of a child, if the delivery of the child occurs, and the estimated delivery date of the child is, before 1 January 2017;
- (d) to or in relation to any male part-time employee who makes an application to adopt a child in accordance with any written law relating to the adoption of children, if the eligibility date for that application is before 1 January 2017; and
- (e) to any employer of any such female part-time employee or male part-time employee, in relation to that employee.

(2) Despite regulation 4 of these Regulations, regulation 4 of the principal Regulations as in force immediately before 1 January 2017 continues to apply —

- (a) to or in relation to any female part-time employee whose confinement occurs, and whose estimated delivery date for that confinement is, before 1 January 2017; and
- (b) to any employer of any such female part-time employee, in relation to that employee.

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Made on 29 December 2016.

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Development,
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