

**CHILDREN DEVELOPMENT CO-SAVINGS ACT
(CHAPTER 38A, SECTION 12)**

**CHILD DEVELOPMENT CO-SAVINGS (APPLICATION OF
EMPLOYMENT ACT PROVISIONS) ORDER**

ARRANGEMENT OF PARAGRAPHS

Paragraph

1. Citation
2. Definitions
3. Application of Employment Act provisions and subsidiary legislation
4. Modification of section 115 of Employment Act
5. *[Deleted]*
6. *[Deleted]*
7. Modification of section 124 of Employment Act
8. Modification of section 125 of Employment Act
9. Modification of section 126 of Employment Act
10. Modification of sections 127, 130, 132 and 134 of Employment Act
11. Modification of section 129 of Employment Act
12. Modification of section 131 of Employment Act
13. *[Deleted]*
14. Modification of section 133 of Employment Act
15. *[Deleted]*
16. Modification of section 135 of Employment Act
17. Modification of section 136 of Employment Act
18. *[Deleted]*

[5th October 2004]

Citation

1. This Order may be cited as the Child Development Co-Savings (Application of Employment Act Provisions) Order.

Definitions

2. In this Order —

“applicable provisions of the Employment Act” means the provisions of the Employment Act (Cap. 91) referred to in paragraph 3(2)(a) and (b) as modified by paragraphs 4 to 17;

“principal Act” means the Child Development Co-Savings Act (Cap. 38A).

Application of Employment Act provisions and subsidiary legislation

3.—(1) The provisions of the Employment Act and the subsidiary legislation made under that Act as specified in sub-paragraph (2) shall apply, with such exceptions, adaptations and modifications as are specified in paragraphs 4 to 17, in relation to —

- (a) any employer or employee to whom section 9, 10A, 12B or 12D of the principal Act applies;
- (b) any dispute under Part III of the principal Act, or under any regulations made under section 20 of the principal Act, between any such employer and any such employee; and
- (c) any offence or proceedings under section 12B, 12D or 17 of the principal Act,

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

(2) The applicable provisions of the Employment Act and the applicable subsidiary legislation made under that Act shall be as follows:

- (a) Part XV of that Act (other than sections 116 and 121) read with the Second Schedule to that Act;
- (b) Part XVI of that Act (other than sections 128, 138, 139 and 140);
- (c) Employment (Notes of Evidence — Fees) Regulations (Cap. 91, Rg 2); and
- (d) Employment (Prescribed Form) Regulations (Cap. 91, Rg 4).

Modification of section 115 of Employment Act

4. Section 115 of the Employment Act (Cap. 91) shall apply with the following modifications:

- (a) the Commissioner may only inquire into and decide —
 - (i) any dispute between a female employee to whom section 9 of the principal Act applies and her employer relating to —
 - (A) the entitlement of the female employee to absent herself from work or to pay during any period referred to in section 9(1), (1A), (1B), (1C), (1D), (1E) or (1F) of the principal Act under any term of the contract of service between the female employee and her employer or under section 9 of the principal Act, as the case may be; or
 - (B) any matter under sections 77 to 86 of the Employment Act as made applicable by section 12 of the principal Act;
 - (ii) any dispute between a female employee to whom section 10A of the principal Act applies and her employer relating to the entitlement of the female employee to absent herself from work or to pay for the period referred to in section 9(1), (1A), (1B), (1C), (1D), (1E) or (1F) of that Act under any term of the contract of service between the female employee and her employer;
 - (iii) any dispute between an employee to whom section 12B of the principal Act applies and his employer relating to his entitlement to childcare leave or to pay under that section or under any term of the contract of service between him and his employer, as the case may be; or
 - (iv) any dispute between an employee to whom section 12D of the principal Act applies and his employer relating to his entitlement to unpaid infant