

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

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

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16. Modification of section 135 of Employment Act
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18. *[Deleted]*

[5th October 2004]

Citation

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

[S 230/2011 wef 01/05/2011]

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), (b) and (c) as modified by paragraphs 3A to 17;

[S 284/2013 wef 01/05/2013]

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

[S 700/2008 wef 01/01/2009]

[S 230/2011 wef 01/05/2011]

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 3A to 17, in relation to —

- (a) any employer or employee to whom section 9, 12AA, 12B, 12D, 12E or 12H 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 12AA, 12B, 12D, 12E, 12H 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.

[S 284/2013 wef 01/05/2013]

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

- (a) Part XIII of that Act;
- (b) Part XV of that Act (other than sections 116 and 121) read with the Second Schedule to that Act;

- (c) Part XVI of that Act (other than sections 128, 138, 139 and 140);
- (d) Employment (Notes of Evidence — Fees) Regulations (Cap. 91, Rg 2); and
- (e) Employment (Prescribed Form) Regulations (Cap. 91, Rg 4).

[S 284/2013 wef 01/05/2013]

Modification of section 103 of Employment Act

3A. Section 103 of the Employment Act (Cap. 91) shall apply with the following modifications:

- (a) the reference to “an offence under this Act” in subsection (1)(a) shall be read as a reference to an offence under section 12AA, 12B, 12D, 12E, 12H or 17 of the principal Act;
- (b) the reference to “the provisions of this Act” in subsection (1)(b), (c), (d) and (g) shall be read as a reference to the applicable provisions of the Employment Act and Part III and section 17 of the principal Act; and
- (c) the reference to “this Act” in subsection (1)(h) shall be read as a reference to the applicable provisions of the Employment Act and Part III and section 17 of the principal Act.

[S 284/2013 wef 01/05/2013]

Modification of sections 104 and 107 of Employment Act

3B. Sections 104 and 107 of the Employment Act (Cap. 91) shall apply with the reference to “section 103” wherever they appear in those provisions read as a reference to that section as modified by paragraph 3A.

[S 284/2013 wef 01/05/2013]

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 12AA of the principal Act applies and her employer relating to the female employee's entitlement to adoption leave or to pay under that section or under any term of the contract of service between the female employee and her employer, as the case may be;
[S 284/2013 wef 01/05/2013]
 - (iii) any dispute between an employee to whom section 12B of the principal Act applies and his employer relating to his entitlement to childcare or extended 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;
[S 284/2013 wef 01/05/2013]
 - (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 care leave under that section or under any term of the

contract of service between him and his employer, as the case may be;

[S 284/2013 wef 01/05/2013]

- (v) any dispute between an employee to whom section 12E of the principal Act applies and his employer relating to the employee's entitlement to shared parental 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

[S 284/2013 wef 01/05/2013]

- (vi) any dispute between a male employee to whom section 12H of the principal Act applies and his employer relating to the male employee's entitlement to paternity leave or to pay under that section or under any term of the contract of service between the male employee and his employer, as the case may be; and

[S 284/2013 wef 01/05/2013]

(b) subsection (3) shall be disregarded.

5. *[Deleted by S 551/2008 wef 31/10/2008]*

6. *[Deleted by S 551/2008 wef 31/10/2008]*

Modification of section 124 of Employment Act

7. Section 124(1) of the Employment Act (Cap. 91) shall apply with the following modifications:

- (a) the reference to "an offence under this Act" shall be read as a reference to an offence under section 12AA, 12B, 12D, 12E, 12H or 17 of the principal Act;

[S 284/2013 wef 01/05/2013]

- (b) the reference to "any matter for which provision is made by this Act" shall be read as a reference to any matter relating to —

- (i) the entitlement of a female employee to absent herself from work or to pay under section 9 of the principal Act;

- (ii) any matter under sections 77 to 86 of the Employment Act as made applicable by section 12 of the principal Act;
- (iii) the entitlement of a female employee to adoption leave or to pay under section 12AA of the principal Act;
[S 284/2013 wef 01/05/2013]
- (iv) the entitlement of an employee to childcare or extended childcare leave or to pay under section 12B of the principal Act;
[S 284/2013 wef 01/05/2013]
- (v) the entitlement of an employee to unpaid infant care leave under section 12D of the principal Act;
[S 284/2013 wef 01/05/2013]
- (vi) the entitlement of an employee to shared parental leave or to pay under section 12E of the principal Act;
or
[S 284/2013 wef 01/05/2013]
- (vii) the entitlement of a male employee to paternity leave or to pay under section 12H of the principal Act;
[S 284/2013 wef 01/05/2013]
- (c) the reference to “or the death of an employee, or any matter connected with hospital and medical facilities, quarters, sanitation, inspections or the keeping of registers and other documents” shall be disregarded; and
- (d) the reference to “any breach of any provision of this Act” shall be read as a reference to any breach of section 9, 12AA, 12B, 12D, 12E or 12H of the principal Act or sections 77 to 86 of the Employment Act (Cap. 91) as made applicable by section 12 of the principal Act.
[S 284/2013 wef 01/05/2013]

Modification of section 125 of Employment Act

8. Section 125 of the Employment Act shall apply with the references to “employee or subcontractor for labour” and

“employees or subcontractors for labour” wherever they appear in subsections (1) and (2) read as references to an employee and employees, respectively.

Modification of section 126 of Employment Act

9. Section 126 of the Employment Act (Cap. 91) shall apply with the following modifications:

- (a) the reference to “an employee or a subcontractor for labour” shall be read as a reference to an employee only; and
- (b) the reference to “this Act” shall be read as a reference to the applicable provisions of the Employment Act and sections 12AA, 12B, 12D, 12E, 12H and 17 of the principal Act.

[S 284/2013 wef 01/05/2013]

Modification of sections 127, 130, 132 and 134 of Employment Act

10. Sections 127, 130, 132 and 134 of the Employment Act shall apply with the references to “this Act” in those provisions read as references to the applicable provisions of the Employment Act and sections 12AA, 12B, 12D, 12E, 12H and 17 of the principal Act.

[S 284/2013 wef 01/05/2013]

Modification of section 129 of Employment Act

11. Section 129 of the Employment Act shall apply with the following modifications:

- (a) the reference to “this Act” in the 2nd line of subsection (1) shall be read as a reference to the applicable provisions of the Employment Act and the principal Act; and
- (b) the reference to “this Act” in the 3rd line of subsection (1) and in subsection (2) shall be read as a reference to

section 12AA, 12B, 12D, 12E, 12H or 17 of the principal Act.

[S 551/2008 wef 31/10/2008]

[S 284/2013 wef 01/05/2013]

Modification of section 131 of Employment Act

12. Section 131 of the Employment Act (Cap. 91) shall be modified to read as follows:

“Onus of proof

131. In all proceedings under Part XV of the Employment Act (other than sections 116 and 121), the onus of proving that he is not an employer to whom section 9, 12AA, 12B, 12D, 12E or 12H of the principal Act applies shall be on the person who alleges that he is not the employer.”.

[S 284/2013 wef 01/05/2013]

13. *[Deleted by S 551/2008 wef 31/10/2008]*

Modification of section 133 of Employment Act

14. Section 133 of the Employment Act shall apply with the reference to “this Act” read as a reference to the applicable provisions of the Employment Act.

15. *[Deleted by S 551/2008 wef 31/10/2008]*

Modification of section 135 of Employment Act

16. Section 135 of the Employment Act (Cap. 91) shall apply with the following modifications:

(a) the reference to “this Act” in the 3rd line shall be read as a reference to the applicable provisions of the Employment Act and section 12AA, 12B, 12D, 12E, 12H or 17 of the principal Act; and

[S 284/2013 wef 01/05/2013]

(b) the reference to “compensation or damages” shall be disregarded.

[S 551/2008 wef 31/10/2008]

Modification of section 136 of Employment Act

17. Section 136 of the Employment Act shall apply with the reference to “the provisions of this Act” read as a reference to section 12AA, 12B, 12D, 12E, 12H or 17 of the principal Act.

[S 551/2008 wef 31/10/2008]

[S 284/2013 wef 01/05/2013]

18. *[Deleted by S 700/2008 wef 01/01/2009]*

LEGISLATIVE HISTORY
CHILD DEVELOPMENT CO-SAVINGS (APPLICATION OF
EMPLOYMENT ACT PROVISIONS) ORDER
(CHAPTER 38A, O 1)

*formerly known as the Children Development Co-Savings (Application of
Employment Act Provisions) Order*

This Legislative History is provided for the convenience of users of the Children Development Co-Savings (Application of Employment Act Provisions) Order. It is not part of this Act.

1. G. N. No. S 610/2004 — Children Development Co-Savings (Application of Employment Act Provisions) Order 2004

Date of commencement : 5 October 2004

2. 2008 Revised Edition — Children Development Co-Savings (Application of Employment Act Provisions) Order

Date of operation : 31 January 2008

3. G. N. No. S 551/2008 — Children Development Co-Savings (Application of Employment Act Provisions) (Amendment) Order 2008

Date of commencement : 31 October 2008

4. G. N. No. S 700/2008 — Children Development Co-Savings (Application of Employment Act Provisions) (Amendment No. 2) Order 2008

Date of commencement : 1 January 2009

5. G.N. No. S 230/2011 — Children Development Co-Savings (Application of Employment Act Provisions) (Amendment) Order 2011

Date of commencement : 1 May 2011

6. G.N. No. S 284/2013 — Child Development Co-Savings (Application of Employment Act Provisions) (Amendment) Order 2013

Date of commencement : 1 May 2013