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## No. S 548

### CHILD DEVELOPMENT CO-SAVINGS ACT (CHAPTER 38A)

#### CHILD DEVELOPMENT CO-SAVINGS (PART-TIME EMPLOYEES) REGULATIONS 2008

##### ARRANGEMENT OF REGULATIONS

###### Regulation

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In exercise of the powers conferred by section 20 of the Child Development Co-Savings Act, the Minister for Community Development, Youth and Sports hereby makes the following Regulations:

#### **Citation and commencement**

1. These Regulations may be cited as the Child Development Co-Savings (Part-Time Employees) Regulations 2008 and shall come into operation on 31st October 2008.

*[S 229/2011 wef 01/05/2011]*

#### **Definitions**

2.—(1) In these Regulations, unless the context otherwise requires —

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“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;

*[S 713/2016 wef 01/01/2017]*

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

*[S 713/2016 wef 01/01/2017]*

“full-time employee” has the same meaning as in regulation 2(1) of the Employment (Part-Time Employees) Regulations (Cap. 91, Rg 8);

“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;

*[S 713/2016 wef 01/01/2017]*

“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;

*[S 713/2016 wef 01/01/2017]*

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“similar full-time employee”, in relation to a part-time employee,  
means —

- (a) a full-time employee who is employed by the same employer as that of the part-time employee and in work similar to that of the part-time employee; or
- (b) if there is no such person so employed, an employee who is required to work 8 hours a day and 44 hours a week in work similar to that of the part-time employee.

(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.

*[S 713/2016 wef 01/01/2017]*

### **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).

*[S 713/2016 wef 01/01/2017]*

### **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.

[S 713/2016 wef 01/01/2017]

### **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

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each subsequent day of childcare leave that the employee is entitled to under paragraph (1) and that is taken by the employee.

[S 713/2016 wef 01/01/2017]

### **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.

[S 713/2016 wef 01/01/2017]

### **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

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full-time employee is required to work.

*[S 713/2016 wef 01/01/2017]*

### **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).

*[S 713/2016 wef 01/01/2017]*

### **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).

*[S 713/2016 wef 01/01/2017]*

### **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).

*[S 713/2016 wef 01/01/2017]*

### **Savings**

**10.—**(1) Notwithstanding anything in these Regulations (other than regulations 4(4) and (5), 5A, 7, 8 and 9), where the terms of service under which a part-time employee is employed are provided for in a contract of service or collective agreement entered into before 31st October 2008, such terms of service shall, in so far as they are

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more favourable to the employee than the provisions of these Regulations (other than regulations 4(4) and (5), 5A, 7, 8 and 9), continue to apply until varied by the parties to the contract of service or the collective agreement, as the case may be.

(2) Notwithstanding anything in regulations 5A, 7, 8 and 9, where the terms of service under which a part-time employee is employed are provided for in a contract of service or collective agreement entered into before 1st May 2013, such terms of service shall, in so far as they are more favourable to the employee than the provisions of regulations 5A, 7, 8 and 9, continue to apply until varied by the parties to the contract of service or the collective agreement, as the case may be.

*[S 282/2013 wef 01/05/2013]*

Made this 29th day of October 2008.

NIAM CHIANG MENG  
*Permanent Secretary,  
Ministry of Community Development,  
Youth and Sports,  
Singapore.*

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