

Employment (Amendment) Bill

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Bill No: 40/2004

Read the first time: 1st September 2004

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Expenditure of Public Money

Employment (Amendment) Bill

Bill No. 40/2004

Read the first time on 1st September 2004.

An Act to amend the Employment Act (Chapter 91 of the 1996 Revised Edition).

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act may be cited as the Employment (Amendment) Act 2004 and shall come into operation on 1st October 2004.

Amendment of section 2

2. Section 2 of the Employment Act is amended by deleting the definitions of “child” and “young person”.

Amendment of section 41A

3. Section 41A of the Employment Act is amended —

- (a) by deleting the word “Minister” wherever it appears in subsection (1) and substituting in each case the word “Commissioner”; and
- (b) by deleting subsection (2) and substituting the following subsections:

“(2) The Commissioner may, after considering the operational needs of an employer and the interests of an employee or a class of employees, by order in writing, direct that the entitlement to be paid for extra work under section 37(2) or (3), 38(4), 40 (4) or 42(4) shall not apply to that employee or class of employees, subject to such conditions as the Commissioner thinks fit.

(3) Where the Commissioner —

- (a) exempts an employee or any class of employees from section 38(1), (5) or (8) or 40 (3); or
- (b) directs that the entitlement to be paid for extra work under section 37(2) or (3), 38(4), 40(4) or 42(4) shall not apply to an employee or any class of employees,

the employer shall display the order or a copy thereof conspicuously in the place where the employee or class of employees are employed.”.

New section 67A

4. The Employment Act is amended by inserting, immediately before section 68 in Part VIII, the following section:

“Interpretation of this Part

67A. In this Part —

“child” means a person who has not completed his 15th year of age;

“young person” means a person who has completed his 15th year of age but who has not completed his 16th year of age.”.

Amendment of section 68

5. Section 68(3) of the Employment Act is amended by deleting the words “12 years” and substituting the words “13 years”.

Amendment of heading to Part IX

6. Part IX of the Employment Act is amended by inserting, immediately after the word “BENEFITS” in the Part heading, the words “AND CHILDCARE LEAVE FOR PARENT”.

Amendment of section 76

7. Section 76 of the Employment Act is amended —

(a) by deleting subsection (1) and substituting the following subsections:

“(1) Subject to this section, every female employee shall be entitled to absent herself from work —

(a) during —

(i) the period of 4 weeks immediately before her confinement; and

(ii) the period of 8 weeks immediately after her confinement;

(b) during a period of 12 weeks, as agreed to by her

and her employer, commencing —

- (i) not earlier than 28 days immediately preceding the day of her confinement; and
- (ii) not later than the day of her confinement; or

(c) during —

- (i) a period of 8 weeks, as agreed to by her and her employer, commencing —
 - (A) not earlier than 28 days immediately preceding the day of her confinement; and
 - (B) not later than the day of her confinement; and
- (ii) one or more further periods, not exceeding 24 days in the aggregate, as agreed to by her and her employer, which shall be within the period of 6 months commencing on the day of her confinement.

(1A) Subject to this section, every female employee shall be entitled to receive payment from her employer at her gross rate of pay for any of the following periods (referred to in this Part as the benefit period):

- (a) where subsection (1)(a) applies, the period of 4 weeks referred to in subsection (1)(a)(i) and the first 4 weeks of the period referred to in subsection (1)(a)(ii);
- (b) where subsection (1)(b) applies, the first 8 weeks of the period referred to in subsection (1)(b); or
- (c) where subsection (1)(c) applies, the period of 8 weeks referred to in subsection (1)(c)(i).”;

(b) by deleting subsection (4) and substituting the following subsection:

“(4) Notwithstanding any collective agreement or award to the contrary, a female employee shall not be entitled to any payment under subsection (1A) for any confinement if, at the time of the