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CHILD DEVELOPMENT CO-SAVINGS ACT
(CHAPTER 38A)

CHILD DEVELOPMENT CO-SAVINGS
(PAID MATERNITY LEAVE AND ADOPTION LEAVE)
(AMENDMENT) REGULATIONS 2013

In exercise of the powers conferred by section 20 of the Child Development Co-Savings Act, Mr Chan Chun Sing, Senior Minister of State, charged with the responsibility of the Minister for Social and Family Development, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Child Development Co-Savings (Paid Maternity Leave and Adoption Leave) (Amendment) Regulations 2013 and shall come into operation on 1st May 2013.

Amendment of regulation 1

2. Regulation 1 of the Child Development Co-Savings (Paid Maternity Leave and Adoption Leave) Regulations (Rg 1) (referred to in these Regulations as the principal Regulations) is amended by deleting the words “and Adoption Leave” and substituting the words “, Maternity Benefit, Adoption Leave, Shared Parental Leave and Paternity Leave”.

Amendment of regulation 2**3. Regulation 2 of the principal Regulations is amended —**

- (a) by deleting the definitions of “leave period”, “net income”, “non-working day” and “relevant period” in paragraph (1) and substituting the following definitions:

““leave period”, in relation to a self-employed man or woman, means —

- (a) where a self-employed woman is entitled to claim lost income under section 9(4) of the Act, the period referred to in section 9(4)(a), (b) or (c) of the Act, as the case may be;
- (b) where a self-employed woman is entitled to claim lost income under section 9(4A) of the Act, the period referred to in section 9(4A)(c)(i), (ii) or (iii) of the Act, as the case may be;
- (c) where a self-employed woman is entitled to claim lost income under section 9(4B) of the Act, the period referred to in section 9(4B)(c)(i), (ii) or (iii) of the Act, as the case may be;
- (d) where a self-employed woman is entitled to claim lost income under section 9(4C) of the Act, the period referred to in section 9(4C)(d)(i), (ii) or (iii) of the Act, as the case may be;
- (e) where a self-employed woman is entitled to claim lost income under section 10A(4) of the Act, the period referred to in section 10A(4)(c) of the Act;
- (f) where a self-employed woman is entitled to claim lost income under section 12A(4) or 12AB(1) of the Act, the period referred to in section 12A(4)(d) or 12AB(1)(a) of the Act, as the case may be;
- (g) where a self-employed man is entitled to claim lost income under section 12E(3) or

12H(4) of the Act, the period referred to in section 12E(3)(a) or 12H(4)(a) of the Act, as the case may be; and

- (h) where a self-employed man is entitled to claim lost income under section 12K(4) of the Act, the period referred to in section 12K(4)(d) of the Act,

when the self-employed man or woman, as the case may be, ceases to be actively engaged in his or her trade, business, profession or vocation;

“net income” means the income derived by a self-employed man or woman from his or her trade, business, profession or vocation, less all outgoings and expenses incurred by him or her in the production of that income;

“non-working day”, in relation to an employee, means a day (other than a rest day or holiday) on which the employee is not required to work, under the terms of the employee’s contract of service;

“relevant period” means the period of 3 months immediately preceding the commencement of a self-employed man’s or self-employed woman’s leave period, as the case may be;”;

- (b) by deleting the definition of “working day” in paragraph (1) and substituting the following definition:

““working day”, in relation to an employee, means a day on which the employee is required to work, under the terms of the employee’s contract of service;”;
and

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

“(2) The number of working days of an employee in a week shall be deemed to be the number of days on which the employee is required to work, under the terms of the employee’s contract of service, in a week with no holidays.”.

Amendment of regulation 3

4. Regulation 3(1) of the principal Regulations is amended —
- (a) by deleting sub-paragraph (a) and substituting the following sub-paragraph:
 - “(a) the Director shall be responsible for the assessment and determination of a claim by —
 - (i) a female employee or self-employed woman under regulation 4A; and
 - (ii) an employer under regulations 5 and 5A; and”;
 - (b) by inserting, immediately after the word “self-employed” in sub-paragraph (b), the words “man or”.

Amendment of regulation 4

5. Regulation 4 of the principal Regulations is amended —
- (a) by deleting paragraph (1) and substituting the following paragraph:
 - “(1) Every female employee who is entitled to receive payment from her employer under section 9(1), (1A), (1B), (1C), (1D), (1E) or (1F) of the Act, or who has received or will receive any payment from her employer in accordance with section 10A(1) of the Act, shall make a declaration as to her eligibility for payment —
 - (a) in such form as the Minister may provide; or
 - (b) in such form as her employer may provide, being a form that conforms with the requirements as may be specified at the Internet website at <http://www.profamilyleave.gov.sg>.”;
 - (b) by deleting sub-paragraphs (a) and (b) of paragraph (4) and substituting the following sub-paragraphs:
 - “(a) ensure that the form has been duly completed and signed by the female employee;
 - (b) satisfy himself that the female employee is entitled to payment under section 9(1), (1A), (1B), (1C), (1D), (1E) or (1F) of the Act, as the case may be; and

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- (c) if the form has been duly completed and signed and he is so satisfied under sub-paragraph (b), make payment to the female employee at her gross rate of pay in accordance with Part III of the Act and this regulation.”;
- (c) by inserting, immediately after paragraph (6), the following paragraphs:
- “(6A) Every female employee who is entitled to receive payment from her employer under section 12AA(4) of the Act shall make a declaration as to her eligibility for payment —
- (a) in such form as the Minister may provide; or
 - (b) in such form as her employer may provide, being a form that conforms with the requirements as may be specified at the Internet website at <http://www.profamilyleave.gov.sg>.
- (6B) Every female employee who is entitled to receive payment from her employer under section 12AA(4) of the Act shall submit the form referred to in paragraph (6A) to her employer —
- (a) at least one week before absenting herself from work under section 12AA(2) of the Act; or
 - (b) where it is not practicable to submit the form one week before absenting herself from work, within one week from the date she begins her absence from work.
- (6C) Every employer shall, upon receipt of the form referred to in paragraph (6A) from a female employee who claims to be entitled to receive payment under section 12AA(4) of the Act —
- (a) ensure that the form has been duly completed and signed by the female employee;
 - (b) satisfy himself that the female employee is entitled to payment under that section; and
 - (c) if the form has been duly completed and signed and he is so satisfied under sub-paragraph (b), make payment to the female employee at her