

Children Development Co-Savings (Application of Employment Act Provisions) Order

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

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

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G.N. No. S 610/2004

REVISED EDITION 2008

(31st January 2008)

[5th October 2004]

Citation

1. This Order may be cited as the Children 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 18;

“principal Act” means the Children 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 18, in relation to —

- (a) any employer or female employee to whom section 9 or 22 of the principal Act applies;
- (b) any dispute under Part III of the principal Act between such employer and such female employee; and
- (c) any offence or proceedings under section 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)(a), (b) or (c) 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; or
 - (ii) any dispute between a female employee to whom section 22 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)(a), (b) or (c) of that Act under any term of the contract of service between the female employee and her employer; and

- (b) subsection (3) shall be disregarded.

Modification of section 120 of Employment Act

5. Section 120 of the Employment Act shall apply with the following modifications:

- (a) the reference to “employer” in paragraph (b) shall be read as a reference to an employer to whom section 9 or 22 of the principal Act applies; and
- (b) the references to “employee” and “employees” wherever they appear in paragraphs (a) and (b) shall be read as references to a female employee and female employees, respectively, to whom section 9 or 22 of the principal Act applies.

Modification of section 123 of Employment Act

6. Section 123 of the Employment Act (Cap. 91) shall apply with the following modifications:

- (a) subsection (1) shall be modified to read as follows:

“(1) If a female employee to whom section 9 of the Children Development Co-Savings Act (Cap. 38A) applies complains to the Commissioner that she has reasonable ground for believing that her employer, in order to evade payment of salary due to her for the period referred to in section 9 (1)(a), (b) or (c) of that Act is about to leave Singapore, the Commissioner may direct that employee to a Magistrate’s Court and the Court may summon the employer and direct him to show cause why he should not be required to give security by bond to remain in Singapore until such salary is paid.”;

- (b) subsection (1A) shall be modified to read as follows:

“(1A) If, after hearing the evidence of the employer, the Magistrate’s Court adjudicates that such bond shall be given, the Court may order the employer to give security by bond in a reasonable sum that he will not leave Singapore until the Court is satisfied that all the just claims against him of his employee for salary have been paid or settled.”;