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**Notification No. B 26** — The Children Development Co-Savings (Amendment) Bill is hereby published for general information. It was introduced in Parliament on the 15th day of September 2008.

# **Children Development Co-Savings (Amendment) Bill**

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**Bill No. 26/2008.**

*Read the first time on 15th September 2008.*

A BILL

*i n t i t u l e d*

An Act to amend the Children Development Co-Savings Act (Chapter 38A of the 2002 Revised Edition) and to make related amendments to 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 Children Development Co-Savings (Amendment) Act 2008 and shall come into operation on 31st October 2008.

### **Amendment of long title**

2. The long title to the Children Development Co-Savings Act (referred to in this Act as the principal Act) is amended —

- (a) by deleting the word “women” and substituting the word “persons”; and
- (b) by inserting, immediately after the word “children”, the words “, and for matters connected therewith”.

### **Amendment of section 2**

3. Section 2 of the principal Act is amended —

- (a) by deleting the definition of “benefit period” in subsection (1) and substituting the following definition:
 

““benefit period”, in relation to a female employee to whom subsection (1), (1A), (1B), (1C), (1D), (1E) or (1F) of section 9 applies, means such period as she is entitled under the applicable subsection to receive payment from her employer at her gross rate of pay;”;
- (b) by inserting, immediately after the definition of “gross rate of pay” in subsection (1), the following definition:
 

““medical practitioner” means a medical practitioner registered under the Medical Registration Act (Cap. 174);”;
- (c) by inserting, immediately after the definition of “member” in subsection (1), the following definition:
 

““natural father”, in relation to a child, includes a person who is identified in the registration of the birth of the child as the father of the child;”;
- (d) by inserting, immediately after the definition of “parent” in subsection (1), the following definition:

““part-time employee” has the same meaning as in section 66A(1) of the Employment Act (Cap. 91);”;

(e) by deleting the words “or section 22” in subsection (2); and

(f) by deleting the words “second, third or fourth” in subsection (2) and substituting the words “the second, the third or any subsequent”.

### **Amendment of heading to Part III**

4. Part III of the principal Act is amended by deleting the words “AND ADOPTION LEAVE” in the Part heading and substituting the words “, ADOPTION LEAVE, CHILDCARE LEAVE AND UNPAID INFANT CARE LEAVE”.

### **Amendment of section 9**

5. Section 9 of the principal Act is amended —

(a) by deleting the words “8 weeks” in subsections (1)(a)(ii) and (4)(a)(ii) and substituting in each case the words “12 weeks”;

(b) by deleting the words “12 weeks” in subsections (1)(b), (1B)(i), (1D)(i), (1F)(i), (4)(b), (4A)(c)(i), (4B)(c)(i) and (4C)(d)(i) and substituting in each case the words “16 weeks”;

(c) by deleting the words “24 days” in subsections (1)(c)(ii), (1B)(ii)(B) and (iii), (1D)(ii)(B) and (iii), (1F)(ii)(B) and (iii), (4)(c)(ii), (4A)(c)(ii)(B) and (iii), (4B)(c)(ii)(B) and (iii) and (4C)(d)(ii)(B) and (iii) and substituting in each case the words “48 days”;

(d) by deleting the words “6 months” in subsections (1)(c)(ii), (1B)(ii)(B) and (iii), (1D)(ii)(B) and (iii), (1F)(ii)(B) and (iii), (4)(c)(ii), (4A)(c)(ii)(B) and (iii), (4B)(c)(ii)(B) and (iii) and (4C)(d)(ii)(B) and (iii) and substituting in each case the words “12 months”;

(e) by deleting subsection (1A) and substituting the following subsection:

“(1A) Subject to subsection (3A), section 9A and any regulations made under section 20, every female employee who —

- (a) delivers a child who is not a citizen of Singapore at the time of his birth;
- (b) satisfies the requirements of section 9A(1A); and
- (c) absents herself from work under section 76(1) of the Employment Act (Cap. 91),

shall be entitled —

- (i) where section 76(1)(a) of that Act applies and the child is delivered during her first or second confinement —

- (A) if the child becomes a citizen of Singapore within the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act —

- (AA) to receive payment from her employer at her gross rate of pay for the last 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act; and

- (AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(a)(ii) of that Act;

- (B) if the child becomes a citizen of Singapore after the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act but within that period —

- (BA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act; and

5 (BB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(a)(ii) of that Act; or

10 (C) if the child becomes a citizen of Singapore within a period (referred to in this subparagraph as the relevant period) of 4 weeks commencing immediately after the period referred to in section 76(1)(a)(ii) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the relevant period;

15 (ii) where section 76(1)(a) of that Act applies and the child is delivered during her third or subsequent confinement —

20 (A) if the child becomes a citizen of Singapore within the period referred to in section 76(1)(a)(ii) of that Act —

25 (AA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act; and

30 (AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(a)(ii) of that Act; or

(B) if the child becomes a citizen of Singapore within a period (referred to in this subparagraph as the relevant period) of 4 weeks commencing immediately after the period referred to in section 76(1)(a)(ii) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the relevant period;

(iii) where section 76(1)(b) of that Act applies and the child is delivered during her first or second confinement —

(A) if the child becomes a citizen of Singapore within the first 8 weeks of the period referred to in section 76(1)(b) of that Act —

(AA) to receive payment from her employer at her gross rate of pay for the last 4 weeks of the period referred to in section 76(1)(b) of that Act; and

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(b) of that Act;

(B) if the child becomes a citizen of Singapore after the first 8 weeks of the period referred to in section 76(1)(b) of that Act but within that period —

(BA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the

period referred to in section 76(1)(b)  
of that Act; and

(BB) to absent herself from work and  
receive payment from her employer at  
her gross rate of pay for a further  
period of 4 weeks commencing  
immediately after the end of the  
period referred to in section 76(1)(b)  
of that Act; or

(C) if the child becomes a citizen of Singapore  
within a period (referred to in this sub-  
paragraph as the relevant period) of 4 weeks  
commencing immediately after the period  
referred to in section 76(1)(b) of that Act ends,  
to absent herself from work and receive  
payment from her employer at her gross rate  
of pay for the period commencing on the day  
the child becomes a citizen of Singapore and  
ending on the last day of the relevant period;

(iv) where section 76(1)(b) of that Act applies and the  
child is delivered during her third or subsequent  
confinement —

(A) if the child becomes a citizen of Singapore  
within the period referred to in section  
76(1)(b) of that Act —

(AA) to receive payment from her  
employer at her gross rate of pay for  
the period commencing on the day the  
child becomes a citizen of Singapore  
and ending on the last day of the  
period referred to in section 76(1)(b)  
of that Act; and

(AB) to absent herself from work and  
receive payment from her employer at  
her gross rate of pay for a further  
period of 4 weeks commencing  
immediately after the end of the



period referred to in section 76(1)(b)  
of that Act; or

(B) if the child becomes a citizen of Singapore  
within a period (referred to in this sub-  
paragraph as the relevant period) of 4 weeks  
commencing immediately after the period  
referred to in section 76(1)(b) of that Act ends,  
to absent herself from work and receive  
payment from her employer at her gross rate  
of pay for the period commencing on the day  
the child becomes a citizen of Singapore and  
ending on the last day of the relevant period;

(v) where section 76(1)(c) of that Act applies and the  
child is delivered during her first or second  
confinement —

(A) if the child becomes a citizen of Singapore  
within the period of 8 weeks referred to in  
section 76(1)(c)(i) of that Act —

(AA) to receive payment from her  
employer at her gross rate of pay for  
every period referred to in section  
76(1)(c)(ii) of that Act; and

(AB) to absent herself from work and  
receive payment from her employer at  
her gross rate of pay for 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 12 months  
commencing on the day of her  
confinement; or

(B) if the child becomes a citizen of Singapore  
after the period of 8 weeks referred to in  
section 76(1)(c)(i) of that Act —

(BA) to receive payment from her  
employer at her gross rate of pay for  
every period referred to in section

76(1)(c)(ii) of that Act commencing on or after the day the child becomes a citizen of Singapore; and

(BB) to absent herself from work and receive payment from her employer at her gross rate of pay for one or more further periods (each commencing on or after the day the child becomes a citizen of Singapore), not exceeding 24 days in the aggregate, as agreed to by her and her employer, which shall be within the period of 12 months commencing on the day of her confinement; or

(vi) where section 76(1)(c) of that Act applies and the child is delivered during her third or subsequent confinement —

(A) if the child becomes a citizen of Singapore within the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —

(AA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the child becomes a citizen of Singapore and ending on the last day of the period referred to in section 76(1)(c)(i) of that Act, and for every period referred to in section 76(1)(c)(ii) of that Act; and

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for 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 12 months commencing on the day of her confinement; or

(B) if the child becomes a citizen of Singapore after the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —

5 (BA) to receive payment from her employer at her gross rate of pay for every period referred to in section 76(1)(c)(ii) of that Act commencing on or after the day the child becomes a citizen of Singapore; and

10 (BB) to absent herself from work and receive payment from her employer at her gross rate of pay for one or more further periods (each commencing on or after the day the child becomes a citizen of Singapore), not exceeding  
15 24 days in the aggregate, as agreed to by her and her employer, which shall be within the period of 12 months commencing on the day of her  
20 confinement.”;

(f) by deleting subsection (1C) and substituting the following subsection:

25 “(1C) Subject to subsection (3A), section 9A and any regulations made under section 20, every female employee who —

(a) delivers a child but is not lawfully married to the child’s natural father at the time the child is conceived or at any time after the child is conceived but before the child’s birth;

30 (b) satisfies the requirements of section 9A(1B); and

(c) absents herself from work under section 76(1) of the Employment Act (Cap. 91),

shall be entitled —

35 (i) where section 76(1)(a) of that Act applies and the child is delivered during her first or second confinement —

(A) if she becomes lawfully married to the child's natural father within the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act —

5 (AA) to receive payment from her employer at her gross rate of pay for the last 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act; and

10 (AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the  
15 period referred to in section 76(1)(a)(ii) of that Act;

(B) if she becomes lawfully married to the child's natural father after the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that  
20 Act but within that period —

(BA) to receive payment from her employer at her gross rate of pay for the period commencing on the day she becomes lawfully married to the  
25 child's natural father and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act; and

(BB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further  
30 period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(a)(ii) of that Act; or

35 (C) if she becomes lawfully married to the child's natural father within a period (referred to in this sub-paragraph as the relevant period) of 4

weeks commencing immediately after the period referred to in section 76(1)(a)(ii) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day she becomes lawfully married to the child's natural father and ending on the last day of the relevant period;

(ii) where section 76(1)(a) of that Act applies and the child is delivered during her third or subsequent confinement —

(A) if she becomes lawfully married to the child's natural father within the period referred to in section 76(1)(a)(ii) of that Act —

(AA) to receive payment from her employer at her gross rate of pay for the period commencing on the day she becomes lawfully married to the child's natural father and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act; and

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(a)(ii) of that Act; or

(B) if she becomes lawfully married to the child's natural father within a period (referred to in this sub-paragraph as the relevant period) of 4 weeks commencing immediately after the period referred to in section 76(1)(a)(ii) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day she becomes lawfully married to

the child's natural father and ending on the last day of the relevant period;

(iii) where section 76(1)(b) of that Act applies and the child is delivered during her first or second confinement —

(A) if she becomes lawfully married to the child's natural father within the first 8 weeks of the period referred to in section 76(1)(b) of that Act —

(AA) to receive payment from her employer at her gross rate of pay for the last 4 weeks of the period referred to in section 76(1)(b) of that Act; and

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(b) of that Act;

(B) if she becomes lawfully married to the child's natural father after the first 8 weeks of the period referred to in section 76(1)(b) of that Act but within that period —

(BA) to receive payment from her employer at her gross rate of pay for the period commencing on the day she becomes lawfully married to the child's natural father and ending on the last day of the period referred to in section 76(1)(b) of that Act; and

(BB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the

period referred to in section 76(1)(b)  
of that Act; or

(C) if she becomes lawfully married to the child's  
natural father within a period (referred to in  
this sub-paragraph as the relevant period) of 4  
weeks commencing immediately after the  
period referred to in section 76(1)(b) of that  
Act ends, to absent herself from work and  
receive payment from her employer at her  
gross rate of pay for the period commencing  
on the day she becomes lawfully married to  
the child's natural father and ending on the  
last day of the relevant period;

(iv) where section 76(1)(b) of that Act applies and the  
child is delivered during her third or subsequent  
confinement —

(A) if she becomes lawfully married to the child's  
natural father within the period referred to in  
section 76(1)(b) of that Act —

(AA) to receive payment from her  
employer at her gross rate of pay for  
the period commencing on the day  
she becomes lawfully married to the  
child's natural father and ending on  
the last day of the period referred to  
in section 76(1)(b) of that Act; and

(AB) to absent herself from work and  
receive payment from her employer at  
her gross rate of pay for a further  
period of 4 weeks commencing  
immediately after the end of the  
period referred to in section 76(1)(b)  
of that Act; or

(B) if she becomes lawfully married to the child's  
natural father within a period (referred to in  
this sub-paragraph as the relevant period) of  
4 weeks commencing immediately after the

period referred to in section 76(1)(b) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day she becomes lawfully married to the child's natural father and ending on the last day of the relevant period;

(v) where section 76(1)(c) of that Act applies and the child is delivered during her first or second confinement —

(A) if she becomes lawfully married to the child's natural father within the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —

(AA) to receive payment from her employer at her gross rate of pay for every period referred to in section 76(1)(c)(ii) of that Act; and

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for 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 12 months commencing on the day of her confinement; or

(B) if she becomes lawfully married to the child's natural father after the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —

(BA) to receive payment from her employer at her gross rate of pay for every period referred to in section 76(1)(c)(ii) of that Act commencing on or after the day she becomes lawfully married to the child's natural father; and



- 5 (BB) to absent herself from work and  
receive payment from her employer at  
her gross rate of pay for one or more  
further periods (each commencing on  
or after the day she becomes lawfully  
10 married to the child's natural father),  
not exceeding 24 days in the  
aggregate, as agreed to by her and her  
employer, which shall be within the  
period of 12 months commencing on  
the day of her confinement; or
- (vi) where section 76(1)(c) of that Act applies and the  
child is delivered during her third or subsequent  
confinement —
- 15 (A) if she becomes lawfully married to the child's  
natural father within the period of 8 weeks  
referred to in section 76(1)(c)(i) of that Act —
- (AA) to receive payment from her  
employer at her gross rate of pay for  
20 the period commencing on the day  
she becomes lawfully married to the  
child's natural father and ending on  
the last day of the period referred to  
in section 76(1)(c)(i) of that Act, and  
25 for every period referred to in section  
76(1)(c)(ii) of that Act; and
- (AB) to absent herself from work and  
receive payment from her employer at  
her gross rate of pay for one or more  
30 further periods, not exceeding 24 days  
in the aggregate, as agreed to by her  
and her employer, which shall be  
within the period of 12 months  
commencing on the day of her  
35 confinement; or
- (B) if she becomes lawfully married to the child's  
natural father after the period of 8 weeks  
referred to in section 76(1)(c)(i) of that Act —

5 (BA) to receive payment from her employer at her gross rate of pay for every period referred to in section 76(1)(c)(ii) of that Act commencing on or after the day she becomes lawfully married to the child's natural father; and

10 (BB) to absent herself from work and receive payment from her employer at her gross rate of pay for one or more further periods (each commencing on or after the day she becomes lawfully married to the child's natural father), not exceeding 24 days in the  
15 aggregate, as agreed to by her and her employer, which shall be within the period of 12 months commencing on the day of her confinement.”;

20 (g) by deleting subsection (1E) and substituting the following subsection:

“(1E) Subject to subsection (3A), section 9A and any regulations made under section 20, every female employee who —

25 (a) delivers a child who is not a citizen of Singapore at the time of his birth;

(b) is not lawfully married to the child's natural father at the time the child is conceived or at any time after the child is conceived but before the child's birth;

(c) satisfies the requirements of section 9A(1C); and

30 (d) absents herself from work under section 76(1) of the Employment Act (Cap. 91),

shall be entitled —

35 (i) where section 76(1)(a) of that Act applies and the child is delivered during her first or second confinement —

(A) if the relevant event occurs within the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act —

5 (AA) to receive payment from her employer at her gross rate of pay for the last 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act; and

10 (AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section  
15 76(1)(a)(ii) of that Act;

(B) if the relevant event occurs after the first 4 weeks of the period referred to in section 76(1)(a)(ii) of that Act but within that period —

20 (BA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the relevant event occurs and ending on the last day of the period referred to  
25 in section 76(1)(a)(ii) of that Act; and

(BB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing  
30 immediately after the end of the period referred to in section 76(1)(a)(ii) of that Act; or

(C) if the relevant event occurs within a period (referred to in this sub-paragraph as the relevant period) of 4 weeks commencing  
35 immediately after the period referred to in section 76(1)(a)(ii) of that Act ends, to absent

herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day the relevant event occurs and ending on the last day of the relevant period;

5

(ii) where section 76(1)(a) of that Act applies and the child is delivered during her third or subsequent confinement —

10

(A) if the relevant event occurs within the period referred to in section 76(1)(a)(ii) of that Act —

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(AA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the relevant event occurs and ending on the last day of the period referred to in section 76(1)(a)(ii) of that Act; and

20

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(a)(ii) of that Act; or

25

(B) if the relevant event occurs within a period (referred to in this sub-paragraph as the relevant period) of 4 weeks commencing immediately after the period referred to in section 76(1)(a)(ii) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day the relevant event occurs and ending on the last day of the relevant period;

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(iii) where section 76(1)(b) of that Act applies and the child is delivered during her first or second confinement —

(A) if the relevant event occurs within the first 8 weeks of the period referred to in section 76(1)(b) of that Act —

5 (AA) to receive payment from her employer at her gross rate of pay for the last 4 weeks of the period referred to in section 76(1)(b) of that Act; and

10 (AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(b) of that Act;

15 (B) if the relevant event occurs after the first 8 weeks of the period referred to in section 76(1)(b) of that Act but within that period —

20 (BA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the relevant event occurs and ending on the last day of the period referred to in section 76(1)(b) of that Act; and

25 (BB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(b) of that Act; or

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35 (C) if the relevant event occurs within a period (referred to in this sub-paragraph as the relevant period) of 4 weeks commencing immediately after the period referred to in section 76(1)(b) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the

period commencing on the day the relevant event occurs and ending on the last day of the relevant period;

(iv) where section 76(1)(b) of that Act applies and the child is delivered during her third or subsequent confinement —

(A) if the relevant event occurs within the period referred to in section 76(1)(b) of that Act —

(AA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the relevant event occurs and ending on the last day of the period referred to in section 76(1)(b) of that Act; and

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for a further period of 4 weeks commencing immediately after the end of the period referred to in section 76(1)(b) of that Act; or

(B) if the relevant event occurs within a period (referred to in this sub-paragraph as the relevant period) of 4 weeks commencing immediately after the period referred to in section 76(1)(b) of that Act ends, to absent herself from work and receive payment from her employer at her gross rate of pay for the period commencing on the day the relevant event occurs and ending on the last day of the relevant period;

(v) where section 76(1)(c) of that Act applies and the child is delivered during her first or second confinement —

(A) if the relevant event occurs within the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —

- (AA) to receive payment from her employer at her gross rate of pay for every period referred to in section 76(1)(c)(ii) of that Act; and
- 5 (AB) to absent herself from work and receive payment from her employer at her gross rate of pay for 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 12 months commencing on the day of her confinement; or
- 10
- (B) if the relevant event occurs after the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —
- 15
- (BA) to receive payment from her employer at her gross rate of pay for every period referred to in section 76(1)(c)(ii) of that Act commencing on or after the day the relevant event occurs; and
- 20
- (BB) to absent herself from work and receive payment from her employer at her gross rate of pay for one or more further periods (each commencing on or after the day the relevant event occurs), not exceeding 24 days in the aggregate, as agreed to by her and her employer, which shall be within the period of 12 months commencing on the day of her confinement; or
- 25
- 30
- (vi) where section 76(1)(c) of that Act applies and the child is delivered during her third or subsequent confinement —
- 35

(A) if the relevant event occurs within the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —

5 (AA) to receive payment from her employer at her gross rate of pay for the period commencing on the day the relevant event occurs and ending on the last day of the period referred to in section 76(1)(c)(i) of that Act, and  
10 for every period referred to in section 76(1)(c)(ii) of that Act; and

(AB) to absent herself from work and receive payment from her employer at her gross rate of pay for one or more  
15 further periods, not exceeding 24 days in the aggregate, as agreed to by her and her employer, which shall be within the period of 12 months commencing on the day of her  
20 confinement; or

(B) if the relevant event occurs after the period of 8 weeks referred to in section 76(1)(c)(i) of that Act —

25 (BA) to receive payment from her employer at her gross rate of pay for every period referred to in section 76(1)(c)(ii) of that Act commencing on or after the day the relevant event occurs; and

30 (BB) to absent herself from work and receive payment from her employer at her gross rate of pay for one or more further periods (each commencing on or after the day the relevant event occurs), not exceeding 24 days in the  
35 aggregate, as agreed to by her and her employer, which shall be within the



period of 12 months commencing on the day of her confinement.”;

- 5 (h) by deleting the words “subsection (1)(c)(ii), (1B)(ii)(B) or (iii), (1D)(ii)(B) or (iii) or (1F)(ii)(B) or (iii)” in subsection (3) and substituting the words “subsection (1)(c)(ii), (1A)(v)(A)(AB) or (B)(BB) or (vi)(A)(AB) or (B)(BB), (1B)(ii)(B) or (iii), (1C)(v)(A)(AB) or (B)(BB) or (vi)(A)(AB) or (B)(BB), (1D)(ii)(B) or (iii), (1E)(v)(A)(AB) or (B)(BB) or (vi)(A)(AB) or (B)(BB) or (1F)(ii)(B) or (iii)”;
- 10 (i) by deleting the words “under subsection (1A)(v) or (vi)(A)(AB) or (B), (1C)(v) or (vi)(A)(AB) or (B) or (1E)(v) or (vi)(A)(AB) or (B)” in subsection (3A) and substituting the words “for that period under subsection (1A)(v)(A)(AA) or (B)(BA) or (vi)(A)(AA) or (B)(BA), (1C)(v)(A)(AA) or (B)(BA) or (vi)(A)(AA) or (B)(BA) or (1E)(v)(A)(AA) or (B)(BA) or (vi)(A)(AA) or (B)(BA)”;
- 15 (j) by deleting the words “4 weeks” in subsection (5)(a)(ii)(A) and substituting the words “8 weeks”; and
- 20 (k) by deleting the word “fourth” in subsection (5)(b) and substituting the word “subsequent”.

## **Amendment of section 9A**

### **6. Section 9A of the principal Act is amended —**

- (a) by deleting subsections (1), (1A), (1B) and (1C) and substituting the following subsections:
  - 25 “(1) Subject to this section, a female employee whose confinement occurs, or whose estimated delivery date (as certified by a medical practitioner) for her confinement is, on or after 31st October 2008 shall be entitled to absent herself from work and to payment under section 9(1), and a self-
  - 30 employed woman whose confinement occurs, or whose estimated delivery date (as certified by a medical practitioner) for her confinement is, on or after 31st October 2008 shall be entitled to payment by the Government under section 9(4), if —
  - 35 (a) the child delivered during her confinement is a citizen of Singapore at the time of his birth;

(b) she —

(i) is lawfully married to the child's natural father at the time the child is conceived; or

(ii) becomes lawfully married to the child's natural father after the child is conceived but before the child's birth, whether or not such marriage remains subsisting at the time of the child's birth;

(c) in the case of a female employee, she has served the employer for at least 90 days immediately preceding the day of her confinement; and

(d) in the case of a self-employed woman, she has been carrying on her trade, business, profession or vocation for a continuous period of at least 90 days immediately preceding the day of her confinement.

(1A) Subject to this section, a female employee whose confinement occurs, or whose estimated delivery date (as certified by a medical practitioner) for her confinement is, on or after 31st October 2008 shall be entitled to absent herself from work and to payment under section 9(1A) or (1B), and a self-employed woman whose confinement occurs, or whose estimated delivery date (as certified by a medical practitioner) for her confinement is, on or after 31st October 2008 shall be entitled to payment by the Government under section 9(4A), if —

(a) the child delivered during her confinement —

(i) is not a citizen of Singapore at the time of his birth; but

(ii) becomes a citizen of Singapore within the period of 12 months commencing on the date of his birth;

(b) she —

(i) is lawfully married to the child's natural father at the time the child is conceived; or

(ii) becomes lawfully married to the child's natural father after the child is conceived but before the

child's birth, whether or not such marriage remains subsisting at the time of the child's birth;

(c) in the case of a female employee, she has served the employer for at least 90 days immediately preceding the day of her confinement; and

(d) in the case of a self-employed woman, she has been carrying on her trade, business, profession or vocation for a continuous period of at least 90 days immediately preceding the day of her confinement.

(1B) Subject to this section, a female employee whose confinement occurs, or whose estimated delivery date (as certified by a medical practitioner) for her confinement is, on or after 31st October 2008 shall be entitled to absent herself from work and to payment under section 9(1C) or (1D), and a self-employed woman whose confinement occurs, or whose estimated delivery date (as certified by a medical practitioner) for her confinement is, on or after 31st October 2008 shall be entitled to payment by the Government under section 9(4B), if —

(a) the child delivered during her confinement is a citizen of Singapore at the time of his birth;

(b) she —

(i) is not lawfully married to the child's natural father at the time the child is conceived or at any time after the child is conceived but before the child's birth; but

(ii) becomes lawfully married to the child's natural father within the period of 12 months commencing on the date of the child's birth;

(c) in the case of a female employee, she has served the employer for at least 90 days immediately preceding the day of her confinement; and

(d) in the case of a self-employed woman, she has been carrying on her trade, business, profession or vocation for a continuous period of at least 90 days immediately preceding the day of her confinement.

(1C) Subject to this section, a female employee whose confinement occurs, or whose estimated delivery date (as certified by a medical practitioner) for her confinement is, on or after 31st October 2008 shall be entitled to absent herself from work and to payment under section 9(1E) or (1F), and a self-employed woman whose confinement occurs, or whose estimated delivery date (as certified by a medical practitioner) for her confinement is, on or after 31st October 2008 shall be entitled to payment by the Government under section 9(4C), if —

(a) the child delivered during her confinement —

(i) is not a citizen of Singapore at the time of his birth; but

(ii) becomes a citizen of Singapore within the period of 12 months commencing on the date of his birth;

(b) she —

(i) is not lawfully married to the child's natural father at the time the child is conceived or at any time after the child is conceived but before the child's birth; but

(ii) becomes lawfully married to the child's natural father within the period of 12 months commencing on the date of the child's birth;

(c) in the case of a female employee, she has served the employer for at least 90 days immediately preceding the day of her confinement; and

(d) in the case of a self-employed woman, she has been carrying on her trade, business, profession or vocation for a continuous period of at least 90 days immediately preceding the day of her confinement.”;

(b) by deleting subsection (2);

(c) by deleting paragraphs (a) and (b) of subsection (4) and substituting the following paragraphs:

“(a) in respect of her first or second confinement, the amount of payment she shall be entitled to receive from her employer —

(i) shall not exceed \$10,000 for any of the following periods of absence:

(A) if the amount is paid under section 9(1)(a) or (b), for every 4 weeks of her absence from work under that provision after the first 8 weeks of such absence;

(B) if the amount is paid under section 9(1)(c)(ii), (1A)(v)(A)(AB) or (B)(BB), (1C)(v)(A)(AB) or (B)(BB) or (1E)(v)(A)(AB) or (B)(BB), for every 24 days of her absence from work under that provision after the first 8 weeks of her absence from work under section 9(1)(c)(i) or under section 76(1)(c)(i) of the Employment Act (Cap. 91), as the case may be;

(C) if the amount is paid under section 9(1A)(i) or (iii), (1C)(i) or (iii) or (1E)(i) or (iii), for every 4 weeks of her absence from work under that provision or under section 76(1)(a) or (b) of the Employment Act, as the case may be, after the first 8 weeks of her absence from work under section 76(1)(a) or (b) of that Act;

(D) if the amount is paid under section 9(1A)(v)(A)(AA) or (B)(BA), (1C)(v)(A)(AA) or (B)(BA) or (1E)(v)(A)(AA) or (B)(BA), for every 24 days of her absence from work under section 76(1)(c)(ii) of the Employment Act after the first 8 weeks of her absence from work under section 76(1)(c)(i) of that Act;

(E) if the amount is paid under section 9(1B)(i) or (ii)(A), (1D)(i) or (ii)(A) or

(1F)(i) or (ii)(A), for every 4 weeks of her absence from work under that provision; or

(F) if the amount is paid under section 9(1B)(ii)(B) or (iii), (1D)(ii)(B) or (iii) or (1F)(ii)(B) or (iii), for every 24 days of her absence from work under that provision; and

(ii) shall not exceed a total of \$20,000; and

(b) in respect of her third or subsequent confinement, the amount of payment she shall be entitled to receive from her employer —

(i) shall not exceed \$10,000 for either of the following periods:

(A) if the amount is paid under section 9(1)(a), (b) or (c)(i), (1A)(ii) or (iv), (1B)(i) or (ii)(A), (1C)(ii) or (iv), (1D)(i) or (ii)(A), (1E)(ii) or (iv) or (1F)(i) or (ii)(A), for every 4 weeks of her absence from work; or

(B) if the amount is paid under section 9(1)(c)(ii), (1A)(vi), (1B)(ii)(B) or (iii), (1C)(vi), (1D)(ii)(B) or (iii), (1E)(vi) or (1F)(ii)(B) or (iii), for every 24 days of her absence from work; and

(ii) shall not exceed a total of \$40,000.”;

(d) by deleting paragraphs (a) and (b) of subsection (5) and substituting the following paragraphs:

“(a) in respect of her first or second confinement, the amount of payment she shall be entitled to receive from the Government under section 9(5)(a) —

(i) for every 4 weeks of her cessation of active engagement in her trade, business, profession or vocation under section 9(4)(a) or (b) which is after the first 8 weeks of such cessation shall not exceed \$10,000;

- 5 (ii) for every 24 days of her cessation of active engagement in her trade, business, profession or vocation under section 9(4)(c)(ii) which is after the first 8 weeks of such cessation under section 9(4)(c)(i) shall not exceed \$10,000;
- 10 (iii) for every 4 weeks of her cessation of active engagement in her trade, business, profession or vocation under section 9(4A)(c)(i) or (ii)(A), (4B)(c)(i) or (ii)(A) or (4C)(d)(i) or (ii)(A) which is after the period of 8 weeks referred to in section 9(5)(a)(ii)(B) shall not exceed \$10,000;
- 15 (iv) for every 24 days of her cessation of active engagement in her trade, business, profession or vocation under section 9(4A)(c)(ii)(B) or (iii), (4B)(c)(ii)(B) or (iii) or (4C)(d)(ii)(B) or (iii) which is after the period of 8 weeks referred to in section 9(5)(a)(ii)(B) shall not exceed \$10,000; and
- (v) shall not exceed a total of \$20,000; and
- 20 (b) in respect of her third or subsequent confinement, the amount of payment she shall be entitled to receive from the Government under section 9(5)(b) —
- 25 (i) for every 4 weeks of her cessation of active engagement in her trade, business, profession or vocation under section 9(4)(a), (b) or (c)(i), (4A)(c)(i) or (ii)(A), (4B)(c)(i) or (ii)(A) or (4C)(d)(i) or (ii)(A) shall not exceed \$10,000;
- 30 (ii) for every 24 days of her cessation of active engagement in her trade, business, profession or vocation under section 9(4)(c)(ii), (4A)(c)(ii)(B) or (iii), (4B)(c)(ii)(B) or (iii) or (4C)(d)(ii)(B) or (iii) shall not exceed \$10,000; and
- (iii) shall not exceed a total of \$40,000.”; and
- 35 (e) by deleting the words “Subject to subsection (3), nothing in this Part” in subsection (7) and substituting the words “Subject to subsections (3) and (3A), nothing in section 9 and this section”.

## Amendment of section 10

7. Section 10 of the principal Act is amended —

(a) by deleting sub-paragraph (i) of subsection (1)(a) and substituting the following sub-paragraph:

- 5 “(i) the amount paid to the employee —
- (A) under section 9(1) for the period of her absence from work under that provision which is after the first 8 weeks of such absence;
- 10 (B) under subsection (1A), (1C) or (1E) of section 9 for such period of her absence from work under section 76(1) of the Employment Act (Cap. 91), or under that subsection, after the first 8 weeks of her absence from work under section 76(1) of that Act as she is entitled to receive payment
- 15 under that subsection; or
- (C) under section 9(1B), (1D) or (1F) —
- (CA) for the whole period of her absence from work under that provision, if that period does not exceed 8 weeks; or
- 20 (CB) if that period exceeds 8 weeks, for a period of 8 weeks of her absence from work under that provision; and”;

(b) by deleting the word “fourth” in subsection (1)(b) and substituting the word “subsequent”;

25 (c) by deleting sub-paragraph (i) of subsection (1)(b) and substituting the following sub-paragraph:

- “(i) the amount paid to the employee —
- (A) under section 9(1), (1B), (1D) or (1F) for the whole period of her absence from work under that provision; or
- 30 (B) under subsection (1A), (1C) or (1E) of section 9 for such period of her absence from work under section 76(1) of the Employment Act, or under



that subsection, as she is entitled to receive payment under that subsection; and”;

(d) by deleting the words “shall not exceed” in subsection (2);

(e) by deleting paragraphs (a) and (b) of subsection (2) and substituting the following paragraphs:

“(a) where subsection (1)(a) applies —

(i) shall not exceed \$10,000 for every 4 weeks or 24 days, as the case may be, of the employee’s absence from work; and

(ii) shall not exceed a total of \$20,000; and

(b) where subsection (1)(b) applies —

(i) shall not exceed \$10,000 for every 4 weeks or 24 days, as the case may be, of the employee’s absence from work; and

(ii) shall not exceed a total of \$40,000.”; and

(f) by inserting, immediately after the word “Government” in the section heading, the words “for maternity benefits”.

### **New section 10A**

**8.** The principal Act is amended by inserting, immediately after section 10, the following section:

#### **“Maternity benefits for confinement occurring between 17th August 2008 and 30th October 2008, etc.**

**10A.—**(1) Subject to subsections (2) and (3), where —

(a) either of the following applies to a female employee:

(i) her confinement occurred between 17th August 2008 and 30th October 2008 (both dates inclusive), and her estimated delivery date (as certified by a medical practitioner) for that confinement is before 31st October 2008; or

(ii) her confinement occurred before 17th August 2008, but her estimated delivery date (as certified by a medical practitioner) for that confinement is between

17th August 2008 and 30th October 2008 (both dates inclusive);

(b) she otherwise satisfies the requirements set out in section 9A(1), (1A), (1B) or (1C);

5 (c) her employer has granted her leave of absence for —

(i) such period referred to in section 9(1)(a), (b) or (c) as may be applicable to her, if she satisfies the requirements set out in section 9A(1);

10 (ii) such period referred to in section 76(1) of the Employment Act (Cap. 91) and section 9(1A) or in section 9(1B) as may be applicable to her, if she satisfies the requirements set out in section 9A(1A);

15 (iii) such period referred to in section 76(1) of the Employment Act and section 9(1C) or in section 9(1D) as may be applicable to her, if she satisfies the requirements set out in section 9A(1B); or

20 (iv) such period referred to in section 76(1) of the Employment Act and section 9(1E) or in section 9(1F) as may be applicable to her, if she satisfies the requirements set out in section 9A(1C);

(d) she absents herself from work during the whole or any part of the period applicable to her; and

(e) she has received payment from her employer at her gross rate of pay during such period of absence,

25 the employer shall be entitled to claim reimbursement from the Government in accordance with any regulations made under section 20 for the payments referred to in subsection (2).

(2) The payments for which an employer shall be entitled to be reimbursed by the Government under subsection (1) shall be —

30 (a) in respect of the first or second confinement of a female employee —

(i) the amount paid to the employee —

(A) if she absented herself from work during such period referred to in section 9(1)(a), (b) or (c) as

may be applicable to her, for the period of her absence from work which is after the first 8 weeks of such absence;

5 (B) if she absented herself from work during such period referred to in section 76(1) of the Employment Act (Cap. 91) and section 9(1A)(i), (iii) or (v), (1C)(i), (iii) or (v) or (1E)(i), (iii) or (v) as may be applicable to her, for the period of her absence from work after the first 8 weeks of  
10 such absence as she would have been entitled to receive payment under section 9(1A)(i), (iii) or (v), (1C)(i), (iii) or (v) or (1E)(i), (iii) or (v), as the case may be; or

15 (C) if she absented herself from work during such period referred to in section 9(1B)(i), (ii) or (iii), (1D)(i), (ii) or (iii) or (1F)(i), (ii) or (iii) as may be applicable to her —

(CA) for the whole period of her absence from work, if that period does not exceed  
20 8 weeks; or

(CB) if that period exceeds 8 weeks, for a period of 8 weeks of her absence from work; and

25 (ii) any contribution which the employer has made under the Central Provident Fund Act (Cap. 36) in respect of such payment which is not recoverable from the employee's wages; and

(b) in respect of the third or subsequent confinement of a female employee —

30 (i) the amount paid to the employee for the whole period of her absence from work; and

(ii) any contribution which the employer has made under the Central Provident Fund Act in respect of such payment which is not recoverable from the employee's wages.  
35

(3) The amount of reimbursement an employer shall be entitled to claim from the Government under subsection (1) in respect of a female employee —

(a) where subsection (2)(a) applies —

- 5 (i) shall not exceed \$10,000 for every 4 weeks or 24 days, as the case may be, of the employee's absence from work; and
- (ii) shall not exceed a total of \$20,000; and

(b) where subsection (2)(b) applies —

- 10 (i) shall not exceed \$10,000 for every 4 weeks or 24 days, as the case may be, of the employee's absence from work; and
- (ii) shall not exceed a total of \$40,000.

(4) Subject to subsections (5) and (6), where —

15 (a) either of the following applies to a self-employed woman:

- (i) her confinement occurred between 17th August 2008 and 30th October 2008 (both dates inclusive), and her estimated delivery date (as certified by a medical practitioner) for that confinement is before 31st October 2008; or
- 20 (ii) her confinement occurred before 17th August 2008, but her estimated delivery date (as certified by a medical practitioner) for that confinement is between 17th August 2008 and 30th October 2008 (both dates inclusive);

(b) she otherwise satisfies the requirements set out in section 9A(1), (1A), (1B) or (1C);

(c) she ceases or has ceased to be actively engaged in her trade, business, profession or vocation during the whole or part of —

- 30 (i) such period referred to in section 9(4)(a), (b) or (c) as may be applicable to her, if she satisfies the requirements set out in section 9A(1);

- (ii) such period referred to in section 9(4A)(c)(i), (ii) or (iii) as may be applicable to her, if she satisfies the requirements set out in section 9A(1A);
  - (iii) such period referred to in section 9(4B)(c)(i), (ii) or (iii) as may be applicable to her, if she satisfies the requirements set out in section 9A(1B); or
  - (iv) such period referred to in section 9(4C)(d)(i), (ii) or (iii) as may be applicable to her, if she satisfies the requirements set out in section 9A(1C); and
- (d) she has lost any income by reason of her ceasing to be actively engaged in such trade, business, profession or vocation during the whole or any part of the period applicable to her,
- she shall be entitled to claim from the Government, in accordance with any regulations made under section 20, the income she would otherwise have derived from her trade, business, profession or vocation had she continued to be actively engaged in such trade, business, profession or vocation during such period referred to in subsection (5) as may be applicable.
- (5) A self-employed woman referred to in subsection (4) who ceases or has ceased to be actively engaged in her trade, business, profession or vocation because of her confinement shall be entitled to receive payment from the Government under that subsection —
- (a) in respect of her first or second confinement —
    - (i) if such cessation occurred during such period referred to in section 9(4)(a), (b) or (c) as may be applicable to her, for a period of such cessation which is after the first 8 weeks of such cessation; or
    - (ii) if such cessation occurred during such period referred to in section 9(4A)(c)(i), (ii) or (iii), (4B)(c)(i), (ii) or (iii) or (4C)(d)(i), (ii) or (iii) as may be applicable to her, for a period of such cessation which —
      - (A) is after the first 8 weeks of such cessation; and
      - (B) does not exceed 8 weeks; and

- (b) in respect of her third or subsequent confinement, for the whole period of her cessation of active engagement in her trade, business, profession or vocation.

(6) The amount of payment that a self-employed woman shall be entitled to receive from the Government under subsection (4) —

- (a) in respect of her first or second confinement, for the period referred to in subsection (5)(a)(i) or (ii) —

- (i) shall not exceed \$10,000 for every 4 weeks or 24 days, as the case may be, of her cessation of active engagement in her trade, business, profession or vocation; and

- (ii) shall not exceed a total of \$20,000; and

- (b) in respect of her third or subsequent confinement, for the period referred to in subsection (5)(b) —

- (i) shall not exceed \$10,000 for every 4 weeks or 24 days, as the case may be, of her cessation of active engagement in her trade, business, profession or vocation; and

- (ii) shall not exceed a total of \$40,000.”.

## **Amendment of section 11**

**9.** Section 11 of the principal Act is amended —

- (a) by deleting the words “section 9, 12A or 22” wherever they appear in subsection (1) (other than in paragraph (b) of that subsection) and substituting in each case the words “section 9, 10A or 12A”;

- (b) by deleting paragraph (b) of subsection (1) and substituting the following paragraph:

“(b) the Government may —

- (i) where it has reimbursed the employer under section 10, 10A or 12A, as the case may be, for the whole or any part of the payment to the female employee, recover the payment or part thereof from the employee as a civil debt; or

(ii) where the payment is made to a self-employed woman, recover the payment from her as a civil debt.”; and

(c) by deleting subsection (2) and substituting the following subsections:

“<sup>5</sup>(2) Where the Government is satisfied that an employer, despite all reasonable efforts to recover under subsection (1)(a) from his female employee any payment he made under section 9, 10A or 12A to the employee, has been unable to recover the whole or any part of the payment successfully, the Government shall reimburse the employer under section 10, 10A or 12A, as the case may be, for the payment or part thereof not recovered by the employer.

<sup>10</sup>(3) Where any payment has been made by an employer to an employee under section 12B by reason of a mistake of fact, in reliance on any false or misleading statement or document made or furnished by the employee, or for any childcare leave taken by the employee in any relevant period which is in excess of the childcare leave to which the employee is entitled under that section for that relevant period —

<sup>15</sup>(a) the employer may, if he has not been reimbursed by the Government for the payment to the employee under that section, recover the payment directly from the employee; and

<sup>20</sup>(b) the Government may, where it has reimbursed the employer under section 12C for the whole or any part of the payment to the employee, recover the payment or part thereof from the employee as a civil debt.

<sup>25</sup>(4) Where the Government is satisfied that an employer, despite all reasonable efforts to recover under subsection (3)(a) from his employee any payment he made under section 12B to the employee, has been unable to recover the whole or any part of the payment successfully, the Government shall reimburse the employer under section 12C for the payment or part thereof not recovered by the employer.

<sup>30</sup>(5) Where any payment has been made by the Government to a self-employed person under section 12B by reason of a

mistake of fact or in reliance on any false or misleading statement or document made or furnished by that person, the Government may recover that payment from that person as a civil debt.

5 (6) Where the Government has reimbursed an employer under section 10, 10A, 12A or 12C for any payment made by the employer to his employee, and the employer recovers the same payment or any part thereof directly from his employee under subsection (1)(a) or (3)(a), as the case may be —

10 (a) the employer shall refund to the Government the amount of the payment or part thereof recovered from his employee within one month from the later of the following dates:

15 (i) the date the payment or part thereof is recovered from his employee; or

(ii) the date he receives the amount reimbursed; and

(b) if the employer fails to do so, the Government may recover the amount reimbursed from the employer as a civil debt.

20 (7) Any employer who contravenes subsection (6)(a) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$20,000.

25 (8) Notwithstanding anything in section 12B, where any amount has been paid by an employer to an employee under that section, and the Government has refused under section 12C(3) or (4) to reimburse the employer for that amount —

(a) the employer may recover that amount directly from the employee; and

30 (b) the recovery of that amount by the employer shall not be treated as a contravention of section 12B(9).”.

## **Amendment of section 12**

**10.** Section 12(2) of the principal Act is amended —



(a) by deleting paragraphs (a) and (b) and substituting the following paragraphs:

“(a) any employer or employee to whom section 9, 10A, 12B or 12D applies;

5                   (b) any dispute under this Part, or under any regulations made under section 20, between any such employer and any such employee; and”;

(b) by deleting the words “section 17” in paragraph (c) and substituting the words “section 12B, 12D or 17”.

## 10   **Amendment of section 12A**

**11.** Section 12A of the principal Act is amended —

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

“(1) Subject to subsections (2) and (3), where —

15                   (a) a female employee applies to adopt a child in accordance with any written law relating to the adoption of children;

(b) either —

20                   (i) the child is a citizen of Singapore at the time the application is made and the court has made an order appointing the Director of Social Welfare as guardian in adoption of the child; or

25                   (ii) the child is not a citizen of Singapore at the time the application is made and a dependant’s pass has been issued in respect of the child;

(c) at the time the Director of Social Welfare is appointed as guardian in adoption of the child or the dependant’s pass is issued in respect of the child, as the case may be —

30                   (i) the child is below 6 months of age;

(ii) the employee is married, widowed or divorced; and

(iii) if the application referred to in paragraph (a) is made before 17th August 2008, the employee has fewer than 4 other living children;

(d) during the period commencing on the day the Director of Social Welfare is appointed as guardian in adoption of the child or the dependant's pass is issued in respect of the child, as the case may be, and ending on the day the child attains 6 months of age, the employee —

(i) is granted leave by her employer; and

(ii) absents herself from work by taking such leave, for one or more periods, not exceeding 24 days in the aggregate; and

(e) the employee has received payment from her employer at her gross rate of pay during such period or periods of absence,

the employer shall be entitled to be reimbursed by the Government, in accordance with any regulations made under section 20, for —

(A) the amount of such payment; and

(B) any contribution which the employer has made under the Central Provident Fund Act (Cap. 36) in respect of such payment which is not recoverable from the employee's wages.”;

(b) by deleting the words “or (1A)(d)” in subsection (2);

(c) by deleting paragraph (a) of subsection (2) and substituting the following paragraphs:

“(a) the rest days, holidays, annual leave and sick leave to which an employee is entitled under sections 36, 42, 43 and 44, respectively, of the Employment Act (Cap. 91);

(aa) any childcare leave to which an employee may be entitled under section 87A of the Employment Act or under section 12B;

(ab) any unpaid infant care leave to which an employee may be entitled under section 12D; and”;

(d) by deleting the words “or (1A)” in subsection (3);

(e) by deleting the words “subsection (1A)” in subsection (3A)(a) and substituting the words “subsection (1)”;

(f) by deleting the words “subsection (1A)(a)” in subsection (3A)(b) and substituting the words “subsection (1)(a)”;

(g) by deleting subsections (4), (4A) and (4B) and substituting the following subsection:

“(4) Subject to subsection (5), where —

(a) a self-employed woman applies to adopt a child in accordance with any written law relating to the adoption of children;

(b) either —

(i) the child is a citizen of Singapore at the time the application is made and the court has made an order appointing the Director of Social Welfare as guardian in adoption of the child; or

(ii) the child is not a citizen of Singapore at the time the application is made and a dependant’s pass has been issued in respect of the child;

(c) at the time the Director of Social Welfare is appointed as guardian in adoption of the child or the dependant’s pass is issued in respect of the child, as the case may be —

(i) the child is below 6 months of age;

(ii) the self-employed woman is married, widowed or divorced; and

(iii) if the application referred to in paragraph (a) is made before 17th August 2008, the self-employed woman has fewer than 4 other living children;

(d) during the period commencing on the day the Director of Social Welfare is appointed as guardian in adoption

of the child or the dependant's pass is issued in respect of the child, as the case may be, and ending on the day the child attains 6 months of age, the self-employed woman ceases to be actively engaged in her trade, business, profession or vocation for one or more periods, not exceeding 24 days in the aggregate; and

- (e) the self-employed woman has lost any income by reason of her ceasing to be actively engaged in her trade, business, profession or vocation during such period or periods,

the self-employed woman shall be entitled to claim from the Government, in accordance with any regulations made under section 20, the income she would otherwise have derived from her trade, business, profession or vocation had she continued to be actively engaged in such trade, business, profession or vocation during the period or periods referred to in paragraph (d).";

- (h) by deleting the words "or (4A)" in subsection (5);

- (i) by deleting the words "subsection (4A)" in subsection (6)(a) and substituting the words "subsection (4)"; and

- (j) by deleting the words "subsection (4A)(a)" in subsection (6)(b) and substituting the words "subsection (4)(a)".

### **New sections 12B, 12C and 12D**

**12.** The principal Act is amended by inserting, immediately after section 12A, the following sections:

#### **"Childcare leave and benefits for parent of qualifying child**

**12B.**—(1) Subject to subsections (2) and (3) and any regulations made under section 20, where any employee —

- (a) has served an employer for a period of not less than 3 months; and

- (b) has any child who is below the age of 7 years, and who is, or who becomes, a qualifying child, at any time during any relevant period,

the employee shall be entitled to childcare leave for that relevant period of —

- (i) 2 days, if he serves his employer for a period of less than 5 months during that relevant period;
- (ii) 3 days, if he serves his employer for a period of not less than 5 months but less than 7 months during that relevant period;
- (iii) 4 days, if he serves his employer for a period of not less than 7 months but less than 9 months during that relevant period;
- (iv) 5 days, if he serves his employer for a period of not less than 9 months but less than 11 months during that relevant period; and
- (v) 6 days, if he serves his employer for not less than 11 months during that relevant period.

(2) An employee —

- (a) shall not be entitled to more than 42 days of childcare leave in respect of any qualifying child;

(b) shall —

- (i) take his first entitlement of childcare leave for a relevant period in that relevant period or the next succeeding relevant period; and

- (ii) thereafter, take his next and each subsequent entitlement of childcare leave for a relevant period in the next succeeding relevant period and in each subsequent succeeding relevant period, respectively; and

- (c) shall not be entitled to more than 3 days of childcare leave (whether taken under section 87A of the Employment Act (Cap. 91) or under this section) during the period beginning on 17th August 2008 and ending on 31st December 2008.

(3) Where any employee who has taken any childcare leave under section 87A of the Employment Act subsequently become entitled to childcare leave under this section —

5           (a) the childcare leave taken under section 87A of the Employment Act shall be treated, for the purposes of this Act, as childcare leave taken under this section; and

10           (b) a payment made by his employer to him under section 87A(5) of the Employment Act shall be treated, for the purposes of this Act, as a payment made by his employer to him under subsection (9).

(4) Notwithstanding anything in section 87A of the Employment Act, when an employee becomes entitled to childcare leave under this section —

15           (a) he shall not be entitled to childcare leave under section 87A of that Act, or to payment from his employer under section 87A(5) of that Act, for so long as he is entitled to childcare leave under this section; and

20           (b) if, at that time, he has not received any payment from his employer under section 87A(5) of that Act in respect of any childcare leave already taken by him under section 87A of that Act, he shall be entitled to payment from his employer under subsection (9) in respect of the childcare leave so taken by him.

25           (5) Notwithstanding anything in section 87A of the Employment Act, when an employee ceases to be entitled to childcare leave under this section, but has any child below the age of 7 years at any time during any relevant period, his entitlement, if any, to childcare leave under section 87A of that Act shall be affected in the following manner:

30           (a) he shall be entitled to 2 days of childcare leave under section 87A of that Act for that relevant period, if he had not taken any childcare leave under this section during that relevant period;

35           (b) he shall be entitled to one day of childcare leave under section 87A of that Act for that relevant period, if he had

taken one day of childcare leave under this section during that relevant period; and

- (c) he shall not be entitled to any childcare leave under section 87A of that Act for that relevant period, if he had taken 2 or more days of childcare leave under this section during that relevant period.

(6) Where —

- (a) an employee satisfies the requirements under subsection (1)(a) and (b);

- (b) between 17th August 2008 and 30th October 2008 (both dates inclusive), his employer has granted him, and he has taken, any leave of absence for childcare purposes (not being childcare leave under section 87A of the Employment Act, adoption leave under section 12A, unpaid infant care leave under section 12D or any other leave of absence to which he is entitled under any written law) in accordance with this section; and

- (c) he has received payment from his employer at his gross rate of pay for the period of such leave of absence for childcare purposes,

then —

- (i) such leave of absence for childcare purposes shall be treated, for the purposes of this Act, as childcare leave under this section; and

- (ii) the payment referred to in paragraph (c) shall be treated, for the purposes of this Act, as a payment made by his employer to him under subsection (9).

(7) The childcare leave shall be in addition to —

- (a) the rest days, holidays, annual leave and sick leave to which an employee is entitled under sections 36, 42, 43 and 44, respectively, of the Employment Act; and

- (b) any unpaid infant care leave to which an employee may be entitled under section 12D.

(8) Subject to subsection (2)(b), an employer shall grant, and an employee who is entitled to childcare leave shall take, the entitlement

of childcare leave for a relevant period not later than the last day of that relevant period, and any employee who fails to take that leave by that day —

(a) shall thereupon cease to be entitled to that leave; and

5 (b) shall not be entitled to any payment in lieu thereof.

(9) Subject to subsection (10), an employer shall pay an employee who is entitled to childcare leave his gross rate of pay for every day of such leave that is taken by the employee.

10 (10) Where an employee has taken 3 days of childcare leave, the amount of payment the employee is entitled to receive from his employer under subsection (9) shall not exceed \$500 for each subsequent day of childcare leave that the employee is entitled to under subsection (1) and that is taken by the employee.

15 (11) If the employment of an employee who is entitled to childcare leave is terminated (whether by resignation or dismissal, upon the completion of his contract of service, or for any other reason) before he has taken the entitlement of childcare leave for a relevant period, the employee —

20 (a) shall cease to be entitled to that leave upon the termination of his employment; and

(b) shall not be entitled to any payment in lieu thereof.

(12) Any employer who contravenes subsection (9) shall be guilty of an offence and shall be liable on conviction —

25 (a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; and

(b) for a subsequent offence, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

30 (13) Where an employer has been convicted of an offence under subsection (12), the court may order the employer to make restitution of any moneys paid out to the employer by the Government under section 12C which have not been paid to an employee in accordance with this section.

35 (14) Any employer who fails, without reasonable cause, to grant childcare leave to an employee who is entitled to and requests for



such leave shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$5,000; and

(b) for a subsequent offence, to a fine not exceeding \$10,000.

5 (15) Subject to subsections (4) and (5), nothing in this section shall be construed as derogating from any other benefits that an employee is entitled to, during any period of childcare leave taken by him, under the terms of his contract of service or under any written law.

10 (16) Subject to subsections (17), (18) and (19) and any regulations made under section 20, where on or after 17th August 2008 any self-employed person —

(a) has been carrying on his trade, business, profession or vocation for a continuous period of not less than 3 months;

15 (b) has any child who is below the age of 7 years, and who is, or who becomes, a qualifying child, at any time during any calendar year;

(c) ceases to be actively engaged in his trade, business, profession or vocation for childcare purposes for not less than 4 days during that calendar year; and

20 (d) has lost any income by reason of such cessation of active engagement in his trade, business, profession or vocation,

he shall be entitled to claim from the Government the income he would otherwise have derived from his trade, business, profession or vocation for —

25 (i) one day, if he ceased to be actively engaged in his trade, business, profession or vocation for childcare purposes for 4 days during that calendar year;

(ii) 2 days, if he ceased to be actively engaged in his trade, business, profession or vocation for childcare purposes for 5 days during that calendar year; and

30 (iii) 3 days, if he ceased to be actively engaged in his trade, business, profession or vocation for childcare purposes for 6 or more days during that calendar year.

(17) No self-employed woman shall be entitled to make a claim under subsection (16) in respect of any period of her cessation of active engagement in her trade, business, profession or vocation for which she is entitled to make a claim under section 9(4), (4A), (4B) or (4C) or 10A(4).

(18) A self-employed person shall not be entitled to claim from the Government under subsection (16) —

(a) more than 21 days of income lost by reason of his cessation of active engagement in his trade, business, profession or vocation for childcare purposes in respect of any qualifying child; or

(b) any income lost by reason of his cessation of active engagement in his trade, business, profession or vocation for childcare purposes during any period occurring before 17th August 2008.

(19) The amount of payment a self-employed person is entitled to claim from the Government under subsection (16) shall not exceed \$500 for each day of his cessation of active engagement in his trade, business, profession or vocation for childcare purposes.

(20) The amounts of payment referred to in subsections (10) and (19) shall be inclusive of any contribution to the Central Provident Fund which an employer, an employee or a self-employed person is liable to make under the Central Provident Fund Act (Cap. 36).

(21) In this section and sections 11 and 12C —

“child”, in relation to an employee or a self-employed person, includes any adopted child or step-child of the employee or self-employed person;

“qualifying child” means a child —

(a) who is a citizen of Singapore; and

(b) who satisfies either of the following requirements:

(i) if he is not an adopted child, his parents (as identified in the registration of his birth) are lawfully married to each other, or were lawfully married to each other when or at any time after he was conceived; or

- (ii) if he is an adopted child, his adoptive parent was married, widowed or divorced when the adoptive parent adopted him;

“relevant period”, in relation to an employee, means —

- 5           (a) any period of 12 months as is agreed to by the employee and his employer; or
- (b) where there is no such agreement, a calendar year.

### **Reimbursement from Government for childcare leave**

10       **12C.**—(1) Subject to subsections (2), (3) and (4) and any regulations made under section 20, where an employer has made payment to an employee under section 12B(9) for not less than 4 days of childcare leave taken in any relevant period by the employee, the employer shall be entitled to claim reimbursement from the Government for the amount paid to the employee for —

- 15           (a) one day of childcare leave, if the employer granted the employee 4 days of childcare leave during that relevant period;
- (b) 2 days of childcare leave, if the employer granted the employee 5 days of childcare leave during that relevant period; and
- 20           (c) 3 days of childcare leave, if the employer granted the employee 6 days of childcare leave during that relevant period.

25       (2) Subject to subsections (3) and (4), the amount of reimbursement which an employer shall be entitled to claim from the Government under subsection (1) in respect of an employee —

- (a) shall not exceed \$500 for each day of childcare leave taken by the employee; and
- (b) shall not exceed \$1,500 in any calendar year.

30       (3) Notwithstanding subsections (1) and (2), the Government may refuse to reimburse an employer for any amount paid by the employer to an employee for any day of childcare leave taken by the employee in any calendar year, if the Government has already reimbursed the employer or any other employer or employers for the amount or

amounts paid to the employee for a total of 3 days of childcare leave taken by the employee in that calendar year.

(4) Notwithstanding subsections (1) and (2), the Government may refuse to reimburse an employer for any amount paid by the employer to an employee for any day of childcare leave taken by the employee in respect of a qualifying child, if the Government has already reimbursed the employer or any other employer or employers for the amount or amounts paid to the employee for a total of 21 days of childcare leave taken by the employee in respect of that qualifying child.

### **Unpaid infant care leave for parent of qualifying child**

**12D.**—(1) Subject to subsection (2) and any regulations made under section 20, where any employee —

(a) has served an employer for a period of not less than 3 months; and

(b) has any child who is below the age of 2 years, and who is, or who becomes, a qualifying child, at any time during any relevant period,

the employee shall be entitled to unpaid infant care leave of 6 days for that relevant period.

(2) An employee —

(a) shall not be entitled to more than 12 days of unpaid infant care leave in respect of any qualifying child; and

(b) shall —

(i) take his first entitlement of unpaid infant care leave of 6 days for a relevant period in that relevant period or the next succeeding relevant period; and

(ii) thereafter, take his next and each subsequent entitlement of unpaid infant care leave of 6 days for a relevant period in the next succeeding relevant period and in each subsequent succeeding relevant period, respectively.

(3) Where —

(a) an employee satisfies the requirements under subsection (1)(a) and (b); and

(b) between 17th August 2008 and 30th October 2008 (both dates inclusive), his employer has granted him at his request, and he has taken, any leave of absence without pay, in accordance with this section, for the purposes of caring for his child (being a child referred to in subsection (1)(b)),

then such leave of absence shall be treated, for the purposes of this Act, as unpaid infant care leave under this section.

(4) The unpaid infant care leave shall be in addition to —

(a) the rest days, holidays, annual leave and sick leave to which an employee is entitled under sections 36, 42, 43 and 44, respectively, of the Employment Act (Cap. 91); and

(b) any childcare leave to which an employee may be entitled under section 87A of the Employment Act or under section 12B.

(5) Subject to subsection (2)(b), an employer shall grant, and an employee who is entitled to unpaid infant care leave shall take, the entitlement of unpaid infant care leave for a relevant period not later than the last day of that relevant period, and any employee who fails to take that leave by that day —

(a) shall thereupon cease to be entitled to that leave; and

(b) shall not be entitled to any payment in lieu thereof.

(6) If the employment of an employee who is entitled to unpaid infant care leave is terminated (whether by resignation or dismissal, upon the completion of his contract of service, or for any other reason) before he has taken the entitlement of unpaid infant care leave for a relevant period, the employee —

(a) shall cease to be entitled to that leave upon the termination of his employment; and

(b) shall not be entitled to any payment in lieu thereof.

(7) Any employer who fails, without reasonable cause, to grant unpaid infant care leave to an employee who is entitled to and

requests for such leave shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$5,000; and

(b) for a subsequent offence, to a fine not exceeding \$10,000.

5 (8) Nothing in this section shall be construed as derogating from any other benefits that an employee is entitled to, during any period of unpaid infant care leave taken by him, under the terms of his contract of service or under any written law.

10 (9) Notwithstanding anything to the contrary in the Employment Act, a period of unpaid infant care leave taken by an employee under this section shall count towards the length of the employee's service for the purposes of that Act.

(10) In this section —

15 “child”, in relation to an employee, includes any adopted child or step-child of the employee;

“qualifying child” means a child —

(a) who is a citizen of Singapore; and

(b) who satisfies either of the following requirements:

20 (i) if he is not an adopted child, his parents (as identified in the registration of his birth) are lawfully married to each other, or were lawfully married to each other when or at any time after he was conceived; or

25 (ii) if he is an adopted child, his adoptive parent was married, widowed or divorced when the adoptive parent adopted him;

“relevant period”, in relation to an employee, means —

(a) any period of 12 months as is agreed to by the employee and his employer; or

30 (b) where there is no such agreement, a calendar year.”.

### **Amendment of section 13**

**13.** Section 13 of the principal Act is amended —

- (a) by deleting the word “female” in paragraph (a); and
- (b) by inserting, immediately after the word “women” in paragraph (b), the words “or self-employed persons”.

#### **Amendment of section 14**

5     **14.** Section 14(1) of the principal Act is amended —

- (a) by deleting the words “section 9, 12A or 22” in paragraph (d) and substituting the words “section 9, 10A or 12A”;
- (b) by inserting, immediately after paragraph (d), the following paragraph:

10                     “(da) the entitlement of a self-employed person to any payment under section 12B;” and

- (c) by deleting the words “section 10, 11, 12A or 22” in paragraph (e) and substituting the words “section 10, 10A, 11, 12A or 12C”.

#### **Amendment of section 17**

15     **15.** Section 17 of the principal Act is amended —

- (a) by deleting the words “any provision of Part III or of sections 77 to 80” in subsection (1)(a) and substituting the words “sections 9 and 9A or any provision of sections 77 to 80 and 84A”;

20     (b) by deleting “\$1,000” in subsections (1) and (1A)(a) and substituting in each case “\$5,000”;

- (c) by deleting “\$2,000” in subsection (1A)(b) and substituting “\$10,000”; and

25     (d) by deleting “\$5,000” in subsection (1B) and substituting “\$10,000”.

#### **Amendment of section 18**

16. Section 18 of the principal Act is amended by deleting subsection (2).

#### **New section 18A**

30     **17.** The principal Act is amended by inserting, immediately after section 18, the following section:

**“Offence by body corporate**

**18A.** Where —

- (a) an offence under this Act is committed by a body corporate;  
and
- 5 (b) it is proved to have been committed with the consent or  
connivance of, or to be attributable to any act or default on  
the part of —
  - (i) any director, manager, secretary or other similar officer  
of the body corporate; or
  - 10 (ii) any person who was purporting to act in any such  
capacity,

he, as well as the body corporate, shall be guilty of that offence and  
shall be liable to be proceeded against and punished accordingly.”.

**Amendment of section 19**

- 15 **18.** Section 19 of the principal Act is amended —
  - (a) by deleting the words “section 16 or 18 or any regulations made  
under section 20” in subsection (1) and substituting the words  
“section 11, 16 or 18 or any regulations made under this Act”;
  - (b) by deleting the words “section 17” in subsection (2) and  
20 substituting the words “section 12B, 12D or 17”; and
  - (c) by deleting “\$500” in subsection (2) and substituting “\$1,000”.

**Amendment of section 20**

- 19.** Section 20 of the principal Act is amended —
  - (a) by deleting paragraphs (a) and (b) of subsection (2) and  
25 substituting the following paragraphs:
    - “(a) the terms and conditions, manner and method of —
      - (i) any payment to any female employee or self-  
employed woman under section 9, 10A or 12A;  
and
      - 30 (ii) any payment to any employee or self-employed  
person under section 12B;



- (b) the manner of and method for determining —
    - (i) the income which a self-employed woman is entitled to claim from the Government under section 9, 10A or 12A; and
    - 5 (ii) the income which a self-employed person is entitled to claim from the Government under section 12B;”;
  - (b) by deleting the words “section 10, 12A or 22” in subsection (2)(c) and substituting the words “section 10, 10A, 12A or 12C”;
  - 10 (c) by deleting paragraph (d) of subsection (2) and substituting the following paragraph:
    - “(d) the authority responsible for the assessment and payment of —
      - (i) the income which a self-employed woman is
      - 15 entitled to claim under section 9, 10A or 12A;
      - (ii) the income which a self-employed person is entitled to claim under section 12B; and
      - (iii) the reimbursement which an employer is entitled to claim under section 10, 10A, 12A or 12C;”;
      - 20 and
  - (d) by inserting, immediately after subsection (2), the following subsection:
    - “(2A) Without prejudice to the generality of subsection (1), the Minister may make regulations to provide for Part III and
    - 25 any regulations made under this section to apply, with such modifications as may be specified, to any part-time employee or class of part-time employees.”.

## **Repeal of section 22**

**20.** Section 22 of the principal Act is repealed.

## **30 Related amendments to Employment Act**

**21.** The Employment Act (Cap. 91) is amended —

- (a) by deleting the words “6 months” in section 76(1)(c)(ii) and substituting the words “12 months”;

- (b) by deleting subsection (2) of section 76 and substituting the following subsections:

“(2) A female employee who delivers a child before 31st October 2008, and whose estimated delivery date for her confinement in respect of that child (as certified by a medical practitioner) is before 31st October 2008, shall not be entitled to any pay during the benefit period if she has served her employer for less than 180 days immediately preceding the day of her confinement.

(2A) A female employee who delivers a child on or after 31st October 2008, or who delivers a child before 31st October 2008 but whose estimated delivery date for her confinement in respect of that child (as certified by a medical practitioner) is on or after 31st October 2008, shall not be entitled to any pay during the benefit period if she has served her employer for less than 90 days immediately preceding the day of her confinement.”;

- (c) by deleting the words “Subject to the provisions of this Part,” in section 81 and substituting the words “Without prejudice to sections 84 and 84A,”;

- (d) by deleting subsection (1) of section 84 and substituting the following subsections:

“(1) Without prejudice to sections 81 and 84A, no notice of dismissal given without sufficient cause by an employer to a female employee which —

(a) if given before 31st October 2008, is given —

(i) within a period of 3 months preceding the estimated delivery date for her confinement (as certified by a medical practitioner); or

(ii) within a period of 3 months preceding the date of her confinement; or

(b) if given on or after 31st October 2008, is given —

(i) within a period of 6 months preceding the estimated delivery date for her confinement (as certified by a medical practitioner); or

- (ii) within a period of 6 months preceding the date of her confinement,

shall have the effect of depriving her of any payment to which, but for that notice, she would have been entitled or would, on or before the date of her confinement, have become entitled to under this Part.

(1A) In any case where there are 2 or more estimated delivery dates (each certified by a medical practitioner) for the confinement of a female employee, the estimated delivery date that is relevant for the purposes of subsection (1) shall be the estimated delivery date —

- (a) which is certified by a medical practitioner before the notice of dismissal is given by her employer; and
- (b) the date of such certification of which is closest to the date the notice of dismissal is given.”;
- (e) by deleting “\$5,000” in section 84(6) and substituting “\$10,000”;
- (f) by deleting the marginal note to section 84 and inserting the following section heading:

**“Right to benefit unaffected by notice of dismissal given without sufficient cause”;**

- (g) by inserting, immediately after section 84, the following section:

**“Right to benefit unaffected by notice of dismissal given on ground of redundancy or by reason of reorganisation of employer’s profession, business, trade or work**

**84A.—**(1) Without prejudice to sections 81 and 84, no notice of dismissal given to a female employee by her employer on or after 31st October 2008 on the ground of redundancy or by reason of any reorganisation of her employer’s profession, business, trade or work —

- (a) within a period of 3 months preceding the estimated delivery date for her confinement (as certified by a medical practitioner); or

- (b) within a period of 3 months preceding the date of her confinement,

shall have the effect of depriving her of any payment to which, but for that notice, she would have been entitled or would, on or before the date of her confinement, have become entitled to under this Part.

(2) In any case where there are 2 or more estimated delivery dates (each certified by a medical practitioner) for the confinement of a female employee, the estimated delivery date that is relevant for the purposes of subsection (1) shall be the estimated delivery date —

- (a) which is certified by a medical practitioner before the notice of dismissal is given by her employer; and

- (b) the date of such certification of which is closest to the date the notice of dismissal is given.

(3) The payment referred to in subsection (1) shall be in addition to any retrenchment benefit or other payment to which the female employee is entitled under the terms of her contract of service or under any other written law.”;

- (h) by deleting the word “Nothing” in section 85 and substituting the words “Subject to subsection (2), nothing”;

- (i) by renumbering section 85 as subsection (1) of that section, and by inserting immediately thereafter the following subsection:

“(2) Subsection (1) shall not apply to any female employee in respect of any confinement of hers which occurs, or the estimated delivery date (as certified by a medical practitioner) of which is, on or after 31st October 2008.”;

- (j) by deleting “\$1,000” in section 87 and substituting “\$5,000”;

- (k) by deleting the words “in respect of a child in the relevant period in which the child was born” in section 87A(2)(b)(i) and substituting the words “in that relevant period”;

- (l) by deleting the words “in respect of the child” in section 87A(2)(b)(ii); and

- (m) by deleting subsection (7) of section 87A and substituting the following subsections:

“(7) Any employer who contravenes subsection (5) shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both; and

5 (b) for a subsequent offence, to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 12 months or to both.

10 (7A) Any employer who fails, without reasonable cause, to grant childcare leave to an employee who is entitled to and requests for such leave shall be guilty of an offence and shall be liable on conviction —

(a) to a fine not exceeding \$5,000; and

(b) for a subsequent offence, to a fine not exceeding \$10,000.”.

## 15 **Savings and transitional provisions**

22.—(1) Subject to subsection (2), sections 5, 6 and 7 shall not apply in relation to any female employee or self-employed woman whose confinement occurs, and whose estimated delivery date (as certified by a medical practitioner) for that confinement is, before 31st October 2008, or  
20 to any employer of such a female employee in relation to that female employee, and sections 9, 9A and 10 of the principal Act as in force immediately before 31st October 2008 shall continue to apply in relation to any such female employee or self-employed woman who satisfies the requirements of section 9A(1), (1A), (1B) or (1C) of the principal Act as  
25 in force immediately before 31st October 2008, and to any employer of such a female employee in relation to that female employee, as if sections 5, 6 and 7 had not been enacted.

(2) Section 10A of the principal Act (as inserted by section 8) shall apply in relation to a female employee or self-employed woman whose  
30 confinement occurs, and whose estimated delivery date (as certified by a medical practitioner) for that confinement is, before 31st October 2008, and to any employer of such a female employee in relation to that female employee, as if the references therein to sections 9 and 9A of the principal Act were references to sections 9 and 9A of the principal Act as amended  
35 by sections 5 and 6, respectively.

- (3) Sections 11, 14 and 20 of the principal Act (as amended by sections 9, 14 and 19, respectively) shall apply in relation to a female employee or self-employed woman whose confinement occurs, and whose estimated delivery date (as certified by a medical practitioner) for that confinement is, before 31st October 2008, and to any employer of such a female employee in relation to that female employee, as if the references therein to sections 9 and 10 of the principal Act were references to sections 9 and 10 of the principal Act as in force immediately before 31st October 2008.
- (4) Section 12 of the principal Act (as amended by section 10) shall apply in relation to a female employee whose confinement occurs, and whose estimated delivery date (as certified by a medical practitioner) for that confinement is, before 31st October 2008, and to any employer of such a female employee in relation to that female employee, as if —
- (a) the references therein to section 9 of the principal Act were references to section 9 of the principal Act as in force immediately before 31st October 2008; and
  - (b) the references therein to the principal Act or to Part III of the principal Act included references to sections 9, 9A and 10 of the principal Act as in force immediately before 31st October 2008.
- (5) Section 12B(17) of the principal Act (as inserted by section 12) shall apply in relation to a self-employed woman whose confinement occurs, and whose estimated delivery date (as certified by a medical practitioner) for that confinement is, before 31st October 2008 as if the references therein to section 9(4), (4A), (4B) and (4C) of the principal Act were references to section 9(4), (4A), (4B) and (4C) of the principal Act as in force immediately before 31st October 2008.
- (6) Section 17 of the principal Act (as amended by section 15) shall apply in relation to a female employee whose confinement occurs, and whose estimated delivery date (as certified by a medical practitioner) for that confinement is, before 31st October 2008, and to any employer of such a female employee in relation to that female employee, as if the references therein to sections 9 and 9A of the principal Act were references to sections 9 and 9A of the principal Act as in force immediately before 31st October 2008.
- (7) For a period of 2 years after the date of commencement of this Act —

- 5
- (a) the Minister may, by regulations, prescribe such provisions of a savings or transitional nature consequent on the enactment of sections 2 to 20, as he may consider necessary or expedient; and
  - (b) the Minister for Manpower may, by regulations, prescribe such provisions of a savings or transitional nature consequent on the enactment of section 21, as he may consider necessary or expedient.

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### EXPLANATORY STATEMENT

This Bill seeks to amend the Children Development Co-Savings Act (Cap. 38A) for the following main purposes:

- (a) to enhance maternity protection and benefits;
- (b) to introduce paid childcare leave for an employee who is a parent of a qualifying child, and to provide for the Government to reimburse an employer of such an employee who grants the employee paid childcare leave, if certain requirements are satisfied;
- (c) to provide for the Government to reimburse a self-employed person who has lost income due to his ceasing to be actively engaged in his trade, business, profession or vocation for childcare purposes, if certain requirements are satisfied;
- (d) to introduce unpaid infant care leave for an employee who is a parent of a qualifying child, if certain requirements are satisfied;
- (e) to extend maternity benefits and protection to a female employee or self-employed woman who has 4 or more other living children at the time of her confinement; and
- (f) to extend the reimbursement by the Government under section 12A —
  - (i) to an employer who has granted paid leave to a female employee who is married, widowed or divorced in connection with the adoption of a child; and
  - (ii) to a self-employed woman who is married, widowed or divorced and who has lost income due to her ceasing to be actively engaged in her trade, business, profession or vocation in connection with the adoption of a child,

to cases where the female employee or self-employed woman, as the case may be, has 4 or more other living children at the material time.

The Bill also makes related amendments to the Employment Act (Cap. 91).

Clause 1 relates to the short title and commencement.

Clause 2 amends the long title to reflect the enlarged scope of the Act following its amendment by the Bill.

Clause 3 amends section 2(1) —

- (a) to update the definition of “benefit period” as a consequence of the amendment of section 9 (by clause 5);
- (b) to define the term “natural father” (used in sections 9 and 9A) to include a person who is identified in the registration of the birth of a child as the father of the child; and
- (c) to insert definitions for the terms “medical practitioner” and “part-time employee” which are aligned with the definitions for these terms in the Employment Act (Cap. 91).

The clause also amends section 2(2) to omit the reference therein to section 22 (which is to be repealed by clause 20), and to substitute the reference therein to the fourth confinement of a woman with a reference to any confinement which is subsequent to her third confinement.

Clause 4 amends the heading to Part III, as the Part will now provide for —

- (a) paid childcare leave and unpaid infant care leave for an employee who is a parent of a qualifying child; and
- (b) reimbursement by the Government to a self-employed person who has lost income due to his ceasing to be actively engaged in his trade, business, profession or vocation for childcare purposes, if certain requirements are satisfied.

Clause 5 amends section 9 —

- (a) to extend the period of paid maternity leave to which a female employee who satisfies the requirements under section 9A(1) is entitled from 12 weeks to 16 weeks;
- (b) to extend the period for which the Government will reimburse a self-employed woman who satisfies the requirements under section 9A(1) for income lost by reason of her ceasing to be actively engaged in her trade, business, profession or vocation in connection with her delivery of a child —
  - (i) from 4 weeks to 8 weeks, in respect of her first or second confinement; and
  - (ii) from 12 weeks to 16 weeks, in respect of her third or subsequent confinement; and
- (c) to provide for a similar extension of the period of such maternity benefits in the case of a female employee or self-employed woman whose child is not a citizen of Singapore, or is not a legitimate child, at the time of the child’s birth, if certain requirements are satisfied.



The clause also amends section 9 —

- (a) to give a female employee greater flexibility in determining when to take the last part of her maternity leave, by allowing her to take up to 48 days of maternity leave within the period of 12 months commencing on the day of her confinement; and
- (b) to give a self-employed woman greater flexibility in determining when she should cease to be actively engaged in her trade, business, profession or vocation in connection with her delivery of a child, by allowing the last part of such cessation to occur over up to 48 days within the period of 12 months commencing on the day of her confinement.

Clause 6 amends section 9A to reflect the revised eligibility criteria for maternity benefits and protection for a female employee, and the revised eligibility criteria for maternity benefits for a self-employed woman, whose confinement occurs, or whose estimated delivery date (as certified by a medical practitioner) for her confinement is, on or after 31st October 2008. The changes include —

- (a) the removal of the existing requirement for a female employee or self-employed woman to have fewer than 4 other living children at the time of her confinement, and consequently the extension of maternity benefits and protection to a female employee or self-employed woman who has 4 or more other living children at the time of her confinement;
- (b) the reduction of the minimum period that a female employee must have served her employer immediately preceding the day of her confinement to be eligible for maternity benefits and protection from 180 days to 90 days;
- (c) the reduction of the minimum continuous period that a self-employed woman must have been carrying on her trade, business, profession or vocation to be eligible for maternity benefits from 180 days to 90 days; and
- (d) in the case of a female employee or self-employed woman whose child is not a citizen of Singapore, or is not a legitimate child, at the time of the child's birth, the extension of the period within which the child is to become a citizen of Singapore, or within which the female employee or self-employed woman is to become lawfully married to the child's natural father, as the case may be, to 12 months commencing on the date of the child's birth.

The clause also amends section 9A —

- (a) to increase the total amounts that a female employee is entitled to be paid by her employer, and that a self-employed woman is entitled to claim from the Government, in respect of maternity benefits; and
- (b) to limit the amount that a female employee is entitled to be paid by her employer for every 4 weeks or 24 days of her maternity leave, and that a self-employed woman is entitled to claim from the Government for every 4 weeks or 24 days of her cessation from active engagement in her trade, business, profession or vocation in connection with her delivery of a child.

Clause 7 amends section 10 to restate, as a consequence of the amendments to sections 9 and 9A (by clauses 5 and 6, respectively) —

- (a) the part of the maternity leave period of a female employee in respect of which her employer may claim reimbursement from the Government; and
- (b) the maximum amount of such reimbursement that the employer is entitled to claim.

The clause also makes an amendment to the section heading of section 10 that is consequential to the introduction of the new section 12C (by clause 12), which relates to reimbursement from the Government for childcare leave.

Clause 8 inserts a new section 10A to enable the enhanced maternity benefits under sections 9 and 9A (as amended by clauses 5 and 6, respectively) to be extended to a female employee or self-employed woman if —

- (a) either of the following applies:
  - (i) her confinement occurred between 17th August 2008 and 30th October 2008 (both dates inclusive), and her estimated delivery date (as certified by a medical practitioner) for that confinement is before 31st October 2008; or
  - (ii) her confinement occurred before 17th August 2008, but her estimated delivery date (as certified by a medical practitioner) for that confinement is between 17th August 2008 and 30th October 2008 (both dates inclusive); and
- (b) she otherwise satisfies the eligibility requirements for maternity benefits set out in section 9A(1), (1A), (1B) or (1C) (as amended by clause 6).

The clause does not require the employer of such a female employee to grant her the enhanced maternity benefits. However, if the employer does so voluntarily, he will be reimbursed accordingly by the Government.

Clause 9 amends section 11 —

- (a) to make changes to subsections (1) and (2) that are consequential to the insertion of the new section 10A (by clause 8) and the repeal of the existing section 22 (by clause 20), and to align the text of those subsections with the text of the new subsections (3), (4) and (5) to be inserted by the clause;
- (b) to empower an employer to recover from an employee any payment made by the employer to the employee under the new section 12B (to be inserted by clause 12) —
  - (i) by reason of a mistake of fact;
  - (ii) in reliance on any false or misleading statement or document made or furnished by the employee; or
  - (iii) for any childcare leave taken by the employee in any relevant period which is in excess of the childcare leave to which the employee is entitled under that section for that relevant period;

- (c) to provide for the Government, if satisfied that such an employer has been unable to recover the whole or any part of the payment successfully despite making all reasonable efforts to do so, to reimburse the employer under the new section 12C (to be inserted by clause 12) for the payment or part thereof not recovered by the employer;
- (d) to empower the Government, where it has reimbursed an employer under the new section 12C (to be inserted by clause 12) for the whole or any part of the payment made by the employer to an employee, to recover that payment or part thereof from the employer as a civil debt;
- (e) to empower the Government to recover from a self-employed person any payment made by the Government to the person under the new section 12B (to be inserted by clause 12) —
  - (i) by reason of a mistake of fact; or
  - (ii) in reliance on any false or misleading statement or document made or furnished by the person;
- (f) to require an employer who recovers from his employee any amount for which he has been reimbursed by the Government to refund to the Government the amount recovered within one month from the later of the date the amount is recovered or the date the amount is reimbursed by the Government, failing which —
  - (i) the employer will be guilty of an offence; and
  - (ii) the Government may recover the amount from the employer as a civil debt; and
- (g) to empower an employer to recover from an employee any amount paid by the employer to the employee under the new section 12B (to be inserted by clause 12) for which the Government has refused under the new section 12C(3) or (4) (to be inserted by clause 12) to reimburse the employer.

Clause 10 amends section 12(2) to extend the application of Parts XV and XVI of the Employment Act (Cap. 91), and such other provisions of that Act as the Minister for Manpower may by order specify, to —

- (a) any employer or employee to whom section 9, the new section 10A (to be inserted by clause 8) or the new section 12B or 12D (to be inserted by clause 12) applies;
- (b) any dispute under Part III, or under any regulations made under section 20, between any such employer and any such employee; and
- (c) any offence or proceedings under the new section 12B or 12D (to be inserted by clause 12) or under section 17.

Clause 11 amends section 12A —

- (a) to extend the reimbursement by the Government under that section —
  - (i) to an employer who has granted paid leave to a female employee who is married, widowed or divorced in connection with the adoption of a child; and
  - (ii) to a self-employed woman who is married, widowed or divorced and who has lost income due to her ceasing to be actively engaged in her trade, business, profession or vocation in connection with the adoption of a child,

to cases where the female employee or self-employed woman, as the case may be, has 4 or more other living children at the material time;
- (b) to modify subsection (2) as a consequence of the introduction of paid childcare leave under the new section 12B (to be inserted by clause 12) and of unpaid infant care leave under the new section 12D (to be inserted by clause 12); and
- (c) to remove provisions which have become obsolete.

Clause 12 inserts new sections 12B, 12C and 12D.

The new section 12B —

- (a) provides for an employee to be entitled to paid childcare leave of 2 to 6 days in a relevant period, depending on how long he serves his employer during that relevant period, if he —
  - (i) has served his employer for not less than 3 months; and
  - (ii) has any child who is below the age of 7 years, and who is, or who becomes, a qualifying child, at any time during that relevant period;
- (b) makes it an offence for an employer —
  - (i) to fail to pay an employee his salary during such leave; or
  - (ii) to fail, without reasonable cause, to grant such leave to an employee who is entitled to and requests for such leave; and
- (c) provides for the Government to reimburse a self-employed person who has lost income due to his ceasing to be actively engaged in his trade, business, profession or vocation for childcare purposes, if he satisfies certain requirements.

The new section 12C provides for the Government to reimburse an employer who grants his employee paid childcare leave, if certain requirements are satisfied.

The new section 12D —

- (a) provides for an employee to be entitled to unpaid infant care leave of 6 days in a relevant period, if he —
  - (i) has served his employer for not less than 3 months; and

- (ii) has any child who is below the age of 2 years, and who is, or who becomes, a qualifying child, at any time during that relevant period; and
- (b) makes it an offence for an employer to fail, without reasonable cause, to grant such leave to an employee who is entitled to and requests for such leave.

Clause 13 amends section 13 to extend the power of the Minister to specify, by notification in the *Gazette*, as persons to whom Part III or any provision of that Part will not apply, any class of employees (and not just female employees) and any class of self-employed persons (and not just self-employed women), as a consequence of the introduction of paid childcare leave and unpaid infant care leave under the new sections 12B and 12D, respectively (to be inserted by clause 12).

Clause 14 amends section 14(1) to provide for any question or dispute arising from or in connection with the entitlement of a self-employed woman to any payment under the new section 10A (to be inserted by clause 8), the entitlement of a self-employed person to any payment under section 12B (to be inserted by clause 12), or the entitlement of an employer to reimbursement by the Government under the new section 10A or 12C (to be inserted by clauses 8 and 12, respectively) to be referred to the Minister for decision. The clause also deletes the reference in section 14(1) to section 22, as section 22 will be repealed by clause 20.

Clause 15 amends section 17 —

- (a) to substitute the reference in subsection (1)(a) to “any provision of Part III” with a reference to “sections 9 and 9A” as a consequence of the insertion of new sections 10A and 12B (by clauses 8 and 12, respectively), as it is not the intention to make a failure by an employer to pay an employee in accordance with the new section 10A or 12B an offence under section 17(1);
- (b) to insert a reference in subsection (1)(a) to the new section 84A of the Employment Act (Cap. 91) (to be inserted by clause 21(g)), as it is the intention to make a failure by an employer to pay an employee in accordance with any provision of sections 77 to 80 and 84A of that Act, as made applicable by section 12, an offence under section 17(1); and
- (c) to increase the maximum fines which may be imposed for the offences under section 17.

Clause 16 deletes section 18(2), which will become obsolete upon the insertion of the new section 18A (by clause 17).

Clause 17 inserts a new section 18A to provide for the personal liability of an officer of a body corporate, or of a person purporting to act in such capacity, for an offence committed by the body corporate, if certain matters are proved.

Clause 18 amends section 19 —

- (a) to make compoundable any offence under —
  - (i) the amended section 11 (by clause 9);

- (ii) the new section 12B or 12D (to be inserted by clause 12); or
- (iii) any regulations made under the Act (instead of under section 20); and
- (b) to increase the maximum composition sum allowed under subsection (2) from \$500 to \$1,000.

Clause 19 amends section 20 —

- (a) to empower the Minister to make regulations under that section —
  - (i) in relation to various matters incidental to the insertion of the new section 10A (by clause 8) and the introduction of childcare leave under the new section 12B (to be inserted by clause 12); and
  - (ii) to provide for Part III and any regulations made under section 20 to apply, with such modifications as may be specified, to any part-time employee or class of part-time employees; and
- (b) to remove the references in section 20 to section 22, as a consequence of the repeal of section 22 (by clause 20).

Clause 20 repeals section 22, which has become obsolete.

Clause 21 makes certain related amendments to the Employment Act (Cap. 91).

Clause 21(a) amends section 76(1)(c)(ii) of the Employment Act to give a female employee greater flexibility in determining when to take the last part of her maternity leave, by extending the period within which she may take up to 24 days of maternity leave to 12 months commencing on the day of her confinement.

Clause 21(b) amends section 76 of the Employment Act to reduce the minimum period that a female employee must have served her employer immediately preceding the day of her confinement to be eligible for payment during her maternity leave under that Act from 180 days to 90 days, if —

- (a) the confinement occurs on or after 31st October 2008; or
- (b) the estimated delivery date for the confinement (as certified by a medical practitioner) is on or after 31st October 2008.

Clause 21(c) amends section 81 of the Employment Act to provide for that section to operate without prejudice to section 84 of that Act (as amended by clause 21(d), (e) and (f)) and the new section 84A of that Act (to be inserted by clause 21(g)).

Clause 21(d) amends section 84 of the Employment Act to provide that a notice of dismissal given without sufficient cause by an employer to a female employee will not deprive her of the maternity benefits to which she would otherwise be entitled, if —

- (a) in the case of a notice given before 31st October 2008, the notice is given —
  - (i) within a period of 3 months preceding the estimated delivery date for her confinement (as certified by a medical practitioner); or
  - (ii) within a period of 3 months preceding the date of her confinement; or

(b) in the case of a notice given on or after 31st October 2008, the notice is given —

- (i) within a period of 6 months preceding the estimated delivery date for her confinement (as certified by a medical practitioner); or
- (ii) within a period of 6 months preceding the date of her confinement.

Clause 21(e) amends section 84(6) of the Employment Act (Cap. 91) to increase the maximum fine which may be imposed for an offence under that provision from \$5,000 to \$10,000.

Clause 21(f) deletes the marginal note to section 84 of the Employment Act and inserts a new section heading as a consequence of the insertion of the new section 84A (by clause 21(g)).

Clause 21(g) inserts a new section 84A to provide that a notice of dismissal given to a female employee by her employer on or after 31st October 2008 on the ground of redundancy, or by reason of any reorganisation of her employer's profession, business, trade or work, will not deprive her of the maternity benefits to which she would otherwise be entitled, if the notice is given —

- (a) within a period of 3 months preceding the estimated delivery date for her confinement (as certified by a medical practitioner); or
- (b) within a period of 3 months preceding the date of her confinement.

Clause 21(h) and (i) amends section 85 so that it will not apply to any female employee in respect of any confinement of hers which occurs, or the estimated delivery date (as certified by a medical practitioner) of which is, on or after 31st October 2008. The amended section 85 does not preclude a female employee whose confinement occurs, or whose estimated delivery date (as certified by a medical practitioner) for her confinement is, on or after 31st October 2008 from claiming payment under Part IX of the Employment Act from more than one employer in respect of the same confinement.

Clause 21(j) amends section 87 of the Employment Act to increase the maximum fine which may be imposed for an offence under that section from \$1,000 to \$5,000.

Clause 21(k) and (l) makes amendments to section 87A(2)(b) of the Employment Act to align that provision with the new section 12B(2)(b) (to be inserted by clause 12).

Clause 21(m) deletes and substitutes subsection (7) of section 87A of the Employment Act, so as to specifically provide for the new penalties which may be imposed for an offence under that subsection. In particular, the maximum fines which may be imposed for an offence under that subsection will be increased.

Clause 21(m) also inserts a new subsection (7A) in section 87A of the Employment Act to make it an offence for an employer to fail, without reasonable cause, to grant childcare leave to an employee who is entitled to and requests for such leave.

Clause 22 contains savings and transitional provisions. The clause also empowers —

- (a) the Minister to make regulations to prescribe provisions of a savings or transitional nature consequent on the enactment of clauses 2 to 20; and
- (b) the Minister for Manpower to make regulations to prescribe provisions of a savings or transitional nature consequent on the enactment of clause 21.

### EXPENDITURE OF PUBLIC MONEY

This Bill will involve the Government in extra financial expenditure, the exact amount of which cannot at present be ascertained.

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