

EXPLANATORY NOTES FOR APPLICATION BY SELF-EMPLOYED WOMAN FOR GOVERNMENT-PAID MATERNITY LEAVE

General

1. Claims for lost income shall be paid in accordance with the Child Development Co-Savings Act (Cap. 38A) (“CDC Act”) and the Child Development Co-Savings (Paid Maternity Leave, Maternity Benefit, Adoption Leave, Shared Parental Leave and Paternity Leave) Regulations (“CDC Regulations”).
2. **For children born (or whose estimated delivery date (as certified by a medical practitioner) is) on or after 31st Oct 2008:**

Subject to the CDC Act and Regulations, generally, if an eligible applicant has ceased to be actively engaged in her trade, business, profession or vocation during a period of 16 weeks of Maternity Leave and has lost income during such period, she will be entitled to claim from the Government the income that she would otherwise have derived from her trade, business, profession or vocation during:

- i) the last 8 weeks of her 16 weeks of Maternity Leave, in the case of her first or second child order ¹; or
- ii) for the entire period of her 16 weeks of Maternity Leave, in the case of her third or subsequent child order,

The amount of reimbursement is subject to a maximum of \$20,000 for the first or second child order, or a maximum of \$40,000 for the third or subsequent child order.

3. The first 8 weeks of the Maternity Leave **must** be consumed in a continuous block, commencing not earlier than 28 days immediately preceding the date of delivery and not later than the date of delivery. The remaining 8 weeks of Maternity Leave can be taken in a continuous block or taken flexibly within 12 months from the child’s birth.
4. From 1st May 2013, subject to the CDC Act and Regulations, an applicant may choose to give one week of her Maternity Leave to her child’s father under the Government-Paid Shared Parental Leave Scheme. For applicant whose child is born (or with EDD) on or after 1 July 2017, she may share up to 4 weeks of Maternity Leave.

When to submit claims?

5. For the 1st and 2nd child order¹, a reimbursement claim can be submitted only after the first 8 weeks of the Maternity Leave have been consumed.
6. For the 3rd and subsequent child order, a reimbursement claim can be submitted once the Maternity Leave has commenced.
7. Claims should be submitted within **3 months** after the last day of the Maternity Leave. Late submissions from self-employed persons are subject to the approval of the Self Employed Reimbursement Board.

Who is eligible?

8. Subject to the CDC Act and Regulations, an applicant is eligible to claim for payment of her lost income if:-
 - a) her child is a Singapore citizen at the time of the child’s birth;
 - b) she has carried on her trade, business, profession or vocation for a continuous period of not less than

¹ If your child is **born or with EDD before 1 Jul 2017**, child order refers to the number of birth(s) by the mother (e.g. twins are considered as one child order). It excludes stepchildren, stillbirths, adopted-in children and children who have passed away.

If your child is **born or with EDD on or after 1 Jul 2017**, child order refers to the number of birth(s) by the mother (e.g. twins are considered as one child order) and adopted-in children (must be below 12 months of age at point of formal intent to adopt - FIA). It excludes stepchildren, stillbirths and children who have passed away or adopted-out before the birth or FIA of the child whom you are currently seeking reimbursement for. You may also download a calculator in the ‘CALCULATOR’ section of www.profamilyleave.gov.sg to help you determine the child’s order.

- months preceding the date of her child order;
- c) she has ceased to be actively engaged in her trade, business profession or vocation during her Maternity Leave; and
 - e) she has lost income as a result of such cessation.

The following criteria is applicable to mothers whose children are born before 1 Jan 2017: either:

- i) she is lawfully married to the child's natural father at the time the child is conceived: or
 - ii) she 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 subsists at the time of the child's birth;
9. An applicant whose child is not a Singapore citizen at the point of birth ("the citizenship/marriage criteria") but subsequently meets the citizenship/marriage criteria (and all other relevant criteria under the CDC Act and Regulations) within 12 months from the child's birth will be eligible to take the **unconsumed** portion of the Government-Paid Maternity Leave commencing on the date where all the relevant criteria are met and within 12 months from the child's birth. Leave taken by the mother prior to the date of meeting all the relevant criteria will not be paid for by the Government.

What can be claimed?

10. The amount of income which an applicant is entitled to claim from the Government:-
- a) is summarised at paragraph 2 of these Explanatory Notes;
 - b) shall not include any income, the loss or reduction of which is not attributable to her ceasing to be actively engaged in her trade, business, profession or vocation; and
 - c) shall be computed:-
 - i) on the basis of the average net income derived by her from her trade, business, profession or vocation in the basis period for the year of assessment following the year of assessment in which she makes the claim, as determined by the Comptroller of Income Tax and set out in her notice of assessment in respect of her income for that basis period, less the net income she continued to derive from such trade, business, profession or vocation during her Maternity Leave;
 - ii) **where, at the time she makes the claim, the Comptroller of Income Tax has not determined the average net income derived by her from her trade, business, profession or vocation in the basis period for the year of assessment following the year of assessment in which she makes the claim**, on the basis of the average net income derived by her from her trade, business, profession or vocation for the preceding basis period, as determined by the Comptroller of Income Tax and set out in her notice of assessment in respect of her income for the preceding basis period, less the net income she continued to derive from such trade, business, profession or vocation during her Maternity Leave; or
 - iii) **where, at the time she makes the claim, the Comptroller of Income Tax has not determined the average net income derived by her from her trade, business, profession or vocation in the basis period for the year of assessment following the year of assessment in which she makes the claim or the preceding basis period**, on the basis of the average net income derived by her from her trade, business, profession or vocation during the period of 3 months immediately preceding the commencement of her Maternity Leave, less the net income she continued to derive from such trade, business, profession or vocation during her Maternity Leave.

where an applicant does not or is unable to substantiate the amount claimed by her, the Self-Employed Reimbursement Board may compute the amount of income she is entitled to claim from the Government on such other basis as the Board determines to be representative of the income lost by her during her Maternity Leave.

11. The following documents should be submitted to support the claim:-
- a) an income and expenditure statement for the period of 3 months preceding the Maternity Leave period for

an applicant whose tax assessment is not available;

(Note: For insurance agents, a breakdown of the commission into first year, renewal, overriding commission, bonus, etc. is required. The statement must be certified by the company.)

b) any other documents (e.g. contracts/agreements) to support the claim.

12. Subject to the CDC Act and Regulations, if an applicant decides to share² 1 week, 2 weeks, 3 weeks or 4 weeks of her 16 weeks Maternity Leave with her child's father under the Government-Paid Shared Parental Leave(SPL) scheme, she will only receive [16 weeks – number of weeks shared under SPL] weeks of of Maternity Leave, depending on the number of weeks shared. The amount of reimbursement cap will be reduced as follows:

Child Order	Number of Weeks shared under SPL	Balance Maternity Leave	Total Reimbursement Cap
First and second child order	1	15 weeks	\$17,500
Third and subsequent child order	1	15 weeks	\$37,500
First and second child order	2	14 weeks	\$15,000
Third and subsequent child order	2	14 weeks	\$35,000
First and second child order	3	13 weeks	\$12,500
Third and subsequent child order	3	13 weeks	\$32,500
First and second child order	4	12 weeks	\$10,000
Third and subsequent child order	4	12 weeks	\$30,000

13. Section 10(2) of CDC Act states, amongst other things, that all claims for Government Paid Maternity Leave should not exceed \$10,000 for every 4 weeks or 24 days, as the case may be. Therefore, claims which exceed this \$10,000 limit will be capped accordingly when reimbursement is made, based on a per day cap³.

What cannot be claimed?

14. Any income, the loss or reduction of which cannot be attributed to the applicant ceasing to be actively engaged in her trade, business, profession or vocation, cannot be claimed from the Government. Some examples of such income are:-
- a) interest income earned on fixed deposits;
 - b) rental income;
 - c) profit on sales of fixed assets;
 - d) overriding and renewal commission;
 - e) ex-gratia income.

How to compute reimbursement?

15. Subject to the CDC Act and Regulations, the reimbursement for Maternity Leave payments will be calculated as follows:-

a) Maternity Leave taken in a continuous block

For first and second child order:
$$\frac{(\text{Yearly Assessable Income}) \times (N - 56\text{days})}{365 \text{ days}}$$

² The mother has be lawfully married to the child's natural father at the point of the child's birth or becomes lawfully married to the child's natural father within 12 months of the child's birth.

³ For cases where the GPML is taken in a continuous block, the per day cap is calculated by taking the sum of \$10,000 divided by 28 days (i.e. all the calendar days within 4 weeks). For cases where the GPML is taken non-continuously, then the per day cap will be calculated by taking the sum of \$10,000 divided by 20 days, if she works for 5 days in a week.

For third and subsequent child order:
$$\frac{(\text{Yearly Assessable Income}) \times 12 \times N}{365 \text{ days}}$$

Where:

- N is the total number of **calendar days (i.e. Inclusive of rest days, non-working days and holidays)** on which the applicant absented herself from work.

b) Maternity leave not taken in a continuous block

For first and second child order:

$$\frac{(\text{Yearly Assessable Income}) \times (B-C)}{A \times 52 \text{ weeks}}$$

For third and subsequent child order:

$$\frac{(\text{Yearly Assessable Income}) \times B}{A \times 52 \text{ weeks}}$$

Where:

- A is the number of **working days** per week as declared by the applicant
- B is the total number of **working days** on which the applicant absented herself from work;
- C is the total number of **working days** in 8 weeks as declared by the applicant

Payment into bank account

16. An applicant should declare her bank account details via the "Maintain My Profile" at the Government-Paid Leave Portal. The accepted bank account shall continue to be in force for subsequent Government-Paid Leave applications until there is a request to change it.

Power to obtain information

17. The Director of the Ministry of Social and Family Development (the Director) and its authorised agent, or the Self-Employed Reimbursement Board (the Board) may, for the purposes of assessing any claim made by an applicant under regulation 6 of the CDC Regulations by notice in writing, require any person -
 - a) to furnish any information or document within such time as may be specified in the notice; and
 - b) to attend personally before the Director or the Board and to produce for examinations such records or documents as the Director or the Board may consider necessary.
18. The Director, the Board or any authorised officer –
 - a) shall at all times have full and free access to any information or documents in the possession of the applicant; and
 - b) may inspect, copy or make extracts from or take possession of any information or document in the possession of the applicant, which in the opinion of the Director, the Board or the authorised officer is necessary for or relevant to the assessment of a claim made under regulation 6 of the CDC Regulations.
19. The Director or the Board may refuse to assess the claim made under regulation 6 of the CDC Regulations by an applicant who fails to comply with the CDC Regulations.

Disputes

20. Where any applicant wishes to refer any question or dispute arising from a determination by the Board with respect to her claim, the self-employed woman may file a notice of dispute in writing to the Minister for Social and Family Development, **within one month from the date the question or dispute arises**. The notice of dispute should:-
- a) state the amount of reimbursement claimed by the applicant;
 - b) state the grounds of dispute together with the decision of the Board, where applicable; and
 - c) be accompanied by such other information or document supporting the claim.

For more information

21. For more information or clarification, please contact us at 1800-253-4757 or email contactus@profamilyleave.gov.sg.