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2020 Leave Policy- Japan

General leave policy

Unless specified otherwise, employees referred to in this policy mean permanent full-time or part-time employees.

All employees are entitled to leave in accordance with the relevant awards or agreements and statutory provisions. Where the entitlements or practices in this document conflict, the applicable award, workplace agreement, employment contract or employment law takes precedence.

All planned leave has to be mutually agreed and take into account workloads and the employee's needs. Leave must be approved 20 working days in advance, except when the employee can't anticipate the absence. Any documents regarding leave will be kept on the employee's personnel file.

Annual leave policy

Each employee is entitled up to 20 days annual leave a year based on the hours worked, entitlements are calculated from the date they started work and accrue in accordance with workplace relations legislation or industrial instruments. Annual leave counts towards continuous service (used when calculating long service leave). Applications for annual leave are required to be lodged 20 working days in advance.

Some employees who sell primarily to international territories may be required to take some of their annual leave days in substitution for Public Holidays where the number of Public Holidays in those territories exceed Australian Public Holiday entitlements, please refer to the Public Holiday section below.

An employee is expected to take accrued annual leave for business close down periods. If insufficient leave is accrued, Flashbay Pty Ltd may direct an employee to take unpaid leave.

Flashbay Pty Ltd will decide on a case-by-case basis whether it will agree with an employee to 'cash out' annual leave as permitted by workplace relations legislation or any industrial instrument.

In some circumstances, leave in advance of what leave has accrued may be approved. This is conditional on the employee agreeing to the business deducting any advance in the event of termination, or to the employee accepting leave without pay.

Personal (sick) leave policy

Each employee is entitled to accrue up to 10 days of paid personal/carer's leave every 12 months based on the hours worked which can also be taken as carer's leave if required. Paid personal / carers leave for full time employees accrues at the rate of 1.2 days per month of service and is cumulative.

An employee should notify his/her manager as soon as possible if they are unable to attend work due to illness or injury. Evidence such as a medical certificate will be required should sick leave be taken either side of a public holiday or either side of a weekend. Two days or more consecutive sick leave will also require evidence of a medical certificate. It is at Management discretion, should a medical certificate not be supplied where deemed necessary that the employee may be denied Sick Leave Payment.

It is always ideal for an employee to arrange personal appointments out of work hours however Flashbay Pty Ltd understands that this cannot always be the case. Flashbay Pty Ltd requests 24 hours notice should you feel a personal day be deemed necessary. Management have the right to ask your reasons for the requested time however understand and accept an employee's right to privacy and discretion.

Carer's leave policy

Paid carer's leave is available to an employee for the care or support of an ill family or household member or if an unexpected emergency affects a family or household member. It is considered part of your personal (sick) leave entitlement and is to be dealt with as detailed above.

Employees are entitled to take up to two days unpaid carer's leave for each occasion of family or household member illness or unexpected emergency. An employee cannot take unpaid carer's leave if they could instead take paid carer's leave.

Compassionate leave policy

Compassionate leave is paid leave taken by an employee to spend time with a family member/member of the employee's household, who has a personal illness, or injury, that poses a serious threat to his/her life, or after the death of a family member/member of the employee's household.

Each employee is entitled to a period of two days paid compassionate leave for each occasion where a family member has died, or the employee needs to spend time with a seriously ill family member. Additional unpaid leave maybe granted at management discretion.

Public Holidays

In accordance with the Fair Work Act 2009 (Cth), where you are ordinarily rostered to work on a day a public holiday falls but don't work, you will be paid for that day.

Where allowed by the Modern Award relevant to an Employee's employment, the Employer may require that an employee works on an Australian public holiday and substitute that day for another day off.

At Flashbay, Employees will observe the national public holidays of the territory to which they primarily sell. Where there are fewer nationally observed public holidays in the relevant territory than in Australia, additional days of annual leave will be granted to equalise the public holiday count with that of Australia.

Where there are more nationally observed public holidays in the relevant territory than in Australia which applies to the Japan territory, days of annual leave must be used on all such days. This is applied to ensure that the statutory requirements for paid days leave are applied equally to all territory account managers.

The following days are public holidays in Australia: New Year's Day, Australia Day, Good Friday, Easter Monday, Anzac Day, Christmas Day and Boxing Day, and any other gazetted public holidays in the relevant State or Territory in which you are employed.

Due to the high number of Japanese public holidays in 2020, Flashbay is offering two days additional annual leave in 2020. In 2020, the Japanese Public Holidays that will be taken as days off by all effected Employees and recorded as annual leave are:

Sports Day - Jul 24th 2020
Mountain Day - Aug 10th 2020
Respect for the Aged Day - Sep 21st 2020
Autumn Equinox - Sep 22nd 2020
Culture Day - Nov 3rd 2020
Labor Thanksgiving Day - Nov 23rd 2020

These days and dates may vary from year to year, but the assignment of annual leave to days taken in alignment to Japanese Public holidays that are in excess of any Australian Public Holiday entitlements remain applicable. This may vary based on which Australian state or Territory the Employee is based in.

Long service leave policy

Employees are entitled to long service leave in line with the long service leave laws that are relevant for the state or territory they are employed within.

Parental leave policy

Parental leave

Employees (including a de facto or same sex partner, or single person) who are expecting a child or adopting a child are eligible for 52 weeks of parental leave if they are:

- permanent full-time or part-time with at least 12 months service prior to the expected date of birth or adoption placement

After birth or adoption, the parent with the main responsibility for the care of the child may be entitled to take parental leave.

Employees may be eligible to receive paid parental leave from the government. for some of their leave period. To see if you are eligible, please visit: <https://www.humanservices.gov.au/individuals/services/centrelink/parental-leave-pay>

Employees who are pregnant may commence leave up to six weeks before the expected date.

Employees may request to extend their leave by a further 12 months (for a total of 24 months maximum), to be submitted in writing at least four weeks before the end of the original 12 months unpaid parental leave.

Flashbay Pty Ltd will respond in writing within 21 days and may refuse only on reasonable business grounds. The written response will include details if the request is refused.

Dad and Partner leave

Generally, only the parent with responsibility for the care and welfare of the child is entitled to take the extended period of parental leave. However, in certain circumstances, employees may qualify to receive up to two weeks Dad and Partner leave which may be taken at the same time as the main carer of an employee couple. To see if you qualify for paid Dad and Partner leave, visit <https://www.humanservices.gov.au/individuals/services/centrelink/dad-and-partner-pay/eligibility> to check your eligibility.

Applying for leave

An employee wishing to take parental leave must provide written notice at least 10 weeks before starting the leave (or as soon as is practicable) including the intended leave start and end dates.

Leave dates or any changes of dates must be confirmed at least four weeks before the leave starts. The manager will confirm the leave and any affected entitlements such as continuous service in writing.

Adoption

Because Flashbay Pty Ltd recognises that the timing of placement for an adopted child may be uncertain, employees should keep their manager informed of any changes to the likely placement date and commencement of leave.

Annual leave

If the employee has paid annual leave available, he or she may, in agreement with the manager, take some or all of that leave at the same time as the unpaid parental leave.

Time off for antenatal appointments, adoption interviews or examinations

Personal leave may be available for attendance at medical appointments. Appointment times and the availability of leave should be discussed with the manager.

An employee may take up to two days unpaid pre- adoption leave. Employees must provide notice of the leave including expected leave period as soon as practicable (which may be after the leave has started).

If an employee requires more than two days pre-adoption leave, they should discuss their requirements with their manager.

Leave for pregnancy related illness

If an employee is ill during her pregnancy, she may access her ordinary sick leave entitlements, including any accrued leave.

If an employee experiences extended illness due to pregnancy, she can access unpaid 'special maternity leave' for the period her treating doctor certifies is necessary. Special maternity leave is included in the 52 weeks available unpaid parental leave period.

The employee must make a special maternity leave application as soon as practicable which details the period of leave required. The manager may request a medical certificate and if so, this must be provided by the employee.

Loss of a child while pregnant

If the pregnancy ends within 28 weeks before the due date without a live birth, the employee may take unpaid 'special maternity leave' for the period her treating doctor certifies is necessary. Parental leave is not available in this situation, instead special maternity leave applies.

The employee must make a special maternity leave application as soon as practicable, specifying the expected leave period and providing a medical certificate, if this is requested by the manager.

Flashbay Pty Ltd will be sensitive to the personal issues associated with this type of leave.

During parental leave

Flashbay Pty Ltd respects that some employees do not want any contact while on leave, and others do. The manager should discuss with the employee what sort of communication the employee would like while on leave, and record this agreement.

If agreed to by both parties, an employee on unpaid parental leave is allowed to go back to work for up to 10 keeping in touch days without this affecting their parental leave status. The Employee would be paid as normal for the keeping in touch time worked.

Where a decision will have a significant effect on the status, pay or location of the pre-parental leave position, Flashbay Pty Ltd will take all reasonable steps to inform the employee and discuss the effect of the decision. During any restructures, employees on parental leave will be treated no less favourably than other employees and will be kept informed of the process.

If an employee has applied for less than 52 weeks unpaid parental leave, they can extend the period of leave once to take the total leave up to a maximum of 52 weeks. The employee must give at least four weeks notice prior to the end date of the original leave period. A period of unpaid parental leave may be reduced by agreement between Flashbay Pty Ltd and the employee.

An employee can resign while on parental leave but they must give the required notice of resignation as set out in their employment contract.

Employees should not undertake any activity during leave which is inconsistent with the employment contract, including other employment and they should remain responsible for the care of the child.

The employee's position may be filled on a temporary basis while they are on leave. Flashbay Pty Ltd will notify the replacement employee that their employment in this role is temporary and that the pregnant employee has the right to return to the position.

As Parental Leave laws can be complex and may differ for each employee based on their circumstances, it is recommended that you refer to the Relevant section of the Fair Work Ombudsmen site: <https://www.fairwork.gov.au/leave/maternity-and-parental-leave> and discuss your situation with your manager as soon as possible to understand your current leave entitlements and options.

Leave without pay policy

Management has the discretion to approve leave without pay that an employee is not otherwise entitled to.

Jury duty policy

An employee is entitled to paid leave for jury duty in accordance with the minimum amounts and durations specified by New South Wales legislation or per a relevant Award or Agreement.

Emergency services leave policy

If an employee needs to take temporary absence from work because of voluntary emergency management activities (for example, as a volunteer dealing with an emergency or natural disaster as a member of SES, CFA or Army Reserve) then they should ask management for leave as soon as possible after they become aware of the need to take leave. If an employee has no leave accrual to draw upon, this will be taken as unpaid leave.

Flashbay Pty Ltd will support such activities wherever possible, as an important community service.

Flashbay Pty Ltd may require evidence of these activities at its discretion.

Family and Domestic Violence Leave Policy

If an employee takes Family and Domestic Violence Leave under the Family and Domestic Violence Leave clause, which takes effect from the first full pay period on or after 1 August 2018, they have to let Management know as soon as possible. This can happen after the leave has started. Employees also need to inform Management how long they expect the leave to last.

<https://www.fwc.gov.au/documents/decisionssigned/html/2018fwcfb3936.htm>

Employees are entitled to 5 full days of unpaid Family and Domestic Violence Leave. The 5 days allowance renews every 12 months but does not accumulate from year to year if unused.

Flashbay Pty Ltd can ask an employee for evidence that shows the leave was taken to deal with family and domestic violence. Evidence is required for as little as 1 day or less off work. If the employee does not provide the requested evidence, they may not get Family and Domestic Violence Leave. The evidence must convince a reasonable person that the employee took the leave to deal with the impact of family and domestic violence.