



POLICY	
Policy Number: CORP2020-021	Date Approved: July 2016
Department: Corporate	Date Reviewed: September 2020
Sick Leave and Attendance Management	

1. **Policy Statement**

The Corporation is committed to providing quality customer service while ensuring the health and safety of the public and our employees.

All employees of the Corporation contribute to this objective, and their regular attendance is essential in maintaining service levels. Employees have a responsibility for maintaining their health and ensuring their regular attendance at work. Regular attendance is an expectation of employment. It is an essential duty of the job.

2. **Purpose**

The intention of Corporation's Attendance Management Policy is to manage attendance of employees in a supportive and positive fashion while requiring employees to be accountable for such absences.

Key Objectives

- To promote improved attendance and employee wellness;
- To foster awareness of the importance of good attendance;
- To minimize instances of absenteeism in the organization;
- To establish organizational standards and procedures regarding attendance;
- To respond systematically to instances of excessive innocent absenteeism;
- To administer the Attendance Management Policy in an equitable manner, responsive to individual circumstances.

3. **Scope**

Absences can occur for many reasons. Most are legitimate, while others are avoidable. All absences have the potential to disrupt the workplace. Each type of

absence must be handled differently. Abuse of the income protection plans will be dealt with as a disciplinary matter. Someone who is genuinely ill shall be given every reasonable consideration appropriate to their circumstance.

Note: Sick days are for the employee and are not to be used for absences for family members.

Sick days will not be covered for medical procedures not covered under OHIP, e.g. elective cosmetic surgery.

4. Definitions

Innocent Absenteeism

“Innocent” absences usually relate to illness or injury—legitimate concerns that the employee cannot control. Such absences are not dealt with through discipline, however, even where an employee has been absent through no fault or blame of their own, the absences are subject to attendance review. The employer is not prevented from taking steps to remedy an attendance problem.

Examples of innocent absences include:

- Sick leave even though the employee has a medical certificate;
- Frequent visits to a Medical Doctor (MD), Nurse Practitioner, dentist, etc.;
- Family problems for which no solutions seem available.

Culpable Absences

(Will be dealt with separately through the disciplinary process)

Examples of culpable absences include:

- Absence without a valid reason;
- Failure to notify;
- Unsubstantiated absence, where evidence of the reason is required;
- Presenting false reasons for the absence;
- Abuse of income protection plans.

5. Policy & Procedures

It is the policy of the Corporation to manage attendance and encourage the proper use of income protection plans: e.g. Sick Leave, Long-Term Disability and Workers' Compensation.

The policy will be administered in accordance with the Ontario Human Rights Code.

Employee's Responsibilities

It is the responsibility of each employee to take all steps necessary to ensure they are able to:

- **Notify immediate Supervisor** regarding absences and when returning to regular or modified work as soon as possible:
 - Where practical, the call should be made by the employee, and not someone on his or her behalf;
 - The timings of the call-ins will be established by individual departments prior to the beginning of the shift;
 - No texting in to the Supervisor;
 - Call-ins are to be made directly to the employee's immediate Supervisor or designate not clerical staff or a co-worker. When your Supervisor is off work, a designate will be appointed, typically the Sub-Foreman or Director of the Department.

Failure to follow these requirements may result in denial of sick leave benefits

- Attend work regularly;
- Comply with the Sick Leave and Attendance Management Policy's Reporting Procedures and provide all relevant information in reporting absences;
- Make every effort to attend to personal affairs and obligations outside working hours;
- Request Vacation time to cover hours absent for other medical purposes;
- Cooperate with the Corporation's Third Party Disability Management Firm.

Employee's Reporting Requirements

Doctor's Note:

- **CUPE 26, Fire Fighters, Non-Union Employees:**

In the event the disability exceeds three (3) working days, the employee shall obtain a note from a qualified Medical Doctor (MD) or Nurse Practitioner. This note shall be presented to immediate supervisor upon return to work.

Short-Term Disability Income Benefit Package - Completion:

• **CUPE 1074, ONA:**

In the event the disability exceeds three (3) working days of the commencement of disability, the employee shall:

- Obtain an Insurance Carrier's Short-Term Disability Income Benefit package (available from Supervisor or Human Resources Coordinator) which contains an Employee Statement and a Physician Statement;
- See a Medical Doctor (MD) or Nurse Practitioner and have them complete the Physician Statement;
- Complete the Employee Statement.

• **CUPE 26, Fire Fighters, Non-Union Employees:**

In the event the disability exceeds four (4) calendar days of the commencement of disability, the employee shall:

- Obtain an Insurance Carrier's Short-Term Disability Income Benefit package (available from Supervisor or Human Resources Coordinator) which contains an Employee Statement and a Physician Statement;
- See a Medical Doctor (MD) or Nurse Practitioner and have them complete the Physician Statement;
- Complete the Employee Statement.

Short-Term Disability Income Benefit Package - Submission:

• **ALL GROUPS:**

Within five (5) calendar days, forward the completed Short-Term Disability Income Benefit package (Employee and Physician Statements) to:

- i. Human Resources Coordinator or designate
or
- ii. Insurance Carrier (the employee shall be responsible to advise Human Resources Coordinator of date and method of submission, e.g. mail, fax, etc., to Insurance Carrier)

Note: The Employer is not seeking Medical Diagnosis. Any confidential medical information will be dealt with through the Corporation's Third Party Disability Management Firm.

In the event the disability exceeds five (5) working days of the commencement of disability, the Corporation may request that the claim be reviewed by the Corporation's Third Party Disability Management Firm to achieve an early and safe return to work.

- When requested, provide Medical Doctor (MD) or Nurse Practitioner with written communication from the Corporation and obtain required information from doctor(s) for the Corporation concerning the availability of modified work. Should employee be allowed to return to work with restrictions, a Functional Abilities form will be required to determine what duties employee is allowed to perform;
- Maintain contact during their absence, with their Supervisor daily or on a reasonable basis to be established by the Supervisor in the circumstances;
- Employees who exhibit patterns of sick leave usage may be asked to provide a Medical Doctor (MD) or Nurse Practitioner note for the absence;
- Employees who are off sick on the day before and/or the day after a scheduled vacation shall provide a Medical Doctor (MD) or Nurse Practitioner note for the absence upon return to work;
- Employees who fall ill during scheduled vacation may request to have their vacation time switched to a sick occurrence upon submission of a Medical Doctor (MD) or Nurse Practitioner note.

Return to Work Procedure

- The employee is responsible for contacting their immediate Supervisor to notify of their return whether to regular or modified duties;
- In the event the disability exceeds three (3) working days, employee shall obtain a note from a qualified Medical Doctor (MD) or Nurse Practitioner. This note shall be presented to immediate supervisor upon return to work;
- The Corporation may request further medical certification from the employee's Medical Doctor (MD) or Nurse Practitioner regarding the employee's ability to return to regular duties. If the employee returns to work with restrictions, a Functional Ability Form will be completed by a Medical Doctor (MD) or Nurse Practitioner prior to the return to work. If further treatment is needed or special accommodation is required, medical

certification from the employee's Medical Doctor (MD) or Nurse Practitioner may be requested by the Corporation;

- Where the Corporation has reasonable grounds for concern regarding an employee's fitness to return to regular work, it may require the employee to undergo a Functional Abilities Assessment through the Corporation's Third Party Disability Management Firm;
- Appropriate releases of medical information will be obtained to allow the Corporation's Third Party Disability Management Firm and the employee's treating Medical Doctor (MD) or Nurse Practitioner to communicate easily regarding the employee's ability to return to regular duties or modified work.

Supervisor's Responsibilities

Accountability for managing attendance will be primarily with the immediate Supervisor or other person designated by the organization. Supervisors will identify issues, initiate appropriate actions and follow-up on cases in progress as follows:

- Ensure that all employees are aware of the Corporation's Sick Leave and Attendance Management Policy and the employee's responsibilities;
- Ensure employees have been advised of their responsibilities to attend work regularly, to maintain contact with the Supervisor if absent, and to provide the necessary information to Human Resources and/or the Corporation's Third Party Disability Management Firm;
- Communicate with absent employees on a daily or regular agreed upon basis;
- Maintain records.

For absences exceeding five (5) working days, notify the Human Resources Coordinator or designate.

Cooperate with the Human Resources Coordinator and the Department Director to assist and explore a modified return to work plan.

- Interview, counsel and refer employees in accordance with the terms of the Policy;
- When necessary, advise employees in writing, of the organization's expectation with respect to improving attendance. On advice from Human Resources, the letter(s) will advise that should the employee be unable to attend work regularly in his/her present position, one or more of the following may occur:

- Further medical information may be required;
- Reasonable accommodation strategies will be considered to assist the employee to regularly attend work and perform the essential duties of the job;
- Alternate positions suitable for the employee's functional abilities will be considered;
- Employment status may be reviewed and a non-disciplinary termination may result.

Human Resources Responsibilities

The Human Resources Coordinator will coordinate the Sick Leave and Attendance Management Policy and will communicate with the appropriate parties to bring about successful claims management outcomes. Human Resources will provide the following:

- Prepare and distribute quarterly attendance stats and identify those individuals who have exceeded the Corporate standard for that period;
- Prepare and distribute, in February, the annual sick leave report for each Department, for the previous calendar year and identify those individuals who have exceeded the Corporate standard. These individuals will receive an annual year-end report which provides the following:
 - Year-end stats;
 - Sick leave history;
 - Area to review quarterly for upcoming year.
- Liaise with the Corporation's Third Party Disability Management Firm for the purposes of managing absenteeism and providing the necessary information to facilitate a return to work;
- Assist with the Supervisors to formulate appropriate return to work strategies;
- Keep Supervisors informed of the employee's progress, the possible or planned return to work date and the potential need for accommodation of temporary or permanent disabilities;
- Liaise with Director to assist in the development, implementation and monitoring of Return to Work and Modified Work Programs;
- Provide training to Directors/Supervisors on the implementation of this policy;
- Participate in the appeal process.

Note: The sick leave days for those employees who are off work due to planned surgery, hospitalization and/or off on a long term absence that the Employer is aware of, will be considered separately in the determination whether the employee has exceeded the trigger point.

The Employer will be using a standard of **six (6) days per year or 3 occurrences** per employee as the trigger point for identifying potential attendance problems.

The Human Resources Coordinator, on a **quarterly** basis will provide each Supervisor/Director with information identifying:

- The number of days
- Number of occurrences

Those employees who exceed the Corporation's standard or whose absences suggest that the standard will be exceeded by year-end will receive a quarterly review.

Employees have the option to purchase their OMERS leave if they are not receiving their full salary. Human Resources Coordinator will apply for a Disability Waiver of Premium Benefit after the first day of the fifth month of absence due to disability.

GUIDELINES

Assistance

Supervisors should be alert to employees exhibiting signs of personal problems that are affecting their attendance or performance. Supervisors should be aware of all services that are available to employees through the Employee and Family Assistance Program and should encourage employees and family members to seek assistance when required.

Employees should seek any assistance necessary to maintain health and should take responsibility for their own wellness.

Note: Notwithstanding that meetings under this policy are non-disciplinary; an employee may request the opportunity to have Union representation at such a meeting.

Formal Stages to Handling Innocent/Non-Culpable Absenteeism

All employees will have their attendance reviewed and compared to the threshold on a regular basis and documented in their annual performance evaluation

Note: An employee may enter the program at any stage depending on the unique circumstances of their attendance record which consider the following factors:

- Length of tenure with the organization;
- Occurrences\Days Absent;
- Attendance History.

Stage One

- The Supervisor meets with the employee and identifies concerns with attendance;
- The Supervisor explains the impact of absences on the work operation;
- This meeting usually happens after the year-end report is distributed or after quarterly review and has not met the Corporation's standard of 6 days and/or 3 occurrences. The employee is advised that their attendance is not satisfactory and he/she is encouraged to take steps to correct the situation;
- The employee's attendance is then monitored for each quarter and interviews take place at each interval;
- The Supervisor will identify expectations for improvement and if applicable resources for assistance;
- If the employee shows no improvement over the next quarter, the matter proceeds to Stage 2.

Stage Two – after three months

- The Supervisor will meet with the employee and his/her Union representative (if unionized) to review and discuss the employee's attendance concerns, explain the impact of absences on the work operation, identify unacceptable attendance, identify resources for assistance to attend work regularly, and to explore other avenues to achieve improved attendance. Advise that if there is no significant improvement in attendance further action may occur;
- Give opportunity to discuss reasons for absenteeism;
- Offer Employee Assistance Program;
- Identify expectations for satisfactory improvement

- The Supervisor will identify specific course of action if improvement is not achieved;
- A letter documenting this discussion will be forwarded to the employee with a copy to the Human Resources Coordinator;
- The Supervisor will closely monitor the employee's attendance during the next quarter;
- If the employee shows improvement, the Supervisor will provide positive feedback regarding their attendance;
- If no improvement is shown, the matter proceeds to Stage Three.

Stage Three – after six months

- If no improvement is evident during the Stage Two review period, the Supervisor / Director will send a letter to the employee advising that non-disciplinary termination of the employee's employment is being considered. The employee is directed to attend a meeting with the Director / Supervisor, Human Resources Coordinator and the Union, if applicable;
- The Supervisor will identify unacceptable attendance is on record;
- Give employee opportunity to show cause why his/her employment should not be terminated, and/or is willing to abide by conditions of continued employment, the employee will be given one last opportunity to improve attendance;
- If it is considered appropriate to offer conditions of continued employment to the employee, a letter documenting the conditions agreed to will be prepared;
- If the employee fails to show cause, and/or is unwilling to abide by the conditions of continuing employment, the meeting will be concluded and the employee advised that the Supervisor / Director will review the matter further and that termination is being considered;
- The Supervisor / Director and Human Resources Coordinator shall jointly prepare a recommendation for the consideration of the CAO;
- The Director will forward a letter to the employee advising of the decision and cc Union if applicable.

Stage Four

- Termination of employment

6. Summary

Not Applicable

YEAR-END ATTENDANCE REVIEW FOR 20____

Employee's Name: _____

Number of sick days: _____

Supervisor's Initials: _____

Number of sick leave occurrences: _____

Employee's Initials: _____

SICK LEAVE HISTORY (days and occurrences)

Year

of Days

of Occurrences

Notes from Discussion:

20__ Absenteeism Record

1 st Quarter		2 nd Quarter		3 rd Quarter	
Days	Occurrences	Days	Occurrences	Days	Occurrences
Initials		Initials		Initials	
Supervisor	Employee	Supervisor	Employee	Supervisor	Employee

Additional Comments:

Please return form to Human Resources

This attendance review is non-disciplinary. If you are experiencing personal difficulties which you feel may be affecting your attendance, we have an Employee Assistance Program (EAP). The EAP is a voluntary, confidential counseling service for employees and their families.

Approved By: Council

Date: August 16, 2016