



Huron-Superior Catholic

DISTRICT SCHOOL BOARD

PROCEDURAL GUIDELINES

ATTENDANCE SUPPORT

PROGRAM SCOPE:

The procedural guidelines for attendance support applies to all employees of the Huron-Superior Catholic District School Board.

PURPOSE, GOALS AND EXPECTATIONS:

The Board is committed to partnering with employees using a process which balances the organization's need to maintain high standards of service with the employee's need for support when absent for reasons beyond their control. In turn, employees have a responsibility to cooperate with HSCDSB's attendance support processes and make every reasonable effort to maintain a strong attendance record. The Employee Attendance Support procedural guidelines seeks to:

- a) Support employees to achieve regular attendance at work and to minimize absenteeism;
- b) Manage employee absenteeism using a reasonable, balanced, compassionate and consistent approach;
- c) Resolve innocent (non-culpable) attendance issues through non-disciplinary interventions and offer timely assistance to all employees who require it;
- d) Resolve culpable attendance issues through appropriate progressive discipline; and,
- e) Support the fulfilment of the Board's Strategic Plan.

KEY ELEMENTS:

- a) The Employee Attendance Support decisions and processes respecting absenteeism, disability and accommodation will be made in accordance with provisions of the Ontario Human Rights Code (OHRC), Workplace Safety and Insurance Act (WSIA), Employment Standards Act (ESA), any other applicable legislation and any applicable collective agreement or terms and conditions of employment.
- b) Where appropriate, support will be offered to assist an employee in resolving issues that may be affecting their ability to attend work regularly.
- c) The Board will maintain the confidentiality of any personal and/or medical information provided by an employee.

TWO TYPES OF EMPLOYEE ABSENTEEISM:

Culpable Absenteeism:

Failure to attend work for a reason that is not legitimate because the unauthorized absence is within the control of the employee. This includes but is not limited to:

- lateness/tardiness;
- leaving work early without authorization and/or notification;
- absence without leave or failure to notify;
- abuse of leave (e.g. using sick leave for absences unrelated to employee illness or injury);
- false explanation for an absence; and
- unsubstantiated absence, where evidence of the reason is required.

Non-Culpable Absenteeism:

Failure to be present for work due to a legitimate illness or injury that is not work-related. These absences are not the fault of the employee and are typically beyond an employee's control. This includes but is not limited to:

- employee sick leave; and
- employee medical appointments during working hours, where it is not possible to conduct the appointment outside of normal working hours.

RESPONSIBILITIES:

Supervisors (includes principals/vice-principals/supervisors):

- Communicate the protocol for advising of absenteeism and expected attendance standards and obligations to staff.
- Monitor levels of sick leave usage in their schools and offices, based on reports generated by the Human Resources Department, and take appropriate action to correct absenteeism issues.
- Ensure staff members are aware of patterns and/or high levels of usage, should an issue with absenteeism be observed.
- Maintain written documentation where absenteeism issues have been identified.
- Identify unacceptable usage based on the individual situation.
- Meet with the employee to discuss and resolve issues regarding attendance, using the procedures outlined and guideline references. In the case of an extended absence, the supervisor will arrange with the employee to maintain contact at a reasonable frequency determined by the Board.

Employees:

- Attempt best efforts to be physically and mentally fit for work.
- Attend work, on time, for every scheduled day of work and stay for the entire duration of each workday.
- Provide reasons for and report absences related to sick and medical using the Absence Reporting Callout System (Easyconnect).
- Consult with and advise supervisor where tardiness and/or leaving early is unavoidable.
- Seek medical care when necessary. Employees should make every effort to schedule medical appointments outside of the workday, where possible.
- When an employee knows that they will be away from work for a period of time in the future (e.g. planned leave of absence for surgery) discuss the planned absence with their immediate supervisor and/or human resources with as much advance notice as possible.
- Maintain communication with their supervisor. This is critical when the employee is unable to return to work and the estimated length of illness is unknown.
- Co-operate with their supervisor's/designate's request for information regarding their specific limitations and restrictions, which shall be provided through their treating health care professional so that an accommodation plan that is suitable can be established. There is no requirement for employees to provide a diagnosis.

Human Resources:

- Clearly communicate the guidelines for attendance support and the potential consequences of non-compliance.
- Provide regular reporting and communication to supervisors on employee absences.
- Work with supervisors to identify the source of employee attendance issues, determine available resources and to facilitate return to work programs.
- Provide advice on the provisions of these procedures and guidelines.
- Provide advice on Human Rights, legislation, collective agreement provisions, and policy interpretations where applicable.
- Meet with the employee to discuss and resolve issues regarding attendance, using the procedures outlined and guideline references.

Unions and Staff Associations:

- Unions and staff associations can assist their employees by providing support.

MONITORING ATTENDANCE:

- Sick leave records and absenteeism of all employees will be monitored on an ongoing basis.
- Board approved and/or legally required absences (e.g., jury duty, bereavement leave, personal leave) will be recorded; however, these types of absences will be excluded from sick leave statistics.

- All available information will be reviewed and considered before determining that an attendance problem exists.
- A potential attendance issue will be considered where usage appears to be above the norm and/or where there are patterns of usage identified.
- Once the immediate supervisor and the School Superintendent or Manager of Human Resources (or designate) has determined that an attendance problem does, in fact, exist, action will be taken in accordance with the guidelines outlined in this procedural guideline.

MEDICAL EVIDENCE:

- Employees **will not be** required to reveal to the Board the reason for illness or disability (i.e., diagnosis).
- Subject to the terms and conditions of the applicable collective agreement or Board policy, the employee may be required to provide a health care professional's certificate when:
 - An employee is absent from the workplace due to illness or injury;
 - An employee's sick leave usage is above the average (as determined by the Board);
 - A suspect pattern of usage exists or is developing;
 - An employee has been absent from the workplace due to illness or injury for five or more consecutive days.
- Discretion will be used when seeking medical verification of an absence(s) and medical certificates will not be requested simply as a deterrent.
- The certificate should state clearly the expected date of return to work and/or reassessment and whether any limitations or restrictions apply. When requesting medical evidence, it is reasonable to request clarification from the physician verifying:
 - Whether the absence from work is medically required;
 - Whether restrictions exist;
 - Identification of specific capabilities and physical and/or psychological limitations to guide return to work decisions;
 - Whether treatments or medications have been prescribed that may affect the employee's ability to perform their required responsibilities;
 - Prognosis or expectation for recovery.

CONFIDENTIALITY:

- Medical evidence / information received will be treated in a confidential manner and in accordance with applicable laws and regulations.
- Medical evidence / information concerning employees will not be discussed or requested unless required in order to verify absence from work or to ensure the employee's capabilities and/or safety in carrying out his or her job duties.

EARLY INTERVENTION:

- Where an attendance concern has been identified, the immediate supervisor will commence early intervention in accordance with **Appendix 1 – Early Intervention Administrative Procedures** outlined in this guideline.

CULPABLE ABSENTEEISM:

- Where early intervention does not produce improvement and the attendance problem is deemed to be CULPABLE/BLAMEWORTHY, the attendance problem will be managed in accordance with progressive discipline processes.

NON-CULPABLE ABSENTEEISM:

- Where early intervention does not produce improvement and the attendance concern is deemed to be NON-CULPABLE/
 - If there is no verification of disability as defined by *The Ontario Human Rights Code*, the attendance concern will be managed through providing reasonable assistance and support as determined by the specific circumstances of each case.
 - If there is a verification of a disability as defined by *The Ontario Human Rights Code*, the attendance concern will be managed through accommodation to the point of 'undue hardship'.

TERMINATION OF EMPLOYMENT:

- Termination of employment will be considered **only** as a last resort. In assessing the option of termination, the facts of each case will be assessed in relation to applicable laws and regulations.
- However, failure to adhere to the action plan and/or failure to implement a significant and sustained improvement in an employee's rate of absenteeism, may result in termination of employment for non-culpable (innocent) absenteeism.

APPENDIX 1

Early Intervention Administrative Procedures

These EARLY INTERVENTION procedures are intended as guidelines only.

The Board and Supervisors will use their discretion to apply these procedures in a constructive, reasonable manner. The goal is to manage attendance issues to ensure appropriate attendance at work. These procedures are designed to:

- educate staff regarding their record of absences from work; and
- assist employees to reduce their level of absenteeism by providing awareness, support and encouragement.

Step 1: Initial Discussion/Meeting

The immediate supervisor meets with the employee. Upon request, a representative from Human Resources may also be invited to attend the initial discussion/meeting. The following provides a general framework for the discussion with the employee and is a guide to ensure the discussion remains focused:

- i) Plan the Meeting
 - Consult with appropriate sources (Human Resources, Director, or Superintendent).
 - Organize information for the discussion (e.g., sick leave records, appropriate average usage summaries).
 - Note any patterns and/or high usage.
 - Identify incidents vs. days (e.g., an employee hospitalized for a surgery may use ten days of sick leave in one incident, whereas another employee may use ten days of sick leave in ten separate incidents).
 - Identify any known reasons for absences and whether all absences are related.
 - Identify the impact on the workplace (e.g., student(s), school operations, programming, public expectations).
- ii) Meet with Employee
 - Clarify the meeting is not intended in any way to be disciplinary.
 - Advise the employee that they may invite union representation or a staff representative to be present.
 - Ensure privacy.
 - Describe attendance concern (e.g., trends/patterns, incidents vs. days, exceeding comparable averages).
 - Provide the employee with a clear explanation of how his/her absences are impacting the workplace.

- Be clear that the goals are to provide support and encourage improvement.
- The employee will be requested to consider and implement strategies to improve their attendance record.
- The employee will be notified of support mechanisms that are available to assist the employee in improving their attendance record.
- Identify that the confidential services of the Employee & Family Wellness Program (EAP) are available, where applicable.
- Ask the employee if other types of supports may be required.

iii) Establish Guidelines and Follow Up

- Determine if the employee expects his/her attendance to improve and note responses – ask the employee to provide suggestions on how to improve their attendance and obtain their commitment to improvement.
- Re-communicate procedures and guidelines for reporting absences.
- Establish a follow-up date to review progress, if appropriate (*generally one to three months is a reasonable time period, but depending on the particular facts, the timeframe could be shorter or longer*).

Step 2: Attendance Counselling /Meeting Followed by a Letter

Where the employee's attendance does not improve and concerns continue, another meeting with the employee will be required.

- i) The immediate supervisor, with the Manager of Human Resources (or designate) or Superintendent, meets with the employee. The meeting should follow the guidelines outlined in Step 1.
- ii) The immediate supervisor and a representative from Human Resources will discuss the Board's continued and heightened concern with regards to the employee's record of absences.
- iii) The employee is advised that a letter summarizing the meeting will follow.
- iv) A letter is sent to the employee from the Manager of Human Resources.

The following provides general guidelines for the specific items to be included in the letter:

- Meeting date.
- Reference to previous discussions with the employee (including dates).
- Clear identification of the attendance concerns discussed with the employee (e.g., trends/patterns, incidents vs. days, exceeding comparable averages).
- Clear identification of the impact on the workplace.
- Clear identification of the expectations.
- The employee's explanation for the absences.
- Any commitments made by the employee, including his/her commitment to improve.
- The timeframe for follow up.

Step 3: Formal Case Review

- i) Where attendance has not improved and the reasons for the absence are unknown, an assessment as to whether the cause of the absence is culpable/blameworthy or non-culpable/non-blameworthy will be made prior to taking further action.
- ii) The Manager of Human Resources will review the attendance history and reasons for past absences and assess whether or not the individual is likely to be able to attend work regularly in the future.
- iii) Another meeting is held with the employee. This meeting will be facilitated by the immediate supervisor and/or Superintendent/Human Resources Manager and should follow the guidelines outlined in Step 1.
- iv) As the process is intended to assess the type of absence, the employee will not be required to produce medical verification of the absences.

In addition to the discussion items identified in Step 1 as noted above, the following additional discussion items and documentation are to be included at this step:

- Advise the employee that medical verification of the absence and medical confirmation of their ability to maintain regular attendance at work in the future is required.
- Potentially provide employee with a letter from the Manager of Human Resources to take to their health care professional.
- Emphasize that you are seeking prognosis information only; diagnosis information is not required.
- Emphasize that the medical information received will be kept confidential and confirm to whom the information is to be returned.
- Inform the employee that they will be required to attend a follow-up meeting to discuss the medical evidence / information received.
- Confirm that the intent of gathering the information is to assist the employee in maintaining regular attendance at work and/or to appropriately assess alternatives if a disability exists and an accommodation may be required.
- Advise the employee that, if the required medical information is not provided or the information provided does not verify the legitimacy of the absences, disciplinary action may be considered.
- Should the determination be made that the employee will not likely be able to attend work regularly in the future, employment may be terminated for non-culpable (innocent) absenteeism.
- Should a different determination be made, a specific plan of action/monitoring will be outlined and communicated to the employee.