



POLICY – PO321

Employee Attendance Support

Area: Human Resource Services
Source: Superintendent of Education – Human Resource Services

Approved: Sept. 28, 2009
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1. Introduction

The Durham Catholic District School Board believes that supporting staff health and wellness and fostering a positive organizational culture within our Catholic Professional Learning Communities consistent with our Gospel values, is critical to employees attending work on a regular basis wherein staff are able to fully contribute their God-given talents in realizing our mission statement and strategic goals.

Every employee is expected, as part of the employment relationship, to maintain regular attendance. Accordingly, employees must understand the importance of meeting this employment obligation with respect to the impact on student achievement, operational efficiencies, and staff workload. Every employee and his/her immediate supervisor, share in the efficient operation of the Board by performing his/her job responsibilities to the fullest extent possible through providing regular attendance.

The Board provides proactive resources for early intervention support to employees who have personal challenges that impact their ability to attend work on a regular basis.

2. Definitions

Accommodation – modifications provided to enable a disabled employee to remain at or return to work. The *Ontario Human Rights Code* outlines responsibilities of employers, employees, and unions with respect to workplace accommodation.

Active Working Months – the normal months that an employee is scheduled to actively be at work, excluding an approved leave of absence.

Attendance Assistance Process – the process of providing an employee with formal support to enable him/her to regularly attend work.

Attendance Goals – an individualized work objective determined in consultation with an employee and their bargaining agent representative(s), if applicable, where he/she falls within the attendance support process. Goals are set collaboratively between the employee, bargaining agent representative(s) and his/her supervisor with support from the Human Resource Services department after identifying and determining any legitimately substantiated barriers to regular attendance. The goal is specific, measurable, attainable, realistic and timely over a ninety (90) day period.

Bargaining Agent Representative – the association or union representing an employee under this procedure, i.e., Association of Professional Student Services Personnel (APSSP), Canadian Union of Public Employees, Local 218 (Custodial/Maintenance Staff, Educational Assistants, Secretarial/Clerical/Technical), Elementary Teachers' Federation of Ontario, ETFO (Designated Early Childhood Educators), OECTA Elementary, OECTA Occasional Teachers, and OECTA Secondary.

Culpable/Blameworthy Absenteeism – absences which are in the employee's control, (e.g., lateness/leave early, failure to notify, absent without leave, misuse of sick leave benefits) are managed through the progressive discipline process.

Duty to Accommodate – under the *Ontario Human Rights Code*, employers, including school boards, have a duty to consider and accommodate the needs of employees with disabilities in respect of their employment. Where possible and without undue hardship, barriers to employees performing their duties with the Board must be removed. The purpose of the duty to accommodate is to make arrangements so that employees with disabilities can fully participate in the workplace. Respect for the dignity of employees is the key to preventing and removing barriers, including respect for the self-worth, individuality, privacy, confidentiality, comfort and autonomy of persons with disabilities. Accommodation will vary according to a person's unique needs. These needs must be considered, assessed, and accommodated individually. It is possible that employees cannot be accommodated without undue hardship on the Board because of cost, outside sources of funding, and health and safety requirements.

Employee – is anyone who is actively on the Board payroll, except for a Trustee.

Employee Attendance Support – is a consistently applied systematic process whereby individual attendance is monitored relative to system, departmental and employee group standards, with the objectives of assisting those work areas and employees at risk of not meeting attendance expectations and requiring counseling and support in dealing with attendance concerns.

Employee/Family Assistance Program (EFAP) – confidential counseling and support services to help employees and their eligible family members achieve a satisfying and rewarding personal and work life.

Extenuating Circumstances – the Board exercises discretion considering any mitigating factors related to the employee's absenteeism, i.e., nature of the contributing

problem, employee co-operation in improving attendance, and whether any absences were **Emergency Leave** provided by the *Employment Standards Act*. Before making any decision regarding an employee's employment status relative to this policy and its accompanying administrative procedure, the Board will consider its contractual and statutory obligations. The Board recognizes that the "duty to accommodate" may have application in any employee's particular circumstances.

Innocent Absenteeism – also known as non-culpable absences as a result of circumstances beyond an employee's control, e.g., illness, injury or disability.

Medical Certificate – a standardized form for medical absences (as per Disability Management Administrative Procedure AP312-1 or Part A of the Central Agreements in Collective Agreements), of five or more consecutive working days completed by a physician to substantiate an employee's absence due to illness or injury. The Certificate may document an employee's ability to return to work and/or regular duties, or provide substantiation for medical conditions/circumstances that may require workplace accommodation.

Occurrence – absence occurring on the date an employee is to attend work.

Progressive Discipline – discipline imposed on an employee which is graduated in severity depending on the nature of the circumstances and other mitigating factors, in order to correct employee misconduct. This approach is generally required by labour arbitrators in the context of employee discipline and discharge cases except in the case of very serious misconduct, e.g., abuse of paid benefits, fraud, theft of product and time, workplace harassment/violence.

Return to Work Program – a permanent or temporary plan, subject to the unique circumstances of the employee, created collaboratively with the employee and their bargaining agent representative(s) as well as the immediate supervisor to assist an employee in his/her safe and timely return to work after an illness or injury.

Review Period – after successful completion of goals established for the ninety (90) day period in Steps 1, 2 or 3, the employee enters a review period allowing them to demonstrate his/her ability to continue and sustain the absence threshold pursuant to the accompanying administrative procedure. If the employee is unable to do so, during the review period, he/she will repeat the last Step from which he/she exited.

Threshold – the identified number of illness-related absences only that, when reached, prompts the supervisor and/or Superintendent and representative from the Human Resource Services department to meet with an individual and bargaining agent representative(s), where applicable, to discuss absences related to sick leave.

3. Purpose

The purpose of this policy is to:

- a) foster a culture of awareness where regular attendance and its impact on student achievement and learning is valued;
- b) improve employee attendance through a consistent, equitable, and structured approach where employees are positively counseled and supported through various health and wellness initiatives;
- c) ensure compliance and consistency with existing arbitral and human rights case law so as to provide employees and their supervisors with a deliberate process and just standards which may be consistently applied in a fair and equitable manner addressing the employee's unique circumstances;
- d) ensure, where an employee's absenteeism exceeds clearly defined, reasonable thresholds, a systematic response that is supportive and compassionate conducted in a manner consistent with our Gospel values, including eliminating barriers affecting attendance; and
- e) where possible and in consultation with the employee and his/her bargaining agent representative(s), align existing disability management programs, practices and protocols, and Short-term Support Program (SSP), to safely return disabled employees to their workplace and active employment.

4. Application / Scope

Consistent with our Mission Statement, the policy applies to all Board employees.

5. Principles

- 5.1 The Durham Catholic District School Board is a nurturing professional learning community which values its employees' health and well-being. The Board provides sick leave benefits to its employees under its various Collective and Working Condition Agreements, with the expectation that such benefits are to be utilized by employees only where an employee has a legitimate illness or injury which may be substantiated by supporting medical documentation.
- 5.2 Consistent with the Board's Mission Statement, and our Catholic beliefs and social teachings, as well as considering the Board's right to effectively manage its workforce, this policy is implemented with a supporting administrative procedure and management program which focuses on building positive relationships with our employees and addresses the following:
 - 5.2.1 The Board is committed to the overall health and wellness of its staff as demonstrated by the Disability Management Program, Employee and Family Assistance Program, Joint Health and Safety Committee and Employee Wellness

Committee. The Board recognizes its responsibility to develop a comprehensive strategy which manages employee workplace attendance in a fair, consistent and equitable manner respectful of human rights and without discrimination in their employment.

- 5.2.2 The Board recognizes that employees play important roles in ensuring the implementation of this policy. The Board will work in a collaborative manner with its employees to improve their overall attendance.
- 5.2.3 The Board may reasonably expect employees to attend work on a regular basis and perform work for which they are employed. Employees may reasonably expect fairly established, consistently applied attendance standards.
- 5.2.4 Irregular attendance, and inconsistent practices addressing same, adversely affect student achievement and positive employee relations.
- 5.2.5 While the Board is sympathetic to and understanding of staff's personal commitments and lives outside of the workplace, employees are expected to attend to personal matters outside of the work day except where, as approved by the direct supervisor, such matters cannot possibly be so scheduled or in an "emergency" which entitles the employee to claim Emergency Leave under s.50 of the *Employment Standards Act*.
- 5.2.6 It is the Board's right to manage the attendance of its workforce. The policy, in its implementation, is intended to assist employees whose absences are innocent by nature and beyond their own personal control. The policy is complementary to the Board's Disability Management policy and related administrative procedure. Culpable absences are addressed outside of this policy and administrative procedure under progressive discipline.
- 5.2.7 Consistent with the spirit and intent of the Provincial Discussion Table Agreements as pertains to student achievement, bargaining agent representatives have a shared responsibility of ensuring all employees understand the link to regular attendance and the employment obligation to maintain regular and reliable attendance. Employees are required to properly report workplace absences per Board policy, procedure, and supervisor protocol.
- 5.2.8 Where concerns arise over employee attendance, the Board in collaboration with the employee's association or union representative shall assist the employee in improving his/her attendance.
- 5.2.9 The Board supports a culture of inclusion and is committed to timely accommodating an employee's medical restrictions consistent with the *Ontario Human Rights Code* and *Workplace Safety and Insurance Act*.
- 5.2.10 That all reasonable measures and supports will be provided by the Board to allow the employee to retain his/her employment status.

6. Requirements

6.1 The Board will:

- 6.1.1 establish and maintain the Employee Attendance Support policy and related policies, procedures and programs;
- 6.1.2 ensure this policy and the supporting administrative procedure provides a comprehensive and consistent approach supporting regular attendance of its employees and fosters a culture of awareness and collective accountability;
- 6.1.3 dialogue with its employees and their bargaining representatives regarding the importance of regular attendance, including addressing the key components supporting improved attendance, i.e., prevention and wellness; reporting; health information requirements; assistance; and early return to work;
- 6.1.4 notify and inform all staff and their association/union representatives of this policy, its related administrative procedure and program;
- 6.1.5 establish consistent processes and practices which address concerns with employees and representatives in a dignified, respectful and timely manner;
- 6.1.6 promote cooperation amongst all employees in the implementation of this policy, and the Employee Attendance Support procedure and program;
- 6.1.7 establish monitoring and review processes on an annual basis in consultation with the Board's various employee groups and bargaining agent representatives, to assess the appropriateness of attendance standards and effectiveness of the policy and related procedure;
- 6.1.8 ensure that the collection, control, use and disclosure of personal information used to determine eligibility for sick leave benefits and/or engaging employees in return to work programs, comply with the *Municipal Freedom of Information and Protection of Privacy Act*, *Personal Information Protection and Electronic Documents Act*, *Occupational Health and Safety Act*, *Workplace Safety and Insurance Act*, and other applicable legislation.

7. Sources

- 7.1 Education Act and Regulations
- 7.2 *Employment Standards Act, 2000*
- 7.3 *Ontario Human Rights Code*
- 7.4 *Occupational Health and Safety Act*
- 7.5 *Municipal Freedom of Information and Protection of Privacy Act*
- 7.6 *Personal Information Protection and Electronic Documents Act*

8. Related Policies and Administrative Procedures

- 8.1 Employee Attendance Support Administrative Procedure (AP321-1)
- 8.2 Disability Management Policy (PO312)
- 8.3 Disability Management Administrative Procedure (AP312-1)