

COMMUNITY LIVING DURHAM NORTH

ATTENDANCE MANAGEMENT

Policy No. C-16 (Human Resources)

Effective Date: May 1, 2007

Last Revision: September 15, 2013

Last Review: April 26, 2019

Rationale:

This policy provides a mechanism through which employee absenteeism can be managed in a manner that acknowledges and creates a balance between the needs of the employee and those of the agency.

Every employee of Community Living Durham North has an obligation to perform with regularity the functions for which they were hired. It is the policy of the agency to manage employee absenteeism in a fair and consistent manner in order to:

- * Maximize customer service and manpower efficiency in a safe and reasonable manner.
- * Assist employees to minimize absenteeism by making every reasonable effort to provide accommodation, assistance and rehabilitation.

Policy Statement:

Community Living Durham North endorses the promotion of wellness throughout the organization and is committed to the concept that the physical and emotional health of its employees directly impacts on the quality of care provided to the people we support.

CLDN expects regular attendance as part of its employment agreement with all employees. The employees assume the responsibility of maintaining good health in order to ensure regular attendance.

The short term sick leave benefit is provided to ensure that staff are protected against loss of income as a result of an occasional inability to attend work because of illness or disability. This policy is to ensure that staff understand the intent of the benefit, and the fact that the agency is not required to tolerate even innocent (i.e. legitimate) absenteeism, paid or unpaid, when the absenteeism is chronic and becomes a significant disruption to our operations.

An attendance management program will be in place to ensure that absenteeism does not compromise our commitment to consistent high quality support, and it will provide guidance to employees who do have attendance issues.

Approved by: Jamie Ross

for the Board of Directors

Date: September 15, 2013

COMMUNITY LIVING DURHAM NORTH

ATTENDANCE MANAGEMENT

Procedure No: C-16-1
Accommodation

Effective Date: September 15, 2013
Last Revision: March 29, 2018
Last Review: April 26, 2019

- Both the Human Rights Code and Workplace Safety & Insurance Act are relevant to attendance management. Both statutes address the inter-related issues of absenteeism, disability and accommodation. The Human Rights Code defines disability as “a broad range and degree of conditions, some visible and some not visible. There are physical, mental and learning disabilities, mental disorders, hearing or vision disabilities, epilepsy, substance dependencies etc. These disabilities may be present from birth, caused by an accident, or developed over time.”
- Accommodation is the process whereby an employer modifies the work or workplace. The accommodation is developed based on medical information consistent with the employee’s functional abilities. Employees at all levels are expected to support and participate in the return to work program. To ensure the accommodation process provides dignity, individualization and inclusion the employee, program manager and HR department will participate.
- The duty to accommodate is discharged if the employer has reached the point of undue hardship. In assessing whether accommodation would cause undue hardship, subsection 17(2) of the *Code* prescribes three considerations, including cost, outside sources of funding (if any), and health and safety requirements, if any.
- Not all absences due to illness or sickness fall within the definition of disability. For example, it is generally held that "disability" in the context of the Human Rights Code does not apply to illnesses of a temporary nature, such as colds or the flu. The Workplace Safety and Insurance Act (WSIA) provides a definition of re-employment obligations that apply to injured workers. Refer to policy C-9 *Employee Health and Safety* and specifically to C-9-6 *WSIB and Return to Work Program*.

Procedure No: C-16-2
**Definitions and Clarification of the Sick
Leave Benefit**

Effective Date: May 1, 2007
Last Revision/Review: April 26, 2019
Last Review:

- Culpable or Blameworthy Absenteeism:

Culpable absenteeism is absence from work due to factors within the employee's control; for example:

- a) Arriving late
- b) Leaving early
- c) Failure to notify the employer of absence or lateness
- d) Abuse of leave
- e) Failure to explain absences.

Culpable or blameworthy absenteeism can be disciplined, up to and including termination.

- Innocent or Non-Culpable Absenteeism:

Innocent absenteeism refers to absences that are not blameworthy or within the control of the employee; they can be substantiated if required. Innocent absenteeism includes personal emergency leave as it is defined in the Collective Agreement.

- Our short term sick leave benefit is to compensate an eligible employee who cannot attend work because of sickness or disability. Therefore, claims cannot necessarily, or even typically, be made in respect of doctor appointments. A claim is allowable if the person is visiting a doctor because he has injured himself or is ill. In other words, in situations where the person would be paid Sick Benefits whether he was seeing a doctor or not. A claim is also allowable if the appointment involves a test or procedure which renders the person temporarily unable to perform his or her essential job tasks. The following list of examples is not meant to be exhaustive, nor is it suggested that everyone experiencing such tests or procedures will feel that they are incapacitated:

- An individual's vision is temporarily impaired following certain kinds of eye examination;
- Amniosynthesis; vasectomies; extreme pain or heavy sedation following dental work.

If the person regains normalcy during working hours, and it is practicable that she return to work, she is obligated to do so.

- People leaving work to attend the normal run of doctor appointments, and even specialist appointments which cannot be made outside of working hours, cannot claim sick leave benefits in the absence of any immediate or resulting physical impairment (that is, if they were able to perform their essential job tasks immediately before and after the appointment in question, sick leave does not apply). However, every effort will be made to assist the person to keep such appointments, and Lieu Time or Vacation Benefits may be used if he or she wishes to avoid a pay loss.

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| Procedure No: <u>C-16-3</u> | Effective Date: <u>June 30, 2011</u> |
| Absenteeism Program | Last Revision/Review: <u>April 26, 2019</u> |
| | Last Review: |

- The agency will track each full time employee's absenteeism as total hours. Part Time

absenteeism will also be tracked but managed in a less formal way insofar as part time employees are not entitled to paid sick time.

- Each quarter the agency average of full time absenteeism will be calculated by dividing the grand total of lost hours, excluding paid PEL, by the number of employees. Unionized and non-unionized stats will be managed separately.
- The period under review is always the 26 pay periods prior to the date of review. Each employee's attendance record will be compared to the Full Time absenteeism benchmark and the record of an employee who exceeds that benchmark will be subject to further review.
- Where a full time employee's stats are skewed by a Maternity Leave or by a prolonged absence due to surgery, or if they have disclosed to the employer that they are acutely ill because of a serious, potentially life threatening illness, his or her record will be set aside. Everyone else who exceeds the agency's absenteeism benchmark will be entered into the Attendance Management Program. This does not imply that there is anything illegitimate about the employee's absenteeism; CLDN's default assumption is that all absenteeism is legitimate.
- The HR department will send a letter to full time employees who are about to be (or are already) on the attendance management program. This letter will reference our agency benchmark and the individual employee's attendance record.
- Employees on the Attendance Management program may be required to attend a formal meeting with their manager and/or HR. The purpose of the meeting will be to provide supportive counseling (by reminding the person of our EAP, for example); to review the impact of excessive absenteeism on co-workers and on service quality, and to discuss potential solutions or available options.
- Directors, Managers and Schedulers will be provided with an updated list of those people who are in the Attendance Management program. These staff will require an employee who is on the list to submit a doctor's certificate on the occasion of any future absence. The staff will not, however, be asked to provide a sick note for their family member, if requesting PEL.
- Employees found taking sick time when they are not legitimately sick will be immediately subjected to discipline, up to and including suspension and discharge.

Procedure No: C-16-4
Absence Reporting and Proof of Illness

Effective Date: May 1, 2007
Last Revision: September 15, 2013
Last Review: April 26, 2019

- In every case of impending absence, an employee who does not have prior approval is

required to notify CLDN that they expect to be absent, and he/she is required to explain their absence.

- The proof of illness, when it is required by a manager, director or scheduler, must be in the form of a certificate signed by a legally qualified medical practitioner. Payment for this certificate is the responsibility of the employee.
- The certificate must clearly indicate the following:
 - the name and address of the practitioner
 - the name of the employee
 - the date of the visit to the doctor
 - the expected date of return to work
 - the prognosis, including any limitations they might have in terms of performing their essential duties.
- If the certificate provided by the employee does not include the above, it will not be accepted. However, any subsequent certificates required by the employer will be paid by the employer.

Approved by: Glenn Taylor
CEO

Date: April 26, 2019