

## **EMPLOYEE ATTENDANCE SUPPORT PROCEDURE**

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### **RATIONALE:**

Hamilton-Wentworth District School Board (HWDSB) is committed to providing learning and working environments that are welcoming, respectful, accessible, and free from discrimination and harassment, and where employees feel safe, supported and accepted to attend work regularly and to contribute to the priorities of the Board.

Every employee contributes to the success of the organization, as well as student learning and achievement, through regular attendance at work. The Employee Attendance Support Procedure provides supportive assistance for all employees while addressing barriers preventing employees from attending work regularly.

### **TERMINOLOGY:**

**Accommodation:** A means of preventing and removing barriers that impede employees with disabilities from participating fully in their employment through modifications or supports that address the barriers that employees are experiencing so they can fully participate in their employment.

**Attendance Support Program:** The “Program” is the practice of offering Board support to employees to assist in early intervention to reduce obstacles that may be impacting attendance at work.

**Barrier:** Anything – including physical/environmental, architectural, technological, informational, or attitudinal that is based on information or communications or anything that is the result of a policy or a practice – that hinders the full and equitable participation in society of persons with an impairment, including a physical, mental, intellectual, cognitive, learning, communication or sensory impairments or a functional limitation (Accessible Canada Act, 2022).

**Culpable absenteeism:** Occurs when an employee cannot provide an explanation that is reasonable or acceptable to HWDSB in the circumstances, or if the absence from work is for reasons that are within the control of the employee and are not approved absences. This includes, but is not limited to, lateness or leaving work early, being absent without leave, abuse of a leave, inappropriate use of leave and/or a failure to notify the Board of an absence. Employees with culpable absences may be referred to Labour Relations.

**Employee:** A person employed by HWDSB who performs work or supplies services for monetary compensation.

**Equity:** A condition or state in which access to opportunities and resources are distributed fairly, justly and equitably. Equity involves treating some people differently or giving them what they need so they may meet the same outcomes as others.

## **EMPLOYEE ATTENDANCE SUPPORT PROCEDURE**

---

**Extenuating Circumstances:** Discretion may be exercised by the Employee Support and Wellness (ESW) department in the application of the program with regards to a variety of factors, including the employee's history of absenteeism and nature of the reasons contributing to absenteeism.

**Individual Accommodation Plan (IAP):** A written plan developed to document accommodations associated with a disability for an individual employee.

**Monitoring Period:** The period of time in which an employee's attendance is under review.

**Non-culpable absenteeism (innocent):** Occurs when an employee, through no fault of their own, is absent from the workplace for example, when required to attend medical/dental appointments or for personal illness.

**Supervisor:** Any employee who is responsible for the oversight and direction of work of another employee, including, but not limited to, supervisory officers, principals, and managers.

**Threshold:** The identified number of absence dates that when reached, prompts possible the entry and/or progression within the Employee Attendance Support Program.

**Threshold for Entry into the Program:** Absences exceeding 12 workdays deducted from personal illness based on individual employee full-time equivalency (FTE).

### **PROCEDURES:**

The responsibility for and commitment to the HWDSB's Employee Attendance Support Procedure exists at all levels of the organization. All parties within HWDSB contribute to the success of the procedure. This procedure applies to all full-time, part-time, temporary, and casual employees of the HWDSB.

#### **1.0 Responsibility:**

1.1 Human Resource Services Division is responsible to:

- 1.1.1 Fulfil obligations under the Ontario Human Rights Code, the Employment Standards Act and other applicable legislation as well as its collective agreements where applicable.
- 1.1.2 Create and update tools and training necessary for procedure delivery.
- 1.1.3 Provide labour relations support.
- 1.1.4 Provide support and assistance to supervisors.
- 1.1.5 Provide support and guidance related to staffing process.
- 1.1.6 Provide support to all employees in terms of leave provisions.

## **EMPLOYEE ATTENDANCE SUPPORT PROCEDURE**

---

- 1.2 Employee Support and Wellness (ESW) Department is responsible to:
  - 1.2.1 Manage available resources to support the health and well-being of employees including:
    - Accommodation of Staff – Disability Support Policy and Procedure.
    - Staff Wellness Program, including the Employee and Family Assistance Program.
  - 1.2.2 Manage the Program by:
    - Identifying employees for the program.
    - Facilitating and coordinating meetings, where required.
    - Advising employees of resources and supports available to them.
    - Facilitating communication as required with employees and partners.
    - Providing training or information regarding this procedure.
    - Assisting the employee in setting a personal attendance goal in the meetings, taking into consideration all circumstances identified in the meeting.
    - Providing a written outcome through HWDSB email of each meeting with copies to the employee, union representative if applicable and supervisor.
- 1.3 Employees are responsible to:
  - 1.3.1 Attend work regularly and on time.
  - 1.3.2 Schedule personal medical or dental appointments outside of the regular working hours or workday, where possible. If not possible, an employee schedules appointments at start of day or end of day to reduce absence time from work.
  - 1.3.3 Ensure all absences are reported and recorded with appropriate absence code in the reporting software as required as per the relevant Collective Agreement or employment contract.
  - 1.3.4 Report all work-related injuries and illness.
  - 1.3.5 Obtain medical aid and engage in medical rehabilitation and/or treatment that can be expected to assist in return-to-work or support for remaining at work.
  - 1.3.6 Provide medical information as requested by ESW.
  - 1.3.7 Maintain regular contact with the supervisor and manager, as appropriate.
  - 1.3.8 Maintain regular contact with ESW Specialist as appropriate, during a medical absence.
  - 1.3.9 Engage union support and assistance, where applicable.

## **EMPLOYEE ATTENDANCE SUPPORT PROCEDURE**

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- 1.3.10 Participate actively in all levels of the Employee Attendance Support Program, including setting personal attendance goals.
- 1.4 Supervisors and Managers are responsible to:
  - 1.4.1 Attend training related to this procedure.
  - 1.4.2 Support employees by fostering a healthy and positive work environment and promoting staff well-being
  - 1.4.3 Raise awareness about the importance of regular attendance.
  - 1.4.4 Understand the requirements for reporting and managing work-related and non-work-related illness and injury situations – in consultation with the ESW department.
  - 1.4.5 Participate in the Program by facilitating Phase 2 meetings with supports through the ESW Department.
  - 1.4.6 Support and assist ESW at any level in the Program.

### **2.0 Key Elements of the Program**

- 2.1 Attendance support is a phased approach to support employees to attend work regularly. The Program consists of four phases.
- 2.2 The attendance statistics of all employees will be monitored and reviewed on a monthly basis. Each phase of the Program has a goal and threshold for progression to the next phase, as outlined below.
- 2.3 All employees are supported, and individual circumstances are reviewed on a case-by-case basis with consideration of extenuating circumstances.
- 2.4 The Program is based on a twelve-month rolling calendar. For clarity, employees will have absences carried from the prior school year.
- 2.5 Attendance support will focus on absences related to non-culpable absences. This includes absences for which an employee claims sick leave under the collective agreements/terms and conditions document for each respective employee group (i.e., personal illness, medical appointments, and dental appointments).
- 2.6 The Program will allow sufficient time for the employee to access supports and, where reasonably possible, improve their attendance.
- 2.7 If relevant medical information or a medically-supported disability is identified at any time throughout an employee's involvement in the Program, a referral will be made to the

## **EMPLOYEE ATTENDANCE SUPPORT PROCEDURE**

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appropriate Employee Support & Wellness designate for support according to the Accommodation of Staff – Disability Support Procedure.

- 2.8 Absences due to a chronic medical condition and/or disability are excluded if satisfactory medical evidence is provided by the employee confirming that the absence(s) are due to the identified disability unless the employee is not actively participating in prescribed treatment.
- 2.9 The Employee Support & Wellness Specialist will refer the employee back to the Program when and/or if appropriate.
- 2.10 If information is provided that may impact on attendance at work at any time throughout an employee's involvement in the Program, appropriate referrals will be made according to other legislated or HWDSB procedures.
- 2.11 Individual circumstances will be considered to allow application of the Program to be flexible and not rigid.
- 2.12 Entry into any level of the multi-level process is applied consistently to all employees with discretion.

### **3.0 Program Details – Entering the Program**

- 3.1 Employees will enter the Program in the following circumstances:
  - 3.1.1 When an employee's absences related to personal illness, medical and dental appointments that are deducted from sick leave and short-term disability leave based on the employee's FTE exceed the threshold.
  - 3.1.2 Partial and full day absences will be considered in the Program e.g., .25 to 1.0 of an employee's scheduled workday.
  - 3.1.3 Medical leaves with appropriate medical documentation due to total disability and that are approved by the Employee Support and Wellness Department may be excluded from the program.
- 3.2 Phase 1: Notification Letter to Employee

The employee will receive a Phase 1 letter issued by the Employee Support and Wellness Office which will include the following:

  - 3.2.1 Information about the Program.
  - 3.2.2 Information highlighting the Employee and Family Assistance Program (EFAP) and any other supports and resources available.
  - 3.2.3 Instructions on how to view personal absence history.

## **EMPLOYEE ATTENDANCE SUPPORT PROCEDURE**

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- 3.2.4 Concern about their absence.
- 3.2.5 Expectations focusing on the importance of being at work.
- 3.2.6 Information that the employee's attendance will be reviewed over the next monitoring period.
- 3.2.7 Attendance goal for the monitoring period.

The Supervisor will be provided a monthly report of employees entered in the Program. The employee's attendance will be monitored for three (3) consecutive active working months. If the employee exceeds the attendance goal during the monitoring period, the employee may enter Phase 2.

When attendance goals have been met in Phase 1, the employee enters a review period of six consecutive working months. Employees who exceed the prorated threshold during the review period will remain in the Program and be placed in the phase they were in prior to exiting the program.

### **3.3 Phase 2: Initial Meeting with Employee**

The Employee Support and Wellness Officer will schedule a meeting with the appropriate supervisor and employee due to continued absence concerns. The meeting will be chaired by the supervisor to review and discuss the absences, and the Employee Support and Wellness Officer will support by attending and provide resources. The purpose of the meeting is to review absences, offer support and set attendance goals. The meeting will focus on the following areas:

- 3.3.1 Review of the employee's absence history.
- 3.3.2 Concern about their absence level.
- 3.3.3 Discussions with the employee about their absences and a review of options for assistance/support available to the employee.
- 3.3.4 Expectations and focusing on the importance of being at work.
- 3.3.5 Concerns about ongoing absences from work.
- 3.3.6 Setting goals for improvement.
- 3.3.7 Notifying of the next steps in the Program.

The meeting will include the employee's union representative (if applicable). Written documentation will then be provided to the employee outlining absences and agreed upon goals discussed at the meeting.

The monitoring period for Phase 2 will be three consecutive active working months. If the employee exceeds the attendance goal during the monitoring period, they may enter Phase 3.

## **EMPLOYEE ATTENDANCE SUPPORT PROCEDURE**

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3.4 When attendance goals have been met in Phase 2, the employee enters a review period of six consecutive working months. Employees who exceed the prorated threshold during the review period will remain in the Program and be placed in the phase they were in prior to exiting the program.

3.5 Phase 3– Meeting with Employee:

If the employee continues to have ongoing absences and exceeds the attendance goal set during the Phase 2 meeting, the employee will receive a Phase 3 formal letter. The Employee Support and Wellness Officer will schedule a meeting with the employee. The meeting will include the employee's supervisor, union representative (if applicable), the Manager of Employee Support and Wellness and the Employee Support and Wellness Officer.

The purpose of this meeting will be to have further discussions with the employee to understand how to support attendance at work and discuss the absences and the actions the employee could engage in to improve attendance.

The meeting will address attendance concerns and set goals. A communication will then be provided to the employee outlining absences and agreed upon next steps discussed at the meeting. The meeting will focus on:

- 3.5.1 Review of the employee's absence history.
- 3.5.2 Concern about their absence level.
- 3.5.3 Discussions with the employee about their absences, how to best support them and options for assistance/support available to the employee.
- 3.5.4 Expectations and the importance of being at work.
- 3.5.5 Setting goals for improvement.
- 3.5.6 Discussions about continued absence rates and the potential impact the employment relationship.
- 3.5.7 Notifying of the next steps in the Program.

The monitoring period for Phase 3 will be three consecutive active working months. If the employee exceeds the attendance goal, they may enter Phase 4.

When attendance goals have been met in Phase 3, the employee enters a review period of six consecutive working months. Employees who exceed the prorated threshold during the review period will remain in the Program and be placed in the phase they were in prior to exiting the program.

## **EMPLOYEE ATTENDANCE SUPPORT PROCEDURE**

---

### **3.6 Phase 4 Meeting with Employee:**

If the employee continues to have ongoing absences and goals have not been achieved as outlined in the Phase 3 meeting, a meeting will be scheduled to discuss next steps that may be required. The Phase 4 meeting includes the employee, union representative and appropriate parties which may include the Superintendent of Human Resources Service, the Manager, Employee Support and Wellness and the Employee Support and Wellness Officer and Supervisor.

The Phase 4 meeting will include a comprehensive review of the employee's attendance records and the information from each phase of the Program. The meeting may result in further coaching and/or a repeat of the prior phase or may result in a recommendation to end the employment relationship.

Termination on a non-disciplinary basis will only occur if the Board has determined that:

- 3.6.1 It has fulfilled its obligations under the applicable collective agreement and/or polices and procedures, the Workplace Safety and Insurance Act, Ontario Human Rights Code and any other applicable legislation.
- 3.6.2 The employee's history of absences is excessive and there is no reasonable likelihood that the employee will be able to attend work regularly in the foreseeable future.

The employee will receive a formal letter outlining the meeting and recommendations.

### **4.0 Exiting the Program**

When attendance goals have been met in any phase of the Program, the employee enters a review period of six consecutive working months. Employees who exceed the prorated threshold at anytime during the review period will remain in the Program and be placed in the phase they were in prior to entering the review period of the program. Employees who remain below the pro-rated threshold in the review period will receive a letter confirming improved attendance and their exit from the Program.

Documentation related to this Program will be kept separate from the personnel file.