



Section:	Corporate
Subject:	Attendance Management Policy
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Approved By:	R25-01-015
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## 1.00 Policy Statement

The Town of Essex depends on its Employees to deliver the highest level of service to the community. To achieve this, the regular attendance of Employees at work is vital. The Town is committed to assisting Employees to fulfill their employment obligations including maintaining regular attendance through the Attendance Management Program. An effective Program also serves to facilitate the duty to accommodate under Human Rights law.

This Policy is intended to encourage wellness, promote regular attendance, and to support Managers in dealing with excessive absenteeism. The Policy seeks to address Culpable and Non-Culpable Absenteeism, facilitate discussion around improved attendance, and create a culture of positive attendance at work.

*NOTE: this program is not intended to require or encourage staff members to disclose Confidential Medical Information to Human Resources or their Managers.*

## 2.00 Purpose

The purpose of this policy is to:

1. Establish a policy with clear guidelines to manage attendance reasonably and consistently.
2. Help Employees to achieve and maintain regular attendance.
3. Accommodate Employees who can perform the essential tasks of their pre-disability position.
4. Increase attendance awareness, reduce Absences and its associated costs.
5. Improve or maintain the quality of services the Town provides to the public.



### 3.00 Scope

This policy applies to all Town of Essex Employees including but not limited to full-time, part-time, casual, temporary, union, and non-unionized Employees.

### 4.00 Definitions

For the purposes of this Policy,

**“Absence”** means time away from work for any portion of a scheduled shift.

**“Accommodation”** means a change or modification to the job or workplace for an Employee, who has a medically verified and documented requirement, to ensure the work is within the injured or ill person's functional abilities and the risk of injury is reduced.

**“Benchmark Absenteeism Rate”** is the rate that an Employee's absenteeism level will be compared with to determine if attendance improvement is required. The Benchmark Absenteeism Rate that will be used is 6%.

**“Confidential Medical Information”** means medical information provided to the Town by an Employee and includes Medical Notes and Treating Physician Forms.

**“Culpable Absenteeism”** is an Absence from work for which the Employee should be held responsible because the reason for the Absence is within the Employee's power to address and correct. Examples of Culpable Absenteeism include but are not limited to:

- Absences without Manager pre-approved (in writing) leave,
- no reason is provided for an Absence,
- failure to notify of an Absence,
- patterned Absences,
- lateness/leaving early,
- unsubstantiated Absences, where evidence of the reason was required,
- abuse of a leave by using it for a reason which it was not intended.

**“Employee”** means a person employed by the Town of Essex in any capacity including full-time, part-time, temporary or casual union/non-union or contract.

**“Employee Absenteeism Rate”** is the percentage of work time that an employee was supposed to be working but wasn't. It is calculated using the total hours of Absence for the preceding twelve (12) months from the date of review, times one hundred divided by the hours of regular work during the same period (i.e. 1820 or 2080). Part-time absenteeism will



be calculated using 1200 or 1350 hours. For absences included in this calculation, please see section 6.01.

**“Treating Physician Form”** is a form completed by a Treating Physician during a medical assessment that provides information on the Employee’s abilities to perform their regular or modified job duties and assists in identifying barriers to the Employee regularly attending work attendance, attached hereto as Appendix E.

**“Manager”** means a non-union Employee to whom an Employee directly reports to. This could be an Assistant Manager, Superintendent, Manager, Director, or CAO.

**“Medical Note”** means signed and dated note/letter at the sole cost of the Employee from the Employee's Treating Physician to the satisfaction of the Town of Essex which includes the following:

- the physician's name.
- the date of visit.
- a declaration that the Employee was unfit for work (regular or modified) on the date(s) of their Absence and the date they can return to regular work.
- a declaration concerning modified work (if required).
- the date(s) the Employee is being advised to remain off work if totally disabled.
- the physician's signature.

**“Non-Culpable Absenteeism”** means an Absence from work that is beyond an Employee's control, such as a medically recognized illness and injury.

**“Patterned Absenteeism”** means unscheduled Absences that occur with a common factor, for example the day before or after a scheduled holiday, vacation, or personal day on a desirable day off, a specific day of the week, or adjacent to a weekend; a specific or unique workday; or as new sick time is accrued.

**“Release of Medical Information”** means a written authorization signed by the Employee addressed to the Employee's Treating Physician allowing the physician to communicate (written or verbal) with a named employer representative about the Employee's medical condition. The Release of Medical Information should only allow the employer access to medical information pertinent to the Absence and the Employee’s ability to attend work or any Accommodations they may require.

**“Treating Physician”** means a member of a college of health professionals, as defined in the Regulated Health Professional Act. This would include but may not be limited to physicians, surgeons, chiropractors, dentists, periodontists, nurse practitioners, physiotherapists, occupational therapists, and speech therapists.



## 5.00 Responsibilities

### **Employee is responsible for:**

Taking all steps necessary to:

- Attend work regularly and punctually.
- Report any Absence from work in accordance with this policy, other Town policies or departmental procedures.
- Participate in the Attendance Management Program and provide all relevant information in reporting the reason for any period of Absence.
- Cooperate with the Town and Treating Physician(s) respecting the identification of safe, suitable and available work if unable to return to regular work consistent with Treating Physician Form.
- Maintain regular contact with your Manager during an extended period of Absence, at minimum you should be in contact with your Manager on a bi-weekly basis.
- Attend to personal obligations outside of working hours and to make every effort to schedule medical appointments outside of working hours.
- Provide Medical Notes for any period of Absence in excess of three (3) consecutive working days in duration, prior to returning to work and dated within such Absence timeframe.
- Provide Medical Notes for any absence due to illness that occurs after the employee has exhausted their respective sick time entitlement for the sick entitlement period.
- Provide Medical Notes for any absence due to illness on their shift immediately preceding or their shift following the paid holiday (dated within two (2) days of the date of absence)

### **Manager or designate, in addition to the responsibilities as an Employee, is responsible for:**

- Use the Attendance Management Program to manage their Employee(s) attendance.
- In conjunction with Human Resources, facilitate the return-to-work process for Employees, who have medically verified and documented requirements for job Accommodation.
- Ensure Employees have been advised of their responsibilities to attend work regularly, and to maintain contact with the Manager during periods of Absence, in accordance with the requirements set out herein this Policy.



- Arrange attendance meetings with Employees to discuss attendance objectives and set attainable goals for the reduction of Absences. During these meetings the Manager will:
  - advise Employee of number of Absences to date
  - review the Town's expectation of regular attendance at work
  - inform Employee of operational issues caused by absenteeism
  - set goals and time frames with the Employee detailing how and when attendance will improve
  - advise Employee of what action will be taken if Absences continue
  - advise Employee in writing, at the appropriate time, about the Town's expectation with respect to improving attendance
  - follow-up at the appropriate time with the Employee to review current attendance against established goals, and confirm results in writing
  - Provide Employee with the contact information for the Town's Employee Assistance Program (FSEAP)
- Ensure communications with absent Employee(s) on a regular and ongoing basis, at minimum a Manager should be in contact with an absent Employee on a bi-weekly basis.
- Consult with the Manager, Human Resources on any difficult cases or concerns.

**Manager, Human Resources or designate, in addition to the responsibilities as an Employee is responsible for:**

- The overall implementation and monitoring of the Attendance Management Program, including the training of all Employees on the program.
- Annually, review the Benchmark Absenteeism Rate to ensure appropriate for the following year.
- Report on corporate wide absenteeism and provide by division on a quarterly basis.
- Provide advice and support to Employees and Managers who are dealing with absenteeism issues, including assistance with carrying out the various steps of the Attendance Management Program, as requested.
- Request and manage Confidential Medical Information (Medical Notes and/or Treating Physician Form) when appropriate, from the Employees' Treating Physician.
- In conjunction with the Employee's Manager, facilitate the return-to-work process for Employees, who have medically verified and documented requirements for job Accommodation. The primary goal of an Accommodation is to have the Employee return to full regular duties in their pre-injury/illness job in a timely manner.



- Advise the Manager whether medical information supports an Absence.

## 6.00 Attendance Management Principles

### 6.01 All Absences (Culpable and Non-Culpable)

#### **Types of Absences**

Absences addressed in the Attendance Management Policy may include:

- Paid sick leave for personal illness/injury that is unrelated to a work-related injury/illness or long-term disability claim.
- Paid sick leave for illness of an immediate family member.
- Paid sick leave for scheduled medical appointments.
- Unpaid sick leave for personal illness/injury (unrelated to work-related injury or illness).

Employees that exhaust 18 sick days in a year will be required to provide medical documentation to the satisfaction of the Town for all further absences due to illness for the remainder of the sick time entitlement year (December 1-November 30).

Absences not addressed in the Attendance Management Policy:

- Vacation (paid and unpaid)
- Pre-approved leaves of Absence
- Bereavement leave (paid and unpaid)
- Banked overtime and lieu time
- Union leaves of Absences
- Pregnancy/parental leave
- Jury Duty
- Suspensions
- Absences due to a work-related illness or injury that has been approved by WSIB
- Any other job protected leave of Absence provisions established and defined by the Employment Standards Act (Sections 46 to 50.1)

Absences not addressed in the policy still need to be recorded; however, they will not be included when calculating an Employee's Absenteeism Rate.

#### **Absence Notification**

As part of this policy, all divisions are required to have an Absence notification procedure that is clearly communicated to the staff in that division. The procedure may vary between



divisions based on operational needs but must include the method to report an Absence and the time frame for which an Absence must be reported by.

### **Absence Monitoring**

All Employee Absences will be reviewed quarterly and compared against the Town's Benchmark Absenteeism Rate. An Employees' Absenteeism Rate is calculated using the total hours of Absence for the preceding twelve (12) months from the date of review, times one hundred divided by the hours of regular work during the same period (i.e. 1820 or 2080). Part-time absenteeism will be calculated using 1200 or 1350 hours.

Managers are expected to have an awareness of their Employees' attendance through regular contact with Employees and by reviewing quarterly attendance reports. It is important to stress again that most instances of absenteeism are legitimate and unavoidable. Managers are expected to be consistent in addressing absenteeism and attendance issues.

The level of absenteeism will be assessed by:

- First, the Employee's Absenteeism Rate will be compared with the Town's Benchmark Absenteeism Rate.
- Second, the Manager will review Absences to determine if it constitutes Patterned Absenteeism.

Note that culpable Absences will be dealt with on an ongoing basis to ensure that any disciplinary action is issued within the timeframes specified in the then applicable collective agreement between the Town and any Employee union.

### **6.01 Progressive Discipline for Culpable Absenteeism**

Culpable Absenteeism relates to those Absences for which Employees can be held accountable. Some examples of Culpable Absenteeism include Absences without approved leave, when no reason is provided for an Absence, failure to notify of an Absence, Patterned Absences, lateness, leaving early without approval, unsubstantiated Absences, where evidence of the reason for Absence was required and not received to the satisfaction of the Town, and or abuse of a leave by using it for a reason for which it was not intended.

Employees with culpable Absences are subject to progressive discipline up to and including termination which will be in accordance with the Collective Agreement, where applicable. These Absences are not dealt with through the Attendance Improvement Process. Managers must consult Human Resources for disciplinary steps associated with Culpable Absenteeism.



## 6.02 Attendance Improvement Process for Non-Culpable Absenteeism

Managers will be provided quarterly attendance reports to review and will take the described actions outline in the Attendance Improvement Process, with Employees who, meet or exceed the Town's Benchmark Absenteeism Rate for that time period or those Employees that display Patterned Absenteeism. Special circumstances will be considered when there is a single clearly identifiable cause for absenteeism over a defined period, and where the Employee's attendance record has previously been acceptable. Note that Employees that exhaust 18 sick days in a year will be required to provide medical documentation to the satisfaction of the Town for all further absences due to illness for the remainder of the sick time entitlement year (December 1-November 30).

### **Stage 1 – Informal Attendance Improvement Process – First Meeting**

Employees with an Absence rate at or above the Benchmark Absenteeism Rate for the first time will be counselled to assist them in improving their attendance.

1. If applicable, the Manager is to inform the Employee that they have the right to have a union representative in attendance during any phase of the process and the Manager will ensure that a union representative is available to attend if requested.
2. Counselling will take the form of an informal meeting between the Employee and their Manager. At the meeting the Manger will follow the Attendance Management Meeting Guidelines (Appendix A) and complete an Attendance Improvement Plan (Appendix B) outlining detailed Absences and expectations for review and discussion. The Employee is to be given a copy of the signed improvement plan for reference. This meeting is seen as preventive in nature and as such, the improvement plan is given only to the Employee, with a copy going to the Employee's file. An acknowledgement letter (Appendix C) documenting the meeting will also be provided to the employee following the meeting.

### **Stage 2 – Formal Attendance Improvement Process – Second Meeting**

If the Employee's attendance has not improved the next quarter and their Absence rate is at or exceeds the Benchmark Absenteeism Rate, the Employee will be contacted regarding a meeting date and time to review their attendance record.

1. If applicable, the Manager is to inform the Employee that they have the right to have a union representative in attendance during any phase of the process and the Manager will ensure that a union representative is available to attend if requested.



2. At the meeting the Manager will follow the Attendance Management Meeting Guidelines (Appendix A) and review the expectations set out in the first Attendance Improvement Plan. A second Attendance Improvement Plan (Appendix B) outlining detailed Absences and reiterating expectations will be provided to the Employee, Human Resources, and the Union (as applicable).
3. A follow-up period, at approximately 3 months from the date of the second meeting, shall be established to monitor improvements.
4. A counselling letter (Appendix D) documenting the meeting must also be given to the Employee with copies to be sent to Human Resources and the Union (if applicable).
5. The Manager will monitor the Employee's attendance and their adherence to the Attendance Improvement Plan for the periods specified in the counselling letter.

### **Stage 3 – Formal Attendance Improvement Process – Third Meeting**

If the Employee has not achieved the required results, a third formal meeting will be scheduled with the individual to offer further assistance.

1. If applicable, the Manager is to inform the Employee that they have the right to have a union representative in attendance during any phase of the process and the Manager will ensure that a union representative is available to attend if requested.
2. At the third meeting, the second improvement plan is reviewed. A third Attendance Improvement Plan is completed outlining detailed Absences and reiterating expectations
3. A follow-up period, usually 3 months from the time of the third meeting, to track the Employee's progress shall be identified.
4. A second counselling letter (Appendix D) documenting the meeting, and the third attendance improvement plan (Appendix B) shall be given to the Employee with copies to be sent to Human Resources and the Union, if applicable.
5. The Manager will continue to monitor the Employee's attendance and progress with the improvement plan specified in the second counselling letter.

### **Stage 4 – Formal Attendance Improvement Process – Fourth Meeting**

If the Employee has not achieved the required results, the Manager will consult with Human Resources and a fourth formal meeting will be scheduled with the individual to offer further assistance.

1. If applicable, the Manager is to inform the Employee that they have the right to have a union representative in attendance during any phase of the process and



the Manager will ensure that a union representative is available to attend if requested.

2. At this meeting, the third improvement plan is reviewed. A fourth Attendance Improvement Plan (Appendix B) is completed outlining detailed Absences and reiterating expectations. The Employee is asked to have a Treating Physician Form (Appendix E) completed with their Treating Physician to provide a medical prognosis as to whether the Employee is capable of regular attendance.
3. A follow-up period, at approximately 3 months from the date of the fourth meeting, to track the Employee's progress shall be identified.
4. A third counselling letter with written consent (Appendix F) documenting the interview, and the revised attendance improvement plan shall be given to the Employee with copies being sent to Human Resources and the Union, if applicable.
5. The Employee will be given a Treating Physician Form (Appendix E) to take to their Treating Physician and requested to return to Human Resources.  
*Note that the Employee must sign the Written Consent for the Town to contact the Employee's Treating Physician. A copy of the written consent must be attached to the Treating Physician Form.*
6. If the Employee does not require a medically supported Accommodations or referral to long term disability and the prognosis for regular future attendance is good, the Manager will continue to monitor the Employee's attendance and progress with the attendance improvement plan specified in the counselling letter.

### **Stage 5 – Referral to Human Resources**

If the Employee's attendance has not improved, the matter will be referred to Human Resources for consultation and guidance. Human Resources will provide support for the continued management of attendance.

Possible next steps may include:

- If there is a reasonable basis to believe that the Employee's attendance will improve to an acceptable level within the foreseeable future, an attendance improvement plan will continue with review after three months.
- Discussing with the Employee other options that may improve their Absence rate (i.e.: bidding to an alternate position, moving to a part-time position, etc.)



- Advising the Employee that continued failure to improve attendance to an acceptable level may lead to disciplinary action up to and including termination.

### **Attendance Improvement and Regression**

At any stage, if the Employee's attendance meets the agreed upon attendance improvement plan and/or their Absenteeism Rate is at or below the Town's Benchmark Absenteeism Rate, a letter is sent to the Employee acknowledging their improvement.

If an Employee meets the attendance improvement plan however their Employee Absenteeism Rate for the previous 12 months is still higher than the Town's Benchmark Absenteeism Rate, the Employee will repeat the current stage in Attendance Improvement Process.

If an Employee does not sustain an Absenteeism Rate that is at or below the Town's Benchmark Absenteeism Rate for 1 year after meeting the requirements of the attendance improvement plan, the Employee will repeat the previous stage. If the Employee has sustained improvement for a period greater than 1 year, but their attendance declines to an unacceptable level in the future, they will return to the first stage of the Attendance Improvement Process as outlined in Section 6.02.

### **Termination of Employment for Non-Culpable Absenteeism**

During the entire Attendance Improvement Process, it is the Town's intent to have the Employee resolve whatever difficulties are involved and return to a level at or below the Benchmark Absenteeism rate. The Town is committed to providing reasonable assistance to support a return to that level.

If the Employee has been unsuccessful in improving their attendance, the Town may terminate an employment relationship where the Employee is unable to fulfil their obligation to regularly attend work as an essential duty of the job.

The following factors will be taken into consideration in determining whether termination of the employment relationship is warranted:

- What is the Employee's Absenteeism Rate?
- What is the length of time that the Employee has been unable to achieve the Town's Benchmark Absenteeism Rate?
- Has the Town determined based on medical documentation that it is objectively unlikely that the Employee will be able to attend work regularly in the future?



- Has it been made clear to the Employee that the level of attendance is unsatisfactory?
- Has the Employee been given written notice that the unsatisfactory record of attendance may lead to the termination of employment if their attendance does not improve to a level at or below the Benchmark Absenteeism Rate.

## 7.00 Related Policies and Documents

- Ontario Employment Standards Act.
- Attendance Management Meeting Guidelines (Appendix A)
- Attendance Improvement Plan (Appendix B)
- Acknowledgement Letter (Appendix C)
- Formal Meeting Letter (Appendix D)
- Treating Physician Form with Medical Release (Appendix E)
- Counselling Letter & Written Consent (Appendix F)

## 8.00 Acknowledgement and Agreement

I acknowledge that I have read and understand the Attendance Management Policy of the Town of Essex.

Name: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: \_\_\_\_\_

### CHANGE RECORD LOG

Revision Level	Revision Date	Prepared By: (Position Title)	Approved By: (Position Title)	Description of Change
A				<ul style="list-style-type: none"><li>• Creation of New Policy</li></ul>

