## Attendance Support Program Policy

### POLICY STATEMENT

The City of Hamilton needs to ensure that employee sick absences are monitored, managed appropriately and individual employees are supported in maintaining acceptable levels of attendance.

### PURPOSE

To manage absenteeism within the City in a fair and consistent manner in order to provide cost-effective and efficient public service and achieve the following objectives:

a) To increase attendance awareness and reduce absences from work and the associated costs;

b) To help employees achieve and maintain regular attendance at work by making every reasonable effort to provide accommodation, assistance and rehabilitation;

c) To regularly communicate the responsibilities of Employees, Supervisors, Senior Management and Human Resources staff; and

d) To maximize service delivery to the public.

This policy shall be applied in a manner consistent with the City of Hamilton’s obligations under the *Ontario Human Rights Code*, the *Employment Standards Act* and any other applicable employment legislation.

### SCOPE

This policy applies to all permanent employees.

### DEFINITIONS

**Culpable Absenteeism**

Refers to employees who are absent without authorization for reasons which are within their control. The key types of culpable absenteeism are as follows:

- Lateness/leave early
- Failure to notify supervisor about absence
- Absence without leave
- Abuse of leave
- Failure to explain absences
- Consistent patterns of unexplained absences

**Non-Culpable or Innocent Absenteeism:**

Refers to absences that arise due to an employee’s involuntary condition. These absences are dealt with by supporting the employee through the provisions of the Attendance Support Program to avoid situations of “frustration of the employment contract” (i.e. termination of employment due to ongoing absences).
### Short Term Disability (STD)
An absence where the employee notifies that s/he is unable to work due to non-occupational illness/injury. These absences are subject to the Attendance Support Program policy and procedures.

### Health Assessment
A formal assessment through Return to Work Services to identify opportunities for accommodation when an employee states that a medical condition is the reason for ongoing sick absences.

### Triggering Events
These are events that will result in the employee’s record being reviewed and a discussion being held with the employee about their attendance. Triggering events include:
- More than four (4) occurrences or more than seven (7) days of sick absence (Short-term Disability) in a twelve (12) month period
- Sick absences related directly to pregnancy and absences related to Workplace Safety and Insurance Board claims are not included.

### Health Review
Review of employee’s medical documentation, return to work file and attendance history in relation to chronic or episodic conditions.

### Chronic Condition
Diseases of long duration and generally slow progression.

### Episodic Condition
Long term condition which has fluctuating periods of poor health and deterioration or relapse while the person generally maintains a level of functionality.

### PRINCIPLES
The following principles apply to this Policy:

1. **ASP deals with absences that are defined as “innocent” or “non-culpable”.** Such absences act as “triggering events” in the ASP and will be managed on a case-by-case basis. **“Culpable” absences are generally defined as willful acts resulting in violation of rules, regulations, policies, procedures or standards and may result in disciplinary action, but are not “triggering events” in the ASP.**

2. Management will make every reasonable effort to provide accommodation, assistance and rehabilitation to help all employees achieve and maintain regular attendance at work.

3. **An employee with an underlying chronic or episodic medical condition that will likely cause absences from the workplace in the near future will not progress through the ASP steps when the absences are related to their identified chronic or episodic medical condition. All other terms and conditions of the ASP, Income Protection Plan and collective agreements still apply.**

4. **Management must also utilize employee attendance monitoring and support strategies to identify and reduce sick absences before an employee triggers into ASP.**
<table>
<thead>
<tr>
<th>RESPONSIBILITIES</th>
<th>The following positions and/or departments are responsible for fulfilling the responsibilities detailed in this Policy as follows:</th>
</tr>
</thead>
</table>
| Employee         | o Attend at work for all scheduled shifts  
|                  | o Report all absences in the manner and time prescribed in the Attendance Support Program, Reporting an Absence Policy, departmental operating procedures, Income Protection Plan and Sick Leave By-law requirements  
|                  | o Provide immediate Supervisor with the reason for absence (i.e., ill or injured and unable to attend work) and expected date of return  
|                  | o Provide medical documentation in accordance with this and/or related policies, by-laws, Income Protection Plans and collective agreements  
|                  | o Maintain contact with supervisor or designated department contact during a sick absence  
|                  | o Attend ASP meetings.  
| Management       | o Be accountable for the attendance level within the group(s) supervised  
|                  | o Know and follow the procedures outlined in the Attendance Support Program  
|                  | o Ensure the consistent application of the ASP procedures within the groups supervised  
|                  | o Ensure all information regarding employee sick absences is forwarded to Human Resources in a timely manner  
|                  | o Manage any attendance issues by counseling employees (both through interviews and in writing) who need assistance, and by taking other suitable steps to address employee attendance problems as they occur  
|                  | o Keep in contact with employees who are absent from work  
|                  | o Discuss issues pertaining to employee absences with Return to Work Services staff in Human Resources as necessary  
|                  | o Request medical claim forms on the first day of an employee’s absence in situations where absence is suspected to be due to reasons other than illness or non-occupational injury  
<p>|                  | o Complete ASP meetings with employees within 60 days of being notified of a trigger or as soon as possible in extenuating circumstances |</p>
<table>
<thead>
<tr>
<th>Senior Management Team</th>
<th>Human Resources</th>
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<tr>
<td>o Regularly review the corporate and departmental levels of attendance</td>
<td>o Assess employees regarding their ability to perform job duties in a safe and predictable manner when required</td>
</tr>
<tr>
<td>o Ensure that department heads are consistently managing the level of attendance within their departments in accordance with the Attendance Support Program procedures</td>
<td>o Arrange a health review as per the ASP Procedure</td>
</tr>
<tr>
<td>o Attend meetings according to the Attendance Support Program procedures. Where attendance is not possible, designate a Director to attend the meeting with full authority as Acting General Manager.</td>
<td>o Provide assistance to management and employees through the Attendance Support Program</td>
</tr>
<tr>
<td>o Maintain accurate and complete records of attendance</td>
<td>o Monitor the overall health and wellbeing of the workforce</td>
</tr>
<tr>
<td>o Provide overall administration of the Attendance Support Program, including providing regular attendance reports to the Senior Management Team and regularly inform management of the effectiveness of the Attendance Support Program</td>
<td>o Emphasize and promote proactive attendance supports and preventative programs and measures that support employees to be at work</td>
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</table>

**COMPLIANCE**

Failure to comply with this Policy and its associated Procedures will result in discipline up to and including termination

**RELATED DOCUMENTS**

The following related documents are referenced in this Procedure:
1. Attendance Support Program Procedure

**HISTORY**

This policy was first written by Human Resources in 2004; updated in 2008; updated 2013-12-03 to be in alignment with changes supported by Senior Management Team following a review of the Attendance Support Program. The policy was refined to align with Senior Management Team's Management Action Plan of 2012-04-19 and expanded Management Action Plan approved 2014-04-10. Human Resources updated content 2015-06-30.
# Attendance Support Program Procedure

## PURPOSE

The procedure outlines the steps to implement the Attendance Support Program policy.

## SCOPE

This procedure applies to all permanent employees.

## DEFINITIONS

### Culpable Absenteeism

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- Lateness/leave early
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### Non-Culpable or Innocent Absenteeism:

Refers to absences that arise due to an employee’s involuntary condition. These absences are dealt with by supporting the employee through the provisions of the Attendance Support Program to avoid situations of “frustration of the employment contract” (i.e. termination of employment due to ongoing absences).

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An absence where the employee notifies that s/he is unable to work due to non-occupational illness/injury. These absences are subject to the Attendance Support Program policy and procedures.

### Health Assessment

A formal assessment through Return to Work Services to identify opportunities for accommodation when an employee states that a medical condition is the reason for ongoing sick absences.

### Triggering Events

These are events that will result in the employee’s record being reviewed and a discussion being held with the employee about their attendance. Triggering events include:

- More than four (4) occurrences or seven (7) days of sick absence (Short-term Disability) in a twelve (12) month period
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Health Review

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Episodic Condition

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STEPS

The following process steps apply to this procedure:

Employee meetings form a part of the City’s Attendance Support Program. Meetings associated with innocent absences are intended to provide information and assistance for employees and are to be supportive in nature. Although innocent absenteeism is not a disciplinary issue, the City of Hamilton has a responsibility to provide cost-effective and efficient public service. Thus it is important to raise the awareness of employees that failure to provide an acceptable level of attendance over a protracted period of time is an issue that may ultimately lead to non-disciplinary discharge if, after considerable attempts to resolve the issue through varied assistance mechanisms, e.g. work place accommodation, the employee still fails to achieve acceptable attendance levels.

Supervisors will initially make the employee aware of their inclusion in the ASP at Level 1 via a letter. There is no requirement for a meeting at this level unless requested by the employee. The Level 1 letter is triggered once an employee has been identified as exceeding the threshold of 4 occurrences or 7 days in any 12 month period. Reports identifying such employees will be provided on a monthly basis.

Should the employee’s rate of innocent absenteeism exceed 4 occurrences or 7 days in the following 12 month period from the trigger date, the employee will proceed to the next Level in the process.

Should the employee’s rate of innocent absenteeism remain within four (4) occurrences or seven (7) days from the trigger date to twelve (12) months thereafter, the Employee shall be dropped one (1) Level within the ASP. If the Employee’s absenteeism exceeds four (4) occurrences or seven (7) days between the 12th and 24th month, following the triggering of any level of the ASP, the same Level meeting will be repeated.

Should the employee’s rate of innocent absenteeism exceed 4 occurrences or 7 days after 24 months from the trigger date at any level of the ASP, the employee will re-enter the procedure at Level 1.
At any level of the ASP process, where an employee demonstrates improvement in meeting attendance expectations, the supervisor will:

1. Commend the employee on his/her improvement;

2. Ask if there is any accommodation required that will provide assistance in improving or maintaining an acceptable level of attendance

3. Emphasize the importance of meeting and maintaining attendance expectations

After triggering a step in the ASP process, the employee will begin a new 12 month period for the purpose of attendance management monitoring procedures.

GENERAL MEETING GUIDELINES:

1. Emphasize during every ASP meetings that the goal and aim of the program is to provide appropriate assistance or referral for the employee and/or family and that every effort will be made to assist employees.

2. At each step of the ASP process, discuss with employees that their absence levels have exceeded ASP trigger guidelines however the purpose of attendance meetings is to provide support in assisting them to improve their attendance at work. However should their absences continue to exceed 4 occurrences or 7 days within the next 12 month period, they will proceed to the next Step in the ASP process.

3. If an employee requests a meeting at Level 1 where he/she has experienced a single absence of greater than 7 days duration and does not form part of a pattern of chronic absenteeism, care should be taken in sending the appropriate supportive message to the employee. It should be understood that similar absences are not likely to re-occur and therefore entry into the Plan is not likely to progress further.

4. Base all meetings on factual data in terms of the number and length of absences. Accordingly, a monthly review of absences provides regular and meaningful benchmarks. Review and ensure the types of absences (innocent) are appropriate and should be calculated in absence data.

5. Outline the specific impacts of absenteeism on public service, departmental costs, the burden on co-workers, etc.

6. Invite employee comments/questions to ensure understanding, but note that the nature of attendance discussions is not to get into detailed medical dialogue. The appropriate process to address issues related to employee medical concerns is through Return to Work Services, who
will work in conjunction with the employee’s physician or specialist to assist in resolving or accommodating attendance concerns.

7. Ensure the employee is aware of the City’s confidential, free of charge, Employee and Family Assistance Program which can assist the employee and/or family members with a wide range of personal difficulties which may affect the employee’s ability to attend work.

8. Ensure the employee is aware of the process of innocent termination for reasons of poor attendance. While it is not the City’s intent to do so, employee termination may be an unavoidable result should all reasonable efforts to address underlying attendance issues be unresolved over a reasonable period of time. Use discretion when having this dialogue.

9. Ensure all meetings are recorded and documented for each ASP Level. Letters confirming the discussions must be placed in the employee’s personnel file in Human Resources.

Note: Reference must be made to the specific ASP Level Meeting section prior to meeting with the employee.

**Employee Representation (General Guidelines):**

Attendance Support meetings are to be encouraging and result in increased communication between the employee and the Employer. Meetings will include mutual exchange of information, clarity of expectations and referral for medical or other assistance if appropriate. This is not a disciplinary process. However, should a unionized employee wish to have union representation during a formal attendance meeting, it will be allowed but should not delay the scheduling of the meeting.

**Note:** For attendance meetings at Level 3 and above, the Employer will ensure that a union representative has been invited to attend. At Level 2, union representation is only by employee request.

**ASP Meetings:**

**Level 1**

A Level 1 letter is provided to the employee by the immediate supervisor if the employee’s attendance level of innocent absenteeism exceeds 4 occasions or 7 days within a rolling 12 month period. The employee record documenting absences should be reviewed and shared with the employee.

Within the letter, the employee should be made aware that this is not a disciplinary process however they do need to be aware that they have been formally entered into the City’s ASP process. They need to know that they will be removed from the program should
their sick absences not exceed exceeds 4 occasions or 7 days within the next rolling 12 month period. They need to know that continued absence levels above the City’s ASP threshold over a period of time will result in proceeding through continued steps of the ASP system. However, the Supervisor/Manager needs to communicate that the City wishes to assist them to resolve any underlying medical issues. The employee should be provided a copy or referred to the ASP policy. It is important that you modify the template letter to meet the specific situation of the employee.

If however, the employee feels that they would like to discuss their absence in more detail, or they feel they have a chronic condition that may continuously impact his/her absenteeism, then they may request a one-to-one meeting with their supervisor.

It is at this point a formalized action plan should be discussed and agreed upon between the supervisor/manager and the employee. The action plan will include steps both the employee and employer will take to assist the employee in obtaining regular and predictable attendance as well as a follow up plan.

An employee should receive a Level 1 Attendance Letter and a copy of this letter should be placed on the employee’s personnel file in Human Resources.

Attendance of the union representative is not a requirement. However, the employee will be allowed to have union representation at the meeting.

**Level 2**

A Level 2 meeting shall be conducted by their immediate supervisor if the employee’s attendance level of innocent absenteeism continues to exceed the identified ASP threshold at any time within the next 12 month period since the Level 1 trigger date. The specific absence dates documented should be reviewed and shared with the employee. It is important the supervisor reviews all related information prior to meeting with the employee.

Should the employee at this stage indicate there are continued medical concerns which are causing continued absences, the supervisor/manager could provide the employee with a copy of the Attendance Support Certificate for completion and submission to Return to Work Services. If this is not required, then they need to ensure that a referral to Return to Work is offered.

The goal of a Level 2 meeting is to inform the employee of the continued concern of management. Continuing reminders of assistance through Return to Work as well as confidential and free of charge Employee and Family Assistance Program services should be offered. Be aware of the services through EFAP so you can provide some guidance rather than providing a card and suggest the employee contact them. However, employees need to be aware that continued progression through levels within the ASP program may lead to innocent discharge.
It is at this point a formalized action plan should be discussed and agreed upon between the supervisor/manager and the employee. The action plan should include steps both the employee and employer will take to assist the employee in obtaining regular and predictable attendance as well as a follow up plan.

The employee should receive a Level 2 Attendance Support Program Letter capturing the discussions and a copy of this letter should be placed in the employee’s personnel file in Human Resources.

Attendance of the union representative is not a requirement. However, the employee will be allowed to have union representation at the meeting.

**Level 3**

A Level 3 meeting shall be conducted by the next level of management and the Level 2 interviewer if the employee’s rate of innocent absenteeism exceeds the identified ASP threshold of 4 occasions or 7 days after the following 12 month period since the Level 2 trigger date.

Note: At this level, two management representatives should be jointly involved in the meeting and union representation shall be invited to attend the meeting (if applicable). Management representatives should review past ASP meeting notes, letters and any other relevant information prior to meeting with the employee. They may wish to consult with Human Resources. A RTW Specialist should be invited to a Level 3 meeting and/or consulted with prior to the meeting.

The employee will be advised of the continued absenteeism concerns and management’s need for their regular attendance. A specific offer for consultation and referral to Return to Work and/or the Employee and Family Assistance Program should occur. Should the employee at this stage indicate there are continued medical concerns which are causing continued absences, the supervisor/manager could provide the employee with a copy of the Attendance Support Certificate for completion and submission to Return to Work Services.

The employee should be made aware that only one further ASP level exists above Level 3 and that continued attendance issues above the ASP thresholds could eventually lead to innocent termination. The employee must be made aware that their absences are reaching a critical level. Any additional options for the employee should be explored if it is identified that the absenteeism is not related to personal illness. It is at this point a formalized action plan should be discussed and agreed upon between the supervisor/manager and the employee. The action plan should include steps both the employee and employer will take to assist the employee in obtaining regular and predictable attendance as well as a follow up plan and review dates.
The employee should receive a Level 3 Attendance Support Program Letter capturing the discussions and a copy of this letter shall be placed in the employee’s personnel file in Human Resources.

**Level 4**

A Level 4 meeting shall be conducted if the employee’s rate of innocent absenteeism has continued to exceed the City's ASP threshold within the 12 month period since the Level 3 trigger date.

The Level 4 meeting shall be conducted by the General Manager or Designate with full authority as an Acting General Manager. A Union representative shall also be invited to attend (if applicable). A RTW Specialist should be invited to a Level 4 meeting and/or consulted with prior to the meeting.

Prior to the Level 4 meeting being held, General Manager or designate will review all cases to ensure that:

1. Every reasonable effort has been made to accommodate the employee, where applicable, within the workplace;

2. The City has fulfilled its obligations under the *Ontario Human Rights Code*;

3. The employee’s attendance record has illustrated an inability to meet attendance expectation in the past and that, on the basis of information currently available this is unlikely to change in the future.

It is at this level that the General Manager or designate assesses the employee’s individual circumstances, the reasons for the absences, given proper consideration of implications arising under the *Ontario Human Rights Code*. Consultation with Labour Relations, Human Rights Specialist and Return to Work Services should take place at this stage prior to meeting with the employee.

Where the General Manager or Designate is satisfied, based on available medical information, that there is a likelihood the employee will be capable of satisfactory attendance in the foreseeable future, a decision to terminate may be deferred and the Level 4 meeting will proceed.

A formalized action plan should be discussed and agreed upon between the General Manager or Designate and the employee. The action plan should include steps both the employee and employer will take to assist the employee in obtaining regular and predictable attendance as well as a follow up plan.

The employee should receive a Level 4 Attendance Support Program Letter capturing the discussions and a copy of this letter should be placed in the employee’s personnel file in Human Resources.
Where a decision has been made to defer termination as outlined above, should the employee’s rate of manageable absenteeism exceed four (4) incidents or exceed seven (7) days at any time within a twelve (12) month period following the Level 4 trigger date established in the initial Level 4 meeting the file shall be referred to the Director of Employee and Labour Relations or designate, and the employee may be terminated.

Prior to employee termination, the City must have fulfilled its obligations under the *Ontario Human Rights Code*. The attendance record must have illustrated an inability to meet attendance expectations over an extended period of time, and, that the prognosis for future improvement in the employee’s attendance is unlikely. As well, the City must have demonstrated varying forms of rehabilitation efforts including work accommodation strategies where applicable.

**Employee And Family Assistance Program (EFAP):**

The City of Hamilton has an EFAP that includes services designed to assist employees with any personal issues that may be affecting their ability to attend and participate productively at work. Information on this program is available from the EFAP by telephoning the EFAP provider directly: 1-800-387-4765. Employees can also contact the Healthy Workplace Specialist, at (905) 546-2424 Ext: 7141. The City of Hamilton EFAP services are provided free of charge on a confidential basis. Employees should be aware that the City and the employee’s supervisor are never told which employees, if any, use the EFAP.

An employee who is having difficulties in their personal life is encouraged to discuss these issues with the employee’s supervisor so that if possible, the City can assist the employee. In addition, employees are encouraged to discuss any disabilities that may require accommodation with their supervisor or Return to Work Services, so that the City can accommodate those disabilities where possible.

**CONTAGIOUS DISEASES**

Where dealing with a contagious disease, refer to collective agreement and/or departmental policy provisions, or seek assistance from the staff in RTW Services, Human Resources.

**CHRONIC OR EPISODIC DISABILITIES**

Where a health review, arranged through the Occupational Health Nurse (OHN) or the Return to Work Specialist, determines that an underlying chronic or episodic medical condition will likely cause absences from the workplace for an employee in the near future, any future absences attributed directly to the medical condition that occur subsequent to the assessment will not be counted as “triggering” events under ASP. The effect will be that the
employee will not progress through the ASP steps due to absences related to their identified condition. All other sick absences will be subject to ASP.

This will continue until any of the following occur:

- the condition resolves to the extent that it no longer impacts attendance at work;
- accommodations made to the work and the workplace should result in regular attendance;
- the employee fails to cooperate or is unwilling to provide medical information to support a claim of a chronic or episodic condition.

In addition to regular reporting of sick absences directly to department management, an employee will also be required to contact the OHN immediately to identify any absence related to the medical condition at the time of the absence. These absences will be coded using a specific Absence Code so they are not counted as a sick absence occasion for the purpose of progressing through ASP. All other terms and conditions of the ASP, Income Protection Plan and collective agreements still apply.

<table>
<thead>
<tr>
<th>COMPLIANCE</th>
<th>Failure to comply with this Procedure and its associated Policy will result in discipline up to and including termination</th>
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<tbody>
<tr>
<td>RELATED DOCUMENTS</td>
<td>The following related documents are referenced in this Procedure:</td>
</tr>
<tr>
<td></td>
<td>1. Attendance Support Program Policy</td>
</tr>
<tr>
<td>HISTORY</td>
<td>This procedure was first written in 2008 and was updated by Human Resources in 2014-05-16</td>
</tr>
</tbody>
</table>