

POLICY: **ATTENDANCE MANAGEMENT PROGRAM**

SECTION: **II - General Policies – Human Resources**

MOTION#/DATE: **01 – – October 29, 2001**

Statement of Policy Principles

This policy addresses the management of innocent or non-culpable absenteeism.

POLICY

Every employee of the Toronto Public Library Board has an obligation to perform with regularity the functions for which they were hired. It is the policy of the Toronto Public Library Board to manage employee absenteeism in a fair and consistent manner with the following objectives:

- To maximize service delivery to the public,
- To assist employees in minimizing absences from work by making every reasonable effort to provide accommodation, assistance and rehabilitation.

To make this program effective, the Library Board is committed to:

- Promoting a healthy workplace, and
- Providing guidance and training to management staff who are responsible for dealing with attendance issues.

DEFINITIONS

Innocent or Non-Culpable Absenteeism: Absence from work due to illness, or non-occupational injury, including absences that may be a result of a disability other than a compensable illness or injury. These absences are subject to Attendance Review. (See Procedure, Management of Innocent Absenteeism.)

Culpable or Blameworthy Absenteeism: Absence from work due to factors within the employee's control. Culpable absenteeism includes failure to notify, absences without leave and abuse of leave. Culpable or blameworthy absenteeism problems may be



grounds for discipline, up to and including termination.

Approved Absences: Absence from work to which an employee is entitled by law or in accordance with the terms of the Collective Agreement or which may be granted subject to management approval. Such approved absences include absences in accordance with the Workplace Safety & Insurance Act, vacation, bereavement leave, jury duty or witness leave, pregnancy leave, parental/adoption leave, family responsibility/medical days, legal strike, lay-off and such other absences as management may determine.

APPLICATION

This policy applies to all employees except for probationary employees.

Applicable Legislation

Both the Human Rights Code and Workplace Safety & Insurance Act have applicability to attendance management. Both statutes address the inter-related issues of absenteeism, disability and accommodation.

The Human Rights Code defines handicap as "...any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness...". However, not all absences due to illness or sickness fall within the definition of handicap. For example, it is generally held that "illness" in the context of the Code does not apply to illnesses of a temporary nature, such as colds or the flu.

The Code's definition of handicap also includes an illness or disability for which benefits are claimed or received under the Workplace Safety and Insurance Act. Section 41 of this Act defines re-employment obligations that apply to injured workers. Absences approved by WSIB are not to be included in the *Attendance Management Program*. WSIB claims that are denied are to be calculated in determining the average for the purpose of the *Attendance Management Program*.

CONDITIONS

Each division will determine the average number of occasions of absence (day/shift or part thereof) for each department. These will be the initial standards used for attendance review. A division average may be used where differences among departments are insignificant.



In determining the average for the purpose of the attendance management policy, the following absences should be included:

- Ill with pay
- Ill without pay
- Accident no credit (ex. WSIB denials)
- Ill, no deduction (employee leaves workplace due to illness; no deduction from sick bank)

The average absenteeism should be defined in terms of the number of days or shifts for the division/department for one year.

Employees whose attendance pattern shows that in any six month period or less their total absences were greater than the standard for the division/department, will have their attendance reviewed.

PROCEDURE

It is the responsibility of all departments and managers to ensure the consistent application of the *Attendance Management Program*. In conducting the Attendance Review, the manager should first determine whether the absences are defined as “Innocent or Non-Culpable”, or “Culpable or Blameworthy” or “Approved” and the applicability of disciplinary and non-disciplinary measures.

When an employee fails to comply with reporting or timekeeping rules, his/her manager will meet with the employee to determine the reasons.

When the manager determines there was a satisfactory reason for the failure to comply, the behaviour is deemed non-culpable.

When the manager determines that the reasons are unsatisfactory, the behaviour is deemed culpable, the manager will deal with the situation as a disciplinary matter.