

Section: PS 817-A Attendance Support Protocol

Appendix A

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The Attendance Support Policy deals with non-culpable (innocent) absenteeism only. Culpable (blameworthy) absences are addressed using the PS-803 Corrective Discipline Policy.

Definitions:

Absenteeism refers to all absences, with an emphasis on “illness” as outlined below. “Absenteeism” includes both paid and unpaid absences from work.

Absenteeism does not include leaves such as: maternity leave, parental leave, education leave, jury duty, union business, bereavement, approved leaves of absence (definite/indefinite), and other non-medical leaves which are provided under an employer policy and/or governing collective agreement.

Non-Culpable (Innocent) Absenteeism refers to the consistent inability of an employee to attend work on a regular basis due to circumstances beyond the employee’s control. In this kind of absenteeism the employee has a *bona fide* reason for the absence such as illness or personal problems.

Innocent absenteeism, no matter how excessive, is not a disciplinary matter. The appropriate response to innocent absenteeism is to assist the employee in identifying the reasons for the excessive absenteeism and explore with the employee steps which might be taken to address the concerns. Such absences are not dealt with through discipline; however, it is possible that non-disciplinary termination may be the final result.

Key types of innocent absenteeism include:

- *Illness* – Short duration; may or may not require medical intervention; results in return to full job ability; usually less than eight weeks duration.
- *Disability* – Chronic condition; results in long, consecutive days off or short periods of absence for the same reason (ongoing; severity may reduce with job accommodation).
- *Injury* – Results from accidents or off-the-job injury; but does not include workers’ compensation injuries

All absences will be treated as non-culpable unless there is clear evidence to the contrary.

Culpable (Blameworthy) Absenteeism is an absence for which the employee will be held responsible as the absences are within the employee’s power to address and correct. Examples include, but are not limited to: failure to report to work, failure to provide adequate notice, failure to provide adequate explanation for absence, providing a false explanation for absence, calling in sick to work at another job, and tardiness.

Culpable absenteeism will be handled through the progressive discipline process, PS-803 Corrective Discipline Policy.

Rights and Responsibilities:

Management/Supervisors

- Responsible to communicate expected attendance standards and obligations;
- Responsible to communicate the protocol for advising of absenteeism from the workplace;
- Responsible to provide support and assistance when deemed necessary; e.g. Employee and Family Assistance Program (EFAP), exploring flexible workplace arrangements that are mutually beneficial;
- Responsible to ensure employees are aware of patterns of usage, should an issue of absenteeism be observed;
- Responsible to monitor levels of sick leave usage on a regular basis in their work units and take appropriate and timely action to correct absenteeism issues;
- Responsible to maintain concise and objective written documentation where absenteeism issues have been identified;

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- Responsible to identify excessive usage using discretion based on the individual situation;
- Responsible to discuss and resolve issues regarding attendance with employees. In the case of extended absence, the manager will take reasonable steps to maintain contact with the employee during the absence;
- Responsible to ensure healthy and safe workplaces in accordance with *The Saskatchewan Employment Act*;
- Responsible to administer this policy in a consistent manner;
- Responsibility to communicate the Attendance Support Protocol clearly to employees;
- Right to expect regular attendance from employees in exchange for pay and benefits;
- Right to terminate employees for innocent absenteeism in accordance with the law; i.e. where absenteeism is excessive and there is no likelihood of future improvement and the duty to accommodate has been satisfied.

It is **crucial** that managers/supervisors ensure employees are aware that their contributions to the unit are valued and they are missed when they are away. Managers/supervisors should encourage awareness through various actions including:

- Recognizing an employee's contributions to the unit;
- Commending improved attendance;
- Leading by example;
- Recognizing and encouraging exemplary attendance;
- Exhibiting concern for the employee's wellbeing and encouraging and commending an employee's return to work;
- Assisting employees who are experiencing personal difficulties that are affecting their attendance (e.g. ensure they are aware of the services available through the EFAP).

Employees

- Responsible to maintain their health and wellbeing so as to ensure regular attendance at work;
- Responsible to provide reasons for absence, tardiness or leaving early;
- Responsible to notify their manager/supervisor as soon as possible when there is a reason to be absent from work;
- Responsible to maintain communication with their manager/supervisor or designate while absent – this is especially important when the employee is unable to return to work and the estimated length of illness is unknown;
- Responsible to attend to personal affairs and obligations on their own time, to the extent possible and in accordance with the terms and conditions of the collective agreement (where applicable);
- Right to access their sick leave, family leave and other leaves in accordance with the collective agreement and/or labour standards, workers' compensation and other employment related statutes;
- Disabled employees have a right to accommodation to the point of undue hardship;
- Right to privacy of their medical information in accordance with the privacy statement.

Human Resources

- Responsible to provide advice to managers/supervisors on the provisions of these procedures and guidelines;
- Responsible to work with managers/supervisors to identify the source of employee's attendance issues, determine available resources and facilitate return to work programs or reasonable accommodation;
- Responsible to provide advice on *The Saskatchewan Human Rights Code*, *The Saskatchewan Employment Act*, *The Public Service Act, 1998* and *Regulations, 1999*, collective agreement provisions, and policy interpretations where applicable.

The Union

- Union members have the option of union representation in any meeting in which this policy is being applied;
- Responsible to foster a workplace culture that supports the health and well-being of all employees;
- Responsible to represent its membership;
- Responsible to be respectful of employee's privacy in accordance with the privacy statement.

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Monitoring:

Some sick leave will always be utilized. The expectation is that employees will use sick leave only when it is required. Managers/supervisors will monitor employee absences through observation and computerized tracking tools.

Peer Average

In order to determine if sick leave usage is excessive, management and supervisors are encouraged to compare the utilization of sick leave [excluding usage for personal/family responsibilities, pressing necessity, medical appointments and pending Workers' Compensation Board (WCB) claims] to employees within their peer group. The peer group is defined as the Occupational Family that the employee's job is classified within or the entire out-of-scope group for out-of-scope employees. In instances where an employee's utilization exceeds the average hours of sick leave per full-time equivalent (FTE) within the peer group or where regular patterns of absenteeism are identified, the manager/supervisor will review the data and, on an individual basis, determine the appropriate follow-up, if any that is required.

At the beginning of each fiscal year the Public Service Commission (PSC) will calculate and communicate the peer group averages to be used for that fiscal year.

Regular Absenteeism Patterns ("Pattern Absenteeism")

Managers/supervisors will review unscheduled sick leave noting any significant history of pattern of usage, which in their judgment is unusual. Examining the individual circumstances and using discretion, the manager/supervisor will determine the appropriate follow-up, if any, that is required. Some examples of potential absenteeism patterns are, but are not limited to:

- Absences adjacent to regular days off (e.g. Mon/Fri absences);
- A pattern of sick leave being used on a specific day of the week or a certain day each month over a period of several months;
- Weekend absences;
- Absences in conjunction with scheduled vacation, statutory holidays, school holidays, overtime worked;
- Absence after request for leave denied (e.g. Vacation, LOA);
- Absences in conjunction with unpleasant, difficult or high pressure task/assignment, discipline meeting, performance improvement meeting;
- Using sick leave as soon as it is accrued.

All absences will be treated as non-culpable unless there is clear evidence to the contrary. If at any point during discussions an employee's leave is determined to be culpable, managers/supervisors should refer to PS-803 Corrective Discipline Policy.

Follow-up Procedure:

This procedure is a guideline only. Managers/supervisors must use discretion and knowledge of an individual employee's circumstances to apply this procedure in a fair and positive manner. Any of the steps may be repeated more than once. Where the bulk of the absences can be attributed to specific identifiable circumstances such as an injury, there may be no need to apply this policy despite exceeding the peer average.

It is imperative that the purpose and the tone of the discussions/meetings are supportive. Employees should always be informed that this procedure is non-disciplinary.

Informal Discussion

If the manager/supervisor determines that follow-up is required after reviewing an employee's attendance record, the first step is an informal discussion with the employee. The primary purpose of this discussion is to share information regarding

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the employee's attendance, including the cause of the absences, and possible steps that can be taken to remedy or control the absences.

The manager/supervisor should:

- Confirm the attendance record and communicate the expected attendance standard;
- Ask if there are things in the workplace contributing to the absences;
- Ask if there is information they wish to provide that would assist in the assessment of their attendance; and
- Discuss options and resources available to help the employee achieve an optimal level of attendance.

This step may be repeated more than once. Union representation is not required during these meetings; however, employees should be informed that they may bring a union representative if they wish.

Formal Meeting Phase #1

It is expected that most situations will be resolved without formal meetings through informal discussion.

Where an employee's attendance does not improve after a reasonable period of time (four to six months typically), the manager may meet with the employee to formally outline the expected attendance standard. It is recommended that the employee's out-of-scope manager attend this meeting. During this meeting, the manager should:

- Confirm the attendance record and communicate the expected attendance standard;
- Ask if there are things in the workplace contributing to the absences;
- Ask if there is information they wish to provide that would assist in the assessment of their attendance;
- Discuss options and resources available to help the employee achieve an optimal level of attendance;
- Inform the employee that a failure to improve attendance may result in non-disciplinary termination of employment.
- Where possible, an action plan for improvement should be developed. Union representation is not required during this meeting; however, employees should be given the option of obtaining union representation.

Following this meeting, a letter will be sent to the employee outlining the following:

- Summary of the attendance concerns and the methods identified for the employee to improve attendance;
- Information regarding the EFAP;
- A statement that employment may be terminated if attendance does not improve; and
- Indicating that the expectation is that attendance will improve.

A request for medical evidence identifying whether the employee suffers from a disability (if not already known), limitations or restrictions associated with a disability, and the likelihood of regular attendance in the future may also be requested.

Managers/supervisors should use their judgment and knowledge of the individual situation to determine whether a request for medical information is appropriate.

Formal Meeting Phase #2

Where, after a reasonable period of time (four to six months typically), attendance has still not improved, a second formal meeting may be held with the employee. Managers should consult with Human Resources prior to holding a second formal meeting.

Unionized employees will be encouraged to obtain union representation for this meeting. Where a unionized employee declines union representation, the employee should sign a waiver indicating such.

In addition to revisiting the discussion items from the initial formal meeting, the manager will inform the employee that a failure to improve attendance will result in termination of employment.

Following this meeting, another letter will be sent to the employee. The letter will serve as a final written warning indicating the employee may be terminated if attendance does not improve.

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If attendance does not improve following this letter, the manager, together with Human Resources, will review the employee's attendance history and the medical evidence to make an assessment as to whether:

- The absenteeism is excessive;
- There is no likelihood of regular attendance in the future; and
- The duty to accommodate has been exhausted.

If all three requirements have been met, a final termination meeting may be held. At this meeting, a letter of termination will be presented to the employee.

Unionized employees will be encouraged to obtain union representation for this meeting. Where a unionized employee declines union representation, the employee should sign a waiver indicating such. In the case of an employee who is a Saskatchewan Government and General Employees Union (SGEU) member, appropriate notice as per Article 20.3.2 or Article 20.3.3 of the PS/GE Collective Agreement is required.

Improvement in Attendance

If at any time during the attendance support process an employee shows sufficient improvement in attendance, the follow-up procedure should be terminated. Employees should be notified of improvement and recognized in a positive supportive manner. Where formal meetings have commenced, the recognition should be in the form of a letter to the employee noting that follow-up is no longer required.

Retention of Documentation on Employee File

Letters will be placed on the employee's personnel file for documentation purposes, but will not be used for disciplinary purposes. Upon request, the letters will be removed from the employee's file one year following the termination of the follow-up procedures.

Root Causes and Workplace Review:

In addition to reviewing individual circumstances, all levels of management are encouraged to review the workplace to determine whether there are environmental factors contributing to absenteeism. Some examples of potential root causes are:

- **Attitudes/Culture of entitlement** – There may be a belief in the workplace that sick leave days are an earned entitlement that are to be taken at the employee's discretion.
- **Workload** – High amounts of overtime or increased workplace pressures can result in increased absenteeism. Workplace cultures that engage effective communication strategies and encourage reasonable productivity and performance management outcomes contribute to employee wellbeing.
- **Interpersonal Conflict/Harassment** – Absenteeism can also be driven by workplace relationships. The concern could be between co-workers, management and staff or even with clients.
- **Employee Engagement/Job Satisfaction** – The level in which employees are satisfied with their job or engaged in their work can also be a factor in absenteeism. Working with employees to understand their role as well as organizing work differently may assist in these situations.
- **Management Style** – In some cases, management style can lead to poor employee relations resulting in increased absenteeism. Managers, directors, executive directors and permanent heads should be aware of this possibility and investigate, as necessary.

Reviewing the workplace for root causes of absenteeism should be an ongoing process; however, it is especially recommended where a high number of employees are excessively absent.

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Where the Employer is considering the implementation of specific initiatives to support regular attendance, the union should be consulted.

Medical Evidence:

When an employee is absent from the workplace due to illness or injury, the Employer may request an employee to provide medical evidence. Circumstances where it is appropriate to request medical evidence are:

- To provide verification of illness or injury;
- To determine if an employee is medically fit to return to work; and
- To determine if an employee is not able to perform certain duties/tasks.

When requesting medical evidence, it is reasonable for the employer to ask:

- If the problem is work related;
- If the absence from work is medically required;
- Prognosis for recovery;
- If functional limitations exist; and
- An evaluation of functional limitations, including what accommodations are recommended, to guide return to work decisions.

The Employer will pay the cost of the medical evidence requested.

Discretion is to be used when seeking verification of an absence. In most cases, medical evidence is not required. Asking for medical evidence as a deterrent is not appropriate. ***When making the determination as to whether or not it would be appropriate to seek medical evidence, the manager/supervisor should contact their Human Resource Consultant for assistance prior to requesting the information from an employee.***

An employee's medical evidence will be kept strictly confidential and only shared to the extent necessary to administer the policy. Any personal and personal health information obtained while managing and supporting attendance will only be collected by, used, or disclosed to, individuals who need the information to perform the duties of their position. The amount of information shall be limited to that which is reasonably required to achieve the purpose. Individuals who have been given access to the information are responsible to:

- treat the information as confidential and shall not further disclose the information to any other party;
- use the information only for purposes of providing a service or making a decision;
- where practicable, de-identify personal health information;
- safeguard the information from further access (whether intentional or unintentional).

Rehabilitation, Return to Work and Employee Accommodation:

Where the cause of absenteeism is due to a disability, verified by medical evidence, the Employer will accommodate the employee to the point of undue hardship in accordance with the Employment Accommodation Policy and Procedures.

Employee and Family Assistance Program (EFAP):

The Government of Saskatchewan has a confidential Employee and Family Assistance Program (EFAP). You can make arrangements by calling 1-844-880-9142. For more information about EFAP, visit [Taskroom](#).