

County of Essex Policy and Procedures Manual

Attendance Support Procedure

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Policy Type:	Standard Operating Procedure
Approval Authority:	Essex County Council
Office of Responsibility:	Human Resources
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1.0 Introduction

The County of Essex has an expectation of its employees to regularly attend work as set out in the County's Attendance Support Policy (07-002). This procedure sets out clear guidelines to ensure that the Attendance Support Policy is applied transparently, consistently, and fairly in alignment with the County's strategic goals of promoting transparency and awareness, and being an employer with impact.

This procedure is intended to be reviewed with, and will be applied alongside, the Attendance Support Policy.

2.0 Scope

This procedure applies to all employees of the County. This procedure has also been adopted by the Essex-Windsor Solid Waste Authority ("EWSWA") and applies to EWSWA employees.

3.0 Definitions

- **Attendance Concern Meeting:** A meeting between an employee and management to discuss absenteeism when reasonable thresholds have been exceeded.

- **Accountable Absence/Absenteeism:** Absenteeism within an employee's control and occur without valid reason, proper notification, or necessary documentation.
- **County of Essex:** means the Corporation of the County of Essex, and may be used interchangeably with the terms the 'County', the 'Corporation' or 'County of Essex'.
- **Incidental Sick Days:** Short-term absences due to illness or injury, typically lasting a few days or less, that do not require long-term leave. Incidental Sick Days are counted as days, not incidents.
- **Ontario Human Rights Code ("Code"):** The Code is a provincial law that protects individuals from discrimination and harassment in employment based on protected grounds such as race, sex, disability, age, religion, and family status. Employers have a legal duty under the Code to accommodate employees up to the point of undue hardship.
- **Supported Absence/Absenteeism:** Absenteeism caused by circumstances beyond the employee's control (e.g., illness, short- or long-term disability leave, protected leave under the *Ontario Employment Standard Act, 2000*, as amended ("ESA"), family emergency, etc.).

4.0 Purpose

The purpose of this procedure is to outline the process by which the County administers and applies the Attendance Support Policy in a fair, consistent, and transparent manner.

5.0 Policy

5.1 Accountable Absenteeism/Conduct

Accountable Absenteeism refers to instances of employee absence from work that are within the individual's control and occur without valid reason, proper notification, or necessary documentation. These absences are considered avoidable and indicate a neglect of duty or a failure to comply with the County's expectations or the collective agreement, where applicable. Accountable Absenteeism/Conduct is subject to discipline as outlined in this policy.

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Examples of Accountable Absenteeism and other accountable conduct related to absenteeism include, but are not limited to:

- Arrive late/leave early without authorization.
- Situations where an absence is later determined to have been misrepresented (e.g., reporting illness when in fact working elsewhere, calling in sick and then working a shift at overtime in the same schedule block, or calling in sick after a vacation request was denied) may be considered grounds for further review and potential disciplinary action.
- Falsely claiming total disability when regular or modified work is an option (including providing false information to a medical professional).
- Falsely claiming a disability is unrelated to a previous disability.
- Failure to provide requested medical or other documentation to support an absence in a timely manner.
- Intentional misuse of ESA or other leave entitlements (for example, representing an ESA leave under the “family responsibility leave” provision for a non-qualifying reason, or repeatedly using ESA leaves on short notice for purposes unrelated to the entitlement). Failure to report for work as a result of a shift exchange and reasonable evidence is not provided to prove the absence was a Supported Absence.
- Leaving the workplace during a scheduled shift without authorization.
- Failure to follow call-in or absence reporting procedures in accordance with applicable policies and collective agreements, even if notification was eventually given, especially when repeated (failure to report an absence within the required timeframe, failure to provide a reason, etc.).
- Repeated or patterned absences occurring in proximity to vacation periods, public holidays, weekends, or less desirable shifts may be reviewed to determine whether legitimate justification exists.
- Unauthorized extension of leave (e.g., leaving for vacation early or returning late without approval).

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- Refusal or delay in attending a return-to-work meeting or accommodation assessment without valid reason.
- Failure to participate in a required Independent Medical Examination (IME) or functional abilities assessment, when appropriately requested.
- Misrepresentation of hours worked or time away (e.g., falsifying time sheets).

All of the examples above will be flagged for further review, and will be considered Accountable Absences unless the employee provides evidence satisfactory to the County to demonstrate that the absence was a Supported Absence in accordance with subsection 5.2, below.

5.1.1 Consequences- Accountable Absenteeism

Prior to issuing discipline, the employer will investigate the circumstances surrounding the suspected Accountable Absenteeism or conduct, and provide the employee with an opportunity to respond.

Employees are required to meaningfully participate in the investigative process and provide evidence to the employer in a timely manner as requested to demonstrate that their absence was supported.

For example, if an employee calls in sick on a day that they were denied vacation, this will be flagged as suspected Accountable Absenteeism and the County will request that the employee provide evidence to support their absence. This may be in the form of a medical note dated on the day of the absence (not backdated), or it may be some other form of proof (e.g. a parking receipt from a doctor's office or hospital). If an employee is unable or unwilling to provide reasonable evidence to support their absence, the absence will be considered Accountable.

Accountable absenteeism will be subject to progressive discipline, consistent with County policy and any applicable collective agreement. Depending on the nature and severity of the Accountable Absenteeism or conduct, the County may impose a higher level of discipline, up to and including termination.

Union representation will be respected and facilitated at all stages of the disciplinary process and nothing herein shall be interpreted to impede the Union's right to grieve.

For clarity, instances of Accountable Absenteeism will be included in the count towards an absence concern in the process described below.

5.2 Supported Absenteeism

5.2.1 Employee Absence Threshold

- Full-Time Employees whose incidental sick absences exceed 9 days within a 12-month period will be subject to an attendance review under the Attendance Support Policy.
- Part-Time Employees whose incidental sick absences exceed 6 days within a 12-month period will be subject to an attendance review under the Attendance Support Policy.
- Department Managers/Supervisors are responsible for ensuring that all occurrences are recorded for all employees within their department.
- ESA protected leaves of absence and leaves that have been granted Special Consideration by Human Resources are excluded from the count.

5.2.2 Attendance Support Policy Entry and Exit Criteria

The Attendance Support Policy recognizes that employees may experience occasional, unplanned illness. To support fairness and consistency, the Policy establishes review thresholds of 9 incidental sick days for full-time employees and 6 incidental sick days for part-time employees in each calendar year. Absences within these thresholds are not subject to the policy's meeting phases.

For clarity, these thresholds do not change or limit any sick leave benefits provided under the Collective Agreement or the Employment Standards Act. They are used solely to determine entry into and movement within the Attendance Support Policy.

The Attendance Support Policy does not treat thresholds as automatic grounds for discipline or termination. Exceeding a threshold triggers a review of attendance, at which time individual circumstances will be considered, including obligations under the Code and the requirement to assess undue hardship.

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Human Resources will conduct quarterly reviews to determine whether employees have exceeded their Incidental Sick Day thresholds:

- Quarter 1: January 1-March 31.
- Quarter 2: April 1- June 30.
- Quarter 3: July 1- September 30.
- Quarter 4: October 1- December 31.

5.2.3 Movement Between Phases

If, during any quarter, an employee on the policy incurs 0 additional absences beyond their threshold, they will be moved back one phase.

If, during any quarter, an employee on the policy incurs 1 additional absence beyond their threshold, they will remain at their current phase.

If, during any quarter, an employee on the policy incurs 2 or more additional absences beyond their threshold, they will advance one phase.

5.2.4 Annual Reset

At the start of each calendar year, the thresholds reset (9 for full-time; 6 for part-time). Employees remain in their current phase at year-end and continue to move forward or backward in accordance with the criteria above.

5.2.5 Attendance Support Policy Meetings

Attendance Support meetings are intended to address patterns of non-occupational illness or injury-related absences in a supportive, respectful, and structured way. These meetings are supervisor/manager-led, non-disciplinary, and are part of a wellness-focused accountability framework. The intent is to:

- Communicate concerns about attendance trends;
- Offer space for the employee to share context or support needs;
- Explore potential supports, accommodations, or systemic barriers to attendance; and
- Ensure transparent communication and shared understanding of expectations.

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Meetings between the direct supervisor/manager and the employee will be scheduled in order to notify an employee that there are concerns with their record of absences due to non-occupational illness/injury and to allow for discussions which may assist the employee in improving their attendance at work. More than one meeting may take place in any phase, depending on the circumstances, to ensure transparent and open communication.

In some cases (typically at Phase 3 and beyond), a representative from Human Resources may attend the phase meeting. Unionized employees will have union representation at each of the phase meetings, unless they specifically request otherwise, as the union plays an important role in determining potential accommodations that may be appropriate.

At all phase meetings, the supervisor/manager must clearly state that these meetings are not disciplinary in nature, and that discipline related to Accountable Absences is addressed separately through standard disciplinary procedures noted above. In the spirit of transparency, it must also be explained that excessive innocent absenteeism - even when supported - may still impact operational needs and be subject to review under this policy and ultimately, in some cases, can result in release from employment for innocent absenteeism.

The supervisor/manager will speak to the following in these meetings:

- A review of the employee's absences due to both Accountable and Supported Absenteeism, indicating to the employee that the record is unsatisfactory.
- Determine if there is additional information the employee wishes to bring forward regarding the reasons for the absences.
- Determine if the County can provide any assistance to the employee such as referrals to FSEAP or other community resources, etc.
- Have mutual dialogue about the impact of the absences on the County, the public, and fellow employees.
- Determine whether or not the reasons given by the employee for the absences should be reviewed by Human Resources to determine if there is a recognized disability, as defined under the Code, that must be taken into consideration.
- Inform the employee that failure to improve their absence record after efforts have been taken to offer supports and/or

accommodations in the workplace could result in disciplinary action up to and including the termination of their employment.

- If, during any phase meeting or otherwise, an employee discloses to a supervisor/manager information that may meet the criteria for Special Consideration under this policy or that may require further conversation about a potential accommodation need, the supervisor/manager must contact their Ability and Wellness Specialist to ensure that the Ability and Wellness Specialist can make a determination on whether Special Consideration is warranted, and/or whether the accommodation process should commence. Employees are not required to disclose a diagnosis, but may voluntarily share information confidentially.
- A confirming letter summarizing the conversation and outcome will be sent by the manager/supervisor to the employee, their union representative (if applicable), and Human Resources.

5.2.6 Attendance Support Policy Phases

5.2.6.1 First Phase

The first meeting will occur when an employee's absences have been identified or re-identified as a concern, based upon information provided by Human Resources. The meeting follows the format set out in subsection 5.2.5, above.

In situations where operational constraints prevent scheduling a timely meeting, the supervisor/manager may issue a letter summarizing what would have been discussed. This letter will always include an invitation to the employee to request a follow-up meeting with their supervisor and/or union representative.

5.2.6.2 Second Phase

A second meeting is held when an employee has already had a first phase conversation (or alternatively received a letter) and has moved to the next phase. The meeting follows the same format as that outlined in subsection 5.2.5, above.

5.2.6.3 Third Phase

Union representation must be included at Phase 3 and beyond, unless the employee expressly declines. A third meeting is to be held when an employee has progressed beyond the second phase. The meeting follows the

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same format as that outlined in subsection 5.2.5, above, but may also include the following:

- A Human Resources Representative may be involved in the meeting. If medical issues are raised, Human Resources will become directly involved to guide the process.
- The employee may be asked to provide updated medical documentation at the County's discretion (further information from the medical provider as described in more detail in Section 5.3, below). If the employee declines to provide the medical documentation, a confirming letter will record this fact, along with the County's ongoing concern.
- If documentation is provided, Human Resources and the manager will schedule an additional meeting with the employee and their union representative after the return to review limitations and restrictions, and discuss an appropriate course of action.
- If the employee has a disability as defined under the Code, the County will follow its legal obligation to accommodate as set out in the Code and the County's Accommodation Policy and Early and Safe Return to Work Policy.
- If the content of the medical documentation is not sufficient or is unclear, the County may require the employee to obtain further information from their appropriate licensed health care professional. Further, the County may recommend that the employee attend an independent appropriate licensed health care professional agreed upon by the County, the employee, and the union (if applicable). In this case, the appropriate licensed health care professional will not be required to divulge private medical information directly to the County, but shall provide a clear prognosis, and an acceptable list of abilities and restrictions, or anticipated abilities and restrictions upon the employee's return to work.

5.2.6.4 Fourth Phase

A fourth meeting will occur when concerns persist despite earlier supports.

This meeting will be convened for one of two purposes:

1. If the employee has been identified as having a disability under the Code, this fourth meeting will be arranged if it appears that the previously identified methods of accommodation are not working well

enough to return the employee to acceptable levels of functionality. At this juncture, Human Resources and the union (if applicable) are involved and further methods of accommodation will be discussed. The limitations and restrictions provided at the third meeting may be revisited, and the same steps used to elicit the information will be repeated. A letter, confirming the results of this meeting, including the acceptance or refusal by the employee of any offer of suggested accommodations, will be sent to the employee by their manager, with a copy to Human Resources and the union (if applicable).

2. If there is no identified disability under the Code, but there continues to be an absence concern identified, the fourth meeting will be called to discuss the employee's attendance, and will follow the format outlined in subsection 5.2.5, above, with the addition of the following:
 - a. The employee will be reminded again that if attendance concerns persists despite supports and accommodation efforts, the matter may progress to a final review of employment sustainability.
 - b. At the discretion of the manager in consultation with Human Resources and the union (if applicable), this meeting may canvas the possibility of changing the employee's status. For example, if the employee is full-time, they may be able to achieve appropriate attendance by switching to part-time status. If the employee works part-time, the employee might become more productive in a casual position.
 - c. A letter confirming the results of this meeting, including the acceptance or refusal by the employee of any offer to change employment status, will be sent to the employee by their manager, with a copy to Human Resources and the union (if applicable).

5.2.6.5 Fifth Phase

A fifth meeting may occur when previous efforts to address absenteeism have not resulted in sustainable attendance. This meeting will always include the manager, the employee, Human Resources, and a representative of the union (if applicable).

This meeting is not automatic; it is convened at the discretion of the manager, in consultation with Human Resources. This meeting will be called to either consider termination of employment or to offer the employee, if

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applicable, a last chance agreement. This meeting will and follows the format outlined in subsection 5.2.5, above, with the addition of the following:

- If the employee has previously been identified as having a disability as defined under the Code, this meeting will only occur after all reasonable accommodation efforts have been made a found unsuccessful, and where prognosis for the employee's improved attendance is poor and/or there is evidence to suggest that the employee is unlikely to return to work in the reasonably foreseeable future. The employee will have been advised previously that their employment is at risk should attendance improvement not be achieved.
- If the employee does not have a disability as defined under the Code, and continues to have absence concerns identified, the meeting may consider options such as a last chance agreement, or where prognosis for improvement is poor, termination of employment.

It is further recognized that there may be instances where, as a result of the customization noted in this "fifth meeting" section, there may be fewer or additional meetings with the employee to gather more information or advance through the meeting progression outlined in this policy.

Employees will have been clearly advised in advance if their employment is at risk should attendance not improve.

5.3 Requests for Medical Documentation/Medical Assessments

The purpose of a request for medical documentation and/or medical assessment is for the employee to bring forward any additional medical information that may assist the parties in working towards acceptable attendance and/or in the return to work process. The following information will typically be gleaned from the form or letter completed by the appropriate licensed health care professional:

- verification that the employee is unable to attend to work (or unable to attend work regularly/consistently) due to a non-occupational illness or injury;
- the employee's prognosis (not diagnosis) and anticipated duration of absence if known;
- if the employee has received or is receiving medical attention;

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- if the level of absence is reasonable with respect to the nature of the employee's condition;
- if the level of absence is expected to increase, decrease or remain constant;
- Anticipated limitations and restrictions upon the employee's return to work;
- any other information pertinent to evaluating the employee's situation; and
- any recommendation that may be appropriate.

Human Resources will review the information to determine whether the employee's condition may constitute a disability pursuant to the Code.

When deemed necessary and appropriate, Human Resources may consult with an appropriate licensed health care professional to assist in understanding documentation. The County recognizes the employee's right to privacy and will generally not request or require disclosure of a diagnosis, unless the diagnosis is necessary to understand accommodation needs under the Code.

In cases where the employee is unable to perform any work for a fixed period of time (ex: surgery with a clear prognosis), the County will not request ongoing updates until closer to the expected return date.

When specific medical information is disclosed, Human Resources will safeguard it to the best of its ability. Medical Information will be disclosed only to Human Resources and will not be shared without the employee's express written consent, except as required by law.

The completion and return of medical documentation is voluntary. If the employee chooses not to provide the form or other requested documentation the County will proceed with the information available in its records.

5.3.1 Employee Responsibilities related to Medical Information

Employees are required to provide an appropriate licensed health care professional's certificate in the form attached as Appendix "A" ("Medical Certificate") where:

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- they are absent due to non-occupational illness or injury for a period of greater than three working days (or as prescribed by the applicable collective agreement), or
- when directed to do so by their supervisor/manager due to an unsatisfactory attendance record.

Medical documentation may be issued contemporaneously or backdated to reasonably confirm the period of absence.

Where medical documentation beyond a basic certificate is required, the County will reimburse the employee for reasonable costs incurred.

5.4 Recognized Disability

Where an employee has a disability as defined by the Code, the employee is expected to participate fully and in good faith in the accommodation process, including providing necessary medical documentation.

The County will follow its duty to accommodate under the Code, up to the point of undue hardship. Where an employee has a disability that may extend beyond 6 months in duration, the effect of this policy upon such an employee may be waived or modified to focus on identifying restrictions and abilities, and achieving productive capacity with the County in accordance with the County's duty to accommodate under the Code.

Where accommodation is not possible without undue hardship, the employee may be placed on leave or, in limited cases, employment may be frustrated at law.

Where applicable, union involvement and cooperation will be sought where accommodation is being considered, recognizing the Union's important role in the tripartite accommodation process.

5.5 Special Consideration

Special consideration may be granted by Human Resources to an employee if it has been determined by Human Resources the employee's absenteeism is due to one or more of the reasons listed below:

- A disability as defined under the Code, supported by medical documentation, where the County is able to accommodate the employee and there is reason to believe the employee will be able to regularly attend work in the reasonably foreseeable future;

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- Short-term, critical, unexpected leaves approved by the department and Human Resources;
- Serious time-limited or life-threatening medical conditions, established by a medical specialist's documentation;
- Surgery/procedure with a clear prognosis, which is medically required as established by a medical specialist's documentation;
- Absenteeism related to a medically supported rehabilitation or treatment Policy (e.g., for substance use or dependency), where the employee is participating in good faith; and/or
- Absences related to an ongoing workplace investigation, harassment/violence complaint, or approved WSIB claim, where the circumstances prevent attendance and documentation has been provided.

Employees granted special consideration will not progress in the attendance process for absences directly related to their special consideration as defined above until such time as their condition improves or they are successfully accommodated, or they cannot or will not provide medical documentation reasonably requested to support their absences.

If an employee is granted special consideration but it is confirmed by medical documentation that it is unlikely that they will be able to return to their own or any occupation at the County in the reasonably foreseeable future, and/or if it is determined that their disability cannot be accommodated to the point of undue hardship, their employment may be frustrated at law.

6.0 Responsibility

Employee, Manager/Supervisor, Human Resources, and Third-Party Disability Insurer Responsibilities are set out in the Attendance Support Policy.

7.0 Related Documents/Legislation

- Attendance Support Policy
- Accommodation Policy
- Early and Safe Return to Work Policy

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- *Human Rights Code*, RSO 1990, c H.19, as amended

8.0 Summary of Amendments

Date	Amendments
2025-11-05	Creation of SOP- Attendance Support Policy revised to split out procedure into this SOP (subject to Council approval)

Appendices

- Medical Certificate