

## County of Essex Policy and Procedures Manual

### Attendance ~~and Wellness Program~~ Support Procedure

<b><u>Policy Number:</u></b>	<u>SOP 050</u>
<b><u>Policy Type:</u></b>	<u>Standard Operating Procedure</u>
<b><u>Approval Authority:</u></b>	<u>Essex County Council</u>
<b><u>Office of Responsibility:</u></b>	<u>Human Resources</u>
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<b><u>Replaces Policy:</u></b>	<u>N/A</u>

#### **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**

<b><del>Policy Number:</del></b>	<del>07-002 (Formerly 2007-02)</del>
<b><del>Approved by:</del></b>	<del>County Council</del>
<b><del>Department:</del></b>	<del>All Departments of the Corporation</del>
<b><del>Date Approved:</del></b>	<del>2020-02-19</del>
<b><del>Effective Date:</del></b>	<del>2020-04-01</del>
<b><del>Originating Department:</del></b>	<del>Human Resources</del>

## **Attendance and Wellness Program**

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**Last Revision Date:** 2015-05-06

**Scheduled for Review By:** 2021-03-01

**Replaces Policy No:** \_\_\_\_\_

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.).

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#### **1.04.0 Purpose**

To set out the Corporation's expectation of regular work attendance by all its employees, its commitment to assist and encourage employees to attend work regularly and its intent to take appropriate action for excessive absenteeism.

To ensure employee awareness of the impact of absences due to non-occupational illness or injury; to monitor on a quarterly basis incidents and/or total hours of absences due to illness (including medical leaves of absence); to provide a system by which employee difficulties related to absences due to non-occupational illness or injury can be monitored and appropriate assistance provided; to provide a format by which appropriate non-disciplinary action can be taken with regards to absences due to non-occupational illness or injury.

This policy does not deal with attendance issues such as being late for work.

#### **2.0 Overview**

The Corporation of the County of Essex is dedicated to providing the highest possible level of service to those in the community. All employees of the Corporation contribute to these objectives, and their regular attendance is critical to maintaining this high level of service.

This policy is directed towards:

- Employees managing their attendance with a wellness focus
- Ensuring that all employees meet their obligation to maintain regular attendance.
- Assisting employees to return to work as quickly as possible, including where appropriate, assisting employees with referrals for appropriate care.
- Providing clear guidelines for the County of Essex to reasonably and consistently manage all absences due to non-occupational illness.
- Increasing attendance awareness.
- Enabling the County of Essex to better ascertain employee job fitness through objective findings and, where

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~~appropriate and possible, to accommodate employees with performing the essential duties of their jobs.~~

~~This policy is not intended to address issues of culpable absenteeism~~

~~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.

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"

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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).
- 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 5.1.1, 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.

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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.

### **3-01-0 Scope**

This policy applies to all employees of the Corporation of the County of Essex.

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## **4.0 — Responsibilities**

### **4.1 — Employee Responsibilities**

It is the responsibility of each employee to attend work regularly and to take all steps necessary to ensure that they attend work regularly by:

- Not allowing minor ailments and inconveniences to prevent attendance at work.
- Making every effort to live and work safely by following proper safety procedures and by practicing accident prevention at all times.
- Making every effort to attend to personal affairs and obligations outside working hours.
- Seeking assistance to resolve any problems that are affecting their ability to attend work regularly.
- Maintaining contact with their manager/supervisor if absent, and to providing information sufficient to allow the Corporation to manage absenteeism.
- Co-operating in the return to work and collaboration with a union (if applicable and necessary) in the identification of any reasonable accommodations for disabilities as defined under the Ontario Human Rights Code.
- Following procedures set out by the Corporation.

Employees are to provide all relevant information in reporting the reason for any period of absence to their department and/or Human Resources when said information is requested.

At the discretion of the Corporation, and in accordance with this policy, employees are required to complete and submit the required forms and information.

Employees shall provide, when absent due to non-occupational illness or injury for a period of greater than three working days, or for each absence when so directed by his/her manager to do so due to an unsatisfactory attendance record, an appropriate licensed health care professional's certificate. To be assessed as an S.T.D.

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claim that qualifies for the Corporation's S.T.D. plan, said appropriate licensed health care professional's certificate shall contain the following base minimum information:

- the name of the employee/patient;
- the name of the appropriate licensed health care professional;
- the date of the visit;
- the start date of the absence period caused by illness or injury;
- the anticipated date of return to work, with the note covering the entire period of absence;
- the reason for absence, limited in content to one of the following:
  - (i) non-occupational illness
  - (ii) non-occupational accident
  - (iii) proof of treatment that can only be performed in a hospital;
- a notation to specify if this is a re-occurrence of a previous illness or accident;
- a declaration that the employee was fit for work (upon return to work);
- the appropriate licensed health care professional's signature;
- The appropriate licensed health care professional's note is to have been signed immediately prior to or during the period during which the employee was absent, unless due to unusual circumstances deemed acceptable by the employee's manager.

For reimbursement for the cost of the certificate, the appropriate licensed health care professional's certificate and receipt must be original document.

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For extended or more complicated absences more detailed appropriate information may be requested.

#### **4.2 Manager/Supervisor Responsibilities**

The authority and accountability for managing day to day administration of absences and the promotion of working conditions conducive to good attendance shall primarily be the responsibility of the appropriate manager/supervisor. This shall occur by:

- Ensuring that all employees are familiar with this policy and their responsibilities under it.
- Ensuring that all employees have been advised of their responsibility to maintain contact with their manager/supervisor if absent, and to provide information sufficient to allow the Corporation to manage absenteeism.
- Communicating with absent employees on a regular basis.
- Assisting in the employee's return to work and, when required, assisting Human Resources in identifying reasonable methods of accommodation of an employee's disability, as defined under the Ontario Human Rights Code, on an individual basis.
- With the assistance of Human Resources, monitoring and documenting the absence record of each employee and assessing if absences are within acceptable limits, as defined herein.
- Meeting with employees to discuss attendance concerns, to offer assistance, and to ensure that any action plans identified in the course of such meetings are carried out.
- Recognizing employees for good attendance.
- Maintaining contact with employees throughout extended absences due to non-occupational illness or injury.
- Following procedures set out by the Corporation.

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#### **4.3 Human Resources Responsibilities**

Utilizing in-house or external resources, Human Resources will assist the departments and the employees to assure an effective absence management program by:

- 1) Acting as the liaison with the employee, who will serve as an intermediary to request his or her appropriate licensed health care professional to complete the necessary paperwork. If this does not succeed, Human Resources may request appropriate written consent from the employee to contact the appropriate licensed health care professional. This may be performed directly, or through an appropriate licensed health professional recommended by the Corporation. In these cases, the Corporation will not request confidential information, but will require a clear medical prognosis, a comprehensive list of restrictions, and a clear delineation of the employee's abilities.
- 2) Human Resources will not request or demand that an employee produce a diagnosis of his or her illness or injury, since this is private information. However, it will ask for a prognosis, and request the employee obtain from the employee's appropriate licensed health care professional details of the employee's abilities and explain the restrictions required to allow the employee to return to work as soon as possible.
- 3) Preparing health assessment forms or letters to assist in the management of a disability as required. In doing so, the following information will 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 due to a non-occupational illness or injury
  - if the employee has received or is receiving medical attention
  - if the level of absence is reasonable with respect to the nature of the employee's condition

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- if the level of absence is expected to increase, decrease or remain constant
  - any other information pertinent to evaluating the employee's situation
  - any recommendation that may be appropriate
- 4) Referring employees for Medical Assessments to facilitate an evaluation of an employee's ability to perform his/her regular job tasks in relation to current health status.
  - 5) Monitoring and assessing fitness to return to work.
  - 6) Assisting in the development of case management strategies.
  - 7) Co-operating with managers/supervisors to formulate appropriate return to work strategies.
  - 8) Identifying, monitoring and, with the employee's written consent, referring health problems for appropriate follow-up.
  - 9) Communicating with employees consistent with Corporation policies.
  - 10) Keeping the manager/supervisor advised of an employee's medical progress (in a manner respecting employee confidentiality), the possibility of a return to work, or planned date of return, and the potential need for accommodation of a disability as defined under the Ontario Human Rights Code.
  - 11) Compiling quarterly reports related to employee absenteeism for review with departments.
  - 12) Preparing and distributing for signature any correspondence between a department and its employees.
  - 13) Following procedures set out by the Corporation.

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### **5.0 — Procedure for Monitoring Absences Due to Non-Occupational Illness or Injury**

#### **5.1 — Employee Absence Recording**

- Department Managers/Supervisors are responsible for ensuring that all occurrences are recorded for all employees within their department. ~~The resulting statistical information will be used by Human Resources to compile quarterly reports. Statistics utilized for this purpose will be based upon the Absence Concern Identifier methodology as detailed in section 6.0 of this policy~~
- 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.

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.

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- 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.

### **5-25.2.5 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.

Meetings between the ~~Corporation~~ direct supervisor/manager and the employee will be scheduled in order to notify an employee that ~~the Corporation is concerned~~ there are concerns with his/her/their record of absences due to non-occupational illness/injury and to allow for discussions which may assist the employee in improving his/her/their attendance at work. ~~Where possible or appropriate, a representative from Human Resources~~ More than one meeting may take place in any phase, depending on the circumstances, to ensure transparent and a union representative will attend all iterations of meetings open communication.

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~~At all~~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, the Department Head (or designate) 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 **stress** clearly state that ~~it is~~ these meetings are not a disciplinary meeting, but rather a meeting in nature, and that discipline related to ~~discuss the employee's record of absences. It should~~ Accountable Absences is addressed separately through standard disciplinary procedures noted above. In the spirit of transparency, it must also be **noted, however, that if there is not an improvement in the employee's attendance record without adequate justification, then consideration may be given** explained that excessive innocent absenteeism - even when supported - may still impact operational needs and be subject to ~~terminating the employee's~~ review under this policy and ultimately, in some cases, can result in release from employment for innocent absenteeism.

The ~~Department Head (or designate),~~ supervisor/manager will speak to the following in these meetings:

- A review of the employee's absences due to ~~non-occupational illness or injury as it compares to others in the employee's comparator group~~ both Accountable and Supported Absenteeism, indicating to the employee that the record is unsatisfactory.
- Determine if there is additional information the employee ~~has and~~ wishes to bring forward regarding the reasons for the ~~absence~~ absences.
- Determine if the ~~Corporation~~ County can provide any assistance to the employee such as referrals ~~to FSEAP or other community resources~~, etc.
- ~~Review~~ Have mutual dialogue about the impact of the absences on the ~~Corporation~~ 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 ~~Ontario Human Rights~~ Code, that must be taken into consideration.

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- Inform the employee that failure to improve his/her/their absence record after efforts have been taken to offer supports and/or accommodations in the workplace could result in ~~non~~-disciplinary action up to and including the termination of his/her/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 Meeting Phase**

The first meeting will occur when an employee's absences have been initially identified or re-identified as an absence concern, based upon information provided by Human Resources. ~~The employee will be presented with an Absence Occurrence Record outlining his/her absences due to non-occupational illness or injury during the review time in question. At this meeting, the employee will be given the opportunity to explain or justify the absences. The employee will not be asked about private medical information, but may, if he/she so chooses, provide such information on a voluntary and confidential basis. If a medical issue is identified, a follow-up meeting between the employee and Human Resources will be set up to assist the employee.~~The meeting follows the format set out in subsection 5.2.5, above.

A note regarding the nature and the results of thisIn situations where operational constraints prevent scheduling a timely meeting will be forwarded to Human Resources.

~~While a meeting is the preferred approach, due to resourcing limits, the Corporation may replace the "first meeting" with~~ supervisor/manager may issue a letter summarizing what would have been ~~covered in the~~

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~~meeting discussed.~~ This letter ~~would~~will always include an invitation to the employee to ~~initiate~~request a follow-up meeting. ~~with their supervisor and/or union representative.~~

### **5.2.6.2 Second Meeting Phase**

A second meeting is ~~to be~~ held when an employee has ~~an absence concern identified by Human Resources, and has already had a first meeting phase conversation~~ (or alternatively ~~a letter~~). ~~It will follow~~received a letter and ~~has moved to the next phase.~~ The meeting follows the same format as the first meeting. After the meeting, a letter is ~~to be sent to the employee, with a copy to Human Resources and to the appropriate~~ that outlined in subsection 5.2.5, above.

### **5.2.6.3 Third Phase**

Union (if applicable), ~~summarizing the meeting.~~

#### **Third Meeting**

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 ~~an absence concern identified by Human Resources and has already had a progressed beyond the second phase.~~ The meeting. ~~It will follow a similar~~ follows the same format ~~to the second 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. In addition, the ~~If medical issues are raised, Human Resources will become directly involved to guide the process.~~
- The employee will be given a letter, unless the Corporation deems it inappropriate, which requests that the employee have his/her appropriate licensed health care professional ~~may be asked to provide updated medical documentation. Should the employee decide not 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 be sent to the employee confirming~~ record this fact ~~as well as, along with the Corporation's~~ County's ongoing concern ~~regarding the employee's absences.~~

~~Should the employee decide to have his/her appropriate licensed health care professional provide medical~~ If documentation is

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~~provided~~, Human Resources and the ~~Department Head (or designate)~~ manager will schedule an additional meeting with the employee and their union representative after the return ~~and review~~ of the ~~medical documentation~~. ~~In attendance at that meeting will be the Department Head, the employee, a representative of Human Resources, and a Union representative (if applicable).~~ During the ~~follow-up meeting~~, the ~~Department Head (or designate)~~ will review the results of the ~~medical documentation with the employee.~~

- ~~• If the parties agree with the contents of the medical documentation provided, the to review limitations and restrictions, and discuss an appropriate course of action will be discussed with the employee.~~
- ~~• If the employee has a disability as defined under the Ontario Human Rights Code, the CorporationCounty 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 parties disagree with~~ If the content of the medical documentation is not sufficient or is unclear, the ~~CorporationCounty~~ may require the employee to obtain further information from ~~his or her~~ their appropriate licensed health care professional. Further, the ~~CorporationCounty~~ may recommend that the employee attend an independent appropriate licensed health care professional agreed upon by the ~~CorporationCounty~~, 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 ~~CorporationCounty~~, 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 Meeting Phase**

A fourth meeting will occur when ~~an employee has had an absence concern identified by Human Resources and has already had a third meeting. It will follow a similar format to the previous meetings. concerns persist despite earlier supports.~~

This meeting will be convened for one of two purposes. ~~First, if:~~

1. If the employee has been identified as having a disability under the ~~Ontario Human Rights~~ Code, this fourth meeting will be arranged if it appears that the previously identified methods of accommodation are

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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. ~~All of the medical information~~ 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 ~~his/her Department Head~~ their manager, with a copy to Human Resources and the union (if applicable).

2. Second, if there is no identified disability under the ~~Ontario Human Rights Code~~, but there continues to be an absence concern identified, the fourth meeting will be called to discuss the employee's attendance, and ~~to give will and follow~~ the employee an opportunity to explain format outlined in subsection 5.2.5, above, with the absences. addition of the following:

- a. The employee will be reminded again that ~~failure to maintain acceptable~~ if attendance concerns persists despite supports and accommodation efforts, the matter may lead to dismissal. progress to a final review of employment sustainability.
- b. At the discretion of the ~~Department Head,~~ 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, ~~he/she/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. ~~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 his/her Department Head, with a copy to Human Resources and the union (if applicable).~~
- 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).

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### **5.2.6.5 Fifth Meeting Phase**

A fifth meeting ~~will~~may occur when ~~an employee has had an absence concern identified and has already had a fourth meeting. In previous efforts to address absenteeism have not resulted in sustainable attendance. This meeting will~~be always include the ~~Department Head~~manager, the employee, Human Resources, and a representative of the union (if applicable).

This meeting is not ~~automatically called. It is automatic; it is open to~~convened at the discretion of the ~~Department Head~~manager, in consultation with ~~the Director, Human Resources, to decide if the meeting shall be convened.~~ This meeting will be called to either ~~terminate the employee's services~~consider termination of employment or to offer the employee, if applicable, a last chance agreement.

~~At this~~ This meeting, ~~the employee will be presented and follows the format outlined in subsection 5.2.5, above, with an Absence Occurrence Record outlining his/her absences due to non-occupational illness or injury during the review time in question.~~the addition of the following:

- If the employee has previously been identified as having a disability as defined under the ~~Ontario Human Rights~~ Code, this meeting will only ~~be called if every attempt to reasonably accommodate the employee has been tried and failed~~occur after all reasonable accommodation efforts have been made a found unsuccessful, and ~~that the~~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 ~~his/her~~their employment is at risk should attendance improvement not be achieved.
- If the employee does not have a disability as defined under the ~~Ontario Human Rights~~ Code, and continues to have absence concerns identified, the ~~employee will be offered a meeting may consider options such as a last chance agreement, or will be terminated if his/her future~~where prognosis for ~~achieving appropriate attendance, as determined by the Corporation,~~improvement is poor, termination of employment.

It is further recognized that there may be instances ~~that~~where, as a result of the customization noted in this "fifth meeting" section, ~~where~~ there may be fewer or additional meetings with the employee. ~~These meetings may be to~~

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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 the Medical Assessment Form is to provide the employee  
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;
- if the level of absence is reasonable with a means of bringing forward any additional medical information to the Corporation regarding his/her medical respect to the nature of the employee's condition and prognosis for the future.;
- 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 ~~medical condition~~ ismay constitute a disability pursuant to the ~~Ontario Human Rights Code, as amended.~~

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When deemed necessary and appropriate, Human Resources ~~will~~may consult with an appropriate licensed health care professional to assist in ~~making the appropriate recommendations on received assessments.~~

~~The Corporation~~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 ~~not request or demand that an employee produce a diagnosis of his/her illness or injury, since this is private information.~~

~~However, the Corporation will ask for a prognosis, and request the employee's appropriate licensed health care professional to detail the employee's abilities and explain the restrictions required to allow the employee to return to work as soon as possible. When the employee discloses specific medical information, the Corporation agrees to safeguard it to the best of its abilities. In all cases, the employee has the right to disclose specific medical information ability. Medical Information will be disclosed only to Human Resources only. Human Resources and will not disclose the information to anyone else be shared without the employee's express written consent of the employee. All in receipt of this information are to treat it with the utmost confidentiality, except as required by law.~~

The completion and return of ~~the Medical Assessment Form~~medical documentation is voluntary. If the employee ~~decides~~chooses not to provide ~~this document, however, the Corporation~~form or other requested documentation the County will proceed with the information available in its existing records.

#### **5.4 — Impact of a Quarter of Good Attendance**

~~If an employee has two consecutive quarterly reports where no absence concerns have been identified, the employee will move back one meeting step within the system. For example, an employee is at meeting step 1 in the process in quarter 2 of the year, then is below the qualifying threshold in quarter 3, they would stay at meeting step 1 for quarter 3. If for quarter 4 they are again~~

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~~below the qualifying threshold they would then drop back one meeting step, and in this case out of the program. Conversely, If the employee's absence level is above the qualifying threshold in either quarter 3 or quarter 4, they would progress to the next meeting step; in this case, step 2 per article 5.2 of this policy. This process will continue with each quarterly review period, until the employee is seen to have no meetings and no longer in the Program. Should, however, the employee have an absence concern identified in the future, they will start again within the Program.~~

#### **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:

- 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.

#### **5.55.4 Recognized Disability**

~~Where an employee has a disability, as defined by the Ontario Human Rights Code, it is the duty of the employee is expected to co-operate/participate fully and in good faith in the search for a reasonable accommodation, as defined under said Code. process, including providing necessary medical documentation.~~

~~The Corporation/County will follow its obligations/duty to accommodate as defined under said/the Code.~~

~~, up to the point of undue hardship. Where an employee is disabled, as defined under said Code, particularly when the has a disability that may exceed six (extend beyond 6) months in duration, the effect of this policy upon such an employee may be waived or modified. In this case, the goal of this policy will be to determine the employee's to focus on identifying~~

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restrictions and abilities, and ~~return to~~achieving productive capacity with the ~~Corporation~~County in accordance with the ~~Corporation's~~County's duty to accommodate under ~~said Code~~. Ultimately, however, where the disability cannot be reasonably accommodated, the Code.

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

~~Wherever~~Where applicable and appropriate, the Corporation will seek, union involvement and cooperation in the review of matters related to the issue of a recognized disability.

### **5.6 Case by Case Assessment**

~~Where an employee's record of absence becomes of concern to the Corporation, participation of an employee will be sought where accommodation is meetings described in Section 5.2 is not automatic. Participation will be assessed on a case-by-case basis. The nature, extent and circumstances related to an employee's record of absences will be being considered by the Corporation, recognizing the Union's important role in determining how to proceed in accordance with Section 5.2 the tripartite accommodation process.~~

## **6.0 Calculation of Absence Concern Identifier (ACI)**

### **6.1 Purpose**

~~The purpose of the Absence Concern Identifier (ACI) is to provide a system whereby an individual employee's reported absences due to non-occupational illness or injury over a given period of time can be compared to those of his/her fellow employees.~~

~~Where an individual employee's figure exceeds that of the comparator group, there is an absence concern. To ensure that the individual's absences are at a level that justifies concern, a multiplier effect is compared to the group's Absence Concern Identifier (GACI as described on page 15).~~

### **6.2 Criteria**

~~There are two criteria assessed in determining if there is a qualifying absence concern. These are both related to innocent absenteeism,~~

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and NOT patterns and volume of potential culpable absenteeism. The two innocent absenteeism criteria are:

1) ——— Number of Occurrences

1) ——— Number of Days

### **Absence Occurrence Identifier**

The Absence Occurrence Identifier is based on the number of occurrences of absence due to non-occupational illness or injury experienced by the employee/comparator group over a designated period of time.

An Absence Occurrence is defined as a consecutive and unbroken period of time during which an employee is absent from work due to a non-occupational illness or injury. An Absence Occurrence can be established as the result of being absent for a part of a shift.

### **Multiplier**

A multiplier is a figure used to ensure that those employees identified as being of concern to the employer as a result of their Absence Concern Identifier (ACI) has an ACI well above the average of the comparator group.

### **Calculation of Occurrences ACI**

Calculations are based on the following formula for a comparator group over the specified period of time:

Number of Employees in Group divided by the Number of Absence Occurrences of the Employee Group = Average Group Absence Occurrences

Average Group Absence Occurrences x Multiplier = Group Absence Concern Identifier (GACI).

Calculation for an Individual Employee is based on the employee's Absence Occurrences during the specified period of time.

### **Number of Days**

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~~Full-time employees absent for more than 1/4 of the day's equivalent of a full-time employee in that quarter is deemed to be an absence concern.~~

~~**5.5** There are some exceptions in the application of these two measures for small employee groups with very low absence rates. These employees will be advised of the appropriate criteria that apply to their particular group. **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;~~
- ~~• 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~~

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

### **8.0 Summary of Amendments**

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

### **Appendices**

- Medical Certificate