

# MODEL ATTENDANCE MANAGEMENT POLICY TOOL

## Introduction: How to Use This Tool

Attendance at work, whether that attendance is in a physical work location or virtual, is usually an essential component of the relationship between an employer and employee. Frequently an employer expects an employee to be present and engaged in work even when the employee does not work at the employer's place of business, during agreed upon hours of work. As part of the employment relationship it is good practice that there be an agreement in place that indicates an employee is to be engaged in work at expected locations and times of day. When employees are not at work as expected this can cause a disruption in productivity.

This policy template provides a structure for defining your organization's attendance management policy and response to employee absenteeism.

<b>Policy Title</b>	Attendance Management
<b>Policy Owner</b>	Human Resources, Line-of-Business Managers
<b>Policy Approver(s)</b>	Human Resources, Executive Team
<b>Related Policies</b>	<p>Name other related enterprise policies both within or external to this policy. For example:</p> <ul style="list-style-type: none"><li>▪ Sick time policy</li><li>▪ Emergency medical leave policy</li><li>▪ Bereavement leave policy</li></ul>

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	<ul style="list-style-type: none"> <li>▪ Family responsibility policy</li> <li>▪ Disability Accommodation policy</li> <li>▪ Progressive Discipline</li> <li>▪ Flexible Work Time Policy</li> <li>▪ Flexible Work Location (telecommuting or virtual work)</li> <li>▪ Attendance Policy</li> <li>▪ Arrival and Leave Without Notice Policy</li> </ul>
<b>Related Procedures</b>	Name other related enterprise procedures both within or external to this policy.
<b>Storage Location</b>	Describe physical or digital location of copies of this policy.
<b>Effective Date</b>	List the date that this policy went into effect.
<b>Next Review Date</b>	List the date that this policy must undergo review and update.

## Purpose

The purpose of this policy is to establish standards for employee attendance at work and a framework for addressing employee absences from work, including culpable and non-culpable absences, with steps that may include non-discipline and disciplinary actions when employees fail to meet the attendance standards for their department or role.

Employees of [Organization name] have an obligation to regularly perform the functions of the job they were hired to do. In many cases the functions of the job require an employee to be present in an agreed upon location and time of day while engaged actively in the functions of the job. In some instances employees may have roles that include varying locations for work including job sites and telecommuting or virtual locations and varying hours of work. Notwithstanding the variability in

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location and time, in most cases the employee is required to be present at an agreed upon location and at an agreed upon time. Failure of an employee to be present where and when expected could cause a disruption in productivity.

[Organization name] is committed to working with employees who require accommodation for disability or family responsibility (as defined by Provincial or Federal legislation) and who have illness, injury or other conditions beyond their control that cause them to miss work or prevents them from attending work regularly. If an employee has a disability, family responsibility, illness or injury that required accommodation [Organization name] will work with that employee to determine appropriate accommodation.

## Scope

This policy applies to all full-time, part-time and contract employees including those employees who work off site or virtually and flexible hours of work.

The organization has identified a standard number of absences for each department. Employees who have any culpable absences or have non-culpable absences that exceed the standard number of absences may be subject to an attendance management review.

## Definitions

**Culpable Absenteeism:** Failure to be present for work as a result of factors within the control of the employee, for example failure to notify, absences without leave, abuse of leave, arriving late or leaving early without notification or excuse. Culpable absenteeism may be grounds for discipline up to and including termination.

**Non-Culpable Absenteeism:** Failure to be present for work due to factors that an employee may have little or no control over, for example illness, injury, physical or mental conditions or disability, family responsibility, emergency medical, bereavement and other entitled leaves with or without proper notice and excuse.

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**Attendance standards:** Each department of [Organization] will determine the average number of absences and rate of attendance that I standard for the department or a position over the course of a year. Absences in such calculation will include (illness with or without pay, injury, disability and so on as defined by the organization or legislation in your jurisdiction).

**Attendance Review:** Employees who fail to meet the attendance standard established by their department, including both culpable and non-culpable absences will be subject to an attendance review. The absence review will determine if the absence was culpable or non-culpable, outside the attendance standards for the department.

## Governing Laws and Regulations

1. Canadian Human Rights Code
2. The Employment Standards Act, 2000 (Ontario, Canada)
3. Ontario Human Rights Code
4. The Workplace Safety and Insurance Act
5. (Identify other laws and regulations for your jurisdiction)

## Policy

[Organization's name] expects employees to be present and actively engaged in work activities that an employee was hired to deliver where and when the organization has indicated the employee should be present, including employees who work offsite and virtually. Failure to be present for work at an agreed upon location and time, including showing up on time or leaving without prior permission may be grounds for discipline and termination including for:

- Culpable absenteeism
- Non-culpable absenteeism where:
  - The absence frustrates the employee's contract; and
  - The discipline doesn't violate the employee's rights to accommodations.

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## Procedure:

1. [Organization's name] has identified the number of absences including sick hours and other leaves that an employee may take off from work each month or within a calendar year. Employees who exceed standard absences may be subject to an attendance management review. Employees are entitled to leave for the following (list all that apply in your jurisdiction or allowed under your organizations rules for leave)
  - a. Sick time X hours per month/year
  - b. Bereavement
  - c. Emergency medical
  - d. Education leave (with prior approval)
  - e. . . .
2. [Organization's name] tracks and uses data on company and departmental attendance and absenteeism to establish standards for absenteeism for each department. Establishing attendance standards are necessary to help the organization ensure organizational operational effectiveness by ensuring the fulfilment of the role the employee has been hired to perform.
3. [Organization's name] will track and record all employee absences, including absences with and without prior permission and both culpable and non-culpable absences. Tracking will include the absences and time and date of absence, reasons, if any, provided for the absences and any supporting information such as a doctor's note. These absences will include full and partial day absences including arriving late, and leaving without permission during the shift.
4. [Organization's Name] has taken steps to ensure that all employees are informed of and understand that attendance at work in a time and place

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expected by the organization, unless explicitly stated otherwise, is a requirement of the job and failure to comply may result in discipline. This includes missing an entire day or part of a day such as arriving late, leaving without notice or permission during a shift or leaving early. This applies if an employee works as a virtual employee or in off-site or multiple-worksite locations. Employees are required to provide notice of an absence as soon as possible, before or as soon as possible after, they are/will be absent from work for any reason.

5. For any culpable absences and when the number of absences that are non-culpable approach the standard for absences for the employee's department an attendance review of the employee's attendance will be triggered.
6. Attendance management review will include a review of the number or absences and the reasons for the absences and the employees work contributions and employment record. If the review determines that an absence was culpable or the number of non-culpable absences has exceeded the standard for a department the employer will take steps to address concerns regarding the employee's absences with the employee.
  - a. **Status Determination:** If an employee is away for an extended period of time due unknown reasons [organization name] will first take steps to try to determine the reason for the absence. If the absence is a result of a health concern including illness or injury, the employer will request from the employee information to support the facts including a medical note or prognosis including information pertaining to the future return to work prognosis. If the employee is not able to return to work immediately the employer will maintain contact with the employee during the absence and monitor the situation and let the employee know of the employers concern over the absence and the employee's situation

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(see point 9 Steps to Address Absenteeism). Extended absences from work may be considered grounds for discipline or dismissal if the absence frustrated the work contract and the discipline does not violate the employee's rights.

- b. **Accommodation Review** As part of this attendance management review the employer will consider if the reason for a culpable absence or a pattern of non-culpable absences is a result of a disability or family responsibility need. If the absences are the result of a protected right of accommodation the employer will work with the employee to identify reasonable accommodations. Disability and family responsibility accommodation will be offered up to the point of undue hardship for the organization. If absences from work result in a failure of the employee to perform the functions of their job such that the contract with the employee is frustrated and accommodation cannot address this without undue hardship, the employee may be subject to termination.

- 7. **Response to a culpable absence:** If determined that an employee's failure to attend or meet attendance standards was a result of one or more culpable absences the situation will be treated as a disciplinary matter subject to [Organization's name]'s progressive disciplinary policy.
  - a. If the employee demonstrates an unacceptable attendance record in the past, including extended or a pattern of absenteeism (including repeated tardiness), the employee may be given the opportunity to demonstrate that he/she will be capable of regular attendance in the future through the progressive disciplinary process
  - b. If the employee has lied, deceived and provided false information regarding reasons for absence the employee may be subject to

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termination for cause.

**8. Response to a non-culpable absence:** If it is determined that an employee's failure to meet attendance standards was a result of a non-culpable absence the situation will be treated as a non-disciplinary attendance matter subject to [Organization's name] process for 'Steps to Address Absenteeism' (refer to the point #9).

- a. If an employee is absent repeatedly or for an extended period of time such that the employee is not performing the role he/she was hired to perform and accommodation is not appropriate, feasible or if granted, not effective and if the absences are not substantiated the employee may be subject to disciplinary procedures up to and included dismissal.

## **9. Steps to Address Absenteeism**

- a. **Initial Meeting:** When an attendance management issue has been identified the organization will hold an informal interview with the employee to
  - i. notify the employee of the organizations concerns regarding the employee's attendance
  - ii. Explain the impact of absences on work operations
  - iii. Offer the employee an opportunity to explain the pattern of absences;
  - iv. Set expectations for improved attendance;
  - v. Identify resources available to help the employee.

If, during this initial meeting the employee indicates that the absences are a component of an illness, injury, disability or family responsibility the organization will seek to confirm this and if it is accurate work with the employee to propose accommodations that do not cause undue hardship to

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the organization. [Organization's name] recognizes the organization has a duty to consider if disability is a mitigating factor in the employees pattern of absenteeism.

If the employee is unable or unwilling to participate in this meeting an informal letter will be sent to the employee outlining the concerns of the organization regarding absenteeism. No mention of discipline will be included in this letter.

b. **Formal Meeting 1:** If the employees attendance fails to improve in the X months (i.e. 3 or 6 months) after the initial meeting including as a result of illness, injury or family responsibility, the Organization will hold a formal meeting with the employee and issue a formal letter to

- i. inotify the employee of attendance concerns
- ii. Explain the impact those absences have on work operations;
- iii. Set expectations for improved attendance;
- iv. Offer the employee an opportunity to explain the pattern of absences;
- v. Identify resources available to help the employee;
- vi. Set a course of action to help the employee meet the attendance standard or a modified attendance standard it disability or family responsibility are mitigating circumstances in the failure of the employee to attend work regularly.

c. **Formal meeting 2:** If the employee's attendance fails to improve in the X months (3-6 months following formal meeting 1, due to illness or injury or disability or family responsibility including when accommodation has been provided, [Organizations name' shall hold a meeting an disuse a formal letter that includes;

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- i. notify the employee of attendance concerns and that poor attendance is causing a problem and is unacceptable
- ii. Explain the impact those absences have on work operations;
- iii. Offer the employee an opportunity to explain the pattern of absences;
- iv. Identify resources available to help the employee;
- v. Set a course of action and expectations of attendance to help the employee meet the attendance standard or a modified attendance standard if disability or family responsibility are mitigating circumstances in the failure of the employee to attend work regularly.

d. **Formal meeting 3:** If the employee's attendance fails to improve in X (i.e.3) months after formal meeting 2, due to illness, injury, disability or family responsibility a third and final formal meeting and third and formal letter to re-state previous points regarding expectations for attendance at work, indicating this is the third formal meeting and letter and reminding the person of the points in the previous meetings. Indicate to the employee that failure to meet the standard again with in the next X months (for example 3) will have consequences that could include termination.

10. If culpable or non-culpable absenteeism exceeds the standard for a department and causes a disruption in the workplace and where accommodation, if appropriate, has been provided to the and/or if relevant progressive discipline has been applied in the case of a culpable absenteeism, an employee may be terminated as a result of reasons including insubordination and/or failure to perform the duties of their job as agreed upon hiring, the employee will be provided with notice and severance as required by the laws governing the jurisdiction. In some cases where fraud or

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other severe actions are present such as to provide the organization with Cause to terminate an employee reasonable notice or severance may not be required.

## Enforcement

Any employee who is found to have violated this policy may be subject to disciplinary action, up to and including termination of employment.

## Employee Declaration

I, [employee name], have read and understand the above attendance management policy, and agree to adhere to the rules outlined therein.

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Employee Signature

Date

## Revision History

Version	Change	Author	Date of Change

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