



Attendance Support and Management Pilot Program (ASMPP)



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Introduction

The purpose of the ASMPP is to reduce and manage absenteeism through a consistent and fair process. The objective of the ASMPP is to support employees to achieve and maintain regular and productive attendance at work by:

- raising awareness of the importance of good attendance
- promoting improved attendance and reduced absences from work
- a commitment to employment accommodation, assistance and return to work

in a manner consistent with the applicable collective agreement and obligations under the *Human Rights Code*, the *Workplace Safety and Insurance Act* and the *Employment Standards Act, 2000*.

Application

The ASMPP applies to staff within the Correctional Bargaining Unit and managers in the Ministry of Community Safety and Correctional Services (Correctional Services Division) and the Ministry of Children and Youth Services (Youth Justice Services).

The ASMPP applies to non-culpable absenteeism (also known as “innocent absenteeism”). Non-culpable absenteeism occurs when an employee, through no fault of his or her own, is absent from the workplace because of injury or illness. Non-culpable absenteeism includes both paid (e.g., under the short term sickness plan (“STSP”) and unpaid absences. This type of absence is treated on a non-disciplinary basis. However, innocent absenteeism may result in the termination of employment.

The ASMPP does not apply to culpable absenteeism. Culpable absenteeism occurs when an employee is absent without authorization for reasons within the employee’s control. Culpable absenteeism will be dealt with appropriately by the Employer. Appropriate responses to culpable absenteeism may include restricting overtime opportunities and/or other discipline, up to and including dismissal.



Roles and Responsibilities

Employee

- Every employee is responsible for being at work and performing his or her duties during the employee's scheduled working hours.
- If an employee is unable to be at work because of injury or illness, the employee must notify his or her manager and provide information to the manager in accordance with applicable policies.
- Employees must provide appropriate medical certificates as required in accordance with applicable policies and the collective agreement.
- Employees are expected to participate in return to work and employment accommodation processes.
- Employees are responsible for actively participating in this ASMPP, where applicable.

Employer

- The Employer is accountable for managing employee attendance.
- The Employer is responsible for ensuring the consistent application of this ASMPP to employees.
- The Employer will designate Employer representative(s) with responsibility for managing attendance issues and supporting employees in accordance with this ASMPP.
- The Attendance Support and Management Office of the Ministry of Government Services shall exercise reasonable discretion to deal with non-culpable absenteeism on a case-by-case basis at progression through levels of the Program.


Process and Procedures

Employee Representation

An employee may choose to have an employee representative present at any meeting with the Employer's representative(s) under this ASMPP.

Level 1

Level 1 is triggered if an employee exceeds four occurrences of absence or seven days of absence in any 12 month period.



Where Level 1 is triggered, the Employer's representative(s) will meet with the employee to inform the employee that he or she is in Level 1 of the ASMPP, to review the employee's attendance record with the employee, to provide information to the employee (e.g., the importance of good attendance, the impact of attendance on the workplace and the costs associated with absenteeism) and to offer assistance to the employee, as appropriate. Such assistance could include, for example, an offer of accommodation or information about the Employee Assistance Program.

The Employer's representative(s) will advise the employee that he or she will proceed to the next Level in the ASMPP if the employee's absences continue to exceed four occurrences or seven days within the applicable 12 month period.

The employee will receive a non-disciplinary letter confirming what was discussed at the Level 1 meeting.

Level 2

Level 2 is triggered if an employee exceeds four occurrences of absence or seven days of absence in the 12 month period following the triggering of Level 1.

Where Level 2 is triggered, the Employer's representative(s) will meet with the employee to inform the employee that he or she is in Level 2 of the ASMPP. The Employer's representative(s) will review the employee's attendance record with the employee and their concerns about the record. The Employer's representatives will explore with the employee whether there is a need for accommodation, including additional or different accommodation and ways in which the Employer can support the employee to improve his or her attendance and reduce absenteeism. The Employer's representative(s) will remind the employee about the availability of the Employee Assistance Program.

The Employer's representative(s) will advise the employee that he or she will proceed to the next Level in the ASMPP if the employee's absences continue to exceed four occurrences or seven days within the applicable 12 month period. The Employer's representative(s) will inform the employee that continued progression through the ASMPP levels may lead to non-culpable termination.

The employee will receive a non-disciplinary letter confirming what was discussed at the Level 2 meeting.



Level 3

Level 3 is triggered if an employee exceeds four occurrences of absence or seven days of absence in the 12 month period following the triggering of Level 2.

Where Level 3 is triggered, the Employer's representative(s) will meet with the employee to inform the employee that he or she is in Level 3 of the ASMPP. The Employer's representative(s) will review the employee's attendance record with the employee. The Employer's representative(s) will reaffirm both their concerns with the employee's absenteeism record and their objective of supporting the employee to achieve and maintain an appropriate level of attendance. The Employer's representative(s) will again explore accommodation issues with the employee and whether other supports might assist the employee to improve his or her attendance and reduce absenteeism.

The Employer's representative(s) will advise the employee that he or she will proceed to the next and last Level in the ASMPP if the employee's absences continue to exceed four occurrences or seven days within the applicable 12 month period. The Employer's representative(s) will remind the employee that continued attendance issues may result in termination for innocent absenteeism.

The employee will receive a non-disciplinary letter confirming what was discussed at the Level 3 meeting.

Level 4

Level 4 is triggered if an employee exceeds four occurrences of absence or seven days of absence in the 12 month period following the triggering of Level 3.

Where Level 4 is triggered, the Employer's representative(s) and senior management will review the employee's circumstances, including the employee's attendance record, the reasons for the employee's absences, the employee's medical status and accommodation (including efforts to accommodate the employee), where applicable. **The Employer shall preclude the consideration of WSIB absences in making any determination at Level 4 of the ASMPP.**

If senior management is satisfied that the employee's absenteeism is excessive and there is no reasonable prognosis for improvement, after taking into account the Employer's obligation to accommodate an employee, if applicable, the employee's employment may be terminated for innocent absenteeism.



Where more than one Level of meeting is triggered

On occasion an employee's absenteeism may trigger a Level meeting and, before the meeting occurs; further absenteeism may trigger the next Level meeting. In such circumstance, the Employer's representative(s) may combine the two meetings with the employee. However, the Employer's representatives will not combine a meeting at Level 4 with another meeting.

Changing Levels through changing attendance

- A. If the non-culpable absenteeism of an employee at any level in the ASMPP remains within four occurrences or seven days for 12 months from the date of the last Level was triggered, the Employee will drop down one Level in the process.
- B. In the 12 months following the drop in Level (i.e., in the period from the 13th to the 24th month), if the employee's non-culpable absenteeism exceeds four occurrences or seven days, the employee will progress to the next (i.e., previous) Level.
- C. In the 12 months following the drop in Level (i.e., in the period from the 13th to the 24th month), if the employee's non-culpable absenteeism remains within four occurrences or seven days, the employee will be removed from all Levels of the ASMPP.
- D. If the employee is removed from all Levels of the ASMPP (C above) and subsequently the employee's non-culpable absenteeism exceeds 4 occurrences or 7 days, the employee will trigger a Level 1 meeting.

Disabilities

The Employer shall give proper consideration of implications arising under the Ontario Human Rights Code and preclude the consideration of absences that flow from a Disability as defined by the Code.

Pandemic

In the event of a declared pandemic by the World Health Organization or the Ontario Chief Medical Officer of Health, the Employer shall consider whether to suspend the ASMPP, and notify OPSEU of their decision.



Review

Two years after this ASMPP takes effect, the Employer will review the application and operation of this ASMPP.