

Toronto District School Board

Operational Procedure PR748

Title: **ATTENDANCE SUPPORT**

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Revised: N/A
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1. RATIONALE

This Attendance Support Procedure (PR748) (the “Procedure”) was developed to support the Ministry of Education’s Policy and Program Memoranda (PPM) 171: Attendance Support Programs. The Toronto District School Board (TDSB) believes that both individual and organizational health are important factors affecting the ability of all employees to attend work and to fully contribute to the Board’s strategic priorities and to achieving its goals. The purpose of the Attendance Support Program (ASP) is to address issues of excessive absenteeism while ensuring that all employees of the Board are treated in an equitable manner.

2. OBJECTIVE

- To promote a positive impact on employee and student well-being, and overall outcomes for student learning.
- To support school and department continuity with a stable and consistent staff presence.
- To articulate the Board’s expectations with respect to attendance at work.
- To identify factors impacting employees’ regular attendance at work and to provide supports to staff based on individual circumstances, to positively impact their attendance at work, while encouraging individual health and well-being.
- To address innocent absenteeism through a non-disciplinary process by facilitating discussion to support regular attendance and manage culpable behaviours where they exist and are within the employee’s control.

- To educate and increase the awareness of employees as to the importance of regular attendance and the effect that irregular attendance has on their work, their co-workers, and student achievement.
- To provide for an increase in monitoring employees as the incidence of absenteeism increases, and assist with identifying any required intervention.
- To encourage feedback to employees regarding attendance.
- To achieve and maintain a level of attendance acceptable to the Board.
- To provide a consistent and standardized approach for supporting employees when their absence rates exceed a just and equitable threshold.
- To provide fair and equitable access to sick leave benefits in compliance with collective agreements and employment legislation.

3. DEFINITIONS

Absence(s) refers to instances when an employee is absent from their duties, responsibilities, or scheduled activities. Absences are categorized as Non-Culpable (Innocent) Absences or Culpable Absences.

- *Non-Culpable Absences* (i.e., innocent absenteeism) refers to absences due to factors where an employee has little or no control, such as using sick leave for personal injury or illness absences and medical appointments unrelated to work, and count towards the individual's attendance threshold.
- *Culpable Absences* refers to absences that occur because of factors within the employee's control, such as using sick leave for reasons other than intended, or failure to attend work without notifying the employer. Culpable absences should not be counted towards the attendance threshold and should be addressed through progressive discipline processes and/or may warrant unpaid days as per TDSB collective agreements and/or other Board policies and procedures.

ASP refers to Attendance Support Program.

Board is the Toronto District School Board, which is also referred to as "TDSB"

Disability, as defined by the *Ontario Human Rights Code*, is: (a) any degree of physical disability, infirmity, malformation or disfigurement that is caused by bodily injury, birth defect or illness and, without limiting the generality of paralysis, amputation, lack of physical co-ordination, blindness or visual impediment, deafness or hearing impediment, muteness or speech impediment, or physical reliance on a guide dog or other animal or on a wheelchair or other remedial appliance or device;

(b) a condition of mental impairment or a developmental disability; (c) a learning disability, or a dysfunction in one or more of the processes involved in understanding or using symbols or spoken language; (d) a mental disorder; or (e) an injury or disability for which benefits were claimed or received under the insurance plan established under the Workplace Safety and Insurance Act, 1997.

Duty to Accommodate means the legal obligation to make adjustments, provide support, or make exceptions in order to avoid discrimination on the basis of a protected ground so as to ensure fair and equitable access, treatment, and inclusion, and for individuals to be able to participate equally and perform to the best of their abilities in the learning environment, workplace, or other TDSB environment.

- The duty to accommodate may require making adjustments to or exceptions to policies, procedures, programs, guidelines, practices, physical settings, requirements, or criteria in keeping with the principle of the primacy of the *Human Rights Code*.
- If a person in a position of authority has information or has made observations that suggests there may be a need for accommodation, that person is under a duty to make reasonable inquiries into whether an accommodation may be required.
- When there is a duty to accommodate, accommodation is required up to the point of undue hardship, which is a very high threshold.
- The procedural duty to accommodate requires that the accommodation process be transparent, collaborative, and respectful. Requests for accommodation cannot be ignored.

Employee Family Assistance Program (EFAP) refers to the TDSB's free and confidential support program, available 24/7 to employees and their dependents. Services include professional support and resources that are intended to assist employees and/or their families with a wide range of personal issues and challenges.

Manager/Supervisor refers to a manager/supervisor or designate and may include supervisory officers, senior managers, managers, principals and supervisors. A manager/supervisor is an employee who exercises managerial/supervisory authority in relation to other employees/workers.

TDSB is the Toronto District School Board, which is also referred to as the "Board".

Threshold is the trigger which determines participation in the attendance support process and entry into the ASP. On an annual (or other) basis, the Board will determine the threshold see Appendix A), with respect to the number of days absent and communicate this threshold to employees. It also provides a baseline against which individual improvement can be measured.

4. RESPONSIBILITY

Associate Director, Organizational Transformation, Accountability, and Legal and Executive Officer, People and Culture.

5. APPLICATION AND SCOPE

This Procedure applies to all TDSB employees.

6. PROCEDURE

6.1. General

- 6.1.1 High levels of employee absenteeism lead to poorer quality of service, lost productivity and reduced morale of co-workers. Consistent attendance management can have highly positive effects on the workplace. The ASP recognizes the provisions of the applicable collective agreements and standard operating procedures and does not intend that ill or injured employees attend work if unable to do so.
- 6.1.2 The ASP defines the roles and responsibilities for individuals at every level of the organization in an effort to resolve attendance issues co-operatively.
- 6.1.3 The application of the ASP is subject to the applicable collective agreements, the *Employment Standards Act* and the *Workplace Safety and Insurance Act*.
- 6.1.4 TDSB also recognizes and accepts its legal responsibility under the Ontario Human Rights Code (OHRC) to accommodate individualized needs of persons with a disability, as defined under the OHRC, in order to assist them in performing the duties of their position. Accommodation will be individualized and will be based on the employee's physical, emotional and/or intellectual abilities. Reasonable accommodation will be provided in a manner that respects the individual's dignity and maximizes the employee's integration and participation in the workplace.
- 6.1.5 TDSB is committed to developing an inclusive, barrier-free work environment in which persons with disabilities have equal access to opportunities and all employees feel included and valued. TDSB will make every reasonable effort to provide reasonable accommodation for employees with disabilities.
- 6.1.6 The ASP is designed to make employees aware of potential concerns and to provide them with an opportunity to improve. The ASP further aims to impress upon members of the management team the importance of setting clear expectations, managing absences, and providing ongoing coaching. It will also provide guidance in the identification and support of employees requiring assistance, and develop proactive and preventative measures.
- 6.1.7 Key components of the ASP include:

- a. reporting of absences due to illness or injury;
 - b. management of medical leaves of absence;
 - c. sick leave administration;
 - d. notification to the employee of their status within the ASP;
 - e. meeting and dialogue with the employee;
 - f. goal setting and planning for improved attendance;
 - g. offer of assistance, such as the Employee Assistance Program (EAP) or early intervention;
 - h. opportunity for improvement;
 - i. provision of medical documentation as appropriate under any applicable collective agreement;
 - j. recognition of improved attendance;
 - k. workplace accommodation, such as modified work programs and stay at work accommodations;
 - l. early and safe return to work; and,
 - m. continuance of an employee's status within the ASP should the employee's work location change.
- b) It is important to recognize that every case is unique; however, the ASP procedures will ensure that a common approach is used in reviewing individual circumstances.
- c) The ASP operates in conjunction with, but does not supersede, the OHRC, the Occupational Health and Safety Act, and the Workplace Safety and Insurance Act.

6.2 Culpable Absences

6.2.1 Culpable absences are those absences which are unauthorized and are within the employee's control. These absences may warrant a disciplinary response. The following are examples of culpable absences:

- lateness or tardiness
- leaving work early without notification or excuse
- false explanation for an absence
- no reason is provided for the absence
- unsubstantiated absence, where evidence of the reason is required
- the reason for the absence is not legitimate

Culpable absences such as these may result in disciplinary action and will be dealt with through the TDSB's discipline process. Culpable absenteeism and the process by which it is addressed are not part of the ASP.

6.3 Non-Culpable Absences

6.3.1 Situations where an employee is away from work and yet has genuine and documented reasons for the absence are presumed to be non-culpable. However, although the employee may be capable of doing their job when at work, these absences may create operational and/or service problems and the employee is not fulfilling the requirements of the employment contract.

Examples of non-culpable absences may include, but are not limited to, the following:

- sick leave, with or without pay (even though there is medical certification)
- medical appointments during working hours
- absences from work to deal with ongoing family problems
- "patterned" absenteeism referring to absences that occur:
 - on particular days of the week;
 - adjacent to scheduled days off and/or weekends;
 - on particular days of the week each week, month or year;
 - on days off after performance related matters are addressed;
 - on days off after work assignments that the employee finds non-agreeable;
 - and/or appear on the surface to be suspicious.

6.3.2 Patterned absenteeism is presumed to be "innocent absenteeism" unless there is evidence to the contrary since there is the possibility of a legitimate explanation for the absence. However, if after investigating the situation, it can be confirmed that the absenteeism pattern indicates abuse (i.e. no reasonable explanation is given for the absences and it is not substantiated by acceptable medical documentation) the absences may be considered culpable and disciplinary action may be required. Like other short-term absences, the negative impact on operations and on the work environment increases with the frequency of these absences.

6.3.3 Non-culpable absenteeism is not corrected in a disciplinary fashion but rather through education and counselling. Non-culpable absences will be dealt with under the ASP.

6.3.4 Excluded Absences

Absences that will not be included in calculating an employee's absenteeism include all approved leaves of absence and all statutorily

protected leaves. These excluded absences include, but are not limited to, the following:

- Approved Vacations
- Bereavement Leave
- Witness/Jury Duty
- Pregnancy and Parental Leave
- Family Medical Leave as defined by the *Employment Standards Act*
- Emergency Leave as defined by the *Employment Standards Act*
- Approved Union Business
- Approved Leaves of Absence
- Absences while in Receipt of Workplace Safety and Insurance Benefits
- Absences that are the result of a disciplinary suspension
- Lieu Days
- Miscellaneous Leaves

6.4 Managing Absences

Role of Management

- 6.4.1 The appropriate level of management (principals, managers, supervisors and/or Superintendents) should coach each employee after each occurrence of absenteeism. Management should emphasize the impact of the employee's absence on the education of students, the broader school community and on other employees.
- 6.4.2 The ASP should be administered with flexibility and discretion, at all stages, to allow management to deal effectively with the numerous types of attendance issues that may arise. For instance, after due consideration, with approval from People & Culture, a manager may decide that circumstances warrant that an employee not enter the ASP or if in the ASP already, it may be advisable to repeat one or more of the stages.
- 6.4.3 Letters issued to employees as an outcome of any stage of the ASP must be approved by People and Culture.
- 6.4.4 Management should be aware that unionized employees may have the right to union / association representation at meetings, if requested by the employee.
- 6.4.5 Management through discussions with their People and Culture Business Partner should determine at which point to involve the assistance of the Health, Wellness and Abilities team when dealing with absences that have an accommodation and/or disability management element.

Entering the ASP

- 6.4.6 On a quarterly basis (every 90 calendar days), the attendance information for each employee will be reviewed. All employees who have exceeded the threshold as outlined in appendix A within the previous 12 month rolling period will be enrolled in the ASP.
- 6.4.7 As indicated above, no excluded absences will be considered in determining whether an employee has met or exceeded the absenteeism trigger.

6.5 Process for Non-Culpable Absenteeism

- 6.5.1 Regular attendance is crucial to the effective operation of the Board. Absenteeism (absences beyond employees' control, i.e. illness) must be managed through positive, supportive counseling, not discipline. This means that management must:
- Seek to understand the issues that affect employees' ability to work
 - Explain the effect absences have on the organization and on their co-workers
 - Provide support to assist employees in addressing the issues that impede their ability to attend work regularly.
- 6.5.2 Non-Culpable (innocent) absences and absenteeism will be addressed through a series of coaching and counselling sessions as detailed in the four (4) progressive steps of the ASP outlined below.
- 6.5.3 Please note that the progression outlined below is to be considered a guideline and is not intended to inhibit the discretion of management to deviate from the specified steps, as deemed appropriate, depending on the specific circumstances of the absence in consultation with People and Culture. In determining whether to exercise discretion, the factors to consider will include, but are not limited to, the following:
- the specific circumstances related to the absence(s);
 - the seriousness/severity of the absence(s);
 - an employee's attendance record;
 - and/or the individual circumstances of the case, such as the nature and frequency of the absence(s).

Step 1: Informal Concerns

When an employee reaches the threshold, they will enter Step 1.

The informal interview is the most important step in the process because it offers the best opportunity to intervene and assist the employee. The interview

provides the Principal/Manager/Supervisor and employee with the opportunity to resolve the attendance situation quickly and proactively.

The informal interview will consist of the following:

- Identification of the absenteeism impact on the work unit
- Comparison of absence record to threshold of Board
- Review the objectives of the ASP
- State the roles and responsibilities of all involved
- Expectations set out and focus on the importance of being at work every day
- Offer assistance to the employee
- Establish timelines and goals for attendance improvement
- Advise the employee of the entry into the formalized ASP should attendance not improve within the next 90 days

Following this meeting, the employee's attendance will be regularly reviewed. The employee is expected to maintain an absenteeism rate established ("the Maintenance Period"). See Step 2.

If the employee does not exceed the above agreed upon absenteeism rate for the duration of the Maintenance Period, the employee will be notified that their absenteeism rate is no longer being reviewed and the employee will exit the ASP.

Should the employee at this Step indicate continued medical concerns which are causing continued absences, the manager needs to ensure that a referral to Health and Wellness Services is offered.

Step 2: Formal Concerns

If an employee's absenteeism rate is greater than the greater of their employee groups threshold divided by 4 (rounded up to the nearest whole number) at any time during the Maintenance Period over the next 90 calendar days, they will advance to Step 2 of the ASP and be formally registered in the ASP.

The employee will meet with the next level of manager to discuss the ASP and the employee's absenteeism rate. The reasons for the employee's absenteeism will be discussed, as well as strategies for decreasing absenteeism in the future. A letter will be placed in the employee's file, indicating that the employee has been registered in the ASP and summarizing the discussion.

The employee's attendance will be regularly reviewed. The employee is expected to maintain an absenteeism rate of less than the greater of their employee groups threshold divided by 12 (rounded up to the nearest whole number) or 1 occurrence per month for the Maintenance Period.

If the employee maintains an absenteeism rate of equal to or less than the greater of their employee groups threshold divided by 12 (rounded up to the nearest whole number) or 1 per month for the duration of the Maintenance Period, the employee will be notified that their absenteeism rate is no longer being reviewed and the employee will exit the ASP.

Step 3: Final Non-Disciplinary Counselling

If after progressing to Step 2, an employee's absenteeism rate is greater than the greater of their employee groups threshold divided by 12 (rounded up to the nearest whole number) or 1 per month at any time during the Maintenance Period, he or she will advance to Step 3 of ASP.

At Step 3, the employee will meet with their next level of management and the People and Culture System Officer or designate.

The employee will be advised that his or her absenteeism rate is unacceptable and that his or her employment with TDSB is in jeopardy and may be terminated on a non-disciplinary basis.

During the meeting, the employee's absence record will be reviewed and all possible options to reduce the absenteeism rate will be discussed.

The employee's attendance will be reviewed on a quarterly basis. The employee is expected to maintain an absenteeism rate of less than the greater of their employee groups threshold divided by 12 (rounded up to the nearest whole number) or 1 occurrence per month for the Maintenance Period.

If the employee maintains an absenteeism rate of less than the greater of their employee groups threshold divided by 12 (rounded up to the nearest whole number) or 1 occurrence per month for the duration of the Maintenance Period, the employee will be notified that his or her absenteeism rate is no longer being reviewed and the employee will exit the ASP.

Step 4: Last Chance/Termination

If having progressed to Step 3 of the ASP, an employee's absenteeism rate is greater than the greater of their employee groups threshold divided by 12 (rounded up to the nearest whole number) or 1 per month at any time during the Maintenance Period, the employee will advance to Step 4 of ASP.

The employee will meet with their next level of management and the People and Culture System Officer or designate.

During the meeting, the parties will review the employee's attendance record and the steps taken to improve the employee's attendance.

The employee's employment with TDSB may be terminated, without cause, and for non-disciplinary reasons, for innocent absenteeism. The employee will be provided with their employment standards entitlements.

6.6 Roles and Responsibilities

Employees

6.6.1 An employee who is hired to perform a job will:

- Abide by their employment contract and the TDSB's policies, procedures and guidelines regarding working hours and reporting an absence;
- Maintain regular contact with their Manager/Supervisor and other TDSB employees as necessary including the DCA;
- Attend meetings with their Manager/Supervisor regarding attendance concerns and be an active participant in impacts to regular attendance;
- Any employee who does not maintain regular attendance at work is responsible for taking the necessary steps to ensure that they can attend work regularly.

Managers/Supervisors

6.6.2 Managers/Supervisors will:

- Communicate expectations for regular attendance at work;
- Review monthly attendance reports;
- Monitor the attendance of all employees within their area of accountability, and where challenges are identified, engage in meaningful discussion and meetings to support and encourage regular attendance;
- Identify absenteeism trends or patterns, such as the following:
 - Frequent absences of short duration;
 - Absences of five (5) or more consecutive scheduled work days;

- Absences due to doctor appointments or scheduled treatment;
 - Absences due to workplace injury and/or illness;
 - A pattern of repeated days of absence taken in proximity to weekends, natural breaks, and/or holidays;
 - Personal illness/injury unrelated to work (paid and unpaid) if the absences are less than five (<5) consecutive days and the employee is not involved in the TDSB's Disability Management and Support Program.
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- Recognize and communicate with employees whose attendance has improved;
 - Comply with the Board's policies, procedures regarding absences, Short Term Leave Disability Plan (STLDP), and return to work and accommodations;
 - Participate in all meetings under this Procedure and provide input into the development of individualized attendance goals for each employee involved in the process;
 - Support and assist at any level in the attendance support process;
 - Provide feedback to employees who reach their attendance goals;
 - Ensure that absences are recorded in a timely and efficient manner;
 - Participate in early and safe return to work and accommodation meetings;
 - Communicate expectations for attendance at work;
 - Provide employees with reasonable, meaningful, and timely assistance and support for their well-being, including availability of EAP.

People and Culture

6.6.3 People and Culture Department will:

- Provide direction and act as a resource to all aspects of the attendance support process;
- In conjunction with the Manager/Supervisor and Health, Wellness and Abilities Office, review the cases of employees who have not met attendance goals following the completion of all coaching levels to determine ongoing options and employability;
- Support Managers/Supervisors in analyzing attendance metrics and identify patterns that contribute to the absenteeism, recommending action plans for attendance improvement, and assist with implementation to enhance workplace productivity;
- Coach Managers/Supervisors on effective attendance awareness techniques, including providing insight to identify root causes of attendance issues and promote best practices to achieve attendance goals;
- Assist to identify employees who exceed the Absence Threshold;
- Facilitate and assist with meetings in the attendance support process.

6.7 Privacy and Confidentiality

- 6.7.1 Personal information (as defined in *Municipal Freedom of Information and Protection of Privacy Act*) will be collected, used, retained or disclosed in accordance with applicable legislation, including the *Education Act*, *Municipal Freedom of Information and Protection of Privacy Act*, *Personal Health Information Protection Act*, TDSB's Freedom of Information and Protection of Privacy Policy (P094), TDSB's Freedom of Information and Protection of Privacy Procedure (PR676) and all other applicable access and privacy legislation that applies to the Board.

7 EVALUATION

This Procedure will be reviewed as required but at a minimum every five (5) years after the effective date.

8 APPENDICES

- Appendix A: Threshold Limits

9 REFERENCE DOCUMENTS

Policies:

- Accessibility (P069)
- Human Rights (P031)

Operational Procedures:

- Employee Interim Measures Pending Investigation (PR743)
- Freedom of Information and Protection of Privacy Procedure (PR676)
- Return to Work for Employees with Disabilities Requiring an Accommodation (PR716)
- Workplace Accommodation for Employees with Disabilities (PR717)
- Workplace Harassment Prevention and Human Rights (PR515)

Legislative and Other Documents:

- *Ontario Human Rights Code*
- PPM171 – Attendance Support Programs
- TDSB Multi-Year Strategic Plan (MYSP) 2024-2028

Appendix A: Threshold Limits

Employee Group	Attendance Threshold
Principal / Vice Principal / Non-Union	8 Days
Elementary Teachers	18 Days
Secondary Teachers	16 Days
EAs, ECEs, Custodians	20 days
All other Unions	16