



## **Ontario Shared Services**

HR Service Delivery Division  
Employee Health, Safety and Wellness

### **Attendance Support and Management Program (ASMP) Guide**

April 2015

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## INTRODUCTION

The Ontario Public Service (OPS) values excellence in service delivery through a quality workforce that shows pride in its efforts.

Every employee has an obligation to regularly perform the functions for which he/she is responsible. The OPS is committed to assisting employees who may be having difficulty maintaining regular attendance. The Attendance Support and Management Program (ASMP) is intended to provide a non-disciplinary, structured process that assists employees with attendance difficulties due to injury or illness.

Effective April 1, 2015, the revised OPS Attendance Management Policy requires that employee attendance be managed through the OPS-wide implementation of the ASMP.

The ASMP began as a pilot in 2009 for select ministries and has been successful in reducing higher than average absenteeism while providing additional support to those requiring it. Given its success, a decision was made to extend the program to all ministries and Commission Public Bodies effective April 1, 2015. The key change to the ASMP from the original program is the trigger for entering Level 1 and progressing through the levels of the program. As of April 1, 2015, an employee will enter Level 1 of the ASMP and/or progress through the levels of the program if his/her sick leave exceeds the enterprise attendance threshold (seven days for calendar year 2015). Prior to April 1, 2015, employees at select ministries that were already in the program entered or progressed through the levels of the program if their sick leave exceeded seven days or four occurrences (an occurrence is a single absence or a set of bundled absences).

The areas that implemented the ASMP, applicable to only OPSEU-represented staff and, in some areas, management, prior to its adoption as an enterprise program on April 1, 2015 include:

- Ministry of Community Safety & Correctional Services: Institutional Services, Community Services and Operational Support within the Correctional Services Division
- Ministry of Children & Youth Services: Youth Justice Services Division
- Ministry of the Attorney General: Court Services Division and the Environment and Land Tribunals Ontario
- Ministry of Community & Social Services: Family Responsibility Office
- Ministry of Finance: Tax and Benefits Administration
- Ministry of Government and Consumer Services: ServiceOntario, Customer Care Division and Central Services Division

For employees from these areas who are currently in the ASMP as of April 1, 2015, they will remain in the program at their current level.

Commencing April 1, 2015, employees who have absences that exceed the enterprise attendance threshold of seven days within a 12-month period will enter the program at Level 1.

The program has four progressive levels that an employee will trigger if his/her absenteeism continues to exceed the thresholds applicable for each level. Employees will progress to Levels 2, 3 or 4 when his/her absences exceed four occurrences or the enterprise attendance threshold in any 12-month period. Each time an employee triggers into a new level, he/she will have a meeting with his/her manager and/or employer representative(s). The purpose of the meeting is to advise the employee that his/her non-culpable absenteeism is a concern and to offer support. It is a proactive step in helping employees overcome difficulties with maintaining regular attendance at work.

If an employee's absence continues to exceed the thresholds with no improvement, he/she will progress through all the levels of the program. Ultimately, the employer will take appropriate action in order to address excessive absenteeism which could result in the termination of employment.

Please note: Members of the Ontario Provincial Police should refer to their manager or the Career Development Bureau website for processes and procedures regarding the Attendance Support and Management Program.

## **PURPOSE**

To manage absenteeism within the OPS in a fair and consistent manner in order to provide an effective and efficient public service by:

- a) increasing awareness of the impact of absences on colleagues and the ministry to promote regular attendance at work;
- b) helping employees achieve and maintain regular attendance at work by providing employment accommodation and/or other assistance as required; and
- c) regularly communicating the responsibilities of employees, supervisors, senior management and human resources with respect to attendance.

The ASMP shall be applied in a manner consistent with all associated directives and policies (including the Compensation Directive and Disability Accommodation Policy), collective agreements, Ontario's Human Rights Code, and any other applicable legislation.

## **HUMAN RIGHTS CONSIDERATIONS**

When addressing absenteeism, it is important to remember the requirements of Ontario's Human Rights Code, and to understand the inter-relationship between absenteeism and disability.

The Human Rights Code protects persons with disabilities from discrimination in employment and from harassment in the workplace because of their disability. It is generally held that 'disability' in the context of the Human Rights Code does not apply to illnesses of a temporary nature, such as colds or the flu. The OPS's Workplace Discrimination and Harassment Prevention Policy helps to protect employees from all forms of harassment and discrimination. This would include protection for employees with disabilities (visible/invisible, physical/mental) from harassment or discrimination.

It is necessary to differentiate between those persons who are absent due to a disability as defined by the Human Rights Code, and those who are absent due to an illness that would not be considered a disability.

Management (in consultation with your Disability Accommodation Specialist) may preclude a particular absence when an employee provides sufficient information that establishes that the absence was the result of a medical condition that is defined as a disability under the Human Rights Code (e.g., multiple sclerosis). The precluded absence will not be counted towards entry or progression through the ASMP. This includes employees absent due to an approved WSIB workplace injury/illness or on long-term income protection (LTIP) benefits.

Employees should provide management with medical documentation in a timely manner in order to initiate a discussion about precluding specific absences related to a disability under the Human Rights Code. In order to be considered, medical documentation must include information sufficient to establish that the employee could not attend work on a particular day or days because he/she was totally unable to perform his/her essential duties on that day as the result of a Human Rights Code-defined disability. Such medical documentation provided by an employee is for the purposes of preclusion under the ASMP, and an employee can choose to provide it if he/she wishes to have some or all of his/her absences considered for preclusion. However, all absences (paid

or unpaid) taken due to illness or injury, including those that are bundled or precluded, will continue to be monitored and reviewed by the employer as part of attendance management.

Such medical information is not mandatory and is separate from the obligations set out in the various collective agreements or MBC Compensation Directive for the purposes of entitlement to STSP benefits. The employee is responsible for all related costs for securing the medical documentation.

To respect the dignity of employees with disabilities, medical documentation should not be routinely required for a previously confirmed permanent, congenital or long-term disability. However, if an employee requests to have absences precluded, the manager may indicate that they will consider the request after the employee voluntarily provides medical information to have the absences precluded. The employee has the sole discretion as to whether or not to provide the information and is responsible for all related costs. Management also has the right to request a note under circumstances such as suspected abuse of sick leave.

Managers requiring assistance in determining an appropriate course of action in individual cases should consult their Disability Accommodation Specialist (DAS) or HR Specialist. The DAS works for the Centre for Employee Health, Safety and Wellness and will support OPS managers. The HR Specialist works for the OPP or a Commission Public Body will provide support to OPP or Commission Public Body managers.

## **BUNDLING AND OVERRIDING ABSENCES**

### **Bundling of Absences**

Multiple absences may be bundled under the ASMP with the provision of sufficient medical documentation. When absences are bundled, they will be treated as a single occurrence and each bundled absence day will be counted toward the trigger calculations for employees who exceed seven absence days, e.g., an employee has minor surgery and is absent for three days and, with a doctor's note, these dates are bundled. A few months later, the employee is absent again due to complications from the surgery and, with a doctor note, the sick absences are bundled into the first occurrence.

Bundling occurs when the employee provides sufficient medical documentation to support that specified absences are for the same injury/illness.

Medical documentation must:

1. Be timely and from a legally qualified medical practitioner, dentist or nurse practitioner.
2. Identify the specific dates of absence, confirming those dates were related to the same medical condition and state that, on those dates, the employee was totally unable to perform his/her job duties as a result of this condition.

Such information is not mandatory and is separate from the obligations set out in the various collective agreements (for represented staff) or policies and directives (for unrepresented staff). However, if an employee wishes to have his/her absences bundled, the onus is on that employee to provide this information and request consideration for bundling. The employee is responsible for all related costs.

The medical documentation will be reviewed by the manager and the DAS or HR Specialist and the employee will be notified whether or not his/her absences will be bundled.

## Overriding Absences

An employee will only progress one level for absences related to a specific illness or injury, provided that sufficient health information is presented. For example, an employee who has been off work for three weeks consecutively due to a broken leg will trigger into Level 1 on their 8th day of sick absence. All subsequent related absences will be 'overridden' (not counted for progression into the next level).

## DEFINITIONS

### Health Information

Health information may include information about a medical condition related to prognosis (e.g., expected recovery time), capabilities, restrictions, limitations, symptoms that may affect an employee's ability to perform job functions and verification of medical absences for payment of income benefit purposes (e.g., short-term sickness plan). Employee health information should not include a diagnosis.

### Non-Culpable or Innocent Absenteeism

The ASMP deals with absences that are referred to as "innocent" or "non-culpable". These are absences that arise due to an employee's involuntary condition. Such

absences act as “triggering events” in the ASMP, resulting in an employee’s entry into and progression through the levels of the program. Each employee’s attendance will be managed on a case-by-case basis.

Non-culpable absences are not dealt with through a disciplinary process. Rather, they are addressed through the ASMP. However, such continued absenteeism can ultimately result in the termination of employment.

## Culpable Absenteeism

“Culpable” absences are generally defined as wilful acts resulting in violation of rules, regulations, policies, procedures or standards, for instance, employees who are absent without authorization for reasons which are within their control. Culpable absences may result in disciplinary action, but are not “triggering events” in the ASMP.

Key types of culpable absenteeism include:

- leave early without approval
- failure to notify management of absence
- absence without approved leave
- abuse of leave
- failure to explain absences
- consistent patterns of unexplained absences

## Triggering Events

These are events that will result in an employee’s record being reviewed and a meeting being held with the employee about his/her attendance. Triggering events include:

- Entering the ASMP – when an employee exceeds the enterprise attendance threshold of seven days of sick absence, within a 12-month period, he/she will enter into Level 1.
- Entering Levels 2, 3 or 4 – more than four occurrences or the enterprise attendance threshold of seven days of sick absence during a 12-month period.



## ASMP Levels

### **Level 1**

Level 1 is triggered when an employee exceeds the enterprise attendance threshold of seven days of absence within a 12-month period.

When Level 1 is triggered, the employer's representative(s) will meet with the employee to confirm that he/she is in Level 1 of the ASMP, review the employee's attendance record, 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 offer assistance to the employee, as appropriate. Such assistance could include, for example, an offer of accommodation or information about the EAP.

The employer's representative(s) will advise the employee that he/she will proceed to the next level in the ASMP if his/her absences continue to exceed four occurrences or the enterprise attendance threshold of seven days within the applicable 12-month period.

Employees represented by a bargaining agent can invite a representative to meetings at all levels of the program. If, at any level, a represented employee chooses not to have a representative present at an ASMP meeting, the employee must sign a Waiver of Representation ([Appendix B](#)).

The employee will receive a letter confirming what was discussed at the meeting.

### **Level 2**

Level 2 is triggered when an employee exceeds four occurrences of absence or the enterprise attendance threshold of seven days of absence in the 12-month period following the triggering of Level 1.

When Level 2 is triggered, the employer's representative(s) will meet with the employee to confirm that he/she is in Level 2 of the ASMP. The employer's representative(s) will review the employee's attendance record and their concerns about the record. The employer's representative(s) 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/her attendance and reduce absenteeism. The employer's representative(s) will remind the employee about the availability of the EAP.

The employer's representative(s) will advise the employee that he or she will proceed to the next level in the ASMP 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 ASMP levels may lead to non-culpable termination.

Employees represented by a bargaining agent can invite a representative to meetings at all levels of the program. If, at any level, a represented employee chooses not to have a representative present at an ASMP meeting, the employee must sign a Waiver of Representation ([Appendix B](#)).

The employee will receive a letter confirming what was discussed at the meeting.

### **Level 3**

Level 3 is triggered when an employee exceeds four occurrences of absence or the enterprise attendance threshold of seven days of absence in the 12-month period following the triggering of Level 2.

When Level 3 is triggered, the employer's representative(s) and the Disability Accommodation Specialist (DAS) or the HR Specialist will meet with the employee to confirm with him/her that he/she is in Level 3 of the ASMP. 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/she will proceed to the next and last level in the ASMP if their 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.

Employees represented by a bargaining agent can invite a representative to meetings at all levels of the program. If, at any level, a represented employee chooses not to have a representative present at an ASMP meeting, the employee must sign a Waiver of Representation ([Appendix B](#)).

The employee will receive a letter confirming what was discussed at the meeting.

## **Level 4**

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

When Level 4 is triggered, the employer's representative(s), the Disability Accommodation Specialist (DAS) or the HR Specialist and senior management attend the meeting. During the meeting, they 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 all efforts made to accommodate the employee), where applicable.

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, the employee's employment may be terminated for innocent absenteeism.

Employees represented by a bargaining agent can invite a representative to meetings at all levels of the program. If, at any level, a represented employee chooses not to have a representative present at an ASMP meeting, the employee must sign a Waiver of Representation ([Appendix B](#)).

## **Multiple ASMP Level Meetings**

In certain circumstances, where an employee's absences have triggered multiple levels within the ASMP, a combined attendance meeting may be held which incorporates up to a maximum of two ASMP levels (i.e. a combined Level 1/2 meeting or a Level 2/3 meeting). However, no other level meetings can be combined with the Level 4 meeting.

## ***Changing Levels IN THE ASMP***

There are 4 ways that a level change will occur. These are:

- A.** If the non-culpable absenteeism of an employee at any level in the ASMP does not exceed four occurrences or the enterprise attendance threshold of seven days for 12 months from the date when the last level was triggered, the employee will drop down one level in the program.

- B.** In the 12 months following the drop in level outlined in A above (i.e., in the period from the 13th to the 24th month), if the employee’s non-culpable absenteeism exceeds four occurrences or enterprise attendance threshold of seven days, the employee will progress to the next (i.e., former) level.
- C.** In the 12 months following the drop in level outlined in A above (i.e., in the period from the 13th to the 24th month), if the employee’s non-culpable absenteeism remains within four occurrences or enterprise attendance threshold of seven days, the employee will be removed from all levels of the ASMP.
- D.** If the employee is removed from all levels of the ASMP (as in C above) and subsequently the employee’s non-culpable absenteeism exceeds the enterprise attendance threshold of seven days, the employee will trigger into Level 1 and a Level 1 meeting will occur.

## Employee Representation

Attendance Support and Management Program meetings are not disciplinary but rather an opportunity to increase communication between the employee and the employer. Mutual information exchange, clarity of expectations, and referral for medical or other assistance if appropriate are the desired outcomes of such meetings.

Should a represented employee request to have bargaining agent/union representation during a formal attendance meeting, such representation will be permitted in accordance with the relevant collective agreement and the employee may complete and sign the “Bargaining Agent/Union Representation” form (optional - see [Appendix A](#)). However, if the employee opts to meet without representation, a “Waiver of Representation” form (see [Appendix B](#)) must be signed by the employee and retained by the manager in the employee’s file in the AMTS.

Non-represented employees (management or excluded) are permitted to have a support person attend the meeting with him/her upon request.

## **VOLUNTARY OPTION**

On a one time only basis, employees may themselves declare their need for attendance assistance.

Individuals in Levels 1-3 of the ASMP are eligible to elect this option. By choosing this option, the employee's current level in the ASMP process will be downgraded one level e.g., an employee at Level 3 may drop to Level 2. Employees may request this option during a formal ASMP meeting and/or at any time in between meeting dates. Requests for attendance assistance by an employee will be viewed as a tangible demonstration of his/her sincere desire to improve his/her attendance at work.

Employees choosing to elect voluntary assistance will discuss with their manager the request for a formal evaluation and will co-operate in all reasonable initiatives identified to assist them in maximizing their health and attendance at work (e.g., participation in an independent medical examination (IME)).

These voluntary requests by the employee are encouraged. The aim of the ASMP is to provide assistance and coaching for employees with non-culpable, medically related absences as well as provide appropriate medical referrals when required. By declaring this need for assistance, the ASMP can intervene early and assist the employee in improving his/her workplace attendance.

## **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The OPS has an EAP that is designed to assist employees with any personal issues that may be affecting their ability to attend and participate productively at work. The current EAP provider for the OPS is Shepell.fgi. They can be reached at [www.shepellfgi.com](http://www.shepellfgi.com) or by calling the toll free number which is available 24 hours a day, 7 days a week, at 1-800-268-5211.

Many of the OPS's EAP services are provided free of charge on a confidential basis. Employees should be aware that the employer and/or manager are not told which employees access EAP services.

An employee who is having difficulties in his/her personal life is encouraged to discuss these issues with his/her supervisor so that, if possible, the employer can assist the employee. In addition, employees are encouraged to discuss any medical restrictions that may require employment accommodation with the employer representative(s)

attending the level meeting, so that the employer can provide the appropriate accommodation based on those medical restrictions.

## Pandemic

In the event of a declared pandemic by the World Health Organization or the Ontario Chief Medical Officer of Health, the employer will consider whether to suspend the ASMP, and notify employees and the bargaining agents of their decision.

## Program Responsibilities

### *Employee*

1. Maintain an acceptable level of regular attendance.
2. Report all absences in the manner and time prescribed in the ASMP, ministry procedures, and short-term sickness plan (STSP) provisions in the relevant collective agreement or MBC Compensation Directive.
3. Enter his/her sick absences in WIN on a bi-weekly basis, (the day after pay day).
4. Notify his/her manager of their absence and expected date of return to work.
5. Be honest and forthright in all dealings regarding absences away from work.
6. Attend to any personal affairs and obligations during personal time.
7. Report workplace accidents/incidents immediately.
8. Provide health information in accordance with this guide, policies, applicable collective agreements or as directed by the employer. The [Health Information Program Guide](#) can be found on the OPS Wellness website.

### *Managers*

1. Support employees in addressing any employment accommodation and return to work needs, as required.
2. Document and monitor all forms of attendance, paying close attention to attendance trends and patterns.
3. Approve employee sick absences in WIN on a bi-weekly basis and input sick absences for employees who cannot enter their sick absences on a bi-weekly basis, (the day after pay day).
4. Bundle and/or preclude absences in the Attendance Management Tracking System (AMTS) on a timely basis. Additionally, for each level, add attendance meeting notes and employee documentation into the AMTS.
5. Know and follow the procedures outlined in this guide.

6. Ensure the consistent application of the ASMP within the groups they supervise, treating all employees with dignity and respect.
7. Ensure the confidentiality of employees' health information and attendance records.
8. Manage any attendance issues by coaching employees (both through meetings and in writing) who need assistance, and by taking other suitable steps to address employee attendance problems.
9. Maintain regular contact with employees who are absent from work (in accordance with the Disability Accommodation Policy and Attendance Management Policy).
10. Ensure employees are aware of their attendance responsibilities and program support in meeting work responsibilities.
11. Discuss issues pertaining to employee absences with his/her HR Specialist (e.g., Disability Accommodation Specialist) as necessary.

***Centre for Employee Health, Safety and Wellness (CEHSW) or  
Commission Public Body HR Department***

1. Design and support human resource strategies that assist management and employees in achieving regular attendance levels across the organization.
2. Provide overall administration of the ASMP, including regularly informing management of the effectiveness of the ASMP.
3. Ensure the confidentiality of an employee's health information.
4. Assist managers in reviewing individual employee health and safety issues that are impacting attendance or performance of work duties and developing employment accommodation and return to work plans as required.
5. Consult with management and exercise reasonable discretion in dealing with innocent absenteeism on a case-by-case basis for employees' progression through the levels of the program.

# ASMP Meeting Flowchart

If absences exceed 7 days, employee proceeds to Level 1

**LEVEL 1**

If absences exceed 4 occurrences or 7 days within 12 months after entering Level 1, employee proceeds to Level 2

**LEVEL 2**

If absences exceed 4 occurrences or 7 days within 12 months after entering Level 2, employee proceeds to Level 3

**LEVEL 3**

If absences exceed 4 occurrences or 7 days within 12 months after entering Level 3, employee proceeds to Level 4

**LEVEL 4**

Level 4 meetings include a bargaining agent representative (where applicable), the affected employee, the Disability Accommodation Specialist and the employer representative. Any employee who proceeds to Level 4 through the ASMP process and who has been unwilling or unable to meet acceptable attendance standards may be subject to termination

If absences do not exceed 4 occurrences or 7 days in the 12 months after entering Level 1, employee will exit the program

If absences do not exceed 4 occurrences or 7 days in the 12 months after entering Level 2, employee will drop to Level 1

If absences do not exceed 4 occurrences or 7 days in the 12 months after entering Level 3, employee will drop to Level 2

Where the employer representative is satisfied, based on available medical information, that there is a likelihood the employee will be capable of satisfactory attendance in the foreseeable future, a decision regarding continued employment may be deferred for a period not exceeding 12 months





# APPENDIX A (Optional)

## Bargaining Agent Representation

I understand that I am entitled to have bargaining agent/union representation present at the Attendance Support and Management Program meeting scheduled for [insert date]. My bargaining agent/union representative for this meeting will be:

\_\_\_\_\_   
 Representative Name

\_\_\_\_\_   
 Name of Employee

\_\_\_\_\_   
 Signature of Employee

\_\_\_\_\_   
 Date

\_\_\_\_\_   
 Name of Witness

\_\_\_\_\_   
 Signature of Witness

\_\_\_\_\_   
 Date

**Please note: In the event that the bargaining agent/union representative you have indicated on this form is unavailable for this meeting time, it is your responsibility to arrange for another bargaining agent representative to attend with you.**



# APPENDIX B

## Waiver of Representation

I understand that I am entitled to have bargaining agent/union representation present at the Attendance Support and Management Program meeting scheduled for [date]. I have chosen to decline that representation.

\_\_\_\_\_  
Name of Employee

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name of Witness

\_\_\_\_\_  
Signature of Witness

\_\_\_\_\_  
Date