

## **Attendance Support Policy for Employees**

### **Policy Overview**

This policy captures the commitment of the Halifax Regional School Board to promote optimal and consistent attendance at work and support individual employees to overcome difficulties that adversely affect consistent attendance.

### **Table of Contents**

- 1.0 Legislative Context**
- 2.0 Principles**
- 3.0 Application**
- 4.0 Annual Report to the Governing Board**
- 5.0 Authorization**
- 6.0 Policy Review**

### **Appendix A: Definitions**

### **Policy and Procedures History**

- Policy approved September 27, 2017

### **1.0 Legislative Context**

1.1 This policy aligns and complies with the following legislation, policies and procedures:

- 1.1.1 *Nova Scotia Human Rights Act;*
- 1.1.2 *HRSB Policy D.010 Respectful Workplace (Harassment);*
- 1.1.3 *HRSB Policy D.002 Occupational Health and Safety;*
- 1.1.4 *Nova Scotia Labour Standards Code;*
- 1.1.5 *Nova Scotia Education Act;*
- 1.1.6 *Nova Scotia Freedom of Information and Protection of Privacy Act.*

1.2 The Halifax Regional School Board is committed to ensuring that attendance support for employees is in accordance with all terms and conditions of employment, including collective agreements.

## **2.0 Principles**

- 2.1 HRSB is committed to supporting the health and wellness of its employees.
- 2.2 HRSB depends on every employee to achieve its mission. Regular attendance at work as scheduled is an expectation of employment with HRSB and is considered the responsibility of every employee.
- 2.3 Every HRSB employee makes a valuable contribution to the services HRSB provides.
- 2.4 HRSB recognizes that employees may experience injury or illness either physically or psychologically.
- 2.5 HRSB respects the dignity and privacy of each employee and will keep all employee medical information confidential.
- 2.6 HRSB recognizes its obligation to accommodate employees and provide support services and resources to assist employees in maintaining and improving their health, including when they are ill or injured.
- 2.7 The HRSB is committed to involving union representatives in discussions regarding employee attendance, accommodation and support.
- 2.8 The HRSB acknowledges that culpable absenteeism does not fall within this policy.
- 2.9 Excessive absenteeism may result in the non-disciplinary termination of an employee where:
  - 2.9.1 There is no duty to accommodate the underlying reason(s) for these absences; or
  - 2.9.2 If there is a duty to accommodate, it would cause undue hardship for the HRSB to maintain the employment relationship.

## **3.0 Application**

- 3.1 This policy applies to all HRSB employees, including permanent, term or casual.
- 3.2 The Superintendent, or designate, shall be responsible and have the discretion to direct the implementation of this policy in stages by application to various employee group(s).
- 3.3 The staged implementation of this policy shall not prevent a supervisor from addressing innocent absences with employee group(s) for whom this policy has not

been implemented.

**4.0 Annual Report to the Governing Board**

4.1 The Superintendent or designate will submit an Annual Report on this policy to the Governing Board.

**5.0 Authorization**

5.1 The Superintendent is authorized to develop, issue and revise procedures in support of this policy. Such procedures shall be the *Halifax Regional School Board Attendance Support Program*.

**6.0 Policy Review**

6.1 This policy will be reviewed every five (5) years or on an as needed basis.

**Appendix A**  
**Definitions**

- Non-culpable (innocent) absence:** Means an absence that is not blameworthy, resulting from disability, injury, illness, or another legitimate health reason. For clarity, this Policy is not meant to address the following types of absences:
- An approved Workers' Compensation or Injury On Duty claim;
  - Actively managed Sick leave claim;
  - Long Term Disability (LTD) claim;
  - Approved accommodations or gradual returns to work;
  - Statutory or other leaves not related to illness, including but not limited to: vacation, holidays, jury duty, personal leave, compassionate care or bereavement leave, maternity leave, approved union business leave.
- Culpable absenteeism:** Means the conduct involves employee fault or wrongdoing. Examples of culpable absenteeism may include but are not limited to failure to report to work or follow the established call in procedures, fraudulent use of sick leave, falsification of time records, and excessive lateness.
- Duty to Accommodate:** The duty to accommodate to the point of undue hardship is a legal requirement arising from human rights case law in Canada. Employers may be required to accommodate various protected characteristics of their employees (disability, religion, family status, gender identity, etc.). Employers must do what is reasonable to allow a person to get, or keep, a job.
- Accommodating a person may mean allowing shorter work hours, changing job duties, or providing equipment that will let a person continue to work. All employers must try to accommodate the needs of their employees up to the point of undue hardship. This can depend on several things, including the size of the organization and the role of the employee within the organization.
- Excessive Absenteeism:** When an employee's innocent absences result in missing a significant amount of time from work and continue over an extended period of time, the impact on the workplace can give rise to excessive absenteeism. Excessive absenteeism can only be determined after an assessment of all the circumstances of the individual situation.