

**THE CORPORATION OF THE CITY OF WINDSOR
POLICY**

Service Area:	Office of the City Clerk	Policy No.:	HRATT – POL - 0001
Department:	Human Resources	Approval Date:	January 21, 2013
Division:	Employment and WSIB	Approved By:	City Council (M18-2013)
		Effective Date:	January 21, 2013
Subject:	Integrated Attendance Management	Procedure Ref.:	
		<i>Pages:</i>	Replaces: Attendance At Work Program
Prepared By:	Human Resources		Date: January 1, 2006

1. POLICY

- 1.1** The Corporation of the City of Windsor (“the City of Windsor”) recognizes its obligation under the *Ontario Human Rights Code*, the *Employment Standards Act* and the *Workplace Safety and Insurance Act* to accommodate employees who are ill or disabled, to the point of undue hardship considering a number of factors such as cost, outside sources of funding, and health and safety requirements
- 1.2** The City of Windsor understands that every employee plays a vital and valuable role in maintaining a high level of customer service. In order to do so, employees are expected to attend work on a regular basis

2. PURPOSE

- 2.1** The purpose of this policy and its accompanying procedures dealing with transitional work and all forms of employee absenteeism, is to communicate the City of Windsor’s expectations to all employees to attend work on a regular basis, establish a system for measuring and dealing with absenteeism and to treat all employees fairly and consistently
- 2.2** The City of Windsor will provide accommodations and support, where possible, for any employee, who due to illness, injury, or disability is temporarily or permanently unable to perform his/her regular duties
- 2.3** The City of Windsor will make efforts to provide a meaningful, productive environment within which individuals will maintain their dignity and respect while rehabilitating from their illness, injury, or disability
- 2.4** The City of Windsor will uphold its obligations and grant time off to employees requesting a leave of absence without pay for reasons as outlined under the *Employment Standards Act*
- 2.5** The accommodation process is based on objective criteria, but will be individualized on a case-by-case basis to suit the needs of the employee

- 2.6 The City of Windsor will work with all employees, unions, associations, and management to assist employees to attend work on a regular basis
- 2.7 The determination as to when an employee will no longer be able to be accommodated in their permanent job will be reviewed individually and with appropriate medical documentation and/ or ergonomic review. The employee's ability to perform the essential duties of the position will be reviewed amongst a number of items including the impact of the accommodation on the department, corporate operation, and health and safety will be given consideration

3. **SCOPE**

- 3.1 This policy applies to all non-union, professional and unionized employees of the Corporation of the City of Windsor ("employees"), inclusive of regular full-time and part-time, contract and temporary employees, recreational staff and students
- 3.2 This policy may at times apply to individuals engaged in providing unpaid placements and services to the Corporation and volunteers as defined in the corporate Volunteer Policy

4. **RESPONSIBILITY**

- 4.1. The Mayor and Council
 - 4.1.1. Support the purpose of the Integrated Attendance Management Program (IAM)
 - 4.1.2. Provide adequate budgetary resources to meet the obligations under this policy, or in the alternative, direct a review of the policy
- 4.2. Chief Administrative Officer (CAO) and Corporate Leadership Team:
 - 4.2.1 Support the purpose of the Integrated Attendance Management Program (IAM)
 - 4.2.2 Recommend to City Council adequate budgetary resources to meet the obligations under this policy
 - 4.2.3 Resolve disagreements under this policy as brought forward by the Executive Director of Human Resources
 - 4.2.4 Participate in and support training requirements that may be provided to effectively carry out this policy
- 4.3. Executive Director of Human Resources:
 - 4.3.2 Ensure the City of Windsor has an IAM program that complies with its obligations under the *Workplace Safety and Insurance Act*, the *Employment Standards Act*, and the *Ontario Human Rights Code*, and that

the policy is reviewed one year after implementation, and reviewed every three-years thereafter, or when there are legislative changes

- 4.3.3. Make final decision under this policy, however, where disagreements arise and cannot be resolved, bringing these forward to the appropriate Corporate Leadership Team member or CAO
 - 4.3.4. Participate in and support appropriate training requirements that may be provided to effectively carry out this policy
 - 4.3.5. Maintain communications and update the unions and associations as appropriate taking into account the collective agreement, terms and conditions of employment, WSIB and the employee's privacy
 - 4.3.6. Bring forth budgetary recommendations to the Corporate Leadership Team and CAO that will provide the appropriate resources that will allow the Corporation to meet its obligations under this policy
 - 4.3.7. Work together with the employee, department and other appropriate parties (such as Workplace Safety and Insurance Board, Long Term Disability carrier, health practitioners) to return an employee back to work as soon as practical keeping in mind the individual needs of the employee's absence
- 4.4. Executive Directors, Managers, and Supervisors:
- 4.4.1. Ensure employees returning to work are treated fairly and equitably
 - 4.4.2. Support the temporary and permanent transition of injured/ill/disabled workers into their departments
 - 4.4.3. Establish early contact if appropriate given the individualized circumstances, and maintain contact with employees who are absent from work and to continually offer transitional work where suitable and in accordance with this policy, collective agreements, terms and conditions of employment, applicable legislation, and accompanying procedures
 - 4.4.4. Work with employees, Disability Management Specialists, and the applicable union and/or association to reduce absenteeism
 - 4.4.5. Advocate and uphold the best interest and purpose of the policy for the Corporation over individual departmental interests
 - 4.4.6. Work with the Disability Management Specialists on matters of accommodation within their departments and immediately reporting any concerns or setbacks
 - 4.4.7. Enforce the purpose of this policy in their departments

- 4.4.8. Request and provide adequate resources to support the policy inclusive of financial and staffing
- 4.4.9. Participate in and support appropriate training requirements that may be provided to effectively carry out this policy
- 4.4.10. Complete all forms and documentation as requested by Human Resources
- 4.4.11. Ensuring employees provide medical information as required under Sick Leave By-Law 980 as may be updated from time to time
- 4.4.12. Actively participate in the accommodation of employees by providing suitable transitional work duties
- 4.4.13. Uphold confidentiality for the person seeking accommodation and be respectful of his or her dignity
- 4.4.14. Communicate attendance expectations, record every absence or lateness, follow up with employees for required documentation, review records to determine any absenteeism problems and counsel employees to assist in finding solutions to chronic absenteeism
- 4.4.15. Ensure an employee's lost time is submitted to the Departmental Absence Coordinator in accordance with the applicable collective agreement, Terms and Conditions of Employment, and corporate policies and procedures

4.5. Disability Management Specialists and other Human Resources staff:

- 4.5.1. Establish early contact where appropriate, and maintain contact with employees who are off work due to illness or injury
- 4.5.2. Obtain medical information from employees who are off work due to illness or injury, as per the applicable collective agreement or terms and conditions of employment
- 4.5.3. Endeavour to have the department and unions abide by applicable legislations dealing with accommodation or disability, specifically the collective agreements, Terms and Conditions of Employment, *Workplace Safety and Insurance Act*, and *Ontario Human Rights Act*
- 4.5.4. Identify employees with high levels of absenteeism (identified as above the corporate average, or who may have patterned absenteeism) and work with the department and unions to assist employees in attending work on a regular basis
- 4.5.5. Identify and resolve obstacles to a successful accommodation plan
- 4.5.6. Identify with the noted departments, unions, and WSIB and/or disability insurance carrier when the Job Placement Goal options should be used as outlined in this policy

- 4.5.7. Act as liaison between employee, union or association representative, physician, supervisor and WSIB/Insurance Carrier, or any other appropriate party where involved
- 4.5.8. Continue discussions and update the unions and associations as appropriate taking into account the collective agreement, Terms and Conditions of Employment, WSIB and the employee's privacy
- 4.5.9. Ensure the *Occupational Health and Safety Act* requirements are not impacted by any actions taken in the accommodation of an employee

4.6. Employees:

- 4.6.1. Report absences to their Supervisor/department in accordance with their collective agreement, Terms and Conditions of Employment, or standard departmental practice
- 4.6.2. Report any workplace accidents, injuries, or incidents immediately to their supervisor
- 4.6.3. Obtain medical treatment immediately and on a continuous basis as necessary, or as requested by their health care practitioner or Disability Management Specialist
- 4.6.4. Advise his/her supervisor of the need for accommodation
- 4.6.5. Return requested forms (Functional Ability Forms, sick leave certificates, doctor's notes, and leave of absence forms) promptly
- 4.6.6. Maintain regular contact with their supervisor as to their ability to return to transitional work
- 4.6.7. Take an active role and cooperate in the development of an individualized return to work plan, or any accommodation plan requested
- 4.6.8. Attend medical evaluations as requested by the Corporation and in accordance with the collective agreement, Terms and Conditions of Employment, or as directed by WSIB and/or insurance carrier
- 4.6.9. Accept transitional work duties deemed suitable by a physician or the WSIB/Insurance Carrier
- 4.6.10. Promptly advising their supervisor of difficulties experienced in the transitional work plan

5. GOVERNING RULES AND REGULATIONS

5.1 This policy is in accordance with the *Ontario Human Rights Code, the Workplace Safety and Insurance Act, the Employment Standards Act, the Occupational Health & Safety Act*, and applicable collective agreements, the CANUE Terms and Conditions of Employment and any other applicable policies, procedures or legislation

5.2 Employees who are absent due to illness, injury, or disability will be managed and accommodated under the auspices of any governing legislation, collective agreement, or terms and conditions of employment

5.3 Employees deemed no longer able to perform the required essential duties of their position will be subject to placement in a new job in accordance with the Job Placement Goals as follows:

- i.** Own job with accommodation
- ii.** Different job, same dept. same union/association, with or without accommodation
- iii.** Different job, same dept, different union/association, with or without accommodation
- iv.** Different job, different department, same union/association, with or without accommodation
- v.** Different job, different department, different union/association, with or without accommodation

5.4 Prior to placing employees in new positions under the Job Placement Goals as stated above, workplace parties will meet to discuss all pertinent issues

Compensation

5.5 Where an employee is placed in an alternate position under the Job Placement Goals hierarchy which is in a *higher salary band* than their current rate, the employee will be placed at the increment level which is closest to their current hourly rate without being less

5.6 Where an employee is placed in an alternate position under the Job Placement Goals hierarchy which is in a *lower salary band* than their current rate, their new salary will be based on the following:

5.6.1 For WSIB approved claims:

5.6.1.1 The employee will be paid the applicable job rate for the position. Any loss of earnings will be subject to the *Workplace Safety and Insurance Act's* rules and procedures as amended

5.6.2 For Non-occupational illness or injury:

5.6.2.1 The employee will be paid the applicable job rate for the position and will not be subject to any loss of earnings benefits from the corporation

5.6.2.2 The employee will be placed at the increment level that is closest to their current bi-weekly rate

6. RECORDS, FORMS AND ATTACHMENTS

6.1 Records will be retained in accordance with the record retention requirements of the Municipal Freedom of Information and Protection of Privacy Act and the City of Windsor's Records Retention Disposal By-Law 12599, as amended from time to time