

Topic:	Disability Management Support Program
Effective:	January 2012
Cross-References:	<u>Health and Safety Policy;</u> <u>Employment Equity Policy;</u> <u>Attendance Management and Support Program;</u> <u>Confidentiality of Medical Records;</u> <u>Individual Work Accommodation (Medical);</u> <u>Absence Reporting;</u>
Revision Date:	January 2018, February 2020, January 2023
Review Date:	January 2026
Responsibility:	Superintendent of Human Resources

INTENDED PURPOSE:

It is the expectation of the Halton District School Board that each employee attends work regularly as scheduled and arrives on time; however, the employer understands employees may be unable to attend work due to personal illness or injury. The employer provides reasonable accommodations for employees who are medically unable to attend work with supported sick leave and short term disability leave days.

This procedure outlines the process and expectations for the use of sick leave and short term disability leave days, and reporting absences from work.

The Employee Health and Wellness Department will maintain the confidentiality of medical documents, as defined in the Confidentiality of Medical Records administrative procedure, for the purpose of this Disability Management and Support Program administrative procedure.

PROCEDURE:**1.0 Absences**

1. An employee that is unable to attend work due to personal illness or injury must notify their immediate supervisor or designate immediately to allow for appropriate coverage. The employee must indicate, in general terms, the reason for the absence (e.g., due to accident, illness, contractual, etc.).
2. Attendance on Professional Activity (PA) days, on days following and/or preceding holidays (e.g., winter break, March break, long weekends, etc.), and on days marked by significant events (e.g., an international sporting event, etc.) is expected. The employer may monitor absences on these specific days, including those that have been booked in advance, and request appropriate medical documentation supporting the absence, if sick leave or short term disability leave days have been accessed.
3. Where necessary and reasonable in the circumstances, the employer may request an employee to provide medical documentation for any given absence. When the employer directly requests medical documentation, the employer will cover the cost associated with obtaining said documentation upon the provision of an original invoice.

4. Employees are required to enter absences in the Board's Absence Management system to allow for necessary coverage. The correct absence code and project code, if applicable, must be entered to classify the employee's absence. For further information refer to the *Absence Reporting Administrative Procedure*.

Absences of more than ten (10) consecutive working days related to illness or injury:

5. When an employee is aware they are going to be absent for more than ten (10) consecutive working days (for the purpose of this Disability Management and Support Program), the employee will notify their immediate supervisor or designate of the absence immediately indicating, in general terms, the reason for the absence (e.g., due to accident, illness, contractual, etc.).
6. The immediate supervisor or designate shall remind the employee of their responsibility to submit an Abilities Form (see 1.9) directly to the Employee Health and Wellness Department to enable early intervention and to facilitate a safe and timely return to work as necessary.
7. The immediate supervisor or designate must send all medical documentation received directly to Employee Health and Wellness Department Human Resources. The immediate supervisor should advise the employee that all medical documentation should be sent directly to Employee Health and Wellness.
8. A member of the Employee Health and Wellness Department or designate may require the employee to provide documentation completed by the appropriate treating medical practitioner that may include the following information:
 - i. An *Abilities Form, Surgery Form or Pregnancy Form that describes the objective medically-supported restrictions and/or limitations in relation to the essential duties of their position;
 - ii. Confirmation that the employee is participating in appropriate treatment to expedite the employee's safe and timely return to work;
 - iii. Expected date employee could participate in the Individual Work Accommodation (Medical) process;
 - iv. Expected return-to-work date at regular hours and duties and any other information required to safely return the employee to work in a timely manner;
 - v. Treating medical practitioner's name, address, phone number and fax number; and/or
 - vi. Treating medical practitioner's signature and office stamp.
9. Unless otherwise arranged, this medical documentation must be submitted by the employee or appropriate treating medical practitioner to a member of the Employee Health and Wellness Department or designate within ten (10) working days of the date of the request. If the employee is having difficulty obtaining the appropriate documentation within this timeframe, the employee will discuss the matter directly with a member of the Employee Health and Wellness Department.
10. The employer must exercise discretion in each case in determining whether to ask for a Medical Form in accordance with item 1.9 of this administrative procedure.

11. In the event that the immediate supervisor or designate believes that medical documentation is required for any absence less than ten (10) consecutive days, they will contact the respective Human Resources Manager prior to making the request to the employee. If medical documentation is requested by the supervisor, the medical documentation will be submitted directly to Employee Health and Wellness.
12. Should the absence exceed ten (10) consecutive days, the employee is responsible for submitting sufficient medical documentation/Abilities Form to Employee Health and Wellness on day eleven (11).

2.0 Sick Leave and Short Term Disability Leave Days :

1. As outlined below, an employee may access sick leave or short term disability leave days if they become injured or ill and have unused sick leave or short term disability leave days.
2. An employee may access sick leave or short term disability leave days if they are ill, injured and incapacitated from working or disabled, which is defined as a state of incapacity due to bodily injury, illness or sickness, preventing the employee from working for the employer for remuneration. Access to sick leave or short term disability leave days are due to the employee's own illness or injury.
3. The employer encourages employees to schedule preventative medical and dental appointments outside of the employee's regular working hours. However, if the appointment cannot reasonably be scheduled outside of the employee's regular working hours, then the employee may access their sick leave or short term disability leave days to attend the appointment.

3.0 Sick leave and short term disability leave days are not payable:

- i. In cases which are compensable by the Workplace Safety & Insurance Board,
- ii. For 12-month employees during scheduled vacation unless the illness requires hospitalization;
- iii. In place of vacation or lieu days or to tend to other personal issues related to family, such as a dependent that is ill or injured, except in the case of approved Personal Business or Emergency Family Illness absences or any other ESA Leaves as defined in the employee's Collective Agreement/Terms and Conditions of Employment;
- iv. When an employee is on an authorized unpaid leave of absence;
- v. When an employee does not have available sick leave days or short term disability leave days
- vi. While in receipt of full Long Term Disability Benefits;
- vii. When medical documentation sufficient to the Board, has been requested and has not been received. In the event that the employee refuses to provide appropriate medical documentation, the employer may take appropriate disciplinary action; or
- viii. When a reasonable offer of accommodation has been provided and refused by the employee.

- 3.1 To be eligible for sick leave or short term disability leave days, the employee must follow the employer's procedures for reporting absences related to illness or injury and for returning to work.
- 3.2 The employer will endeavour to accommodate the return to work and placement of employees with a temporary, permanent, and/or partial disability in accordance with the Individual Work Accommodation (Medical) administrative procedure, as well as any applicable statutory obligations.
- 3.3 Access to sick leave or short term disability leave days may be denied for failure to provide all appropriate medical documentation requested. Appropriate medical documentation refers to, but is not limited to, medically supported restrictions and/or limitations as they relate to the employee's ability to meet the essential duties of their position and the participation in active and appropriate treatment. It is the employee's responsibility to submit appropriate documentation to a member of the Employee Health and Wellness Department or designate, as applicable.
- 3.4 In order to maintain access to sick leave or short term disability leave days, a member of the Employee Health and Wellness Department or designate may request the employee to attend a Functional Abilities Evaluation (FAE), completed to determine the employee's restrictions and/or limitations related to the employee's position, a doctor-to-doctor consultation, and/or to attend an Independent Medical Examination (IME). This will assist in providing return-to-work and/or accommodation options. In requesting the IME, the following protocol will apply:
 - i. If a member of the Employee Health and Wellness Department or designate reasonably requires medical information to determine whether an employee is able to return to work or should properly remain off of work a member of the Employee Health and Wellness Department or designate shall so advise the employee in writing and request that such information be provided;
 - ii. The employee is required to provide the requested medical documentation to a member of the Employee Health and Wellness Department or designate in response to the request;
 - iii. A member of the Employee Health and Wellness Department or designate will review the documentation provided by the employee. If the member of the Employee Health and Wellness Department or designate is not satisfied with the adequacy of the medical information provided, they will clearly identify in writing to the employee why the information is not adequate;
 - iv. The employee will be given an opportunity to provide the member of the Employee Health and Wellness Department or designate with further medical information;
 - v. The member of the Employee Health and Wellness Department or designate will review any further documentation provided by the employee. If the entirety of the medical documentation provided does not reasonably permit the member of the Employee Health and Wellness Department or designate to determine whether the employee should return to work or remain off of work, the employee may be requested to attend an IME and/or FAE; and
 - vi. If the employee fails to attend the IME and/or FAE or does not, prior to the IME and/or FAE, provide the member of the Employee Health and Wellness

Department or designate with further medical information to reasonably permit the member of the Employee Health and Wellness Department or designate to determine whether the employee should return to work or remain off of work, the employee's access to sick leave or short term disability leave days may be discontinued.

4.0 Responsibilities:

4.1 Employee:

- i. Report absences to the Board's Absence Management system, unless the employee is incapacitated and unable to do so. Failure to report absences at the first opportunity in accordance with these procedures may result in denial of pay sick leave or short term disability leave days.
- ii. Indicate, in general terms, the reason for the absence, i.e. due to accident, illness, contractual, etc.
- iii. Notify their immediate supervisor or designate of all absences by phone call, preferably; however, email is acceptable. If not immediately available, the immediate supervisor may return the call. The immediate supervisor will make the decision of whom the direct contact for absences will be. Unless previously discussed with the immediate supervisor prior to the absence(s), the employee is to report (call or email) each day of absence.
- iv. In cases where the employer is not directly requesting medical documentation but the employee is providing it to obtain a leave, the employee is to assume responsibility for the costs associated with the initial documentation from the appropriate treating medical practitioner in relation to the absence. (Refer to section 1.9 above for appropriate medical forms for medical leave). Costs associated with subsequent request(s) for medical documentation by a member of the Employee Health and Wellness Department or designate, will be borne by the employer, upon submission of an original invoice in accordance with current Board-approved procedures for [Travel and Expense Procedures](#).
- v. To be eligible for sick leave or short term disability leave days, employees may be required to provide satisfactory medical documentation completed by the appropriate treating medical practitioner, in accordance with 1.9 of this procedure.
- vi. Maintain regular contact with the immediate supervisor during their absence when they are unable to perform the essential duties of the position due to disability.
- vii. Participate in appropriate treatment, as determined by the treating medical practitioner(s), to ensure a safe and timely return to work.
- viii. Participate in the development of their return-to-work plan.

4.2 Immediate Supervisor :

- i. Communicate the Disability Support Program and Individual Work Accommodation (Medical) procedures and guidelines to the employee.
- ii. Ensure the daily maintenance of accurate, up-to-date records regarding employees' absences as designated by Human Resources.

- iii. Monitor individual employee absenteeism records as designated by Human Resources.
- iv. Receive call-ins or return employees' communication, when necessary, should a message be received from employees, and determine the reason for absence.
- v. Ensure employee confidentiality in relation to absences and medical information.
- vi. Contact a member of the Employee Health and Wellness Department or designate for assistance when restrictions and /or limitations have been identified.
- vii. Forward all medical documentation (if received) directly to the Employee Health and Wellness Department or designate in a secure and confidential manner.
- viii. Advise employees of their obligation to provide satisfactory written proof of disability, as required, confirming disability and ensuring continued payment of sick leave or short term disability leave days. Immediate supervisors shall not require an employee to sign a release to authorize collection of medical information.
- ix. Participate in the development of the employee's return-to-work plan, including providing accommodations and/or modifications to the employee's duties and/or hours, based on recommendations from a member of the Employee Health and Wellness Department or designate.

4.3 Abilities Specialist Or Designate:

- i. Request proof of continuing disability from the employee in the case of absences exceeding ten (10) consecutive working days, at reasonable intervals, in order to maintain sick leave or short term disability leave days or determine if participation in a return to work plan or Individual Work Accommodation (Medical) is appropriate and/or as deemed necessary.
- ii. Receive all medical documentation required and provide support to the employee during their time of disability.
- iii. Assist the immediate supervisor by maintaining contact with employees with a disability for more than ten (10) consecutive working days, verifying that the employee is under the active care of the appropriate medical practitioner and following an appropriate treatment plan, and advise the immediate supervisor of the expected return-to-work date, when known.
- iv. Develop an appropriate return to work plan (including appropriate accommodation and/or temporary or permanent modification recommendations) based on the employee's restrictions and/or limitations.

4.4 Superintendent(s) of Human Resources

- i. It is the responsibility of the appropriate Superintendent of Human Resources to administer this procedure and program guidelines.
- ii. The appropriate Superintendent/ of Human Resources shall review this procedure on a regular basis or as required by legislative change.

For further direction beyond this procedure, refer to the Individual Work Accommodation (Medical) Procedure.

**Note: Refer to specific Collective Agreement language regarding sick day access and appropriate medical forms to be used if applicable.*