Attendance Management
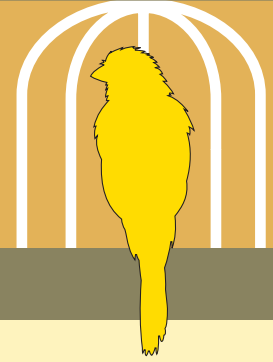
CUPE | Canadian Union of Public Employees

What is Attendance Management?

Attendance Management is the act of managing attendance or presence in a work setting, to minimize the abuse of sick time, reduce productivity losses, improve efficiency and cut the costs of loss time or backfill. Attendance management programs are variously called "attendance improvement programs", "attendance review programs" or "work improvement programs (WIP)" and even "attendance support programs". Attendance control has traditionally been approached using time clocks, timesheets and time tracking software.

Attendance management programs are often brought in under the claim that workers are abusing sick time or somehow cheating the system. However, in many CUPE workplaces, we found that programs quickly move to monitor and punish workers for 'non-culpable' or 'innocent' absenteeism that is beyond the workers control, including bona fide illness that should be otherwise excused. For example, some CUPE members have even had to push back against employers forcing workers to be present at attendance management meetings as a result of ongoing treatment for cancer.

How are attendance management programs implemented?

Attendance management programs use various tools to essentially discourage workers from using legitimate sick time as provided for in labour standards and collective agreements. The overall technique is a form of what is known as "progressive discipline". It is applied to the use of short-term sick leave. These programs usually involve:

1. **Establishing a standard for absenteeism:** These standards may use the provincial average annual use of sick time, an industry average, occupational average or depart mental average. These standards are then used as limits or triggers for an attendance review process.

2. **Initiating an attendance review process:** This frequently involves the supervisor calling the sick employee at home to find out when the employee will return to work. It may also involve warning notices and meetings where there will be discussions regarding the employee's absence from work. It could also include a counselling process that may involve encouraging the employee to return to work in a modified work program. The worker might also be asked to be examined by an "independent" doctor that the employer chooses and be asked to provide medical certificates.

3. **Dismissal:** Should the employee not show significant improvement in his or her rate of absenteeism or fail to show an expectation of improvement in the future, the employer may attempt to dismiss the employee.

These programs can involve the use of various forms of intimidation and bullying to discourage workers from legitimately using sick leave they are entitled to when they should be. As a result, these programs threaten the job security of workers. Most attendance management programs fail to recognize the basic workplace causes of absenteeism. Management will use it to attack the workers rather than the underlying causes of the absenteeism.

How do these programs impact workers' health?

- First and most obvious, forcing workers back to work before they are better prolongs illness

- The harassment of workers who are sick is a major stressor that can aggravate existing illnesses and create new issues for workers mental health.

- Workers who feel pressured to come to work before complete recovery can be a source of infection to other workers.

- Workers who come to work sick may be less able to concentrate and focus, potentially becoming a safety hazard to themselves and other workers.

- Injured workers who feel compelled to work without appropriate accommodation of an existing illness or injury, risk aggravating the illness or injury, or may result in unsafe work performance.

Bargain better protections

There are several ways to push back attendance management programs through collective bargaining:

- **Negotiate accumulated sick leave provisions.** Earned benefits that must be fully provided by the employer are more difficult to take away.

- **Negotiate non-discrimination clauses to include disabilities and long-term illness.** This allows for grievances and arbitration disputes that are speedier than the slower process under human rights legislation.

- **Negotiate separate family responsibility leave or family illness leave.** This may alleviate the pressure to use sick leave in order to attend to family responsibilities.

Some legal considerations

While attendance management programs are legal, they must follow the following principles:

- The program must be fair, reasonable, and in compliance with the collective agreement, the Occupational Health and Safety Act, and the Human Rights Code.

- They must not be arbitrary or discriminatory in their nature.

- They must consider the particularities of the individual's case, the reasons for the absences and the prognosis of recovery.

Conclusion

Most attendance management systems are used to attack the gains made by CUPE members in their collective agreements. They end up making workplaces less healthy by endangering the health and safety of the workers. If you are faced with such a program, work with you CUPE servicing representative to ensure that workers are not being abused by the system and that your collective agreement rights are not being turned back.