



# What's New in HR Law

## Fundamentals of Effective Attendance Management

February 26, 2018

The benefits of effective attendance management are obvious: improved efficiency, reliability, and workplace morale. While the applicable legal framework is relatively nuanced, employers can get a good grounding in the issue by considering the following fundamentals:

- 1. Check relevant statutes.** Statutes provide employees with the right to be absent from work in specific circumstances. Some statutes also dictate the types of supporting documentation that employers are entitled to request.
- 2. Review the employment contract or collective agreement.** Employment contracts and collective agreements may provide a greater right or benefit than the basic entitlements under statute. For example, employment contracts and collective agreements may provide employees with a right to be absent in circumstances that are not otherwise protected by statute.
- 3. Update any attendance policy as required.** A review of the policy should take place regularly to ensure compliance with applicable statutes and updates. For example, the recent amendments to the Ontario Employment Standards Act, 2000 provide enhanced leaves of absence for employees.
- 4. Distinguish between "culpable absenteeism" and "innocent absenteeism."** Remember that discipline is not an appropriate method of managing innocent absenteeism – that is, absences that are not blameworthy.

This update is for general discussion purposes and does not constitute legal advice or an opinion.

5. **Inquire and satisfy the duty to accommodate, when applicable.** Employees may be absent for reasons that are connected to grounds protected by human rights statutes – for example, due to disabilities or family responsibilities. In these circumstances, employers must ensure that they make the necessary inquiries and provide accommodation to the extent required by human rights legislation.

### Check the Box

For further insight into the nuances of effective attendance management:

- [Register](#) for our upcoming seminar/webinar on March 28, 2018.
- Contact Anthony Panacci at 416-408-5568 or your regular lawyer at the firm.



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