<table>
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<th>TOOL TYPE</th>
<th>EMPLOYEE ABSENCES INTERVENTIONS</th>
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<td>GEOGRAPHY</td>
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**ADDRESSING EMPLOYEE ABUSE OF SICK LEAVE OR EXCESSIVE ABSENCES**

**PURPOSE:**

Use this tool is to provide steps to address and manage employees who take excessive sick leave or taking sick leave under false premises.

**Includes:**

1. Steps to follow when you suspect sick leave abuse or excessive absences
2. Strategies for identifying a pattern of sick leave abuse.
3. Sample Progressive Discipline Steps
4. Sample Employer Record/Note for Sick Leave Abuse Investigation Meeting
5. Sample Letter of Progressive Discipline Actions Sent to an Employee

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<table>
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<tr>
<th>Steps To Address Excessive Sick Leave or Unexplained Absences By An Employee</th>
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| **Develop a policy regarding sick leave and/or unexplained absences.**  
If you do not offer sick leave, you are still required to have a policy for addressing, requesting, and managing absences. You may also include information about work absence expectations in an employment contract.  

Include process for requesting sick leave or leave, how much sick leave/leave is available and within what time frames, when medical notes are required to support sick leave and consequences for employees for abusing sick leave privileges (including failure to provide medical certification when requested) or who take excessive absences. | |
| **Establish leave thresholds that trigger review and actions**  
To ensure policies are applied consistently, it is important to identify thresholds that automatically trigger investigation. For example, an employee taking 24 hours worth of sick time/leave in 7 or 10 days and/or within 6 months. A progressive threshold may include an employee taking 48 hours over 6 or 9 months including, or regardless of, whether doctors notes were provided  

*Note: Excessive sick time does not necessarily mean the employee is abusing sick leave. There may be legitimate reasons for absences. Consider if the absences impact the employee’s performance, the performance of their team or department, or if the absences are a sign of other issues such as health or personal problems.* | |
| **Investigate and document reasons for suspecting abuse of sick leave or excessive leave**  
Triggered by thresholds; observing a pattern of suspicious sick leave/leave such as missing every Monday after a holiday (strategies to identify patterns of abuse appear later in this document); suspected falsified medical notes; reports or observations of an employee engaged in other activities during sick leave. | |
| **Meet with the employees supervisor**  
Ask the supervisor for any information on the employee’s workplace performance and patterns of behavior. | |
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<tr>
<th><strong>Review and understand your policy for sick leave before meeting employee</strong></th>
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| **Request a meeting with the employee to discuss your observations/concerns and organizational policies regarding absences.**  
*Do not accuse employee of lying or be confrontational. Ask questions to determine if there are reasons or mitigating factors for the employee’s absences that you might not be aware of such as illness, disability, family status, personal problems that may require accommodation or intervention.* |
| **Discuss your organization’s sick leave policy with your employee.**  
*Explain the consequences of abusing the privilege of sick leave or excessive leave without explanation. Note your observations including patterns, how much sick leave remains available and how much has been consumed.*  
*Discuss the impact of absences and performance expectations, team or department performance and organizational performance.* |
| **Ask if accommodations are needed to help manage related health and wellness concerns or family obligations**  
*Provide your employee with the opportunity to disclose any underlying reasons for excessive sick leave.* |
| **If accommodation is appropriate, discuss options for modifying the employee’s job (if relevant and applicable: review your accommodation policies before moving forward)**  
*Accommodation may be relevant for issues tied to protected human rights such as disability, family status, and religion.* |
| **If employee cannot provide adequate explanation for excessive absences or does not require accommodation follow your organizations progressive discipline steps**  
*This may include providing your employee with a warning regarding future sick leave abuse, and, clarifying expectations for future attendance. Follow your organizations progressive disciplinary steps and/or sick leave policy (see sample progressive discipline steps below)* |
| **Monitor and document employee’s ongoing absences**  
*Communicate with employee regularly (monthly) to discuss progress for the next 6 -12 months. Place a note in the employee’s file outlining details and* |

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Detecting Patterns of Sick Leave Abuse

**Sick leave that is consistently taken**
- On the same day of the week such as Monday or Friday
- The day before or after a holiday
- The same time of year, for a period of years
- After specific shifts or on specific shifts (such as weekends or evenings)
- When assigned specific work tasks (such as working at a specific location, with a specific client)
- After a vacation request was denied
- When difficult assignments or projects are scheduled or due
- After discipline for a performance matter is issued
- When supervisor is on vacation

Progressive Discipline for Excessive Absences

Consider these steps when you have identified a suspected pattern of absences and/or when the number of absences are approaching to or have exceeded allotment and/or when absences are having a negative impact on performance.

**Step 1**  
**Information gathering and counseling meeting**  
(Between employee and supervisor or HR to discuss absences)

*This should occur when you first suspect or have evidence of abuse of sick leave or absences including; when thresholds (such as 24 hours sick leave within 10 days) have been exceeded; failure to produce a medical note when required.*

*Note that excessive absences do not mean the employee is abusing sick leave intentionally. However, the situation may still require intervention that follows a progressive disciplinary process.*

*Track and record meetings and outcome of these steps in the employees file.*

**Step 1.1**  
**Identify mitigating circumstances**  
*In this meeting, ask employee about the absences (not about specific health or medical concerns as these remain confidential). Ask if the employee requires accommodations at this time.*
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<th>Step</th>
<th>Description</th>
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| 1.2  | Determine if accommodations are required and make accommodations if possible  
Address any required accommodations as part of this process. You may have to make accommodations before proceeding with any discipline.  
Once accommodations are in place if continued absences continue to impact the workplace you may have to determine if the employee is a fit for this role  
Note: if the employee is unable to perform the job as a result of ongoing and continued absences and accommodation is not possible you may be able to proceed through progressive discipline to termination. |
| 2    | Give a verbal warning and written warning  
(This may occur during or shortly after the step 1, the information gathering meeting).  
If there are no legitimate mitigating circumstances or accommodations, or, if accommodations do not mitigate absences, provide the employee with verbal and written warning that any future absences will trigger further actions.  
Provide employee with the policy outlining progressive discipline for future attendance issues  
Document your meeting (sample meeting documentation record is provide below) and have employee sign a letter stipulating they have been informed of the policy and next steps |
| 2.1  | Establish attendance requirements  
Indicate to the employee attendance requirements such as no absences without a doctor’s note or medical certificate over the next 6 months. Any absences without medical certification will be considered unpaid leave |
| 3    | Deduct wages for unpaid leave, in response to undocumented absences  
If attendance problems persist treat undocumented leave as unpaid leave and dock the employee corresponding wages for undocumented absences. |
| 4    | Probation (3 or 6 months)  
If the problem of additional absences persists put the employee on probation. In relation to any problems not only absences, but also discipline, behavior or |
**Step 5**  **Suspend of employee**  
*Further unexplained or undocumented absences result in suspension for x days (a short duration). Generally you cannot suspend an employee without pay unless it is agreed to as part of the employment contract and/or the employee agrees as part of the disciplinary process.*

**Step 6**  **Demote employee**  
*If possible with continued problems including absences demote employee. This could include reducing any seniority accrued. Note that cutting pay to a lower level based on pay grade steps may be seen as cause for constructive dismissal and as such must be considered well before actions taken.*

**Step 7**  **Terminate employee**  
*With continued unexplained absences or other behavior or performance issues you have the opportunity to terminate the employee.*

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**Sample Sick Leave Investigation/Discussion Meeting Record**

<table>
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<tr>
<th>Employee Name:</th>
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<tr>
<td>Date/Time/Location of Meeting:</td>
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| Current Sick Leave Balance:  
(or total hours of absences over the past 12 - 24 months) |
| Name of Organizations Representatives Present: |

**Discussion details:**

- Employee was informed of their current sick leave usage and that the threshold of _______ (24 hours in 10 days) was exceeded
- Employee was informed that this period of absence, regardless of the reason, impacts operations. As a result excessive absences have been addressed in a meeting with supervisors or HR
- Employee was advised that it was in the best interest for their employment and the organization that sick leave be used appropriately and judiciously to ensure there is sufficient sick leave available in the event of a major illness and to minimize the impact on the organization.
- Employee was advised that sick leave usage would be monitored and future actions may be taken unless the employee can provide evidence of mitigating circumstances.
- Employee was informed that the next absence of more than 1 day (adjusted based on the employees hours of work, for example 8 hours for some employees, 4 hours for a part-time employee) would result in further actions.
- Employee was notified that we would be tracking and identifying any pattern of sick leave usage and evidence of any abuse of sick leave or excessive sick leave would impact their continued employment

Employees response/Comments included:
- 

Possible mitigating circumstances include:

Next Step Actions:
- HR will monitor employees attendance and review in the event of any additional absences
- Progressive discipline initiated

Copy placed in the employees file

### Sample Letter To Employee

<table>
<thead>
<tr>
<th>Employee Name:</th>
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<tbody>
<tr>
<td>Date:</td>
</tr>
<tr>
<td>Re: Excessive Sick Leave or Absences Notice of Disciplinary Action</td>
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Dear _____________ (employee name)

On December 1st, 2013, we met to discuss the fact that your sick leave usage had exceeded the established threshold of X hours within a rolling 12-month period, in violation of our attendance policy. At that time, you were provided with a copy of our sick leave/leave attendance policy. During that meeting or subsequently you provided no information to mitigate your excessive sick leave/absences and requested no accommodations relevant to this situation.

During our first meeting on December 1st, 2013 we were pleased to conclude that because you agreed to reduce future sick leave absences, we would take no further actions beyond ongoing

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monitoring of your sick leave usage or absences.

Upon review of your ‘Sick Leave Report’ on ______ (date) we have identified that you have failed to reduce your sick leave usage or unexplained absences. No mitigating circumstances or reasons have been provided to explain these absences. Specifically, our records indicate you have been absent with or without medical notes on the following dates:

You were previously advised that excessive absences have a negative impact on the organization’s productivity and advised that if you had exceeded a second threshold, as identified in the sick leave/ attendance policy, that appropriate disciplinary action would be taken.

From this point forward and until and unless your sick leave usage levels fall below 36 hours (based on the allotment of 1.5 days per month) within a 3 month period, you will be required to furnish a signed statement from your physician for any absence, including routine and recurring medical appointments. This statement is not to provide any details regarding your specific injury/illness, but rather, will need to reflect only the following:

For personal illness/injury:
- Date you first saw or spoke with the physician for the injury/illness
- Period of absence caused by the period of injury/illness
- Ability of the employee to return to work for full duty

Note: Furnishing Physician’s Statements does not remove you from the obligation to reduce your sick leave usage to appropriate levels.

If your absences are a result of a serious medical condition, disability, or other mitigating factors, please inform us immediately. Until or unless this information is received in the next 72 hours (3 business days) we will initiate the first step of progressive discipline, as outlined to you in our previous. Specifically:

Progressive Discipline Phase 1
As outlined in our conversation on progressive discipline your absences will be treated as unpaid leave and your wages will be docked as such. The following absences will require a physician’s note or your next pay-check will reflect garnishment for the following dates:

Progressive Discipline Phase 2 - Probation
Future absences, with or without a doctor’s note including sick leave and personal leave (except where mandated by the Employment Standards Act for example ‘Compassionate Care Leave’) will continue to be treated as unpaid absences and additionally, you will be placed on probation. Subsequent attendance issues will have the following consequences including suspension.
without pay, demotion and termination.

It is our intent to have this Written Reprimand serve as an opportunity for you to begin to meet our sick leave usage expectations. To support you in this effort, we will provide you with ongoing, regular updates regarding the status of your sick leave usage. While I am confident that this Written Reprimand and my continued discussions with you on this issue will be sufficient to conclude this matter, please be advised that failure to meet the conditions will lead to further disciplinary action being taken, up to and including termination.

You have the right to appeal this action by providing written notice of appeal to the Human Resources Manager.

Please advise us if you require accommodation to understand the information we have provided related to this disciplinary action.

Sincerely,