

How to Create a Legally Sound Employee Lateness and Punctuality Policy



Ensure employees come to work on time and that you can discipline them for being late.

Being late for work is a practice as old as work itself. But as long as employees do show up and do their job, is it really that big a deal if they come in a few minutes late once in a while? For organizations that care about costs and profitability, the answer is a resounding YES. Tardiness costs Canadian businesses about \$3,600 per employee per year in lost productivity and other direct and indirect costs (according to leading consulting firm Circadian). And those losses only count hourly employees. Ensuring employee punctuality is one of your most important responsibilities as an HR director. The first thing you need to meet that challenge is a clear and effective lateness and punctuality policy. Here's how to create one.

The Punctuality Policy

Most organizations address lateness as part of their broader attendance policy. But while showing up for work late and not showing up at all are overlapping concepts, they're not exactly the same. The common mistake that many organizations make is to treat punctuality as the tail to the attendance dog. The remedy is to have distinct rules and procedures for handling lateness, regardless of whether you do it within the confines of your attendance policy or in a separate HR policy the way the [Model Policy](#) on the HRI website does.

The 8 Essential Elements of a Lateness Policy

Although policies must be tailored to the specific circumstances of your organization, the Model Policy is a useful template because it includes the 8 essential elements of a legally sound and enforceable lateness policy.

1. Statement of Punctuality Policy

Start by letting employees know that you expect them to show up for work on time each day and that you will hold them strictly accountable if they don't (Model, Section 1).

2. Clear Definitions

Making employees aware of their need to be punctual is the easy part. Where many organizations slip up, according to HR lawyers, is in not explaining what punctuality is. “Employees need clear definitions to figure out how to order their conduct,” notes an Ontario lawyer. “For example, does punctual mean on the dot or do they have a few minutes of leeway and, if so, how much.” In addition, the definition of lateness should include not just reporting late but also overextending breaks and leaving early without permission.

Inevitably, all employees show up late at some point. So, as with absences, it’s important to distinguish between culpable and non-culpable lateness. **Drafting Best Practice:** Define culpable lateness as “Incidents” or “Occurrences” subject to discipline, the way our Policy does. Notice that our definition incorporates 10 minutes of leeway. You can provide for more, less or no leeway, depending on how strict you want to be in applying your standards of lateness (Model, Section 2).

3. Provide for Tracking Lateness Occurrences

There needs to be a system for keeping track of employee punctuality and flagging Occurrences. One approach is to use badge clock-in, computer log-in, apps on phones or other mobile devices or biometric scanners or other technological solutions tied to the work hours monitoring system. The other option is to assign this responsibility to employees’ supervisors, either manually or in combination with the technology solution. Just be sure your policy describes the particular method(s) you use to track Occurrences (Model, Sections 3 and 5).

4. Describe Notification Procedures

Having defined your lateness standards and basic monitoring system, provide for leeway in implementation. First, there should be a procedure for employees to notify their supervisors when and why they’re going to be late. The supervisor can then decide whether to treat the lateness as an Occurrence (Model, Section 4).

5. Grace Period

Another way to inject flexibility into the system is to give supervisors discretion not to characterize lateness as Occurrences. But there should also be restrictions, such as limiting grace periods to:

- Occasional lateness by employees with otherwise good records of punctuality, as opposed to lateness by employees who have a history or pattern of lateness;
- Lateness that the supervisor doesn’t believe will impair an employee’s job performance or productivity; and/or
- Lateness due to events or circumstances beyond the employee’s reasonable control (Model, Section 6).

6. Rules for Inclement Weather

Dedicate a section of your policy to listing your criteria and procedures for deciding whether latenesses due to inclement weather count as Occurrences subject to discipline. Require employees to make a genuine effort to come to work during inclement weather if the office is open but not to put their health and safety on the line. Then leave it to the supervisor to judge the situation and determine if the inclement weather lateness should count as an Occurrence (Model, Section 7).

7. Provide for Reasonable Accommodations

While the forms of lenience and flexibility described in Sections 4, 5 and 6 above are optional, the one allowance you **must** make is for disabilities, family status, religion and other personal characteristics and circumstances requiring accommodation to the point of undue hardship under human rights laws (Model, Section 9).

8. Provide for Progressive Discipline

State that Occurrences are subject to discipline in accordance with your organization's progressive discipline policies and procedures. You might also want to list the steps based on how many Occurrences an employee has, such as:

- A verbal warning for the first 4 Occurrences;
- A written warning after Occurrences 5 and 6;
- Suspension without pay after Occurrences 7 and 8;
- Suspension without pay and final written warning for Occurrence 9; and
- Termination for Occurrence 10 (Model, Section 8).