

HR 23

Sick Leave (Short Term Disability)

Classification:	Human Resources
Responsible Authority:	Manager, Wellness and Abilities
Executive Sponsor:	Vice President, Human Resources
Approval Authority:	Algonquin College Executive Team
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PURPOSE

This Policy ensures that sick leave/short term disability benefits are appropriately used and applied consistently and equitably across the College to support employees who are totally disabled from performing the essential duties of their substantive role.

SCOPE

This Policy applies to all Full-time permanent employee within Faculty, Support and Administrative employee groups. Partial Load Academic Employees may also be entitled to sick leave benefits. All parties are expected to act in good faith, cooperate and work collaboratively in the application of this Policy.

DEFINITIONS

Word/Term	Definition
Benefit Year	Administrative Staff→ July 1 to June 30 Academic Staff→ September 1 to August 31 Support Staff→ September 1 to August 31
Disability	An employee is disabled for the purposes of this Policy if they are absent due to illness or injury and unable to perform the essential duties of their substantive role.
Employee and Family Assistance Program (EFAP)	A health and wellness service program for full-time employees designed to assist in the identification and resolution of a broad range of employee personal concerns. These programs deal with situations such as mental health, substance abuse, marital problems, family troubles, financial or legal concerns, stress and domestic violence, as well as health education and disease prevention.
Functional Abilities Evaluation (FAE)	An objective evaluation, completed by a health care professional, of an employee's ability to complete the activities that simulate the physical and/or cognitive demands at work. If required, this objective evaluation, completed by a health care professional will be arranged and paid for by the College, or insurance provider, to determine the employee's abilities,

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	restrictions, limitations and prognosis of the individual as it relates to the essential duties of the job.
Independent Medical Evaluation (IME)	An objective assessment by a third party health care professional/specialist of an employee's current medical status for the purposes of determining the employee's fitness to work. This evaluation will be arranged and paid for by the College, or insurance provider, to determine the abilities, restrictions, limitations and prognosis of the individual as it relates to the essential duties of the job.
Long-Term Disability (LTD)	For permanent full-time employees, this is a benefit that provides partial income replacement after 130 days for those employees who meet the definition of total disability under the applicable insurance policy, if/when approved by the Long-Term Disability insurer under the terms and conditions of the applicable insurance policy.
Medical Documentation	Medical documentation, including but not limited to doctor's notes, certificates and medical forms required by the College and/or Third Party Provider, are used to assess and adjudicate claims for sick leave/short term disability benefits and to develop appropriate return to work plans. A doctor's note does not automatically constitute approval for sick leave/short term disability benefits.
Non-Occupational Injury/Illness	A personal injury or an illness that does not occur in the course of employment.
Occupational Injury/Illness	An injury or illness that occurs in the course of employment.
Return to Work (RTW)	A return to the employee's substantive position following a medical absence/period of sick leave.
Sick Leave/Short Term Disability (SL/STD)	An absence due to non-occupational illness or injury. This is a self-insured benefit that is paid for by the College and is available to permanent full-time and partial-load employees in accordance with the applicable Collective Agreement or Terms and Conditions of Employment. Sick Leave and Short Term Disability are interchangeable terms for the purpose of this policy.
Third Party Provider	A third party insurance provider that has extensive experience and resources in reviewing disability claims that has been contracted by the College to provide advice and recommendations on the management of the College's Sick Leave (SL)/Short Term Disability (STD) claims.
Immediate Family	Is defined as the "employee's spouse, or common-law spouse resident with the employee; children, including children of legal or common-law spouse; and parents, including step-parents or foster parents").

POLICY

1. Algonquin College is committed to maintaining an inclusive workplace, and providing support for employees as required under the applicable policies and procedures, benefit plans, collective agreements, relevant legislation such as: the Ontario *Human Rights Code*, the *Workplace Safety and Insurance Act*, the *Occupational Health and Safety Act* and the *Accessibility for Ontarians with Disabilities Act, 2005*.

Algonquin College manages sick leave in a manner that reflects the College's values of caring, learning, integrity and respect. The College is committed to ensuring each situation is assessed on its own merit, in a pro-active, fair and consistent manner.

2. Early intervention, full participation, and collaboration of the workplace parties are essential to ensure the success of the overall policy. An employee may use sick days for the following purposes (refer to Collective Agreement where applicable for additional details):
 - a. An illness or injury that is of sufficient severity to prevent an employee from performing the essential duties of their substantive role and attending work;
 - b. Attendance at medical appointments (tests, etc.), including out of town appointments which may require reasonable travel time. Every reasonable effort must be made to schedule appointments outside of working hours; and,
 - c. Academic, Support and Administrative staff may also use up to five (5) sick days per benefit year to care for members of their immediate family when they are ill.
3. Sick days are not available during:
 - a. Scheduled leaves (professional development, maternity, parental, leaves of absence, etc.);
 - b. Scheduled vacation, except when illness/injury commences prior to the vacation period and medical documentation supports total disability from performing the essential duties of the substantive role and/or results in in-patient treatment during one or more full days of the scheduled vacation leave. Refer to collective agreement where applicable.
4. In the case of frequent or recurrent/patterned absences, the College will support the employee in identifying and helping them remove barriers that prevent them from attending work on a regular basis. This may include a referral to our Third Party Provider. The Employee would be required to provide the Third Party Provider with medical documentation to support and confirm if there is an underlying medical condition and to assist them with maintaining regular attendance at work.

5. Roles & Responsibilities:

Promoting a healthy workplace is a shared responsibility among Employees, Managers, Supervisors, Human Resources, and Union Locals.

a. Managers/Academic Chairs

- i. Manage employee attendance, including consulting with the employee and/or Human Resources regarding frequent or recurrent absenteeism.
- ii. Monitor/manage departmental attendance reports to ensure accurate and timely management of absences due to illness/injury.
- iii. Responsible for monitoring and approval of leave entries in Workday for employees.
- iv. Ensure policies and procedures are consistently applied.
- v. Inform Wellness and Abilities team in Human Resources when an absence may be or has been longer than 5 consecutive days or when a return to work involves modified duties and/or hours.
- vi. Work with the employee, Wellness and Abilities team in Human Resources and union partners where applicable as part of the Return to Work Committee to facilitate the safe and timely return to work of the recovering employee.
- vii. Maintain appropriate on-going communication with the absent employee.
- viii. Respect the employee's right to privacy with respect to medical information.
- ix. Subject to the employee's right to privacy, inform co-workers of return to work plans or assistance required, only to the extent necessary, prior to the employee's return to work. Information about the nature of the illness/injury will not be shared.
- x. Monitor a recovering employee's return to work performance and consult with the employee and Human Resources if changes are required.

b. Employees

- i. Inform your manager of any injury or illness immediately and provide as much notice as possible of the need to be away from work due to medical reasons (e.g. scheduled surgery/procedure).
- ii. Provide documentation as required by the College in order to maintain eligibility for benefits.
- iii. Communicate regularly with your supervisor or manager and Wellness and Abilities team in Human Resources throughout the period of recovery/disability and if there is any change in circumstances.
- iv. Inform your treating healthcare professional that the College has a Modified Return to Work Policy and has the ability to accommodate based on medically supported functional abilities, restrictions and limitations.
- v. Actively participate in rehabilitative treatment, making every effort to schedule appointments outside of working hours.
- vi. An employee requiring time off to attend medical appointments must inform his/her manager, as far in advance as possible, to allow for coverage and the re-scheduling of work assignments. Employees are to arrange for medical appointments outside of normal working hours, particularly for frequent and/or recurring appointments. Where this is not possible, and when mutually agreed upon by the employee and their manager, an employee may make up any hours

missed from work for medical appointments, or sick leave will be deducted from the employee's sick leave bank for time lost.

- vii. The employee is responsible for entering all leave activity taken in the Leave System of the Workday. Procedures for entries are contained in the [Workday Users' Manual](#).
- viii. Report concerns to your manager and/or Wellness and Abilities in Human Resources, so that issues can be addressed promptly.

c. Human Resources

- i. Provide advice, guidance and education to employees and managers relating to return to work, attendance management, compensation and benefits related to sick leave, sick leave provisions in the collective agreements, benefits plans and compliance with appropriate legislation.
- ii. Act as the central point of contact to communicate and coordinate the absence and return to work process.
- iii. Upon notification, Wellness and Abilities in Human Resources will enter leave activity taken in the Leave System for sick absences greater than five consecutive days in duration.
- iv. Responsible for the development and administration of the formalized Sick Leave (Short Term Disability) policy.
- v. Where applicable, ensure the employee is aware of the short term and long-term disability benefits, and provide appropriate forms, if required.
- vi. Work closely with the workplace parties and third party insurance/service providers to ensure a fair and consistent approach is used when facilitating the return to work process.

d. Unions

- i. Assist employees in understanding procedures and the responsibilities of all parties regarding sick leave and return to work process.
- ii. Work collaboratively with other workplace parties to facilitate return to work initiatives.

e. Co-workers

- i. Co-operate with the return to work/accommodation needs of the returning employee where applicable.

6. The sick leave process is most effective when all workplace parties are actively involved. The process includes:

a. Early Intervention & Communication

- i. Early intervention helps the employee maintain a positive connection to the workplace, alleviates many of the concerns experienced by injured or ill employees, helps avoid long-term absences from the workplace and allows the employee to:
 - 1. Maintain income (within available benefit provisions);

2. Retain productive employment and job security;
3. Maintain self-esteem, family stability and social ties; and
4. Maintain job skills.

b. Assessment

- i. Once the employee is medically cleared to return to work and has provided documentation to confirm this, Human Resources (Wellness and Abilities) will inform the workplace parties and the return to work planning process will proceed.
- ii. If medically supported functional restrictions and limitations are presented, Policy HR 15: Return To Work with Modified Workload will be followed.
- iii. When clarification of the medical documentation is required, the College and/or Third Party Provider may request additional information. All employees are expected to comply and fully cooperate with the College's disability management policy and procedures as outlined in the respective collective agreements and in policy HR15, including requests for medical documentation.

c. Evaluation of Options

- i. Each case will be evaluated on its own merit.
- ii. The workplace parties will discuss available options to determine the course of action going forward (i.e. operational needs, amount of sick leave available, essential duties of the job, limitations/restrictions, etc.).

d. Planning/Coordination

- i. All workplace parties have a duty to cooperate with the sick leave process. The sick leave process is meant to be transparent and collaborative.

e. Implementation

- i. The manager will inform Wellness and Abilities in Human Resources immediately if the employee does not return to work on the designated return to work date.
- ii. The employee will inform the manager immediately to identify any concerns following a return from sick leave.

f. Monitoring & Evaluation

- i. Managers must monitor progress and discuss concerns directly with the employee.
- ii. Managers and employees can request assistance from Human Resources, if necessary.

7. Confidentiality Statement

The College is committed to protecting the confidentiality of employee health and personal information collected during the sick leave process. Records of personal health information are kept in locked, confidential cabinets, separate from employee human resources records (as per the *Personal Health Information Protection Act*, (PHIPA)). Employee health information is gathered through a process of informed, written consent from the employee. No information is requested regarding medical diagnosis except in rare circumstances if required; however the process generally requires information regarding the general nature of the disability, the prognosis, and any medical restrictions and limitations. Third Party Providers have proven expertise in protecting and securing your data, ensuring that sophisticated anti-cyberhacking

systems are in place at all times. [Only limitations and restrictions are shared with Human Resources (Wellness and Abilities team) at the College and the employee is kept informed and gives consent if any additional medical information is required.

8. Compliance

- a. Employees must maintain communication with their immediate manager, the Human Resources Wellness and Abilities team and the representative from the Third Party Provider to provide periodic updates on their return to work status, including information regarding their limitations, restrictions, and prognosis.
- b. Workplace parties must actively participate and provide reasonable input into the development of a suitable return to work plan. Employees must respond and provide medical documentation when requested.
- c. In the event medical documentation is not provided, or deemed insufficient by the College, the College reserves the right to suspend or deny payment of sick leave benefits until such time the requested medical documentation is provided.
- d. Where an employee refuses to cooperate, provide medical documentation, or return to work when medically cleared, payment of salary/benefits may be suspended or terminated, and/or the employee may face discipline for unauthorized absence, up to and including termination.

PROCEDURE

<u>Action</u>	<u>Responsibility</u>
1. Contact immediate manager (or designate) as far ahead of normal start time as possible. If the immediate manager (or designate) cannot be reached, leave a message indicating that they will be absent due to illness/injury, the anticipated return to work date, and their contact number. The use of Short Term Disability credits for family leave requires that the nature of family relationship and anticipated duration of leave be provided to determine eligibility.	Employee
2. If a return to work date is not known, contact must be made with the immediate manager (or designate) each day of the absence to indicate that they will not be reporting to work.	Employee
3. Human Resources must be alerted when an employee is going to be away for more than five (5) consecutive days [NOTE: See previous comment].	Manager/Employee
4. The College reserves the right to request medical documentation at any time to ensure salary and benefits are continued. If absence goes beyond 5 consecutive days the employee may be referred to our Third Party Provider by the Human Resources Wellness and Abilities team.	Manager/Human Resources

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| <p>5. Absences greater than five (5) consecutive days requires medical documentation within 14 days of first day of absence and may require a referral to the College's Third Party Provider to substantiate the disability and eligibility for ongoing short term disability benefits. The third party provider can arrange additional supports on a voluntary basis.</p> | Employee |
| <p>6. The employee is responsible for entering all leave activity taken in the Leave System of Workday. Manager/Supervisor is responsible for monitoring and approval of leave entries in Workday for employees. Human Resources is responsible for leave entries of absence greater than five consecutive days.</p> | Employee/Manager/Human Resources |

SUPPORTING DOCUMENTATION

RELATED POLICIES

HR 15 Return to Work with Modified Workload
 HS 05 Accident Reporting & Investigation

RELATED MATERIALS

[Collective Agreements](#)
[Administrative Terms & Conditions of Employment](#)
[Applicable Benefits Booklets \(which stipulate entitlements and payment for absences due to non-occupational illness or injury\)](#)
Accessibility for Ontarians with Disabilities Act, 2005
Ontario Human Rights Code
Workplace Safety and Insurance Act, 1997
Occupational Health and Safety Act
Personal Health Information Protection Act (PHIPA)