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# MANAGING PAID MEDICAL / SICK LEAVE

## Prepared by:

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As a national, non-profit organization, Trucking HR Canada advances modern HR solutions for the trucking and logistics workforce

One of our strategic priorities is to make a company's job easier by delivering a comprehensive collection of up-to-date guides, reports, templates and more to support effective human resources management and recruitment and retention efforts.

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## INTRODUCTION

Medical leave has benefits that may not be initially apparent to companies. The key to reaping these benefits for all involved - employees, employers and the community at large - is taking a proactive approach, setting up systems to help your company manage medical leaves and ensuring that the appropriate resources are in place to administrate them.

The following tool explains the benefits that come from providing paid medical leave, how it can be effectively managed, and how the misuse of medical leave can be addressed.

## BENEFITS TO PROVIDING PAID MEDICAL / SICK LEAVE

When medical leave is effectively implemented and managed there are many benefits for the employees, employer, and the community at large.

### Benefits to Employees

- Workers don't have to choose between getting paid and taking a sick day;
- When sick workers stay home, other employees aren't exposed to contagious illnesses;
- Workers can obtain timely medical care and recover faster; and
- Employees who can take time off when they are ill feel cared for and appreciated. This can lead to greater job satisfaction and a greater sense of pride in and appreciation for the company.

### Benefits to the Employer

- Employees that have the option to take time off when they are sick may feel more valued. Feeling valued can boost morale and lead to greater employee loyalty;
- Greater employee loyalty can improve retention rates which in turn reduces the need to recruit and the costs associated with this process;
- When employees are well, they are more productive; and
- Demonstrating commitment to employee wellness through paid sick leave can improve customers' perceptions of your company and the trucking sector more broadly.

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## Benefits to the Community

- Allowing sick workers to stay home reduces strain on the health care system and lowers its costs; and
- Being able to call in sick without fear of losing a job can help to shift cultural expectations. When employees can call in sick without fear of lost wages or employment, taking good care of one's health becomes normalized.

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While luck can factor into whether an employee gets the flu, a cold, or an injury that prevents them from doing their job, all employees at one point or another will likely need to take medical leave. Developing robust policies and administrative processes, building a culture that supports the appropriate use of medical leave, and supporting managers with implementation are all part of effectively managing medical leave.

Here we explore in more detail how a company can set itself up for success.

## PROACTIVE MEASURES

A proactive approach to managing medical leave can include the following measures:

- Having a company policy related to medical leave that highlights employee entitlements as well as the procedures in place to support them;
- Being available to answer questions about medical leave;
- Educating new hires on company policies and communicating changes as they occur;
- Subsidizing employee wellness activities (e.g., gym memberships, giving employees access to healthy food options, providing ergonomic work environments, offering workshops on building healthy lifestyles etc.)
- Learning about methods for reducing the physical stress workers experience on the job (e.g., situations where they may be sitting all day and/or performing repetitive movements); and
- Providing training for managers and supervisors so that they can deal effectively with employees who are mistreating the sick leave entitlement.

For a more information on how to support and promote employee wellness, check out Trucking HR Canada's guide [Workplace Wellness: A Holistic Approach to Your Employee's Wellbeing](http://www.truckinghr.com) in the HR Resources section of the THRC website [www.truckinghr.com](http://www.truckinghr.com).

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## SUPPORTING EMPLOYEES THAT REQUIRE TIME OFF FOR ILLNESS/INJURY

The following are suggestions for supporting team members through an absence facilitating an effective return to work.

**Have clear expectations and procedures:** Ensure employees know who to contact, how contact should be made and by when the notification of absence must be made (e.g., text message, email or phone call to the manager by 9:00 am).

**Show the employee you care:** An illness or injury can extend beyond a day or two off work. Consider sending a message or card from the team to let the absent employee know they are missed and appreciated. A phone call is also a great way to offer a kind word and ask if there is anything the company can do to help.

**Train managers and supervisors:** Provide managers with the knowledge and tools they need to effectively support employees who take medical leave.

**Address concerns about job security:** Employees may feel that sick time reflects negatively on them, or that it could put their job at risk. Reassure them that absences for illness or injury are supported and encouraged. Let them know that their health is important and that staying home to recover is in everyone's best interest.

**Identify resources for support:** Continue to remind employees about all the options the company offers to support employee wellness. For example, a company's group health benefits plan and/or Employee Assistance Programs may help employees address mental health and stress related challenges underlying absenteeism.

**Manage workloads:** Work can pile up when team members are absent. Ensure critical tasks are delegated while a team member is away to give everyone comfort that nothing is being missed and work loads are not piling up.

## PREVENTING THE MISUSE OF MEDICAL / SICK LEAVES

Despite best efforts, employees may abuse their paid medical leave entitlement. Managing suspected abuse of sick days can be difficult, but employers that take a consistent, firm, and compassionate approach to sick leave management will have the greatest chance for success.

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Consider using the following strategies to reduce misuse of sick days.

**Communicate:** Set expectations regarding the responsible use of paid sick days. Periodically remind employees of your policy in team meetings or conversations. This will show you're on top of monitoring absences due to illness, deterring instances of abuse. Consider reminding employees that failure to follow the absence procedures could result in disciplinary action.

**Track sick days:** Develop a record keeping system for all employees and be consistent in tracking absences. Recording absences is essential for federally regulated employers under the Canada Labour Code, but it can also help you identify misuse of sick leave.

**Be consistent:** Apply your company's sick leave policy equally to everyone. For example, you shouldn't request a medical note from one employee and not from others.

**Address breaches:** Ensure employees know there are consequences associated with taking advantage of sick days. Breaches should be dealt with swiftly, predictably, and fairly.

**Be mindful of human rights issues:** Employers need to ensure they aren't discriminating against employees whose absences are related to having a disability. Consult with legal counsel if there is a potential for this type of complex situation.

## ADDRESSING THE MISUSE OF MEDICAL / SICK LEAVES

Your management team will likely encounter situations where medical leaves are misused. Set them up for success with the following suggestions.

**Be timely:** When someone has been absent, it's important to talk to them about it as soon as they're back. For employees who have a genuine reason for absence, this will be a great way to check in on how they're doing and support them in coming back to work. If an employee doesn't have a good reason for their absence, the attention paid to their time off may help to deter further absenteeism.

**Set the tone:** The initial conversation with an employee about a potential misuse of sick days should be approached as a fact-finding exercise rather than a disciplinary process. Curiosity and empathy are the tone that drive the conversation. By working with an employee, you can approach the situation collaboratively.

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**Underlying issues:** In some cases, there may be an underlying reason for frequent absences that the company can address. Perhaps the employee is being bullied or has a conflict with another employee. Maybe they feel they don't have the right skills to do the job, or the workload is too much for them to manage. Understanding why an employee is taking more time off work, particularly if the reasons are stress-related, equips managers to address underlying issues and reduce absenteeism.

**Facts matter:** Where absenteeism and/or abuse of sick days necessitates a more formal conversation, reliable records will be a helpful reference point. Accurate records of absences give managers the information they need to identify patterns where abuse of medical leave may be at play.

If there is substantial evidence that the employee is abusing sick leave defined as *culpable absenteeism*, steps can then be taken towards progressive discipline. As a reminder, culpable absenteeism includes situations within the control of the employee (e.g., regularly being late for work, lying about sick time, regularly absent on Fridays etc.) that could have been avoided by being responsible and planful.

Despite providing support and warnings, an employer may also reach a point where they consider termination for excessive *non-culpable absenteeism* – when an employee can't come to work due to illness, injury or other physical and mental conditions. Given that there can be significant liability tied to a wrongful dismissal claim or complaint of discrimination, employers should make this decision cautiously and consult with their legal counsel.

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