EMPLOYEE RESPONSIBILITIES – SICKNESS ABSENCE

Belief

The Division acknowledges that there are various common law obligations which are fundamental to the employer-employee relationship over and above those obligations contained in any contract of employment. Employees who are absent from work due to sickness or disability remain bound by their duties to their employer. The Division recognizes that returning to work is beneficial both to the employer and to the employee as part of the recovery process and desires to foster a greater awareness of the role of employees in facilitating their return to work following a period of sickness absence pursuant to their common law duty of honest and faithful service.

Guidelines:

1. There are various duties applicable to all employees at common law including:

   1.1 the duty to work and to obey the lawful orders of the employer.
   1.2 the general obligation to be competent at the employee’s work.
   1.3 the duty not to engage in immoral conduct incompatible with the proper performance of the employee’s duties. This duty may extend to include conduct which takes place away from the workplace / outside of work hours.
   1.4 the duty not to disclose information acquired during employment to the detriment of the employer.
   1.5 the duty to serve the employer honestly and faithfully.
   1.6 the duty to exercise reasonable care.

   To the extent that any contract of employment, Administrative Procedure or policy contains obligations which are more stringent than these common law obligations, the more stringent obligations contained in the contract of employment, Administrative Procedure or policy shall prevail.

2. Employees temporarily unable to fulfil their duty to work due to absence as a result of sickness or disability continue to be bound by their obligations to their employer (including their obligations at common law). Employees’ actions while on sick leave may be subject in appropriate cases to disciplinary measures, up to and including termination of employment.

3. Pursuant to the obligation of honest and faithful service, employees are required, among other things, to fully cooperate in any treatment or other plan designed to facilitate the employee’s return to work in accordance with the following Administrative Procedures.
Procedures

4. While an employee is on sick leave, the employee and the Division, through Human Resources, shall to the extent not prevented by any medical condition of the employee, maintain regular contact. The employee shall advise Human Resources in advance of any plans to leave the province or country while on sick leave.

5. Where the employer is in receipt of medical or other information with respect to an employee on sick leave which indicates that the employee is or will be capable of returning to work, the employer shall, in appropriate cases, and in conjunction with the employee and where applicable, the benefits provider (ASEBP), the Alberta Teachers’ Association (“ATA”) and appropriate medical advisors or specialists, seek to implement a return to work or reintegration plan (the “Plan”).

6. Human Resources shall contact the employee to arrange a meeting.

7. The purpose of the meeting shall be to explore and discuss the formulation of the Plan.

8. The matters discussed during the course of such meeting shall be documented.

9. The meeting shall be conducted by the Associate Superintendent, Personnel and a representative from Human Resources.

10. Where applicable, the employee may be accompanied at the meeting by their ATA representative.

11. Matters to be discussed at the meeting may include, without limitation:

   11.1 The Division’s interest and concern in seeing the employee’s health and wellness restored and their successful reintegration to the workplace whilst minimizing disruption to students and day-to-day operations;

   11.2 The purpose of the meeting and the overall objective, being to work collaboratively to formulate a Plan for the successful reintegration of the employee into the workplace;

   11.3 The cause of the employee’s absence and any treatment (medical or therapeutic) which may assist in the employee’s return to work;

   11.4 Potential modifications which may be required to the employee’s role or responsibilities (subject to operational requirements), including without limitation, a modified work schedule or phased return to work;

   11.5 Projected timescale for implementation of the Plan, and/or various phases thereof;

   11.6 Process for ongoing assessment and monitoring of implementation of the Plan, including required interval and frequency of meetings with school administrator;

   11.7 The employee’s overall responsibility for their health and wellbeing and the employee’s duty to fully and actively participate in the implementation of the Plan and the
consequences of failure to participate (disciplinary measures up to and including termination of employment in appropriate cases);

11.8 Any support / resources available to the employee (through ATA, the benefits provider etc.)

12. A written Plan shall be created by Human Resources, in conjunction with the Associate Superintendent: Personnel, based on the matters discussed and agreed upon at the meeting.

13. A copy of the written Plan shall be provided to the employee for review and approval.

14. The employee shall promptly review and either approve, sign and return the Plan to Human Resources or shall return any comments, questions, corrections or suggested modifications to the written Plan to Human Resources, in which case, Human Resources shall, if acceptable, make the necessary edits and forward the finalised version of the written Plan to the employee for signature.

15. A copy of the written Plan, signed by the employee and on behalf of the Division, shall be retained by Human Resources.

16. Human Resources shall provide a further copy of the written Plan to the employee and to the employee’s school administrator.

17. The employee shall cooperate fully in the implementation of the Plan and shall actively participate in all steps required thereunder.

18. The employee, Human Resources and the employee’s school administrator shall regularly refer to the written Plan to evaluate the progress of its implementation.

19. Where it shall be necessary to modify the Plan, such modifications shall be made following collaboration between Human Resources, the employee, the Associate Superintendent: Personnel and, where appropriate, the school administrator, the benefits provider, the ATA (where applicable) and appropriate medical advisors or specialists. The modified plan shall only be effective when agreed and signed by the Division and the employee.

20. Failure of the employee to abide by their responsibilities pursuant to this Administrative Procedure may result in the imposition of disciplinary measures and other sanctions up to and including termination of employment.