Sick Days Are Costly for Ontario School Boards

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Recent studies indicate that Ontario teachers are taking an increased number of sick days. A 2016 report from School Boards' Co-operative Inc. ("SBCI"), a not-for-profit that provides Ontario school boards with actuarial advice, found that teacher and education worker absenteeism has risen dramatically from 8.86 days in the 2010-2011 school year to 10.29 days in 2014-2015.[1]

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When a teacher is absent, an occasional teacher is assigned to the classroom and there is a concern about the continuity of teaching personnel in the classroom. Concerns have arisen that teacher absenteeism may have a negative impact on the delivery of the curriculum and the education program.

This spike comes on the heels of province wide-reform.

Prior to 2012, Ontario teachers were allocated a defined number of sick days each school year. Until the *Putting Students First Act, 2012,* teachers were apportioned twenty sick day credits per year.[3] Unused credits could be banked, without any cap or expiration. Further, prior to Ontario Regulation 1/13, teachers in many school boards could receive a generous retirement gratuity of up to a half-year's salary, based on the number of unused sick days.[4]

Teachers now receive eleven sick days per year at full-pay, and may access up to 120 days at 90% pay for short-term disability. Sick days are now non-bankable. As of September 1, 2012, retirement gratuities were phased out by the Province.

The recent increase in teacher absenteeism mirrors the increase seen among City of Toronto municipal employees, whose sick time jumped from 7.8 days in 2009 to 10.4 day in 2011, after their analogous sick leave bank program was ended.[5]

While removing banked sick days unburdened school boards of the high costs of retirement gratuities, the shift also removed financial incentives for teachers not to take sick days. The current regime of eleven days per year promotes a ‘use it or lose it' attitude, and in fact, several boards have observed a significant increase in absenteeism during the weeks leading up to summer vacation that was less prevalent under the old system.[6]

There may be some legitimate reasons why teacher absenteeism is higher than the general workforce. Canada-wide, women are absent from work an average of 3.8 days more than men[7] and women comprise roughly 80% of Ontario teachers.[8] There is also some research suggesting that, as a result of their exposure to young children in the classroom, demands of the position and other factors, teachers have a greater propensity to illness.[9]

Some school boards are seeking to reduce absenteeism with Earned Leave Plans ("ELPs"). Under an ELP, each board will report the average number of paid leave days taken by teachers in the previous year.[10] Teachers who are absent fewer days than the previous year's average will be provided with one partially-paid day off, reimbursed at the occasional teacher rate (about $200, varying by board) and one voluntary unpaid day leave of absence.

This proposal creates an incentive for teachers to minimize their own use of sick days, counteracting the ‘use it or lose it' narrative. Further, by offering voluntary unpaid days, the program could potentially reduce costs for school boards (because occasional teachers are paid less than full-time). However, ELPs somewhat problematically propose to solve the problem of absenteeism by offering teachers more opportunities to be absent.

Boards should be cautious with the formulae applied to ELPs. Recent news reports suggest that one school board's average was calculated at 16 days, resulting in a very large number of teachers receiving a partially-paid day.[11] However, other boards have reported lower averages, and the Minister of Education contends that the ELPs present "no additional expense to the board."[12]

Some Ontario school boards have implemented Attendance Management Programs ("AMPs"), which provide a platform to intervene and support teachers with higher-than-average innocent absenteeism. AMPs are designed to be professional and compassionate, and they are not a form of discipline.

Under AMPs, teachers with high absenteeism are invited to meet with a supervisor (often with a union representative). The teacher and supervisor discuss the cause of the absences, and potential accommodations that might make it easier for the teacher to attend work. Supervisors listen to teacher explanations, and in instances where absenteeism is the result of a unique situation that is unlikely to recur (for example, recovery from a surgery), the program halts. Supervisors can ask teachers if they have done anything to reduce their absences, and ask for them to commit to making best efforts to have better attendance in the future. The meeting is also an opportunity for supervisors to keep teachers informed on available resources, such as counselling.

If absences continue (or increase) subsequent meetings can be held. A second AMP meeting often includes implementing a plan for improvement, mutually agreed upon by

the teacher and the board. Teachers at this stage may also be asked to provide documentation to substantiate prolonged or recurring medical absences.

The research indicates that these AMPs can be extremely effective in developing strategies and supports for relevant teachers and may ultimately reduce high levels of absenteeism. Overall, AMPs are designed to provide positive outcomes, where teachers and school boards can work together to find solutions that benefit all parties.

[1] Caroline Alphonso, "Sick days costing Ontario school boards $1-billion a year, report says," *The Globe and Mail* (28 March 2016).

[2] *Ibid.*

[3] SO 2012, c 11 [repealed January 23, 2015]; Victoria Réaume & Sheilagh Turkington, *Education Labour and Employment Law in Ontario,* 2d ed, loose-leaf (consulted on 5 April 2016), (Toronto: Carswell, 2001) at 5:30.

[4] *Sick Leave Credits and Sick Leave Credit Gratuities*; Réaume & Turkington, at 5:40:10.

[5] Daniel Dale, "Toronto government workers again take more sick days than in past," *Toronto Star* (7 December 2012).

[6] "Ontario schools see spike in staff sick days," *CBC News* (5 June 2013).

[7] Statistics Canada, "Understanding public–private sector differences in work absences".

[8] Carolyn Abraham, "Part 2: The endangered male teacher," *The Globe and Mail* (18 October 2010).

[9] See e.g. Viviane Kovess-Masféty et al, "Do teachers have more health problems? Results from a French cross-sectional survey," (2006) 6:101 *BMC Public Health.*

[10] Excluding certain leaves such as bereavement, jury duty, quarantine, association leave, WSIB and long-term disability.

[11] Kristin Rushowy, "Catholic teachers get day off as sick-day ‘bonus' backfires,"*Toronto Star* (12 April 2016).

[12] Kristin Rushowy, "Teachers' sick day ‘bonus' will save boards money, Liz Sandals says," *Toronto Star* (12 April 2016).

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