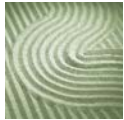
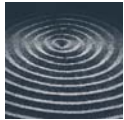


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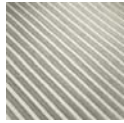
Coffee Talk - May 15, 2008

“Sick Leave Abuse”

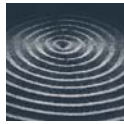
Shane Smith

416.595.8166

ssmith@millerthomson.com



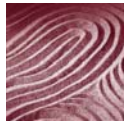
Sick Leave Abuse



- Key Concepts



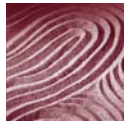
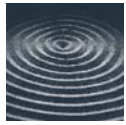
- Employee Obligations



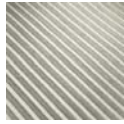
- What Qualifies
- Discipline Response
- Case Law



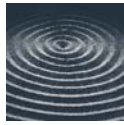
Key Concepts



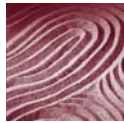
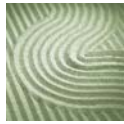
- Sick leave to provide period of convalescence
- Programs depend on honesty of employees
- Person claiming benefits bears onus
- Abuse of sick leave is serious misconduct – ‘breach of trust’



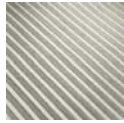
Employee Obligations



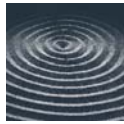
- To be honest with physician and employer



- To report changes in condition
- To follow treatment plan
- To act in a manner consistent with recovery



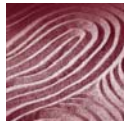
What Qualifies as Abuse?



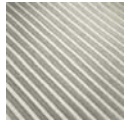
- Claim of sick leave when not sick



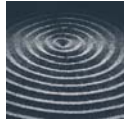
- Claim of sick leave when can perform modified duties



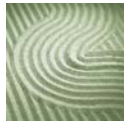
- False reporting about ability or direction received
- Working elsewhere while on sick leave



Disciplinary Considerations



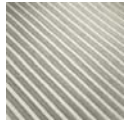
- Length of service and disciplinary record



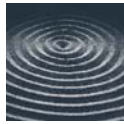
- Deterrence is a legitimate consideration



- Not necessary to show 'fraud' – just dishonesty/untruthfulness
- Often a question of evidence – excuses, surveillance
- Can be grounds for significant discipline, including termination



Cases



- *Canada Post and APOC (Brown)* – claim illness to get time off
- *Johnson Matthey Ltd. and USWA (Slotnick)* – failure to notify of change of condition
- *Edmonton (City) and ATU (Koshman)* – working elsewhere & cooperating