

Category: Human Resources

## **Workplace Accommodation**

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Administered by: Human Resources  
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## 1. Background

The City of Brampton (the “City”) values an environment that is inclusive and free of barriers based on age, race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex (including pregnancy), gender identity, gender expression, sexual orientation, record of offences, marital status, and family status, or disability and in accordance with the Ontario *Human Rights Code* (the “Code”), the *Accessibility for Ontarians Disability Act* (the “AODA”) and the Integrated Accessibility Standard Regulation (Ontario Regulation 191/11), (the “IASR”), as amended from time to time.

Accommodation reflects the duty of the City to ensure its rules, practices, behaviours, policies and physical structures do not create barriers that exclude individuals based on protected grounds as defined by the Code.

## 2. Purpose

The purpose of this Administrative Directive is to promote awareness of an employee’s right to accommodation related to a protected ground under the Code, the AODA and the IASR and outline the roles and responsibilities of involved stakeholders.

## 3. Application and Scope

This Administrative Directive applies to all employees and is supported by a related Standard Operating Procedure and relevant documents.

Exceptions

External applicants applying for a position with the City should refer to the Recruiting and Retaining Top Talent Policy HRM - 160.

## 4. Outcomes

1. Individuals are aware of their rights and responsibilities under the Code, the AODA and the IASR with respect to accommodation;
2. Individuals are aware they can request accommodation related to protected grounds under the Code; and
3. Individuals are provided with timely and reasonable workplace accommodation, which may include temporary accommodation pending further review.

## 5. Principles

The City is committed to providing reasonable accommodation to the point of undue hardship and the process will be administered in accordance with the principles of dignity, individualization and inclusion.

The City has a responsibility to ensure that individuals are treated with respect and to creating and sustaining a culture that supports diversity, inclusion and every person's well-being.

The City will work co-operatively and respectfully, with all partners in the accommodation process to support a barrier-free workplace, which is a shared responsibility.

### **5.1 Dignity**

Encompasses individual self-respect, self-worth and inherent worth as a human being. It includes physical and psychological integrity and empowerment. It is harmed when people are marginalized, stigmatized, ignored or devalued. Consideration needs to be given to how accommodation is provided and the person's own participation in the process.

### **5.2 Individualization**

Ensuring each accommodation is unique and designed to consider the specific needs of the individual being accommodated, as well as any specific organizational needs. Accommodations may need to be re-visited over time to make sure that they continue to meet an individual's needs accordingly.

### **5.3 Inclusion**

Providing an accommodation process that is collaborative and involves discussion with the person(s) seeking accommodation, those responsible for considering the request and other related parties, as needed. The process requires flexibility and active participation from all parties involved.

## **6. Policy Statements**

The City is committed to its duty to accommodate under the Code to the point of undue hardship, recognizing that the Code, AODA or IASR, may supersede the following:

- corporate policies and SOPs
- collective agreement provisions

## **7. Maintaining Confidentiality**

Information relating to the request for accommodation will only be disclosed:

- (a) with the consent of the individual, as noted on the request form
- (b) if the information is required to manage the accommodation process; or
- (c) if the City is required to disclose the information by law.

The City will comply with the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

## **8. Roles and Responsibilities**

### **8.1 Employees**

- Contribute to a workplace environment where employees with accommodation are treated with respect and dignity
- Communicate the request for accommodation by completing a Request for Accommodation Form independently or where necessary, with the support of their supervisor, union/association and HR;
- Assist in identifying potential accommodation options;
- Provide timely objective and sufficient documentation, including information about any restrictions or limitations, when requested;
- Cooperate and be flexible in seeking accommodation solutions and whenever possible, seek and exhaust reasonable alternative measures;
- Provide the City with most up-to-date information regarding relevant skills, training, and experience, as required;
- Maintain regular and timely contact with the City regarding the accommodation request and accommodation plan;
- Accept a reasonable offer of accommodation that meets the needs, even if it is not the preferred accommodation option;
- Where a reasonable offer is not accepted, clearly identify any factors preventing participation in the plan;
- Communicate the need for an individualized workplace emergency response plan, as required and participate in its development; and
- Communicate concerns if they arise to the immediate People Leader.

### **8.2 People Leader**

- Promote a workplace environment where employees feel comfortable requesting accommodation, and where employees with accommodation are treated with respect and dignity;

- Collect the information necessary to understand the nature of the request for accommodation;
- Engage in consultations with HR and other relevant stakeholders and provide reasonable interim accommodations while awaiting further documentation;
- Work in cooperation with the individual requesting accommodation and their union representative (where applicable) to facilitate the accommodation request as soon as possible;
- Respond to requests for accommodation in a timely, confidential and sensitive manner;
- Engage in the duty to inquire where an employee is deviating from usual standards of performance (e.g., increased absenteeism, lateness, failing to meet deadlines, etc.);
- Ensure that the principles and requirements of this Administrative Directive and the related SOP are communicated and understood;
- Ensure an individualized workplace emergency response plan is created as required; and
- Develop documented individual accommodation plans as required in consultation with HR.

### **8.3 Corporate Leadership Team (CLT)**

- Champion this Administrative Directive, associated SOP and guidelines;
- Hold People Leaders accountable for having knowledge of and maintaining compliance with this Administrative Directive, SOP, legislation, and collective agreements.

### **8.4 Human Resources**

- Provide guidance to management and employees regarding their rights, responsibilities and obligations related to accommodation;
- Receive and review documentation regarding employee accommodation requests;
- Work in cooperation with the employee requesting accommodation, their union representative (where applicable), and their People Leader to facilitate the accommodation request as soon as possible; and
- Ensure that the principles and requirements of this Administrative Directive and the related SOP are communicated and understood.
- Provide guidance to management and employees regarding their rights, responsibilities and obligations related to accommodation.

### **8.5 Unions**

- Support the accommodation process;
- Share joint responsibility with the City to meet accommodation obligations for all employees; and

- Support accommodation measures and consider flexibility of collective agreement provisions where required to implement individual accommodation.

## 9. Monitoring and Compliance

Human Resources will conduct periodic reviews of accommodation documentation to verify compliance with this Administrative Directive.

## 10. Definitions

**10.1 Accommodation** – Any modification to the work or workplace made in attempt to remove barriers and address the needs of an employee based on the Code protected grounds. The goal of accommodation is to enable an employee to perform the essential duties of their occupation and participate fully in all aspects of employment. Employees are entitled to reasonable accommodation which may not be their preferred or most desirable accommodation.

**10.2 Corporate Leadership Team** - The Chief Administrative Officer and Department Heads/Commissioners.

**10.3 Duty to Accommodate** - The obligation of an employer to take steps, up to the point of undue hardship, to eliminate barriers that exclude individuals or groups protected under the Code from participating fully in all aspects of employment. The purpose of accommodation is to accommodate employee needs and not their preference.

**10.4 Duty to Inquire** – The obligation of an employer to initiate a discussion with an employee when circumstances suggest that the employee may need an accommodation, regardless of whether a request has been made by the employee. However, employers are not expected to accommodate disabilities they are unaware of.

**10.5 Elected Officials** - The Mayor and the Members of Council.

**10.6 Emergency Response Plan** – An individualized written document that details all assistance an employee needs during a workplace emergency.

**10.7 Employee** – Means any of the following:

- A person who performs work or supplies services for monetary compensation;
- A secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates the school in which the student is enrolled;

- A person who performs work or supplies services for no monetary compensation under a program approved by a college, university, private career college, or other post-secondary institution.

**10.8 People Leader** - A person who has charge of a Workplace or has authority over an employee and can include but is not limited to, Member of Council, Senior Leaders, Directors, Managers, Supervisors or Forepersons.

**10.9 Protected Grounds** - As per the Code, as amended from time to time, the grounds upon which every person has the right to equal treatment with respect to employment, including:

- Age
- Ancestry
- Colour
- Race
- Citizenship
- Ethnic origin
- Place of origin
- Creed
- Disability
- Family status
- Marital status
- Gender identity
- Gender expression
- Record of offences
- Sex
- Sexual orientation

**10.10 Undue Hardship** – The extent to which an employer must attempt to accommodate the needs of an individual who has demonstrated that accommodation is required on grounds protected under the Code. Factors to consider may include, but is not limited to, the cost (i.e. whether or not the cost threatens the viability of the City), outside sources of funding (i.e. whether the City can access special funding to alleviate the direct costs of an accommodation), and health and safety requirements (i.e. whether or not the accommodation would present a health and safety risk to the employee or others).

## 11. References and Resources

This Administrative Directive should be read and applied in conjunction with the following references and resources as updated from time to time.

External references

- [Ontario Human Rights Code](#);
- [Accessibility for Ontarians with Disabilities Act, 2005 \(AODA\)](#);

- [Integrated Accessibility Standard Regulation \(IASR\)](#);
- [Ontario Employment Standards Act, 2000](#); and
- [Municipal Freedom of Information and Protection Privacy Act \(MFIPPA\)](#).

References to related bylaws, Council policies, and administrative directives

- [Respectful Workplace Policy HRM - 150](#)
- [Recruiting and Retaining Top Talent Policy HRM - 160](#)

References to related corporate-wide procedures, forms, and resources

- [Collective Agreements](#)
- [Employee Assistance Program \(EAP\)](#)
- [Workplace Accommodation SOP](#)
- [Workplace Accommodation Request Form](#)

## 12. Revision History

Date	Description
2028/03/26	Next Scheduled Review <i>(typically three years after approval)</i>