

**To:** Warden and Members of County Council

**From:** Director of Corporate Services

## Electronic Monitoring Policy

### RECOMMENDATION

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1. That the Electronic Monitoring Policy 8.14, as attached to Report No. CS 2022-33, be approved and included in the County's General Policy Manual, effective October 11, 2022.

### REPORT HIGHLIGHTS

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- As part of the *Working for Workers Act, 2022* the Ontario's *Employment Standards Act, 2000* was amended to include a requirement for all employers with 25 or more employees to establish and maintain an Electronic Monitoring Policy, effective October 11, 2022
- Purpose of the policy is to establish a framework to examine electronic monitoring from the security, privacy and systems security perspective

### Implementation Points

Upon Council's adoption of the recommendation contained in this report, the Electronic Monitoring policy will take effect on October 11, 2022.

### Financial Impact







There are no financial implications associated with the recommendations contained in this report beyond what has been approved in the current year's budget.

### Communications

The policy will be communicated to staff in accordance to the following legislative requirements:

- Provide a printed copy, attachment to an email, or link to the employee intranet, depending on the employee's access to a work supplied computer.
- To be provided,
  - within 30 calendar days of being implemented or changed, or
  - first day of employment for new employees.

## Strategic Plan (2020-2022)

					
WORKS WELL TOGETHER	WELL CONNECTED	SHAPES THE FUTURE	INFORMS & ENGAGES	PERFORMS & DELIVERS	POSITIVE IMPACT
				5.ii.	6.i.

## DISCUSSION

### Background

On April 11, 2022, the *Working for Workers Act, 2022* received royal assent, legislating change to the *Employment Standards Act, 2000* that requires employers who have 25 or more employees to establish and maintain an electronic monitoring policy, as long as they continue to meet the threshold of having 25 or more employees.

This legislation was introduced in response to the accelerated increase of organizations' interest in electronic monitoring during the pandemic when millions of employees had to work remotely. Post-pandemic, many employees want to work remotely for some if not all of their workweek. Pandemic reliance on electronic monitoring increased the awareness of available tools and technology. Employers now recognize the many other practical applications to wellness, billing, compensation, engagement, health and safety, talent acquisition, physical security, systems security and other uses beyond keeping tabs on employee productivity.

In order to appropriately manage monitoring, Information Technology's (IT) role is two-fold. First, it must support the broader organization in investigating, developing, acquiring, implementing and maintaining systems and tools for electronic monitoring, some of which may not have anything to do with IT's own requirements. Secondly, IT staff will utilize electronic monitoring tools to secure IT assets and systems, wherever they are used or located in the organization with the following objectives to ensure:

- end-user computing activities are appropriately supported and controlled;
- access to the organization's systems and information is reliably controlled; and,
- information technology security is managed in an efficient and effective manner.

Electronic monitoring is the surveillance of employees/users or their activities using computer, digital, optical, magnetic, electrical or similar technologies. Monitoring includes obtaining, collecting, viewing, using or processing of surveillance information. Monitoring gathers information to manage or influence employees or their behaviours, which could involve camera surveillance, audio surveillance, telephone monitoring, computer monitoring, location tracking, using a wide range of media and technologies.

Computer monitoring uses technologies, including software applications, biometrics, wearables, global positioning systems (GPS) and radio frequency identification (RFID). Computer monitoring can involve computer devices, webcams, wearables, unmanned aerial systems (UAS or drones) or other devices.

Due to the broad scope of electronic monitoring that exists and could be contemplated in the future, this policy has been developed with input from Corporate Services - IT and Legislative Services; Human Resources; and, Public Works – Facilities.

## **Comments**

A high-level summary of the proposed Policy provisions is provided below. A copy of the draft policy is attached to this report as Attachment 1.

## **Purpose**

The purpose of this policy is to provide:

- Guidance on electronic monitoring, including how and why the organization monitors employees and how it collects, stores, safeguards, uses and discloses electronic monitoring data;
- Ensure relevant legislative compliance and other related County policies; and,
- Balance between employees' right to privacy, transparency and the need to monitor and safeguard operations and assets.

## **Scope**

This policy applies to all employees, councillors, directors, volunteers and students. It may also apply to independent contractors, consultants, certain vendors or other personnel who use or access premises, devices or computer networks that the organization owns, leases, uses or controls. It will apply to all persons in all locations, whether on-site or under remote or hybrid work arrangements; management or non-management roles; full, part-time or flexible work arrangements. It may also affect other stakeholders, including clients and service users.

## **Responsibility**

Due to the broad scope of this policy, responsibilities are shared across Corporate Services, Human Resources and Facilities, with Senior Management being ultimately accountable for implementing and maintaining the policy.

## **Procedure**

This section of the policy sets out the reasons for which the County may share monitoring data externally. It also assigns how the policy will be monitored, maintained, operationalized and who will be involved in and responsible for each function. Furthermore, this section authorizes the County to conduct systematic, occasional or covert monitoring, providing examples of potential situations.

### Other Related Policies

The Electronic Monitoring Policy aligns with many existing County policies as listed below. The relevance of these policies has been considered in developing the Electronic Monitoring Policy and will continue to be monitored to ensure future revisions align with this policy.

- Records Retention By-law
- Technology Use Policy
- Electronic File, Email, Data Storage and Security
- Remote Access to Network Resources (VPN)
- Access and Privacy Policy
- Video Surveillance Policy
- PHIPA Privacy Policy
- GPS/AVL Policy

### Conclusions

The County respects employees' right to privacy and autonomy, nevertheless, for mutually beneficial reasons related to health and safety, productivity, the security of computer systems and other assets, managing employee relationships and conducting operations, the County will monitor employees electronically. Senior Management is of the opinion that the draft Electronic Monitoring Policy meets the legislative requirements now in effect under the *Employment Standards Act, 2000* and maintains respect for our employees' rights.

## SIGNATURES

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### Report Authors:

Original signed by \_\_\_\_\_

Lindsey Mansbridge  
Coordinator of Legislative Services

### Departmental Approval:

Original signed by \_\_\_\_\_

Lynn S. Buchner, CPA, CGA  
Director of Corporate Services

**Approved for submission:**

Original signed by

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Benjamin R. Addley  
Interim Chief Administrative Officer

**ATTACHMENT**

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Attachment 1 – Draft Electronic Monitoring Policy