



REPORT

Council

Meeting Date: September 20, 2022

FROM: Clerk's Department
DATE: September 13, 2022
SUBJECT: Staff Report – Corporate Policy Update – September 19, 2022
LOCATION: Town-wide
WARD: Town-wide

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RECOMMENDATION:

1. That the new Electronic Monitoring Procedure (A-ISS-001-005) be received.
2. That updates to the Fee Assistance Recreation Connection Program Procedure (MS-SPR-002-004) be received.

KEY FACTS:

The following are key points for consideration with respect to this report:

- The corporate policy and procedure review is an ongoing process facilitated by the Clerk's department to assist departments in bringing policies forward for Council review as part of Council's governance initiatives.
- All policies and procedures listed in this report have been reviewed by the Policy Review Administration Group.
- Unless otherwise noted, updated policies and procedures included in the appendices of this report have tracked changes to easily identify updates.

BACKGROUND:

As part of the ongoing policy and procedure review, staff continue to present reports to introduce new policies, update and reconfirm current policies, and recommend the replacement or rescinding of former policies. Current policies and procedures are reviewed in accordance with established review periods and updates are provided to Council, as required. All policies are submitted to Council for approval. With the exception of those procedures relating specifically to Council and requiring its approval, procedures are submitted for receipt to enable revisions to be implemented as required, to address program changes or administrative requirements.

This report addresses the policies and procedures which have been addressed by the Policy Review Administration Group since the last report to Council in July 2022. All departments are continuing to address policy requirements. Future policy reports will be coordinated through the Clerk's department or submitted departmentally, as required.

COMMENT/OPTIONS:

Administration

Information Systems

The Ontario government has recently passed new legislation, *Bill 88: Working for Workers Act, 2022*, which includes amendments to the *Employment Standards Act, 2000 (ESA)*, and the *Occupational Health and Safety Act*, as well as an entirely new Act, the *Digital Platform Workers' Rights Act, 2022*. Bill 88 received Royal Assent on April 11, 2022.

The requirements of the legislation are that employers must have a written policy in place by October 11, 2022. The content of the policy must include the following:

- Confirm whether the organization electronically monitors employees.
- If so, provide a description of how and what circumstances the organization electronically monitors employees.
- Advise on what the organization does with this information and or the purpose of gathering it is.
- Date prepared and date changes are made.
- Provide all employees with a copy of the policy within 30 days of it being in place; and
- Provide a copy of the policy to all new employees within their first 30 days of employment.
- If hiring temporary employees through an agency, the employer has 24 hours to provide a copy to the individual.

Other than these requirements, there are no other requirements for the content of the policy. Similar to the recent “disconnecting from work” legislation, this legislation does not actually afford employees a right to protections from electronic monitoring but rather a right to “know” how they are being monitored. As such, employers are free to establish the parameters, in line with these other *ESA* requirements as well as any collective agreement requirements that may exist. The policy reflects current/existing practices within the town.

The term “electronic monitoring” is not defined in the *ESA* and the legislative language is ambiguous when it comes to what methods are examples of electronic monitoring. However, the *ESA* guide was recently updated to clarify that electronic monitoring includes “all forms of employee and assignment employee monitoring that is done electronically” and provides the following examples: GPS used to track an employee’s delivery vehicle, electronic scanner used to track how quickly a retail employee scans items, software program that tracks websites visited by an employee during working hours, or a software program that monitors employee email and online chats. Based on these examples, Human Resources has conducted an inventory of potential current methods for electronic monitoring and have determined the following would fall in line with legislative requirements:

- GPS monitoring in town vehicles
- Computer usage
- Corporate cell phone/tablet use
- Key fob usage
- Video Surveillance (covered in Video Surveillance procedure)

This procedure was developed using templates and shared resources from other municipalities as well as based on guidance from various legal firms and the Ontario Municipal Human Resources Association (OMHRA).

Municipal Services

Special Requests

Fee Assistance Recreation Connection Program Procedure (MS-SPR-002-004) has been reviewed and updated to reflect adjustments to qualifying criteria for refugees and newcomers as well as administrative changes as a result of the COVID-19 pandemic.

CONSIDERATIONS:

(A) PUBLIC

Corporate policies and related procedures are posted to the town website for public information. Public notification is issued prior to Council’s consideration of policies and procedures having a direct impact on the public.

(B) FINANCIAL

There are no financial considerations with respect to the consideration of policies and procedures. The administration of procedures which relate to financial matters, grants and financial incentives will be subject to annual budget approval.

(C) IMPACT ON OTHER DEPARTMENTS & USERS

Corporate policies and procedures impact all members of Council and staff. Departments are continuing to review existing policies within their departments to ensure, where applicable, that a corporate view is presented in all new or revised policies and procedures.

(D) CORPORATE STRATEGIC GOALS

This report addresses the corporate strategic goal(s) to:
Be accountable in everything we do and continuously improve our programs and services. The established corporate policy process helps to outline corporate responsibilities, promote consistency, maximize efficiencies, and provide proper controls and compliance.

(E) CLIMATE CHANGE/ACTION

This matter does not impact climate change.

APPENDICES:

Appendix A – Electronic Monitoring Procedure

Appendix B – Fee Assistance Recreation Connection Program Procedure

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