
Electronic Monitoring

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Purpose statement

Bill 88: Working for Workers Act, 2022, which includes amendments to the Employment Standards Act, 2000 (ESA) requires Ontario employers to give notice of “electronic monitoring”, to have a written policy in place, and to provide the policy to all employees within 30 days of it being in place. 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 policy was prepared

Scope

This procedure applies to all employees, as defined by Ontario’s *Employment Standards Act, 2000* (“ESA”). For clarity, “employee” under this procedure means only those employees of the town which are considered employees under the ESA. This procedure should be read alongside the town’s associated policies and procedures (such as, but not limited to, Information Technology General Use and Practices Procedure, Video Surveillance Procedure, Use of Town Vehicles, Equipment and Facility Resources Policy and procedure, Employee Code of Conduct) as well as any relevant and applicable legislation and/or any other procedure that may become applicable and/or relevant.

Procedure

Town resources are provided to staff to improve productivity of business operations, to reduce work related risk, to deliver services for residents and to enhance the effectiveness of communications. This procedure outlines what resources are monitored and how the information collected may be used by the town. The town does not actively monitor employees; however, users should have no expectation of privacy in relation to the use of information technology and systems resources, or any other Town electronic and/or digital devices and equipment, and should be aware that any use may be subject to the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*. The town reserves the right to monitor and/or review user activity and may so do for the purposes of employee safety, the protection and security of the town's resources, to monitor compliance with applicable procedures, policies, and expectations, disciplinary purposes as required, resource utilization data, complaint response, records, usage and location of resources.

This procedure and applicable legislation does not provide a right for an employee to protections from electronic monitoring but rather a right to know how they are being monitored, subject to any rights or other entitlements the receiving employee may have under the Ontario *Employment Standards Act, 2000* (the "ESA") or individual Collective Agreements.

This procedure shall be applied in accordance with the following:

1. Collection

The following devices, systems or applications are subject to electronic monitoring:

Method	Device
Physical Facility Security Equipment and Resources	<ul style="list-style-type: none"> • CCTV cameras and video surveillance with and without audio capabilities • Facility access (card swipe access)
Vehicles/Fleet, and Equipment	<ul style="list-style-type: none"> • Global Positioning System (GPS) location • Automatic Vehicle Locator (AVL) • Usage (fuel, mileage, speed, location, operating conditions, vehicle routes) • Radio systems • Built-in telematics
IT Equipment and Resources	<ul style="list-style-type: none"> • Android/Apple phone & tablets • Laptop computers, workstations, software and internet usage • Intrusion alarm • Emails, voicemails, instant/online messages, and telephone systems/apps • Contact centre calls

Other	<ul style="list-style-type: none">• All system generated logs (ex. application login and activity) Biometric readers and punch-clock systems
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2. Purpose of Collection

The town may use the information collected for the following purposes:

- To detect abnormal activity and inform the town of a potential issue
- Identify and investigate security threats
- Monitor compliance of corporate policies, procedures, and expectations
- Internal investigation and disciplinary purposes
- Investigate the cause of a financial cost or loss (ex. roaming charges, high long distance, downloads, etc.)
- To establish and monitor data such as contract renewals, traffic patterns, user usage, etc.
- To resolve technical issues
- As evidence for forensic investigation requested by the town or authorized 3rd party such as law enforcement agency or other government bodies
- Detection of unauthorized access for the purpose of safeguarding the town's personnel and assets
- As input to enhance town services
- In response to freedom of information requests, litigation requests, resident complaints/concerns, or as required by law

3. Storage & Retention

The storage of collected or available material shall be in compliance with relevant policies, procedures, and legislation such as but not limited to the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

To ensure that all information is collected is only kept for as long as it is required, the Town of Oakville will retain information collected in accordance with the town's Records Retention Bylaw.

References and related documents

Employment Standards Act, 2000

Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)

A-ISS-001 Information Technology General Use and Practices Policy

A-ISS-001-001 Information Technology General Use and Practices Procedure

A-ISS-001-002 Information Technology Public Wifi Usage and Disclaimer

A-ISS-001-003 Equipment and System Access Requests Procedure

A-ISS-001-004 User Security Settings and System Configurations Procedure

A-SEC-001 Video Surveillance Policy

A-SEC-001-001 Video Surveillance Procedure

A-BMG-002 Use of Town Vehicles, Equipment and Facility Resources Policy
A-BMG-002-001 Use of Town Vehicles, Equipment and Facility Resources Procedure
A-BMG-003 Corporate Security Policy
HR-MNG-005 Occupational Health, Safety, and Workplace Violence Policy
HR-MNG-006 Employee Code of Conduct Policy
HR-MNG-008 Respectful Conduct Policy
Records Retention By-law 2021-130

Definitions

The *Employment Standards Act* does not define “Electronic Monitoring”, however the Ministry of Labour interpretation states that electronic monitoring includes “all forms of employee and assignment employee monitoring that is done electronically”.

Responsibilities

All Staff

- Adhering to this procedure and related policies
- Manager/Supervisor Ensuring that all staff and users are informed of this procedure
- Enforce adherence to the requirements of this procedure
- Take appropriate corrective actions in the event of policy violations
- Provide interpretation and guidance in relation to this procedure and any guidelines

Human Resources

- Provide guidance and assistance to staff and management in dealing with issues, non-compliance, and associated reporting in relation to this procedure