



Electronic Monitoring Policy

Procedure Number:	GOV-014
Policy Category:	
Approved by:	OPL Board
Accountability:	Innovation & Integration, Human Resources <u>Customer Experience</u>
Approval Date:	
Effective Date:	_____
Next Review Date:	<u>2027</u>
Supersedes:	<u>September 2022</u>

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 policy applies to all library employees (including but not limited to full-time, part-time, students, volunteers, and interns). For clarity, “employee” under this procedure means only those employees of OPL which are considered employees under the ESA. This procedure should be read alongside OPL and the Town of Oakville’s associate 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.

POLICY STATEMENT:

OPL and Town of Oakville 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 policy outlines what resources are monitored and how the

information collected may be used by OPL and the Town. OPL (or 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 OPL or 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)*. OPL and 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 OPL and 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 policy 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 policy 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 Resources	<ul style="list-style-type: none"> • CCTV cameras and video surveillance with and without audio capabilities • Facility access (card swipe access)
IT Equipment and Resources	<ul style="list-style-type: none"> • Android/Apple phone & tablets • Laptop computers, workstations, software and internet usage • Intrusion alarm • <u>Emails, voicemails, instant/online messages, and telephone systems/apps</u> • <u>Contact centre calls</u> • <u>Web browsing history and downloads</u>
<u>Vehicle/fleet and equipment</u>	<ul style="list-style-type: none"> • <u>Global position system (GPS) location</u> • <u>Usage (fuel, mileage, speed, location, operating Conditions, vehicle routes)</u> • <u>Radio system</u>

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

OPL and the Town may use the information collected for the following purposes:

- To detect abnormal activity and inform the Town and OPL of a potential issue.
- Identify and investigate security threats.
- Monitor compliance of 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 and OPL or authorized 3rd party such as law enforcement agency or other government bodies.
- Detection of unauthorized access for the purpose of safeguarding the town and OPL's personnel and assets.
- As input to enhance OPL 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 retains information collected in accordance with the Town's Records Retention Bylaw.

RESPONSIBILITIES:

All Staff

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

DEFINITIONS:

The Ontario *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”.

REFERENCES:

Employment Standards Act, 2000

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

[Town of Oakville’s Information Technology General Use and Practices Policy](#)

[Town of Oakville’s Information Technology General Use and Practices Procedure](#)

[Town of Oakville’s Information Technology Public Wifi Usage and Disclaimer](#)

[Town of Oakville’s User Security Settings and System Configurations Procedure](#)

[Town of Oakville’s Equipment and System Access Requests Procedure](#)

[Town of Oakville’s Video Surveillance Policy](#)

[Town of Oakville’s Video Surveillance Procedure](#)

[Town of Oakville’s Use of Town Vehicles, Equipment and Facility Resources Policy](#)

[Town of Oakville’s Use of Town Vehicles, Equipment and Facility Resources Procedure](#)

[Town of Oakville’s Corporate Security Policy](#)

[Occupational Health, Safety and Workplace Violence Policy](#)

[Employee Code of Conduct Policy](#)

[Respectful Conduct Policy](#)