

REPORT

Oakville Public Library Board

Meeting Date: July 18, 2024

FROM: Oakville Public Library

DATE: July 9, 2024

SUBJECT: Electronic Monitoring Policy – July 18, 2024

RECOMMENDATION:

That the Electronic Monitoring Policy (Appendix A) be received for feedback.

KEY FACTS:

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

- The Ontario Ministry of Labour, Training and Skills Development recently made amendments to the *Employment Standards Act, 2000* (ESA) in 2022. This legislation requires employers to provide employees with information pertaining to how they are being electronically monitored in the workplace.
- OPL approved the current Electronic Monitoring Policy on September 22, 2022.
- The Electronic Monitoring Policy is based on the Town's Electronic Monitoring Procedure.
- OPL's IT infrastructure and facilities are currently owned and managed by the Town of Oakville. Thus, OPL and its employees must comply with the ITS and facilities policies and procedures.
- OPL is bringing the policy for review to align with the Town of Oakville's Electronic Monitoring Procedure and the addition of electronic monitoring related to the courier (fleet) vehicle.

BACKGROUND:

The Ontario Ministry of Labour, Training and Skills Development made amendments to the *Employment Standards Act, 2000* (ESA) via Bill 88: Working for Workers Act, 2022. One requirement of the legislation is that employers must have a written policy on electronic monitoring in place by October 11, 2022. The policy must confirm whether the organization electronically monitors employees. If it does, the content of the policy must include:

- provide a description of how, and under what circumstances, the organization electronically monitors employees.
- advise on what the organization does with the information it gathers.

- include the date the policy was prepared, and the date on which any changes were made to the policy.

The OPL Board approved the current Electronic Monitoring Policy (Appendix B) on September 22, 2022.

With the introduction of OPL's courier van, OPL has revised the policy to include the electronic monitoring on the fleet vehicle. In addition, OPL updated the policy to include a definition of employee and to highlight that the Electronic Monitoring Policy is to be read alongside associated OPL and Town of Oakville policies and procedures. This aligns with the Town of Oakville's Electronic Monitoring Procedure.

COMMENT/OPTIONS:

The *Employment Standards Act, 2000* does not define electronic monitoring. However, the Ministry of Labour states that electronic monitoring includes "all forms of employee and assignment employee monitoring that is done electronically". This policy outlines what resources are monitored and how the information collected may be used by the Town and OPL.

The Town including OPL, 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, in conjunction with OPL, 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 and OPL'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.

APPENDICES:

Appendix A – Electronic Monitoring Policy (2024)

Appendix B – Electronic Monitoring Policy (2022)

Prepared by:
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Submitted by:
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