

The Corporation of the Town of Orangeville

Report to the Library Board



To: Members of the Orangeville Public Library Board
From: Darla Fraser, Chief Executive Officer
Date: September 28, 2022
Report: 22-07
Subject: Policy Review – Electronic Monitoring (Employees)

Recommendation:

That report 22-07, dated September 28, 2022, with respect to the new policy Electronic Monitoring of Employees, be received;

And that the recently approved Town-wide Electronic Monitoring of Employees Policy as presented be adopted.

Purpose:

The purpose of this report is to present for discussion the proposed Employee Electronic Monitoring policy.

Background:

Library boards across Ontario operate differently in various municipalities, some library boards develop their own HR policies, and some, like Orangeville, adopt those of the local municipality. According to the legislation, in systems where the library board adopts those of the municipality, the library board should confirm such acceptance in writing through a motion at the board table and then copied into the policy documents.

The Ontario Working for Workers Act, 2022, commonly referred to as Bill 88, received Royal Assent on April 11, 2022. This legislation amended the Ontario Employment Standards Act (ESA) to include the following requirements related to electronic monitoring of employees:

“Employers that employ 25 or more employees on January 1 of any year must have a written policy on electronic monitoring in place by March 1 of that year. The employer must, within the specified timeframes, provide a copy of the policy to its employees and to assignment employees who are assigned to perform work for that employer.

“The policy must state whether the employer electronically monitors employees. If the employer does, the policy must include:

- a description of how, and in what circumstances, the employer may electronically monitor employees
- the purposes for which the employer may use the information obtained through electronic monitoring
- the date it was prepared and the date any changes were made to the policy

“The new requirement for a written policy requires employers to be transparent by providing employees with certain information about electronic monitoring. It does not:

- establish a right for employees not to be electronically monitored by their employer
- create any new privacy rights for employees”

Further provisions have established that employers that meet the 25-employee threshold on January 1, 2022, have until October 11, 2022, to meet the new requirement to have a written policy in place. It has also been clarified that the employer may choose to provide a stand-alone document or reference electronic monitoring as part of a comprehensive workplace policy document.

Financial Impact:

No financial impact with the adoption of this policy.

Prepared and respectfully submitted by,
Darla Fraser, Chief Executive Officer

Excerpt from DRAFT policy:

Corporate Policy

Electronic Monitoring

Policy Statement

The Town of Orangeville (“Town”) is committed to adhering to provincial regulations as relates to electronic monitoring in the workplace.

Purpose

The purpose of this policy is to communicate to employees when the Town may use electronic monitoring of Town-issued vehicles and devices.

Definitions

Electronic Monitoring – the gathering of information of the activities and locations of employees through Town-issued electronic devices.

Scope

This policy applies to all employees of the Town who are protected under the Employment Standards Act, 2000.

Policy

The Town of Orangeville has the following capabilities for systems currently in place in order to facilitate a safe work environment. Systems are accessed only on a per incident basis via request of the following authorized individuals:

- Manager(s) of the respective area
 - Facilities Supervisor(s) for facility related matters
- Email monitoring software
 - All email communication sent using Town-owned networks, equipment, or Town user accounts, are monitored. This may include personal email accounts if the employee is accessing personal email through Town-owned Information Technology (“IT”) assets.
- Video cameras and recording equipment for public areas
 - Video surveillance technology is used on Town premises to deter theft, vandalism, and ensure employee safety. Bathrooms, changing rooms, and other private spaces do not have video surveillance. Video

surveillance equipment will be clearly visible and marked with notices and does not include audio.

- Internet and app activity monitoring, including downloaded documents and accessed websites, etc.
 - Town of Orangeville monitors employee network and computer activities to verify that Town-owned IT resources are used only for work-related or professional activities.
- Mobile devices
 - Town of Orangeville uses an MDM (Mobile Device Manager) for ensuring the devices are patched, secure, and can be tracked for employee safety and to potentially retrieve devices in the event that a device is lost or stolen.
- GPS monitoring is in place in Town vehicles
 - Town of Orangeville has GPS monitors in place in company Town vehicles to ensure employee safety and security and to send help if an employee is ever in danger. The GPS tracks geography, time and speed. These records may also be accessed in the event of an accident.
 - There should be no expectation of privacy in fleet vehicles as they are tracked for business purposes.
- Biometric technology
 - Biometric solutions are in place for certain services, such as punch clocks.
- Key card monitoring for access to the building and/or restricted areas
 - The Town utilizes card and keypad controls to end-user sensitive areas are only accessible to authorized staff.

Record Keeping

All data obtained by workplace monitoring will be retained digitally on two network servers, located at 275 Alder Street and 16 Townline.

The safeguards for the information collected is role-based access to the individual systems, and auditing is in place to ensure the systems are not misused.

All data is retained for one (1) year; with the exception of video footage, which is retained for fourteen (14) days.

Distribution

The Town will provide a copy of this policy to all employees within thirty (30) days of its approval. All new employees will receive a copy within thirty (30) days of starting employment. Further, any changes to the policy following its approval date shall be provided to all employees.

6. Responsibilities

Management is responsible for ensuring that the privacy of employees is respected while maintaining a standard of appropriate, respectful use of Town-issued devices and vehicles.

Employees are responsible for using Town-issued devices and vehicles appropriately and respectfully, as per applicable Town policies.

Human Resources is responsible for ensuring that this policy is reviewed regularly, and amendments are made as required in accordance with legislation.

Related Documents

Respectful Workplace Guidelines

Communication Policy

Violence in the Workplace Prevention Policy

Harassment in the Workplace Prevention Policy

Employee Code of Conduct