


POLICY

	Policy:	Electronic Monitoring Policy		
	Department:	Corporate Services		
	Division:	Human Resources	By-Law No.:	N/A
	Administered By:	Manager, Human Resources	Approval Date:	June 26, 2023
	Replaces:	N/A		
	Attachment(s):	N/A		

1. POLICY STATEMENT

The Corporation of the Town of Amherstburg (the Town) values trust, discretion and transparency and believes employees deserve to know when, how and for what purposes their work is being monitored. This policy is intended to establish guidelines for company practices and procedures related to electronic monitoring of employees.

2. PURPOSE

- 2.1. This policy provides clarity regarding what activities are subject to Electronic Monitoring, for what purpose those activities are subject to Electronic Monitoring and how the information collected as a result of Electronic Monitoring may be used.
- 2.2. This policy defines what is meant by “Electronic Monitoring” and provides the framework for which the Town will implement and fulfil the requirements in compliance with *Bill 88’s Working for Workers Act, 2022* which amends the *Employment Standards Act, 2000 (ESA)* to require prescribed employers to implement electronic monitoring policies.
- 2.3. This policy ensures parties understand their respective responsibilities regarding Electronic Monitoring.

3. SCOPE

- 3.1. This policy applies to all Town employees, Councillors and Volunteers at any location where work is being performed, unless otherwise specified .
- 3.2. This policy shall be reviewed every five (5) years from the date it becomes effective, and/or sooner at the discretion of the CAO or designate.

4. DEFINITIONS

- 4.1. **Electronic Monitoring** is defined as use of technological, electronic, or digital means to track, observe, or monitor an individual’s actions or activities and can be categorized in two groups:
 - 4.1.1.1. Active Electronic Monitoring: is the use of electronic monitoring tools that are intended to intentionally track employee activity or location and is monitored in real-time or in close proximity to the time of collection.
 - 4.1.1.2. Passive Electronic Monitoring: is the collection, analysis and/or retention of data that may include, without limitation, data about employee activity or location either in physical spaces or on the Corporation’s network that is not actively monitored.

- 4.2. **Personal Information** refers to any recorded information about an identifiable individual including:
- 4.2.1.1. Information relating to the race, national or ethnic origin, colour, religion, age, sex, sexual orientation or marital or family status of the individual;
 - 4.2.1.2. Information relating to the education or the medical, psychiatric, psychological, criminal or reemployment history of the individual or information relating to financial transactions in which the individual has been involved;
 - 4.2.1.3. Any identifying number, symbol or other particular assigned to the individual;
 - 4.2.1.4. The address, telephone number, fingerprints or blood type of the individual;
 - 4.2.1.5. The personal opinions or views of the individual except if they related to another individual;
 - 4.2.1.6. Correspondence sent to an institution by the individual that is implicitly or explicitly of a private or confidential nature, and replies to that correspondence that would reveal contents of the original correspondence;
 - 4.2.1.7. The views or opinions of another individual about the individual and
 - 4.2.1.8. The individual's name if it appears with other personal information relating to the individual or where the disclosure of the name would reveal other personal information about the individual.
- 4.3. **Record** refers to the meaning as included in Section 2 of the *Municipal Freedom of Information and Protection of Privacy Act* and includes any record of information however recorded.
- 4.4. **Retention** refers to the length of time a record is to be retained before its final disposition.
- 4.5. **Retention Schedule** refers to an approved document that authorizes the length of time records are to be retained before their final disposition.

Common definitions, acronyms, and terms are available in the Glossary located on the Town's Policies webpage.

5. **INTERPRETATIONS**

5.1. Any reference in this policy to any statute or any section of a statute shall, unless expressly stated, be deemed to be reference to the statute as amended, restated or re-enacted from time to time. Any references to a by-law or Town policy shall be deemed to be a reference to the most recent passed policy or by-law and any replacements thereto.

6. **GENERAL CONDITIONS**

Electronic Monitoring Practices

6.1. The Town engages in active and passive Electronic Monitoring for a variety legitimate business reasons, including protecting the corporations legal, business and service interests and uses the information gathered as follows:

6.1.1. **Security Cameras and Surveillance Equipment:** Security cameras and/or surveillance equipment is used at various selected Town locations to ensure the appropriate level of safety, security and oversight of our assets and employees including for monitoring

compliance with applicable policies, procedures and expectations. Video and audio transmissions and recordings may be monitored, saved and archived.

6.1.2. Swipe Cards/Electronic Door Locks and Security Badges: Swipe cards and/or security badges are used to ensure entry into and passage within Town facilities is controlled to only those permitted access. Information gathered from the use of these tools includes information about employee activities (includes but not limited to, date and time of request, identifier of card used to attempt access) that may if warranted be examined to understand compliance with acceptable policies, procedures and expectations as well as safety sensitive situations. The information collected from these tools may be saved and archived.

6.1.3. Visitor Logs: Visitor Logs may be used to capture attendance records at Town Facilities and may used to confirm attendance details or for purposes of health and safety procedures, as may be required. Visitor Logs may be saved and archived.

6.1.4. Time Sheets: Time Sheets are utilized to capture employee work hours, absences, overtime and banked time activities and direct relationship to a employee pay and entitlements. Time Sheets may be either in paper or electronic form. Time Sheets may be saved and archived.

6.1.5. Working Alone Applications: Working Alone Applications provide real-time location and safety monitoring for workers who perform independent safety sensitive work for the expressed purpose of ensuring workers have immediate access to assistance if required as well as providing real-time communication with managers regarding their whereabouts and activities.

6.2. While not for the expressed purpose of Electronic Monitoring, the Town acknowledges that Corporate issued devices and tools do have the capacity to be used for the purposes of understanding employee activities and may, when legitimate situations call for it, be examined for that purpose. Relevant examples include:

6.2.1. Corporate Email Activity: Corporate e-mail (including e-mail servers) retain logs regarding the results of cybersecurity threat analysis related to message content as well as understanding employee activity. These logs may be called up, reviewed and retained for cybersecurity threat analysis (detected, suspected or as a means to trend analysis) as well as to understand employee activity.

6.2.2. Corporate Assets and Resources: Corporate issued devices including (tablets, laptops, desktops, cellular phones, vehicles and equipment) have tracking, location, recording and logging capabilities commensurate to their uses (i.e., by-law, winter control). Reference also includes the telematics system on Fire Department Vehicles and PPE of which a Memorandum of Understanding is in place outlining the intended use of this technology.

6.2.3. Geographic Information Systems (GIS) Mapping: GIS Mapping is used to connect data to maps, integration of location data and details regarding what exists in those specific locations. GIS tracking software and hardware, either as a separate device or as part of the device components are used to track information including location, data and details (i.e., service level) derived the GIS software.

6.2.4. Virtual Private Network (VPN): Virtual Private Network (VPN) contains the capability to understand log on and off activity. Activity logs may be accessed, reviewed and retained to understand employee activity.

6.2.5. **Social Media Activity:** Corporate Social Media Accounts have administrative features that allow for tracking, retention and record of activity and may be accessed, reviewed and retained to understand activity.

6.2.6. **Corporate Desk Phones:** Corporate Desk Phones have the capacity to retain voice message logs and can be accessed administratively should the business need require it.

6.2.7. **Two-Way Radios** are used as communication means between and amongst departments and team members and the communication that occurs is viewed as business communication.

6.2.8. **Recording Devices** (voice recorder, recording on cellular device, video recording/live streaming) may be used as a means to document pertinent information, if and wherever this occurs it will be done with expressed notification and for the purposes of a legitimate business need.

6.3. While not for these expressed purposes, information collected through Electronic Monitoring may, as it becomes pertinent and relevant to do so, be used during employee reviews, to assess productivity and for the purposes of workplace investigations or investigations of alleged violations of law, regulations, or applicable corporate policies, procedures and expectations, or other instances of misconduct, during consideration of disciplinary decisions as well as for any other reasons which are deemed critical to the Town's services and reputation.

6.4. All electronic records will be maintained in accordance with the Records Retention Program Policy and the Retention Schedule outlined therein and may be accessed and reviewed in accordance with the Municipal Freedom of Information and Protection of Privacy Act

7. PRIVACY AND CONFIDENTIALITY

7.1. The Town's monitoring practices are aimed at collecting information related to its service and business needs, however, some information collected through Electronic Monitoring may be considered personal information. When personal information is collected by the Town and in the Town's control, it is the responsibility of the Town to provide adequate protections to ensure its safeguarding.

7.2. All information collected through Electronic Monitoring will be securely stored and protected. If any personal information is collected, its use and disclosure will be limited to achieve the stated purpose of its collection. The Town will adhere to all privacy and confidentiality legislation that applies to the collection, use and disclosure of personal information obtained by Electronic Monitoring.

8. RESPONSIBILITIES

8.1. **Council** has the authority and responsibility to:

8.1.1.1. Approve the Electronic Monitoring Policy.

8.2. The **CAO** has the authority and responsibility to:

- 8.2.1.1. Ensure compliance with the Electronic Monitoring Policy.
- 8.3. The **Manager, Human Resources** has the authority and responsibility to:
 - 8.3.1.1. Provide new and existing employees with a copy of this Policy within 30 days of their employment as well as provide and amended versions of the Policy within 30 days of any amendment's.
- 8.4. **Management** has the authority and responsibility to:
 - 8.4.1.1. Take all reasonable steps to ensure that employees under their supervision understand the intent, application and applicability of this Policy and are thereby acting in a manner consistent with this Policy.
 - 8.4.1.2. Make attempts to resolve employee concerns regarding compliance with this Policy.
 - 8.4.1.3. Advise employees of the activities which are subject to Electronic Monitoring, the purpose for which those activities are electronically monitored, the method in which those activities are electronically monitored as well as for what intended and potential ways the information obtained through electronic monitoring may be used.
- 8.5. **Employees** have the responsibility to:
 - 8.5.1.1. Ensure a thorough understanding and awareness of the Town's Electronic Monitoring activities including the purpose, means and method as well as intended and potential uses of collected information.
 - 8.5.1.2. Fully cooperate with the Town's expressed intention and application of Electronic Monitoring as identified for valid business and service reasons.
 - 8.5.1.3. Notify their manager if they have any questions regarding the Policy or their ability to comply with the Policy.

9. **REFERENCES AND RELATED DOCUMENTS-**

- 9.1. [Employment Standards Act, 2000](#)
- 9.2. [Municipal Freedom of Information and Protection of Privacy Act, 1990](#)
- 9.3. *Town of Amherstburg's Cell Phone and Personal Communication Device Policy*
- 9.4. *Town of Amherstburg's Technology Use Policy*
- 9.5. *Town of Amherstburg's Video Surveillance Policy*
- 9.6. *Town of Amherstburg's Records Retention Program Policy*