



A People Place, A Change of Pace
SHELBURNE
ONTARIO, CANADA

Meeting Date:	Monday, October 03, 2022
To:	Mayor Mills and Members of Council
From:	Denyse Morrissey, Chief Administrative Officer
Report:	CAO 2022-16
Subject:	Electronic Monitoring Policy

Recommendation

Be it Resolved that Council receives report CAO 2022-16 Electronic Monitoring Policy for information.

Background

On April 11, 2022 the provincial government passed Bill 88, Digital Platform Workers' Right Act, 2022 and the requirements were added to the Employment Standards Act, 2000 (ESA). This mandates all employers with 25 or more employees to have an Electronic Monitoring Policy in place by October 11, 2022.

The link to Bill 88 is: <https://www.ola.org/en/legislative-business/bills/parliament-42/session-2/bill-88>

Analysis

The Electronic Monitoring Policy applies to all employees of the Town of Shelburne as defined under the Ontario Employment Standards Act, 2022 ("ESA"). The policy also applies to members of Council, volunteers, and any other individual who may use the Town's electronic resources.

The Electronic Monitoring Policy must state whether or not 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 information obtained through electronic monitoring may be used by the employer
- the date the policy was prepared
- the date any changes were made to the policy Electronic Monitoring Policy

Electronic monitoring will only be used where reasonable and appropriate, and all personal information collected by the Town would be in compliance with relevant access and privacy laws in Ontario.

Financial

There are no new anticipated implications resulting from this report.

Policies & Implications

Employment Standards Act 2000 (ESA)

Bill 27, Working for Workers Act, 2021

Bill 88, Digital Platform Workers' Rights Act, 2022

Consultation and Communications

The draft and final electronic monitoring policies of a number of other municipalities were reviewed.

Council Strategic Priorities

Council's Strategic Priorities has three Goals - Sustainable, Engaged and livable. There are a total of 12 targets with the three Goals.

This report aligns with the Sustainable Goals within the Targets:

Target T2 Municipal Services Review and Evaluation

Supporting Documentation

Appendix 1: Electronic Monitoring Policy

Prepared by and respectfully submitted:

Denyse Morrissey, CAO



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CORPORATE POLICY

DEPARTMENT:	CAO - Human Resources
POLICY:	ELECTRONIC MONITORING POLICY
APPROVAL:	CAO
EFFECTIVE DATE:	October 3, 2022

1. PUPROSE

The Electronic Monitoring Policy (the “Policy”) has been established and in compliance with the Working for Workers Act 2022, Bill 88. The link to Bill 88 is:

<https://www.ola.org/en/legislative-business/bills/parliament-42/session-2/bill-88>

It is meant to protect workers' privacy by requiring transparency from employers on how they track their employees' and those that policy applies to regarding the use of computers, cellphones, GPS and other electronic devices.

Electronic monitoring will only be used where reasonable and appropriate, and all personal information collected by the Town will be used fairly and in compliance with relevant access and privacy laws in Ontario.

2. SCOPE

This policy applies to all employees as defined under the Ontario Employment Standards Act, 2000 (“ESA”) whether they are working remotely, in the workplace or are mobile, of the Town whether their primary location of regular work is in Town Hall, Town facilities, at home, on the road, or a combination of any or all of the above.

This policy also applies to members of Council, volunteers, and any individual who may use the Town’s electronic resources.

3. DEFINITIONS

Computer Monitoring: The practice of collecting user activity data on Town owned computers, networks, cell phones, and other IT infrastructure. This data includes, but is



A People Place, A Change of Pace
SHELburne
ONTARIO, CANADA

not limited to, web browsing history, files downloaded, data input, network traffic, logons to corporate systems, interactions with data, peripheral device usage, and information about the employee's computer.

Electronic Monitoring: The collection, storage, analysis, and reporting about employee activities by means of computer observation and supervision.

GPS Tracking: Tracking of travel and speed when driving a vehicle and the ability to locate lost devices that have GPS capabilities.

Data Collection: The automated or manual processing of employee data. This includes the collection, use, and storage of employee data such as computer activity data and other forms of personal information.

Personal Use: An employee using company-owned devices, networks, and other assets for personal tasks such as non-work web browsing and sending personal emails.

Personal Information: Any data collected about an identifiable individual. This includes deidentified data that, when combined with other information, could identify the individual.

Video Surveillance: Surveillance by means of a camera that monitors or records visual images of activities on company-owned property.

4. ROLES AND 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. Management is responsible for providing a copy of the written policy to all current employees and every new employee.

Employees are responsible reading and acknowledging the policy, and 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.



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5. PROCEDURES

Types of Monitoring and Data Collected:

Computer Monitoring

The Town monitors the network and computer activity of employees to ensure that company-owned IT resources are used in accordance with other applicable policies, procedures and expectations. Computer activity data may also be used to detect malicious or high-risk activities, monitor network performance, and prevent security incidents from occurring.

Data collected for operational, system, and information security purposes may include:

- Time stamps of computer startups, shutdowns, and sleep events
- Logins on computers and virtual machines
- Logs of peripheral devices used on a given endpoint, such as storage devices, wireless devices, communication ports, imaging devices and mobile phones
- File operations to portable storage devices
- Internet usage data including URL's/domains, pre-defined website content category, web page headers, search engine queries, bandwidth consumption and browsing time
- Application usage, including software downloads and time spent using each software
- Screenshots of activities on company owned workstations

Third party vendors will not have access to employee computer activity data unless it is explicitly provided by the Town or the County of Dufferin (the Town's IT contracted service provider) for the purpose of troubleshooting their software to deal with an operational issue.

Video Surveillance

Video surveillance equipment is used in some Town owned premises to ensure that employees, patrons, and Town owned assets are kept secure from theft, vandalism, and other forms of misconduct. Should unlawful activity be discovered, the recordings captured by video surveillance equipment may be used by law enforcement and shared with third parties.



A People Place, A Change of Pace
SHELburne
ONTARIO, CANADA

Video surveillance equipment will not be used in areas where employees have a reasonable expectation of privacy, such as bathrooms, changing rooms, and other private areas. Where video surveillance equipment is used the equipment will be made clearly visible and there will be notices.

Email Monitoring

Email activity of employees ensures that Town owned IT resources are used in accordance with operational, system, and information security purposes, and to ensure compliance with other applicable, policies, procedures and expectations.

GSP Tracking

GSP technology has been installed in the fleet of operations (public works and utilities) vehicles for the purpose of improving efficiencies and tracking management assets and resources, emergency locate needs, track stolen vehicles and third party complaints related to insurance.

Access Fobs

Access Control Fobs for Town owned buildings may be monitored for safety, security and insurance reasons.

6. RETENTION OF DATA

All data this is a captured as result of electronic monitoring will be kept in accordance with the Town's record retention schedule and to ensure that all personal information is only kept for as long as it necessary to do so. Personal information collected through electronic monitoring shall only be used for the purpose for which it was collected.

7. ACCESS TO DATA

A limited number of authorized representatives, including third parties associated with the Town have access to employee data. All third parties are subject to confidentiality and security requirements so that employee data is not misused or disclosed without authorization.

8. PERSONAL USE OF TOWN OWNED ASSETS

Employees are permitted occasional personal use of Town owned assets, which should be limited to breaks/lunch etc, for non-work browsing, making personal phone calls or sending emails using and sending from personal email accounts.



A People Place, A Change of Pace
SHELBURNE
ONTARIO, CANADA

While occasional use is permitted the Town reserves the right to monitor the personal use of Town assets to the same extent that it monitors corporate use. Employees must operate under the assumption that all activities that take place over Town networks, systems and assets is monitored and conduct themselves accordingly and when using Town owned systems and assets.

9. POSTING, NOTICE AND RETENTION

The Town will provide and make available a copy of this Policy within thirty (30) calendar days of implementation. After its implementation, any changes made to the Policy would be made available within 30 days of the changes being made.

The Town will provide a copy of this Policy to all new employees within thirty (30) days of the employee commencing employment with the Town.