



REPORT

TO: Mayor Lawlor and Members of Council

FROM: Jonna Ison, Director of Human Resources

DATE: November 1, 2022

REPORT NO.: CORPSERV-2022-0030

SUBJECT: Employee Electronic Monitoring Policy

RECOMMENDATION:

That Report No. CORPSERV-2022-0030, dated November 1, 2022, regarding the Employee Electronic Monitoring Policy be received;

AND FURTHER THAT the Employee Electronic Monitoring Policy (Appendix A) be approved.

KEY POINTS:

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

- On April 11, 2022, the Government of Ontario passed Bill 88, *Working for Workers Act, 2022* requiring employers with 25 or more employees to have a written policy (“the Policy”) on employee electronic monitoring.
- Legislation requires that the policy include: a statement as to whether the employer engages in electronic monitoring of its employees; a description of how employees are monitored, the circumstances in which monitoring may be used, and the purposes of monitoring.
- All existing and future employees must be provided with a copy of the Policy.
- The Policy must be regularly reviewed and any changes communicated to staff.
- A draft copy of the Town’s Employee Electronic Monitoring Policy has been distributed to existing staff while Council approves the policy.
- Once approved, the Policy will be incorporated into the Town’s Personnel Policy Manual (PPM) and included in the PPM’s annual review and staff distribution process.

BACKGROUND AND DISCUSSION:

The COVID-19 pandemic resulted in a shift, seen globally, to working from home or remotely. Today, many employers have adapted a hybrid approach to work, blending working from home/remotely and working on-site in the office. With more employees working remotely than before, there has been a surge in the market for workplace surveillance technologies. Although electronic monitoring of employees has long existed in workplaces such as factories and fast-food restaurants, the pandemic highlighted the need to better protect employees' privacy by requiring employers to be transparent about how workers are being tracked.

On April 11, 2022, the Government of Ontario passed *Bill 88, Working for Workers Act, 2022* which requires employers with 25 or more employees to have a written policy on employee electronic monitoring. The Policy must include the following:

- Statement of whether or not the employer electronically monitors employees
- Description of how and under what circumstances employees are monitored
- Purpose of monitoring
- Date the Policy was prepared and dates any changes are made to the Policy.

Employers were required to prepare a written Policy on employee electronic monitoring by October 11, 2022 and to distribute it to staff within 30 days. Moving forward, employers are mandated to regularly review the Policy, and communicate any changes to employees.

The Town's Employee Electronic Monitoring Policy describes how staff are monitored using various technologies and devices (e.g. GPS, video surveillance, computer and other IT devices, building keyless entry systems, to name a few), and what the Town may do with the information obtained through electronic monitoring. All elements required in the Policy per Bill 88, is detailed in Appendix A.

Existing and newly hired Town staff have been provided with a draft copy of the Policy while it undergoes the approval process. Once approved, the Policy will be incorporated into the Town's Personnel Policy Manual (PPM) in 2023 as part of the PPM's regular review, approval and distribution process.

STRATEGIC PLAN ALIGNMENT:

This report aligns to the Town's Strategic plan recognizing the value to provide responsive, effective municipal government and strong leadership in the effective and efficient delivery of municipal services.

This report also identifies fiscal and corporate management as one of the Town's Strategic priorities.

RELATIONSHIP TO CLIMATE CHANGE:

This report is administrative in nature and does not directly impact or address climate change and the Town's Net Zero target.

PUBLIC ENGAGEMENT:

Public Engagement was not needed as this report is administrative in nature.

INTERNAL CONSULTATION:

Human Resources consulted with key stakeholders in Transportation and Public Works, Fire Services, Facilities and Information Technology Services in developing the Policy. Senior Management Team was also engaged for feedback on the Policy.

FINANCIAL IMPLICATIONS:

This report is administrative in nature and does not have any financial implications.

Reviewed and approved by,

Laura Lancaster, Commissioner of Corporate Services

Chris Mills, Chief Administrative Officer