

Electronic Monitoring

Policy Number: HR.8-08

Sub-Topic: Employee Core Values

Topic: Corporate Culture

Applies to: All Employees

Policy Statement and Strategic Plan Linkages

The Town of Newmarket, as an Employer, supports open government, trust and respect for employees recognizing that it is a shared responsibility in the use of corporate equipment and technologies for operational efficiency and communicating with customers in creating an environment for extraordinary public service.

The Employer is sensitive to the legitimate privacy rights of employees and that any monitoring of equipment use is conducted in an ethical, balanced and respectful manner.

This supports the Town's vision of a community Well Beyond the Ordinary, the employee mission of Making Newmarket Even Better, and employee core values.

Purpose

The Electronic Monitoring Policy (the "Policy") describes how and in what circumstances the Employer may electronically monitor Employees, and outlines the purposes for which information obtained through electronic monitoring may be used in accordance with [Ontario's Working for Workers Act, 2022 \(Bill 88\)](#) and [Employment Standards Act, 2000 \(ESA\)](#).

The Policy should be read in conjunction with other applicable corporate policies, guidelines or standards, including but not limited to those identified under Cross-References below.

Definitions

Data: information in a form suitable for storing and processing by a computer. Facts that can be analyzed or used in an effort to gain knowledge or make decisions; information.

Electronic Monitoring: analysis of data captured from equipment for the purposes of transparency; system and equipment integrity and security, including cybersecurity; statutory compliance; health and safety; operational business needs and service level changes or improvement; employee performance management and investigations of alleged violations of law, regulations, corporate policy, code of conduct, etc.

Employee: under this Policy means only those employees of the corporation which are considered employees under the ESA. This includes (but is not limited to) full-time

employees, part-time employees, casual employees, probationary employees, contract employees, employees on a leave of absence, and any officer of the corporation who performs work or supplies services for wages. Assignment/temporary agency employees are also covered under the Policy during the period of time they are working for the Employer.

Equipment: any electronic device that connects to a network or allows users to connect to a corporate network whereby data is captured.

Global Positioning System (GPS): a network of satellites and receiving devices used to determine the location of something on Earth used in vehicles, devices and other technologies.

Video Surveillance/Monitoring Equipment: surveillance or otherwise monitoring by means of a camera or other recording device that monitors or records visual images of activities recorded on Employer-owned electronic equipment. This includes, but is not limited to, on-site surveillance cameras.

Provisions

This Policy ensures a level of enhanced transparency with respect to electronic monitoring of employees that is reasonably/potentially conducted by the Employer, but not to necessarily prevent the Employer from electronically monitoring or prevent them from lawfully using the information obtained.

For this reason, any data that is captured: 1) personal information on corporate equipment; 2) corporate information on personal equipment; and/or 3) personal information on personal equipment captured on corporate networks, should be considered as being collected and monitored by the Employer, and could be used fairly and appropriately as per this Policy.

Application

This Policy applies to:

- employees working in the municipal offices and/or facilities and/or connecting to a corporate network via the internet.
- corporate equipment and technologies and personal devices used by employees to conduct corporate business that actively capture data and information when connecting to a corporate network and/or the data contained within them.

Purpose for Capturing Data and Monitoring Employees

The Employer does not actively monitor individual employees, however, the Employer actively captures data, as described below, and the aggregate of information collected may be used to support the purpose of this Policy.

Although the Employer does not actively monitor all equipment and technologies used by employees, the Employer actively captures data from:

- corporately owned devices, equipment and vehicles through various networks and technologies; and
- personal devices and equipment connected to a corporate network.

Any specific data that is actively captured, i.e. video surveillance, GPS, etc., can potentially be actively monitored for any one of the following purposes, but not limited to: transparency; system and equipment integrity and security, including cybersecurity; statutory compliance; health and safety; operational business needs and service level changes or improvement; address employee performance management and investigations of alleged violations of law (including but not limited to employment standards and human rights legislation), regulations, corporate policy, code of conduct, etc..

The Employer can use any information collected through electronic monitoring for employment-related purposes and reserves any and all rights to do so.

The Employer has video surveillance to ensure employee health and safety. Video surveillance data may be utilized to monitor security concerns.

The Employer is not required to receive consent from any employee to be electronically monitored. If the Employer begins to actively monitor employees for specific purposes following an amendment to this Policy, employees will be subsequently circulated a copy of the amended policy within 30 days of the changes being made.

Reporting Concerns

All employees are expected and required to report any concerns or issues they may have which they feel impacts their personal privacy or use of technology by contacting their immediate Supervisor/Manager or Human Resources.

Posting, Notice and Retention

The Employer will provide a copy of this Policy to all employees within 30 days following the effective date October 11, 2022. This policy may be amended from time to time at the Employers sole discretion. The Employer will provide all employees with a copy of the revised Policy within 30 days following the date the amendment(s) become effective.

The Employer will provide all employees hired after this Policy is first implemented with access to or a copy of this Policy (or the applicable revised version) within 30 calendar days of the employee's start date.

Contract persons from a temporary assignment/contract agency will be provided a copy within 24 hours of commencing assignment with the Employer.

The Employer will retain a copy of this Policy and any revised version of this Policy for a period of three (3) years after it is no longer in effect.

Exceptions

This Policy does not:

- limit the employer's use of information captured through electronic monitoring for the purposes stated in this policy;
- apply to video surveillance footage captured for monitoring public activity, only in the event an employee is involved;
- establish a right for employees to not be electronically monitored by the Employer;
- create any new privacy rights for employees; or
- amend or supersede any grievance procedure or other aspect of any applicable collective agreement.

Cross-References

Corporate Procedure

Electronic Monitoring Procedure #HR.8-08-001

Corporate Policy

[Acceptable Use of Social Media](#) #COMM.3-01

[Employee Code of Conduct Policy](#) #CAO.3-01

[Employee Complaint Policy](#) #HR.04-02

[Disconnecting from Work Policy](#) #HR.2-08

[Internet & e-Mail Acceptable Use Policy](#) #IT.1-01

[Progressive Discipline Policy](#) #HR.04-01

[Records Retention Policy](#) #CORP.1-06

Other Government Legislation

[Employment Standards Act](#)

[Digital Platform Workers' Rights Act](#)

[Working for Workers Act-Bill 88](#)

[Municipal Freedom of Information and Protection of Privacy Act](#)

[Personal Information Protection and Electronic Documents Act](#)

Contact

Human Resources Department or at hr@newmarket.ca

Details

Approved by: Ian McDougall, Chief Administrative Officer

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Policy Effective Date: October 11, 2022

Last Revision Date:

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