



Budget & Administration Committee Meeting

Addendum

Thursday, August 18, 2022 at 6:00 p.m.

This meeting will be held in person for Budget and Administration Committee members and designated, limited staff only.

**The public may view the meeting live on HCA's You Tube Channel:
<https://www.youtube.com/user/HamiltonConservation>**

7. Staff Reports/Memorandums

7.6 Electronic Monitoring of Employees Policy

– Burnside

Memorandum

TO: Board of Directors

FROM: Lisa Burnside, Chief Administrative Officer (CAO)

MEETING DATE: August 18, 2022

RE: Electronic Monitoring of Employees Policy

BACKGROUND

As of April 11, 2022, the *Employment Standards Act, 2000* (Ontario) (“ESA”) was amended to require employers that employ 25 or more employees on January 1, 2022 to implement an electronic monitoring policy as of October 11, 2022.

The ESA requirements are limited to requiring that employers be transparent about whether they electronically monitor employees. If they do, the employer must be transparent by:

- describing how and in what circumstances that monitoring occurs
- setting out the purposes for which the information obtained through the electronic monitoring may be used

This memorandum is coming forward to advise the Budget & Administration Committee of this legislation and that HCA has created a policy to be in compliance.

STAFF COMMENT

The amended Act requires HCA to have a written policy on the electronic monitoring of employees in place.

The 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

An employer still requires a policy even if it does not electronically monitor employees and, in this situation, the policy can be brief.

HCA engages in limited monitoring as set out in the policy, primarily related to network safety purposes, fleet maintenance and video cameras to deter public theft and vandalism. For example, the policy outlines that the firewalls and anti-virus software installed on our network does not track employees, rather is in place to keep our network safe. HCA has in place both a cellular and wireless devices and acceptable computer use policies that staff receive upon hire that outline appropriate use and identifies abuses that could result in disciplinary measures. Staff are expected to practice good judgement and to demonstrate integrity and professionalism when using the computer network and any other devices or equipment.

The HCA electronic monitoring of employees' policy reinforces that computers, phones and other devices or fleet are HCA property and we reserve the rights to monitor and review the same.

An employer must, within the specified timeframes, provide a copy of the written policy to all of its employees.

STRATEGIC PLAN LINKAGE

The initiative refers directly to the HCA Strategic Plan 2019 - 2023:

- **Strategic Priority Area – Organizational Excellence**

AGENCY COMMENTS

None

LEGAL/FINANCIAL IMPLICATIONS

HCA's policy has been drafted and reviewed in conjunction with our legal counsel.

CONCLUSIONS

With the changing nature of work and the advancement of technology, the ESA has been amended to require that employers be transparent about whether they electronically monitor employees and HCA has implemented a policy to be in compliance with the legislative requirement.



Date of Policy: August 18, 2022

Revision Date:

Electronic Monitoring Policy

Intent

HCA understands that privacy is important and believes that its employees have the right to know and understand how they may be monitored electronically. This policy has been established to ensure that all of HCA's employees understand the role electronic monitoring plays in the workplace.

Further, the *Employment Standards Act, 2000* ("ESA") requires employers that employ 25 or more employees to have a written policy on electronic monitoring of employees in place. The ESA requires that certain employers be transparent about whether they electronically monitor employees. If they do, the employer must be transparent by:

- describing how and in what circumstances that monitoring occurs
- setting out the purposes for which the information obtained through the electronic monitoring may be used

Definitions

Electronic Monitoring: Electronic Monitoring includes the HCA's monitoring and or review of employee actions through various means, including:

- Attendance monitoring systems such as key fobs, security codes or electronic timecard systems;
- Location monitoring systems such as GPS tracking of HCA vehicles and/or devices
- Network and system monitoring tools including review of HCA email, internet user, network logins, network threat detection tools; and
- Surveillance –i.e.: video or audio recordings or surveillance systems.

Scope

This policy applies to all Hamilton Conservation Authority Full Time, Contract, Casual employees and Volunteers.

HCA Electronic Monitoring

HCA does not engage in the Electronic Monitoring of Employees except as set out herein. The firewalls and anti-virus software installed on the HCA network does not track employees, rather is in place to keep our network safe.

As set out in our Acceptable Computer Use Policy, HCA has in place both a cellular and wireless devices and acceptable computer use policies that staff receive upon hire that outline appropriate use and identifies abuses that could result in disciplinary measures. Specifically, employees are reminded that any electronic record created on an HCA computer, cellular phone or other device, or sent through the HCA hosted email or cellular service, is considered to be the property of HCA and may be reviewed or monitored by HCA in legal or other workplace investigations.

HCA tracks mileage and/or engine hours on HCA fleet vehicles and equipment, including but not limited to vehicles, tractors, zero turn lawnmowers, back hoes, mini excavators etc. The details are utilized primarily to track maintenance and replacement is required according to manufacture's guidelines, but may be reviewed and utilized in legal or other workplace investigations if necessary.

Employees of HCA may be subject to Electronic Monitoring where video cameras are used on company premises in public areas to deter theft and vandalism. Should illegal conduct be uncovered, video surveillance footage may be reviewed and disclosed to approved third parties. Video surveillance equipment will be clearly visible.

Third Party Monitoring (*If employees attend other locations where surveillance, electronic sign ins etc.*) When employee attends at sites other than the premises or areas owned or operated by the HCA Electronic Monitoring by a third party may occur. The HCA does not review or have access to this Third-Party Monitoring.

Employers Responsibilities:

- Ensure all employees receive a copy of this Policy within thirty (30) days of being in effect and all new hires are provided with a copy during orientation.
- Communicate to all employees any updates/revisions to the Policy within thirty (30) days of the revised policy taking effect.

Staff Responsibilities:

- Staff are expected to practice good judgement and to demonstrate integrity and professionalism when using the computer network and any other devices.
- Adhere to the cellular and wireless devices and acceptable computer use policies in place

Employees should consult with their manager if they have any questions or concerns about this policy. If any question or concern regarding this policy cannot be resolved with an employee's manager, the matter should be raised with HCA's Human Resources department.

Amendments

HCA reserves the right to review and amend this policy as required.