

**THE CORPORATION OF THE  
TOWNSHIP OF EDWARDSBURGH CARDINAL**

**BY-LAW NO. 2022-72**

**"BEING A BY-LAW TO ADOPT AN ELECTRONIC MONITORING POLICY"**

**WHEREAS** the Working for Workers Act, 2021 S.O. 2021, c.35 amended the Employment Standards Act, 2000, S.O. 2000, c. 41 to include Part XI.1 where Section 41.1.1 provides that an employer that, on January 1 of any year, employs 25 or more employees shall, before March 1 of that year, ensure it has a written policy in place for all employees with respect to electronic monitoring of employees; and

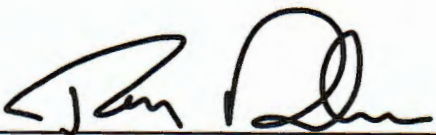
**WHEREAS** the Council of the Corporation of the Township of Edwardsburgh Cardinal deems it necessary to adopt an electronic monitoring policy for the Township of Edwardsburgh Cardinal.

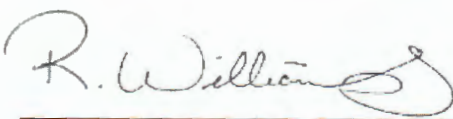
**NOW THEREFORE** the Council of the Corporation of the Township of Edwardsburgh Cardinal enacts as follows:

1. That the Electronic Monitoring Policy, as outlined in Schedule "A" attached hereto and shall form part of this by-law is adopted.
2. That this by-law shall come into force and effect upon passing.

Read a first and second time in open Council this 12 day of December, 2022.

Read a third and final time, passed, signed and sealed in open Council this 12 day of December, 2022.

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
Clerk



## Electronic Monitoring Policy

Effective Date: December 12, 2022  
Revision Date:

### **Introduction**

This policy is based on [Bill 88: Working for Workers Act, 2022](#) and is subject to change as per any new information provided by the Government of Ontario. The Township of Edwardsburgh Cardinal is committed to informing its employees about the presence (if any) of electronic monitoring software or equipment either in the workplace or contained on any of the organization's servers or programs

This policy is intended to provide the following:

- A description of how, why, and in what circumstances, the Township of Edwardsburgh Cardinal may electronically monitor employees,
- The purposes for which the Township of Edwardsburgh Cardinal may use the information obtained through electronic monitoring, and
- The date the policy was prepared and the date any changes were made to the policy.

This policy offers standards to ensure the following:

- Employee safety and security;
- That the company operates efficiently; and
- That appropriate data is collected to make informed business decisions, as needed.

### **Scope**

As an organization of more than 25 employees as of January 1<sup>st</sup>, 2022, the Township of Edwardsburgh Cardinal is required to have this policy in place regarding electronic monitoring.

This policy applies to all employees of the Township of Edwardsburgh Cardinal who are covered by the *Employment Standards Act*, whether their primary location of work is in the workplace, at home, on the road, or a combination of any or all of the above.

### **Changes to This Policy**

Any changes to this policy will be noted in this section, along with the date(s) that changes were made.

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## **Employee Count**

Employees to be counted include “anyone who meets the definition of “employee”, including: “homeworkers, probationary employees, some trainees, officers of a corporation who perform work or supply services for wages, employees on definite term or specific task contracts of any length, employees who are on lay-off, so long as the employment relationship has not been terminated and/or severed, employees who are on a leave of absence, employees who are on strike or who are locked-out, and employees who are exempt from the application of part(s) of the ESA.”

Should the Township of Edwardsburgh Cardinal total employee count decrease to fewer than 25 employees, the policy will remain in place until the following January 1, at which point (if the employee count is still below 25), a written policy is no longer required.

## **Policy**

### **ESA Requirements**

The ESA requirements do not:

- establish a right for employees not to be electronically monitored by their employer; or
- create any new privacy rights for employees.

However, the ESA requires transparency about whether employees are electronically monitored. Nothing in the ESA limits the use of information obtained through electronic monitoring.

### **Employee Policy Distribution**

The Township of Edwardsburgh Cardinal will provide a copy of this written policy to all employees within thirty (30) days of its effective date or following any changes or upon newly hired employees.

A copy of the policy may be provided by one of the following methods:

- a printed copy, or
- an attachment to an email, or
- as a link to an online document

Note: If an employee is not able to access the document online or cannot print the document, they may request a printed copy from their supervisor/manager

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## **Electronic Monitoring Equipment in Place**

The Township of Edwardsburgh Cardinal has the following electronic monitoring equipment in place in the workplace:

A. **Email monitoring:**

All email communications sent using company-owned networks, equipment, or user accounts are monitored.

B. **Video cameras and recording equipment for public areas:**

Video surveillance technology is used on company premises to deter theft, vandalism, and ensure employee safety. Should illegal conduct be uncovered, video surveillance footage may be disclosed to approved third parties. Bathrooms, changing rooms, and other private spaces do not have video surveillance. Video surveillance equipment will be clearly visible and marked with notices and does not include audio.

C. **Internet and app activity monitoring, including downloaded documents and accessed websites, etc.**

The Township of Edwardsburgh Cardinal monitors employee network and computer activities to verify that company-owned IT resources are used only for work-related or professional activities. Computer activity data can evaluate employee performance, detect malicious or high-risk behaviours, monitor network performance, and avoid security incidents.

D. **GPS monitoring is in place in company vehicles which tracks the following but is not limited to geography, time and speed.**

The Township of Edwardsburgh Cardinal has GPS monitors in place in company vehicles to ensure employee safety and security and to send help if an employee is ever in danger. These records may also be accessed in the event of an accident/insurance claim.

E. **Alarm code monitoring for access to the building and/or restricted areas**

The Township of Edwardsburgh Cardinal uses alarm code records management to monitor employee activity while accessing secured buildings.

## **Retention of this Policy**

The Township of Edwardsburgh Cardinal will ensure that copies of this policy, including any subsequent revisions, are retained for a period of three years after the policy ceases to be in effect.

## **Questions or Complaints**

Any questions or complaints regarding this policy should be directed to the Chief Administrative Officer.

# Electronic Monitoring Policy

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## Acknowledgement

I, \_\_\_\_\_ (name) acknowledge that I have received a copy of the Electronic Monitoring Policy for the Township of Edwardsburgh Cardinal.

Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Witness: \_\_\_\_\_