

County of Essex Policy and Procedures Manual

Electronic Monitoring of Employees Policy

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Policy Type:	Administrative Policy
Approval Authority:	Essex County Council
Office of Responsibility:	Human Resources
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Replaces Policy:	N/A

1.0 Introduction

Technology and the internet are important and invaluable resources for the Corporation of the County of Essex (the "**Corporation**") that are utilized by employees of the Corporation on a daily basis for the Corporation's operations. This Electronic Monitoring of Employees Policy (the "**Policy**") is being implemented pursuant to and as required by the *Employment Standards Act, 2000*, S.O. 2000, c. 41 (the "**ESA**").

The Corporation places high importance on the trust relationship it has with its employees, and the purpose of this Policy is to ensure that all employees are fully aware of the Corporation's ability and intent to electronically monitor employees, and the Corporation's ability and intent to use information obtained through electronic monitoring. However, the aim of this Policy is also to balance the Corporation's responsibility for accountability and transparency with the reasonable expectations of the Corporation's employees regarding electronic monitoring.

This Policy will outline the scope of the Corporation's electronic monitoring (*i.e.*, the devices and third-party software the Corporation will monitor), the purpose of such monitoring, and information on how such monitoring will be conducted.

2.0 Purpose

To establish a written policy identifying all methods the Corporation employs to electronically monitor employees. For each method of electronic monitoring, this policy will establish the manner in which the Corporation may electronically monitor employees, the frequency and method of collection of data, and the purpose for which the information obtained through electronic monitoring is being collected by the Corporation.

3.0 Scope

This Policy applies to all volunteers and employees of the Corporation (including probationary employees and employees of the Corporation that are managed by the Essex Windsor Solid Waste Authority).

This Policy does not apply to the Essex County Library Board, with employees working for the Essex County Library Board being governed by policies established by its Board directly.

The Corporation may electronically monitor any employee activity and interaction on all Corporation-provided electronic devices, applications, and software and on any online forum, including, but not limited to:

- Computers and laptops;
- Office email;
- Office calendar;
- County Connect;
- Cellular phones;
- Any applications or software provided by the Corporation for use by employees;
- Any tools provided by the Corporation that have embedded sensors;
- Vehicles provided for use by the Corporation; and
- Social media.

The Corporation may also electronically monitor any employee's publicly visible activities and interactions online, including such activities on social media platforms and forums that do not directly relate to the Corporation.

The Corporation retains the absolute discretion to commence or conclude any process of electronic monitoring at any time, as permissible by applicable laws. For further clarity, electronic monitoring may be continuous, ad hoc or time-limited, and the Corporation is not under any obligation to and will not provide further notices in advance of any period or circumstance of active electronic monitoring or the cessation of monitoring.

4.0 Definitions/Glossary

In addition to any other terms defined in this Policy, the following terms have the meanings assigned below:

- **"Electronic Monitoring"** means the collection, analysis, and use of information via periodic, systemic, and/or regular reviews, observation, or investigation through electronic means.
- **"Employee"** means "employee" as defined by the ESA.
- **FOI** means Freedom of Information.
- **GPS** means Global Positioning System.
- **km** means kilometers.
- **MFIPPA** means *Municipal Freedom of Information and Protection of Privacy Act*.

5.0 Electronic Monitoring

5.1 Purpose of Monitoring

The Corporation may undertake electronic monitoring for a targeted purpose such as investigations, audits, productivity assessments, and performance assessments, to ensure compliance with the policies of the Corporation, protection of the reputation of the Corporation, and/or compliance reviews. Alternatively, the Corporation may undertake electronic monitoring at any time and circumstance, at its own discretion, as part of its due diligence relating to the preservation of any Corporation records, assets, or employee activity for either statutory or internal record-keeping purposes.

The Corporation may and will use the information obtained through electronic monitoring for any lawful purpose. The Corporation may

conduct electronic monitoring for the purposes of any ongoing or anticipated legal, regulatory or investigative proceedings.

The Corporation may undertake electronic monitoring or use information obtained from same to satisfy any of its duties at law, including any duty under the *Human Rights Code*, R.S.O. 1990, c. H.19, the *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, or any other law. Further, in accordance with Section 41.1.1(7) of the ESA, nothing in the ESA or this Policy affects or limits the Corporation's ability to use information obtained through electronic monitoring of its employees.

The Corporation will not disclose any information gathered through electronic monitoring to any third party except as reasonably required and/or as permitted or required to do so by law.

5.2 How Monitoring is Conducted

Routine monitoring will be conducted by only the personnel of the Corporation required to do so, with management specifying which personnel is required to conduct routine monitoring of the Tools/Systems outlined in Section 5.3 below.

Targeted monitoring will be authorized by only the Director of Human Resources and/or the CAO. Targeted monitoring will be conducted by only the personnel of the Corporation required to do so by the Director of Human Resources and/or the CAO, or, on an as-needed basis, and at the sole discretion of the Director of Human Resources and/or the CAO, the Corporation may engage third party providers to conduct targeted monitoring or analysis.

The Corporation's management, and others as may be designated by management from time to time as per the terms above, have administrator privileges and control and developer access over all Corporation-provided devices, forums, networks and media as listed herein. The Corporation may at any time use such privileges and access to monitor any activity in a routine, targeted, or *ad hoc* manner.

The Corporation will only monitor an employee's publicly available online activities by conducting general or targeted internet searches of employee activities, or by reviewing an employee's public profile, publications, or postings on any publicly accessible forum, network or media.

5.3 Methods of Electronic Monitoring

Tool/System	Frequency	Method	Primary Purpose
Access Cards/Fobs	Each Use	An electronic sensor enables access to the facilities of the Corporation, which use creates a record each time an authorized user scans their fob and enters the facility	Facility Security
Network Log-In Credentials & Multi-Factor Authentication	Each Use	Passwords and confirmation of user through a secondary device permits access to the network of the Corporation, which login creates a record each time a user logs into the network	Network Security
Network Performance Monitoring Tools/ Firewalls/ VPN	Continuous	Tools that record network traffic occurring between workstations, servers, the internet, etc. to monitor network security and troubleshoot issues wit network accessibility by users	Network Security

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Tool/System	Frequency	Method	Primary Purpose
Email	Continuous	Exchange Logs and Barracuda Cloud Control Logging and other tools creates a record each time an email is sent or received using the Corporation's domain	Meeting MFIPPA and FOI obligations, Network Security, and Business Continuity
Internet Usage	Continuous	Umbrella Web Filter and LogMeIn/Goto among other potential applications track internet usage including websites visited each time a user accesses the internet	Network Security
County Connect	Continuous	Umbrella Web Filter tracks usage of County Connect, with posts created by users being visible to all other users	Employee Engagement
Payroll and HR Software	Continuous monitoring with more targeted monitoring as may be required	Employee payroll and HR data are housed on third-party software and accessed by employees, their supervisors, management, HR and payroll as required to administer pay and benefits	Network security, meeting employment obligations to employees, and protecting employee's personal information

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Tool/System	Frequency	Method	Primary Purpose
Cell Phone/Mobile Device Usage, Location Tracking, and Investigations	Continuous with more targeted analysis of individual data being implemented when there are reasonable grounds to do so	Telus billing and MDM are utilized to track usage, while location services enabled on mobile devices being used to locate missing assets and/or document unsanctioned employee activities	Asset Security, monitoring Plan Design for budgetary purposes
Telephone Usage	Continuous with more targeted analysis of individual data being implemented when there are reasonable grounds to do so	Mitel is utilized to track usage	Monitoring Plan Design for budgetary purposes
Laptop / Workstations	Continuous with more targeted analysis of individual data being implemented when there are reasonable grounds to do so	VPN, Powershell, PSTools, and other tools may be implemented from time to time to track usage and location, which may be used to locate missing assets and/or document unsanctioned employee activities	Meeting MFIPPA and FOI obligations, Asset and Network Security, and Business Continuity, and monitoring asset base for budgetary purposes

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Tool/System	Frequency	Method	Primary Purpose
Driver's Abstracts	As needed	Driver's Abstracts are accessed through ARIS/MTO for employees required to operate Corporate Fleet Vehicles or Equipment, and may be used to determine if an employee is meeting their obligations to have a certain designation or clear record as part of their employment with the Corporation	Asset Security, Insurance Obligations, Liability Concerns
GPS	Continuous with more targeted analysis of individual data being implemented when there are reasonable grounds to do so	Sensors may be installed on Corporation owned vehicles or devices to detect and report on usage, location, driver behaviour, engine diagnostics, and maintenance requirements, which may be used to assist the Corporation in defending liability claims for personal injury matters, and may be used to document unsanctioned employee activities	Asset Security, Fleet Management, Driver Safety and Security, Legal Defense, and Minimum Maintenance Standards Documentation

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Tool/System	Frequency	Method	Primary Purpose
Video Surveillance (Facility)	Continuous	Cameras record video footage of specific areas around and within the Corporations' facilities	Facility Security
Video Surveillance (Investigatory)	When there are reasonable grounds to suspect unlawful activity or beach of employment obligations	Private investigations may be conducted and third-party investigators may be retained to document employee activity both within and outside of facilities of the Corporation to document unsanctioned employee activities for which employee discipline may be warranted	Investigation of Employee Misconduct
File Access / File Creation	Continuous with more targeted analysis of individual data being implemented when there are reasonable grounds to do so	Various software and applications are used to create files which files contain metadata including author, individuals who have accessed the file, and dates for same	Network Security, File Security, Meeting MFIPPA and FOI obligations, and Business Continuity

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Tool/System	Frequency	Method	Primary Purpose
Software and Application Usage	Continuous with more targeted analysis of individual data being implemented when there are reasonable grounds to do so	Various software and applications are provided by the Corporation which have various tracking and data collection tools embedded	Network Security, File Security, Meeting MFIPPA and FOI obligations, and Business Continuity
Fuel Usage	Continuous with more targeted analysis of individual data being implemented when there are reasonable grounds to do so	Fuel usage is tracked primarily using Gasboy, which tracks usage on behalf of the Corporation	Asset Security, Fleet Management, safeguarding the Corporation's fuel inventory, expense tracking and monitoring for budgetary purposes
km Usage	Continuous with more targeted analysis of individual data being implemented when there are reasonable grounds to do so	Manual Logs and Odometer Readings are used to track km usage	Asset Security, Fleet Management, Fleet Repair and Maintenance, Personal Use Billing, and monitoring for budgetary purposes
Response Time	Continuous but limited to employees of EMS	Interdev is used to track response times	Legislative Reporting Requirements, Operational Master Plan Input, and monitoring for budgetary purposes

6.0 Responsibility of Management

It is the responsibility of management under this Policy to:

- review the methods of electronic monitoring to ensure the list is complete and accurate;
- provide all employees with updates to this Policy in accordance with the timelines provided for by the ESA, as amended; and
- retain the Policy in accordance with the requirements specified by the ESA, as amended.

7.0 Responsibility of Employees

It is the responsibility of employees under this Policy to:

- not obstruct the collection of electronic data identified in this Policy; and
- not falsify data or modify/disable data collection tools.

8.0 Related Documents/Legislation

This Policy is meant to be read in conjunction with all applicable legislation and other policies of the Corporation that may be in place from time to time, including, but not limited to the legislation and policies noted below:

- [Employment Standards Act, 2000;](#)
- [Working for Workers Act, 2022;](#)
- Corporate Policy 2001-001 Technology Use Policy;
- Corporate Policy 15-001 Video Monitoring Policy; and
- Corporate Policy 1993-001 Employee Code of Conduct.

9.0 Amendments

This Policy may be amended from time to time at the Corporation's sole discretion. In the event the Corporation amends the Policy, it will provide an amended copy of the Policy to employees as soon as possible, and in any event within any timelines provided for by the provisions of the ESA.

10.0 Summary of Amendments

Date	Amendment(s)
2023-03-15	Approved by Council (Pending)

Appendices

None