

Appendix B

Employment Standards Act, 2000

PART XI.1

WRITTEN POLICY ON ELECTRONIC MONITORING

Written policy on electronic monitoring

41.1.1 (1) 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. 2022, c. 7, Sched. 2, s. 4.

Required information

(2) The written policy with respect to electronic monitoring must contain the following information:

1. Whether the employer electronically monitors employees and if so,
 - i. a description of how and in what circumstances the employer may electronically monitor employees, and
 - ii. the purposes for which information obtained through electronic monitoring may be used by the employer.
2. The date the policy was prepared and the date any changes were made to the policy.
3. Such other information as may be prescribed. 2022, c. 7, Sched. 2, s. 4.

Copy of policy

(3) An employer that is required under this section to have a written policy with respect to electronic monitoring shall provide a copy of the policy to each of the employer's employees within 30 days from the day the employer is required to have the policy in place or, if an existing policy is changed, within 30 days of the changes being made. 2022, c. 7, Sched. 2, s. 4.

Same, new employee

(4) An employer that is required under this section to have a written policy with respect to electronic monitoring shall provide a copy of the policy to a new employee within 30 days of the day the employee becomes an employee of the employer or within 30 days

from the day the employer is required to have the policy in place, whichever is later. 2022, c. 7, Sched. 2, s. 4.

Same, assignment employee

(5) An employer that is a client of a temporary help agency, and that is required under this section to have a written policy with respect to electronic monitoring shall provide an assignment employee assigned to perform work for the employer with a copy of the policy within 24 hours of the start of the assignment or within 30 days from the day the employer is required to have the policy in place, whichever is later. 2022, c. 7, Sched. 2, s. 4.

Complaints

(6) A complaint under subsection 96 (1) alleging a contravention of this section may be made only with respect to subsections (3), (4) and (5) and, for greater certainty, a person may not file a complaint alleging a contravention of any other provision of this section or have such a complaint investigated. 2022, c. 7, Sched. 2, s. 4.

Use of information

(7) For greater certainty, nothing in this section affects or limits an employer's ability to use information obtained through electronic monitoring of its employees. 2022, c. 7, Sched. 2, s. 4.

Transition

(8) Despite subsection (1), an employer shall,

- (a) have until the date that is six months after the day the *Working for Workers Act, 2022* receives Royal Assent instead of March 1 to comply with the requirements of subsection (1); and
- (b) determine whether it employs 25 employees or more as of the January 1 immediately preceding the date described in clause (a). 2022, c. 7, Sched. 2, s. 4.