

Date: 2022-11-02

Subject: **Electronic Monitoring Policy**

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Report Number: Corporate Support Services-2022-962

Recommendations:

1. That the report titled **Electronic Monitoring Policy**, to the Special Council meeting of November 16, 2022 be received;
2. That the **Electronic Monitoring Policy**, as set out in Appendix A, be approved;
3. That staff be authorized to implement and administer the policy;

Overview:

- Recent amendments to the Employment Standards Act 2000 (ESA) require the City to establish a policy for disclosing Electronic Monitoring, by October 11, 2022.
- This policy has been created to meet the requirements of the ESA.

Background:

On December 2, 2021 Bill 27 (*Working for Workers Act, 2021*) came into effect, where the *Employment Standards Act, 2000* (the “ESA”) now requires employers with 25 or more employees on January 1 of any year to implement a written policy on electronic monitoring.

Under the ESA, an employer must, within the specified timeframes, provide a copy of the written policy to all of its employees and to all assignment employees who are assigned to perform work for that employer.

On July 13, 2022, the Ministry of Labour, Immigration, Training and Skills Development provided guidance on what the policy must address:

1. *Whether the employer electronically monitors employees. If so,*
 - i. *a description of how and in what circumstances the employer may electronically monitor employees:*
 - ii. *the purpose 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.*

The ESA does not require the employer to provide employees with a right to privacy.

The ESA requirements give some employees the right to be provided with specified information about electronic monitoring by their employer.

The requirements relating to written policies on the electronic monitoring of employees apply to all employees and employers covered by the ESA except the Crown, a Crown agency or an authority, board, commission, or corporation whose members are all appointed by the Crown and their employees.

A link to the ESA Electronic Monitoring guidelines is provided [here](#).

Current Situation:

The Electronic Monitoring Policy provides details of what is electronically monitored by the City of Brampton for disclosure to all staff.

Corporate Implications:

Financial Implications:

There are no new financial implications associated with implementation and administration of the policy.

Other Implications:

There are no other implications associate with this report.

Term of Council Priorities:

This report supports Brampton being a Well-Run City through continuously improving the day-to-day operations of the City through policy modernization.

Conclusion:

The report seeks approval from Council on the *Electronic Monitoring Policy* to demonstrate the City's commitment to being a Well-Run city and compliance with the ESA.

Authored by:

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Authored and Reviewed by:

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Reviewed by:

Adam Hughes, Chief Information Officer

Approved by:

Rick Conard, Acting Commissioner,
Corporate Support Services

Attachments:

Appendix A – Electronic Monitoring Policy

Appendix B – *Employment Standards Act, 2000*, Part XI.1 Written Policy Electronic Monitoring