



REPORT TO

REGULAR BOARD

## NEW POLICY – EMPLOYEE ELECTRONIC MONITORING POLICY (REVISED VERSION)

*For surely I know the plans for you, says the Lord, plans for your welfare and not for harm, to give you a future with hope (Jeremiah 29:11)*

Created, Draft	First Tabling	Review
November 30, 2022	January 26, 2023	

**Antonella Ceddia, Executive General Counsel**

**Lynda Coulter, Executive Superintendent of Human Resources, Leadership, & Equity**

### RECOMMENDATION REPORT

**Vision:**

*IN GOD’S IMAGE: Growing in Knowledge, with Justice and Hope*

**Mission:**

*Nurturing the faith development and academic excellence of our Catholic learning community through the love of God, neighbour, and self.*



MULTI-YEAR STRATEGIC PLAN  
2022 - 2025

IN GOD’S IMAGE: Growing in Knowledge, with Justice and Hope



Brendan Browne, PhD  
Director of Education

A. Della Mora  
Associate Director of Academic Affairs and Chief Operating Officer

D. Boyce  
Associate Director of Corporate Services, Chief Commercial Officer

R. Putnam  
Chief Financial Officer and Treasurer

## **A. EXECUTIVE SUMMARY**

This report recommends approval of a new Employee Electronic Monitoring Policy.

*The cumulative staff time required to prepare this report was 10 hours.*

## **B. PURPOSE**

This Recommendation Report arises from recent amendments to the *Employment Standards Act* that require employers to have a written policy on the electronic monitoring of employees.

The new policy was revised after being tabled at the Governance and Policy meeting on November 1, 2022. On November 14, 2022, administration received a comprehensive response from one of its labour partners regarding the proposed policy.

Appendix A is the original version of the policy that was reviewed and recommended by the Governance and Policy committee to proceed to Board for approval on December 8, 2022. It has been revised by the Board's legal counsel. The noted revisions are intended to address the concerns raised by TECT including providing clarity around the degree of monitoring as well as concerns about employee privacy while utilizing Board technology and wi-fi.

## **C. BACKGROUND**

1. On April 11, 2022, the Government of Ontario amended the *Employment Standards Act* (ESA) to require that employers that employ 25 or more employees have a written policy on the electronic monitoring of employees in place by October 11, 2022.
2. This draft policy appeared a meeting of the Governance and Policy Committee on December 6, 2022.

## **D. EVIDENCE/RESEARCH/ANALYSIS**

The policy has been created in consultation with the Executive Superintendent of Human Resources, Leadership, and Equity and the Executive Superintendent of Technology, Data, and Strategic Transformation

The new ESA provisions require that the policy states whether 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 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.

The Government of Ontario states clearly (on its website) that the ESA requirements do not establish a right for employees not to be electronically monitored by their employer and do not create any new privacy rights for employees.

The ESA requirements are limited to requiring 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 and setting out the purposes for which the information obtained through the electronic monitoring may be used.

## **E. METRICS AND ACCOUNTABILITY**

1. Recommendations in this report will be monitored by policy development staff
2. Further reports will be brought to Board in accordance with the policy review schedule.

## **F. IMPLEMENTATION**

The policy as approved will be posted on the TCDSB policy register.

## **G. COMMITTEE RECOMMENDATION**

The Governance and Policy Committee recommends that the Employee Electronic Monitoring Policy provided in Appendix A to this Report be adopted.