

## CR-20 ELECTRONIC MONITORING

LEGISLATIVE REFERENCE / AUTHORITY	<i>Employment Standards Act, 2000, S.O. 2000, c. 41, Part XI.1</i>
DATE APPROVED	
DATE REVIEWED	
DATES AMENDED	
DATE TO BE REVIEWED	
REPORTING REQUIREMENT	Annual compliance reporting

### LEGISLATIVE REFERENCE / AUTHORITY

The following is the policy of the Ottawa Police Services Board with respect to *Employment Standards Act, 2000* (the “ESA”), specifically Bill 88, the *Working for Workers Act, 2021* (the “Act”). This *Act* introduced a new requirement for employers in Ontario to have a written policy on electronic monitoring for all employees covered by the ESA.

This Policy applies to civilian employees of the Ottawa Police Service (the “Service”) and to Ottawa Police Services Board staff. For greater clarity, this Policy applies solely to all employees of the Ottawa Police Services Board (the “Board”), as defined by the *Employment Standards Act, 2000* (collectively “Employees”).

For the purposes of this Policy, the term “Employer” refers to the Board and/or Service, as the context requires.

### DEFINITIONS

For the purpose of this Policy, the following definitions apply:

**Electronic Monitoring:** includes all forms of employee monitoring that is done electronically.

**Electronic Access Controls (EACs):** The technology used to provide and deny physical or virtual access to a physical or virtual space. This includes, but is not limited

to, the magnetic stripe included within proximity/ID access cards, which also keeps records of access times and locations.

**Global Positioning System (GPS):** A network of satellites and receiving devices used to determine the location of something on Earth. This technology can be enabled within equipment such as vehicles [Automated Vehicle Location System (AVLS)], Connected Officer devices, and portable radios, in order to determine the location of the equipment, both at present, and historically. AVLS also documents current and historical speed of vehicles in which it is enabled.

**Video/Audio Surveillance/Monitoring Equipment:** Surveillance or otherwise monitoring by means of a camera or other recording device that monitors or records visual images and/or captures audio of activities recorded on Employer-owned electronic devices. This includes, but is not limited to, on-site surveillance cameras and in-car camera systems.

**Computer Monitoring:** The practice of collecting user activity data on Employer-owned computers, tablets, Connected Officer devices, networks, and other IT infrastructure. This data includes, but is not limited to, web browsing history, files downloaded, data input, network traffic, logons to corporate systems, interactions with data, peripheral device usage (mouse, keyboard, monitor, etc.), and information about the Employee's computer.

## **GUIDING PRINCIPLES**

### Expectation of Privacy in the Workplace

Monitoring Employee usage of Employer-owned workplace technology devices is an essential component of enforcing procedures, maintaining a respectful work environment, and ensuring that information technology (I.T.) assets that are owned and managed by the Employer are used safely and appropriately. The Employer monitors workplace technology devices to ensure I.T. resources are used in accordance with relevant policies, guidelines and procedures. For that reason, Employees must not expect privacy when using Employer systems. While all personal information collected by the Employer will be used appropriately in accordance with Board and Service policies, all activities that take place via Employer-owned electronic assets should be considered to be monitored.

## **POLICY OF THE BOARD**

It is, therefore, the policy of the Board that:

- 1) The Chief of Police will develop a Service policy about electronic monitoring of employees in accordance with Part XI.1 of the *ESA, as amended by the Working for Workers Act, 2021*, which outlines whether the Service electronically monitors employees, and if so:
  - a. Provides a description of how and in what circumstances the Service may electronically monitor employees;
  - b. The purposes for which information obtained through electronic monitoring may be used by the Service; and
  - c. Such other information as may be prescribed.
- 2) All Employees acknowledge that there is no expectation of privacy when using Employer systems and devices, including but not limited to Employer-owned computers, tablets, networks, and other I.T. infrastructure;
3. The Employer is authorized to electronically monitor Employees through the use of video/audio surveillance/monitoring equipment, computer monitoring, telephone monitoring, Electronic Access Controls and Global Positioning Systems, as outlined in the Service's Policy, and for the purposes detailed in the Service's Policy.

#### **Communication of Policy and Related Information**

4. The Chief of Police, in regards to civilian Employees of the Ottawa Police Service, and the Executive Director, in regards to Employees of the Ottawa Police Services Board, will ensure:
  - a. All new Employees are provided with a copy of this Policy and associated procedure within 30 days of an Employee's hire date; and,
  - b. All existing Employees are provided with a copy of this policy, and any amended versions of this policy, within 30 days of approval or amendment.

#### **MONITORING REQUIREMENTS:**

The Chief of Police shall ensure measures are in place to ensure compliance with this policy.