



Date: **March 28, 2023**
Prepared by: **James Duff, Executive Manager – Human Resource Services**
Subject: **Policy Approval – Human Resource Services**

Background

Bill 88 was passed into law on April 11, 2022. Among other things, Bill 88 adds new provisions to the Ontario *Employment Standards Act, 2000 (ESA)*. Based on these amendments, Ontario employers with 25 or more employees are now required to have a written electronic monitoring policy in place.

“Electronic monitoring” is not defined by Bill 88. However, government guidance states that electronic monitoring “includes all forms of employee and assignment employee monitoring that is done electronically”.

Bill 88 does not create a right for employees not to be electronically monitored by their employer, nor does it establish any new privacy rights. Rather, it requires that employers be transparent as to whether they are electronically monitoring their employees. If employers do electronically monitor employees, the written policy must:

- Describe how the monitoring occurs, and in what situations.
- Explain the purposes for which the information obtained through electronic monitoring may be used.

Further, the scope of an electronic monitoring policy is not limited to employer-issued devices/equipment or monitoring that occurs while at the workplace. A written policy must capture if an employer electronically monitors an employee’s use of a personal computer for work. The policy also applies whether work is conducted at the workplace, the employee’s home, or in a hybrid setting.

Recommendations

That the St. Clair Catholic District School Board receive the report: *Policy Approval – Human Resource Services* for information.

That the St. Clair Catholic District School Board approve *Sec. D Policy – Electronic Monitoring*, effective March 28, 2023.