



Policy

Peterborough Police Services Board

Electronic Monitoring of Employees

1.0 Background

- 1.1 Section 31(1) of the **Police Services Act** provides that a Board is responsible for the provision of police services and for law enforcement and crime prevention in the municipality and shall:
 - b) generally determine, after consultation with the Chief of Police, objectives and priorities with respect to police services in the municipality;
 - c) establish policies for the effective management of the police service; and
 - e) direct the Chief of Police and monitor his or her performance.
- 1.2 It is the responsibility of the Chief of Police of the Peterborough Police Service to administer policing services in accordance with the policies, priorities and objectives established by the Peterborough Police Services Board.
- 1.3 It is the responsibility of the Chief of Police to develop the necessary procedures to ensure compliance with Board policies and effective operations of the police service.
- 1.4 An amendment was made to the **Employment Standards Act**, 2000 (the ESA), specifically Bill 88, the **Working for Workers Act**, 2022 which introduced a new requirement for employers in Ontario to have a written policy for all employees with respect to the electronic monitoring of all employees covered by the ESA.

2.0 Definitions

- 2.1 “Act” means the **Police Services Act**, R.S.O. 1990, c.P.15, and amendments thereto and any successor legislation.
- 2.2 “Board” means the Peterborough Police Services Board.

- 2.3 “Chair” means the Chair of the Peterborough Police Services Board, or designate.
- 2.4 “Chief of Police” or “Chief” means the Chief of the Peterborough Police Service, or designate.
- 2.5 “Computer Monitoring” means the practice of collecting user activity data on employer-owned computers, tablets, cellular phones, 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, log-ons to corporate systems, interactions with data, peripheral device usage (mouse, keyboard, monitor, etc.), and information about the employee’s computer.
- 2.6 “Electronic Access Controls (EACs)” means 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 microchip included within security proximity/ID access cards, which also keeps records of access times and locations.
- 2.7 “Electronic Monitoring” means a general term referring to all forms of employee monitoring that is done electronically on devices or other electronic equipment issued by the employer.
- 2.8 “Employer” means the Board and/or the Service, as applicable.
- 2.9 “Executive Assistant” means the Executive Assistant to the Peterborough Police Services Board.
- 2.10 “Global Positioning System (GPS)” means 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 equipment, both at present, and historically. AVLS also documents current and historical speed or vehicles in which it is enabled.
- 2.11 “Members of the Service” means to all Sworn, Civilian and Auxiliary Members.
- 2.12 “Service” means the Peterborough Police Service.
- 2.13 “Video/Audio Surveillance/Monitoring Equipment” mean 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.

3.0 Policy Statement

- 3.1 The purpose of this Electronic Monitoring Policy is to clearly set out how and in what circumstances the Employer may electronically monitor Employees, and to outline the purposes for which information obtained through electronic monitoring may be used.
- 3.2 Electronic monitoring means employee monitoring that is conducted by any electronic means.
- 3.3 This Policy is required in order to be compliant with an amendment to the **Employment Standards Act: Bill 88, the Working for Workers Act, 2022.**
- 3.4 It is the policy of the Board to support the Members of the Service and Board Staff (collectively, “Member” or “Members”) in modernizing employer requirements to provide transparency about the electronic monitoring of employees where appropriate.

4.0 Application

- 4.1 This Policy applies to Board Members, the Chief of Police or designate, and staff of the Peterborough Police Services Board.

5.0 Guiding Principles

5.1 EXPECTATION OF PRIVACY IN THE WORKPLACE:

Monitoring Member usage of Employer-owned workplace technology devices is an essential component of enforcing procedures, maintaining a respectful work environment, and ensuring that Information Technology (IT) assets that are owned and managed by the employer are used safely and appropriately. This includes an employee’s personal device when operated on a remote desktop connection as a service platform.

The Employer monitors workplace technology devices to ensure IT resources are used in accordance with relevant Board policies and guidelines, and Service policies and procedures.

For that reason, Members must not expect privacy when using Employer systems and devices. While all personal information collected by the Employer will be used appropriately in accordance with applicable legislation, Board policies and Service policies and procedures, all activities that take place via Employer-owned electronic assets should be considered monitored.

6.0 Direction to the Chief

6.1 PROCEDURES:

- 6.1.1 The Chief shall develop and maintain processes and written procedures that meet the requirements of Part VII.01.01 of the **Employment Standards Act, 2000**, 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.
- 6.1.2 All Members acknowledge that there is no expectation of privacy when using Employer systems and devices, including but not limited to, Employer-owned computers, tablets, cellular phones, networks, and other IT infrastructure.
- 6.1.3 The Employer is authorized to electronically monitor Members through the use of video/audio surveillance/monitoring equipment, computer monitoring, telephone monitoring, electronic access controls, and global positioning systems, for the purposes outlined in the Service's policies and procedures.
- 6.1.4 The processes and written procedures developed and maintained by the Chief shall apply with the necessary modifications to Board staff, referred to for convenience as Members throughout this bylaw.

6.2 COMMUNICATION OF POLICY AND RELATED INFORMATION:

- 6.2.1 The Chief will ensure that:
- a) All new Members are provided with a copy of the Service's policies and procedures within 30 days of a Member's hire date;
 - b) All existing Members are provided with a copy of the Service's policies, procedures, and any amended versions, within 30 days of approval or amendment.

The Board Chair will ensure that:

- a) All new Board staff are provided with a copy of the Board's policy and the Service's policies, procedures within 30 days of the employee's hire date;

- b) All existing Board staff are provided with a copy of the Board's policy and the Service's policies, procedures, and any amended versions within 30 days of approval or amendment, and;
- c) Any amendment(s) to the Board's policy is provided to the Chief in writing within 30 days of approval.

6.3 EMPLOYER RECORD KEEPING REQUIREMENTS:

- 6.3.1 The Chief shall ensure that a copy of every Service policy or procedure on the electronic monitoring of employees that was required by the ESA is retained for a minimum of three years after the policy is no longer in effect.
- 6.3.2 The Executive Assistant shall ensure that a copy of every Board policy on the electronic monitoring of employees that was required by the ESA is retained for a minimum of ten years after the policy is no longer in effect.

7.0 Administration

- 7.1 That the Policy titled Electronic Monitoring of Employees is hereby enacted this 12th day of January, 2023.
- 7.2 That distribution of this policy be unrestricted.



Mary ten Doeschate, Chair
Peterborough Police Services Board