



Title: **ELECTRONIC MONITORING**

Adopted: November 2022

Reviewed:

Revised:

Related: Ontario Employment Standards Act  
GOV 009 Confidentiality for Staff and Volunteers  
HR 003 Respectful Learning and Working Environment  
HR 005 Employee Conflict of Interest  
SHSM 007 Digital Citizenship

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## **POLICY**

It is the policy of the Bloorview School Authority that information regarding the electronic monitoring of activities currently in place at Bloorview and information about the type of data collected and how it is used and secured, shall be communicated to the staff in accordance with the employment standards act.

## **BACKGROUND**

1. In April 2022, the Ontario government passed legislation as part of the Employment Standards Act which requires any employer of more than 25 employees to have a written policy on the electronic monitoring of employees.
2. The legislation identifies certain requirements that the policy must include.
3. The Bloorview School Authority (“Bloorview”) is committed to transparency with regard to electronic monitoring. “Electronic monitoring” refers to employee monitoring that is done electronically.
4. This policy applies to all employees, as defined by the Ontario *Employment Standards Act, 2000* (“ESA”). For clarity, “employee” under this Policy means only those employees of Bloorview which are considered employees under the ESA.
5. This policy applies to everyone who works at or on behalf of the Bloorview School Authority, including staff, management, secondees, volunteers, students, contractors and others who carry out activities within the organization. This policy also applies to employees when they are working remotely.
6. The ESA’s rules about the employer’s written policy on electronic monitoring do not affect or limit the Bloorview School Authority’s ability to use information obtained through the electronic monitoring of its employees in any way it sees fit.
7. This policy applies equally if the employee works from home, at the employer’s workplace, or under a hybrid “workplace/home” model.

8. Approved purposes exclusively include those listed below to reduce risk, deter activity, or investigate incidents:
- Safety of students, employees, and the public;
  - Security of Bloorview School Authority property;
  - Protection, integrity, and privacy of personal information;
  - Responsible stewardship of Authority resources, business continuity, and to protect Authority legal rights or fulfill Authority legal obligations.

**PROCEDURES**

9. The following table outlines the electronic monitoring technologies utilized by the Bloorview:

<b>Tool</b>	<b>Circumstances</b>	<b>How</b>	<b>Purpose</b>
Keystroke tracker	Continuous	Software tracks and records every keystroke entry made on a computer.	Network security
Email tracking	Continuous	Software records copies of all messages sent or received by addresses within Bloorview's domain	Network security
Electronic key fob system	Each scan	An electronic sensor creates a record each time an authorized user scans their key fob and enters the employer's premises	Facility security
Endpoint threat detection and response	Continuous	"ETDR" monitors the use of workstations (programs run, files read and written, etc.) and compares it against a baseline to detect abnormalities and potential unauthorized use.	Network security
Video surveillance (facility)	Continuous	Cameras record video footage of specific areas within Bloorview's facility	Facility security
Video surveillance (investigation)	With reasonable grounds to suspect unlawful activity or breach of contract	Private investigators may be retained to document employee activity outside of work using video camera technology	To detect unlawful activity or activity in breach of employment contract
Fire-walls/VPN/Web Gateways	Continuous	Network security programs and tools to monitor the use and access of Holland Bloorview's systems and networks	Network security
CCTV/Video Camera Systems (property and facilities, license plate recognition)	Continuous	Cameras record video footage and/or photo snapshots of specific areas and motor vehicle license plates for tracking authorized/unauthorized use of parking spaces within Holland Bloorview's properties and facilities.	Facility security, employee and asset protection, and service delivery.

10. Not all technology solutions with the capacity to electronically monitor employees are actively used on a routine basis
11. Nothing in this policy affects or limits Bloorview's ability to use information obtained through electronic monitoring.
12. Bloorview shall provide a copy of this Policy to each employee of Bloorview, and any new employee hired prior to the Policy's implementation, within 30 calendar days of implementation.
13. Bloorview will provide the policy to employees as:
  - An attachment to an email or,
  - As a link to the document online
14. Should any amendment(s) be made to the Policy after its implementation, Bloorview shall provide each employee of Bloorview a copy of the amended Policy within 30 calendar days of the amendment(s) being made.
15. This Policy may be amended from time to time in Bloorview's sole discretion. In the event that Bloorview amends this policy, it will provide an amended copy of the Policy to employees within 30 days of the changes being made.
16. Bloorview retains the right to engage in different or additional electronic monitoring in the future in accordance with its needs.
17. The Bloorview School Authority does not actively monitor employees using electronic means for the purpose of employee performance management as a normal course of business. However, Bloorview may use electronic monitoring tools for the purposes of monitoring, evaluating or investigating employee performance, behaviour or conduct, including whether to issue an employee discipline, up to and including termination of employment. Bloorview's use of any electronic monitoring tools for employment-related purposes is further subject to any rights an employee may otherwise have per their employment contract, collective agreement or otherwise at law.

## NOTES

18. Generally, only those accountable and responsible for the specified objective and the technology solution will have access to the collected data. Routine or ad hoc use of employee monitoring data is permitted where reasonable in the circumstances and aligned with the specified objective.
19. To provide employees with a reasonable degree of privacy, the following forms of electronic monitoring are strictly prohibited:
  - Video surveillance in private spaces such as washrooms or change rooms
  - Covert recording or streaming of webcam feeds
20. A complaint can only be made to the ministry, or be investigated by an employment standards officer, where there is an alleged contravention of the employer's obligation to provide a copy of the written policy within the required timeframe to its employees. A complaint alleging any other contravention of the policy on electronic monitoring of employee provisions cannot be made, or be investigated by, an employment standards officer.
21. Bloorview shall retain a copy of this policy for three (3) years after the policy ceases to be in effect.