

# Employee Electronic Monitoring Policy

**Category:** Human Resources

**Approval:** Board of Governors

**Responsibility:** Vice President, Human Resources

**Date approved:** December 9, 2022

## Definitions:

**Employee:** All individuals working as an employee at the University, this includes the President, Vice-Presidents, Directors, Managers, Supervisors, Staff, faculty, student employees, and researchers.

**Electronic Monitoring:** Refers to employee monitoring that is done electronically.

**Manager/ Supervisor:** Is a person who either has charge of a workplace or authority over a worker.

**University systems:** all services, networks, and devices owned, provided, or administered by any department of the University, such as email services, Internet access, file servers, voice message services, storage devices and services, laptop and desktop computers, phones and other mobile devices, and usage and access logs.

## Purpose/Reason for Policy:

Pursuant to Bill 88: Working for Workers Act, Trent University is committed to transparency with regard to electronic monitoring. The purpose of this Electronic Monitoring Policy (the "Policy") is to provide transparency about the University's use of electronic monitoring tools for employee activity.

This Policy is intended to outline the University's electronic monitoring practices and should be read in conjunction with other applicable University policies, guidelines or standards, including but not limited to:

- Access Control Policy
- Authentication and Password Policy
- Computing Privileges Policy
- Computing Resources Acceptable Use Policy
- Employee Identification Cards Policy
- Fraud, Theft, Misappropriation of University Resources Policy
- Free Speech Policy
- Handling Sensitive Information Policy
- Network Connection Policy
- Protection of Personal Information Policy
- Right to Disconnect Policy
- User Electronic Information Access Policy
- Video Surveillance Policy

**Scope of this Policy:**

This policy sets out guidelines and processes for monitoring of employee electronic information stored in or transmitted through any University system. This policy also sets out guidelines for circumstances in which the University may electronically monitor the activities of employees, including the purposes for which the information obtained may be used by the University.

This policy applies to all employee electronic information under the custody and control of the university. 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 the University who are considered employees under the ESA.

**Policy Statement:**

The University uses various electronic monitoring tools in different circumstances and for different purposes. The University categorizes its electronic monitoring practices into two groups:

- a. **Active Electronic Monitoring:** is the use of electronic monitoring tools that are intended to intentionally track employee activity or location and is monitored in real-time or close proximity to the time of collection.
- b. **Passive Electronic Monitoring:** is the collection, analysis and/or retention of data that may include, without limitation, data about employee activity or location either in physical spaces or on the university’s network that is not actively monitored.

The University may use data collected from active or passive electronic monitoring tools for employment-related purposes and reserves any and all rights to do so.

Please refer to the guidelines to this policy for a full details of how and in what circumstances the University uses electronic monitoring tools, and the purposes for which information obtained through electronic monitoring tools may be used by the University. Please note that these guidelines will be revised from time to time and approved by the President and Vice Presidents (PVP) group.

**Monitoring and Employee Performance:**

In addition to the purposes listed in the guidelines, the University may, when the circumstances warrant, 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. The University values employee privacy and its 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.

**Rights and Responsibilities:**

This Policy does not provide employees any new privacy rights or a right to not be electronically monitored. Nothing in this Policy affects or limits the University’s ability to conduct, or use information obtained through, electronic monitoring.

Nothing in this Policy is intended to amend or supersede any grievance procedure or other aspect of any applicable collective agreement.

In the event the University collects any personal information, as defined in the Freedom of Information and Protection of Privacy Act (FIPPA), when using the electronic monitoring tools listed

in guidelines, the University shall collect, use and disclose personal information in accordance with applicable legislation, including, but not limited to, FIPPA.

**Contact Officer:**

VP, Human Resources

**Date for Next Review:**

December 2024

**Related Policies, Procedures & Guidelines**

- a) Access Control Policy
- b) Authentication and Password Policy
- c) Computing Privileges Policy
- d) Computing Resources Acceptable Use Policy
- e) Employee Identification Cards Policy
- f) Fraud, Theft, Misappropriation of University Resources Policy
- g) Free Speech Policy
- h) Handling Sensitive Information Policy
- i) Network Connection Policy
- j) Protection of Personal Information Policy
- k) Right to Disconnect Policy
- l) User Electronic Information Access Policy
- m) Video Surveillance Policy