



**Policy Title:** Electronic Monitoring Transparency Policy

**Date Established:** October 11, 2022

**Office with Administrative Responsibility:** Human Resources

**Approver:** Vice-President, Equity, Diversity, and Inclusion

**Revision Date(s):** n/a

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## Purpose

The University of Windsor is committed to transparency regarding electronic monitoring.

The University of Windsor does not actively monitor employees using electronic or digital tools in its normal course of business.

The purpose of this Electronic Monitoring Transparency Policy (the “Policy”) is to provide transparency about the University’s use of electronic monitoring tools for employee activity.

This Policy has been produced in order to comply with recent Ontario Government legislation<sup>1</sup> requiring certain employers, including Universities, to provide information to all employees about electronic monitoring tools, including whether any active monitoring is or may be in use. The University provides such information in this Policy.

This Policy should be read in conjunction with all other relevant University policies and guidelines.

## Application

1. 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.

## Definitions

- “Electronic Monitoring” refers to employee monitoring that is done electronically.
- The University categorizes its electronic monitoring practices into two groups:

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. For example, active electronic monitoring tools may include the monitoring of electronic keystrokes.

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*. For example, passive electronic monitoring tools may include data collection relating to fob-use.

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<sup>1</sup> [Bill 88, An Act to enact the Digital Platform Workers' Rights Act, 2022 and to amend various Acts](#), which came into force in April 2022.

## **Electronic Monitoring Practices**

2. The University uses various electronic monitoring tools in different circumstances and for different purposes.
3. The University does not actively monitor employees using electronic means for the purpose of employee performance management as a normal course of business.
4. The University may use data collected from active or passive electronic monitoring tools for lawful employment-related purposes and reserves any and all rights to do so. For example, the University *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. The University's use of any electronic monitoring tools for employment-related purposes is further subject to any rights an employee may have otherwise per their employment contract, collective agreement or otherwise at law.
5. This Policy does not provide employees any new 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 for lawful purposes.
6. Nothing in this Policy is intended to amend or supersede any grievance procedure or other aspect of any applicable collective agreement.
7. In the event the University collects any personal information, as defined in the *Freedom of Information and Protection of Privacy Act* (FIPPA), the University shall collect, use and disclose personal information in accordance with applicable legislation, including, but not limited to, FIPPA.

## **Posting, Notice and Retention**

8. The University will provide all current employees with access to or a copy of this Policy within 30 calendar days of implementation.
9. The University will provide all employees hired after this Policy is first implemented with access to or a copy of this Policy (or the applicable revised version) within 30 calendar days of the employee's start date.
10. In the event this Policy is amended, the University will provide each employee with access to or a copy of the amended Policy within 30 calendar days of the date the amendment(s) become effective.
11. The University will provide a copy of this Policy to assignment employees assigned to perform work for the University within 24 hours of the start of the assignment or within 30 days of the Policy's implementation, whichever is later.
12. The University shall retain a copy of this Policy and any revised version of this Policy for a period of three (3) years after it ceases to be in effect.

## **Amendments**

13. This Policy may be amended from time to time in the University's sole discretion. In the event that the University amends this policy, it will provide an amended copy of the Policy to employees within 30 days of the changes being made.