

THE CORPORATION OF THE TOWNSHIP OF SOUTHGATE

BY-LAW NUMBER 2023-068

being a By-law to adopt the "Electronic Monitoring Policy"
known as Policy Number 93 and to repeal By-law 2022-152

Whereas the Municipal Act, S.O. 2001, Chapter 25, as amended, Section 5 (3), states that municipal power, including a municipality's capacity, rights, powers, and privileges, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas the Municipal Act, S.O. 2001, Chapter 25, as amended, Section 9, provides that a municipality has the capacity, rights, powers, and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas the Council of The Township of Southgate has deemed it desirable to adopt a policy with respect to Electronic Monitoring,

Now therefore be it resolved that the Corporation of the Township of Southgate hereby enacts as follows:

1. **That** the "Electronic Monitoring Policy" known as Policy No. 93, attached hereto as Schedule A is hereby adopted; and
2. **That** By-law 2022-152 is repealed; and
3. **That** this by-law shall come into force and effect on the date of its passing.

Read a first, second and third time and finally passed this 7th day of July 2023.

Brian Milne – Mayor

Lindsey Green – Clerk



Electronic Monitoring Policy

1. Purpose

The Township of Southgate is committed to informing employees about the presence of any and all electronic monitoring software or equipment either in the workplace or contained on any of the Township's devices. The Township values transparency and is committed to adhering to applicable legislation and regulations in relation to electronic monitoring in the workplace.

2. Policy Scope

This Policy applies to all Township employees including full-time, part-time, seasonal, volunteer, members of Council and contract employees whether working remotely or in the workplace they report to.

3. Applicable Legislation

This policy is written in accordance with Bill 88, Working for Workers Act, 2022 and the Employment Standards Act, 2000, as amended.

4. Definitions

- a. "Electronic Monitoring" under this Policy means using technologic, electronic or digital means to track, observe or monitor someone's actions.
- b. "Employment Standards Act" means the Employment Standards Act, 2000, as amended, including any regulations made under the Act, and otherwise referred to as the "ESA".
- c. "Township" means the Township of Southgate.

5. Roles and Responsibilities

a. Department Heads & Supervisors

- Ensure the privacy of employees is respected while maintaining appropriate use of Township issued devices.
- Inform Human Resources of any changes to equipment, devices or protocols which may impact this policy.
- Ensure staff are aware and understand the policy.
- Discuss any concerns related to this policy.

b. Employees

- Read, understand and acknowledge the policy.
- Discuss any concerns related to this policy with their supervisor or human resources.
- Use Township owned devices and/or equipment in compliance with this policies and all other applicable policies.

c. Human Resources

- Provide a copy of this policy to each employee within 30 days of Council approval, including all amendments.
- Provide a copy of this policy to all new employees within 30 days of their start date.



- Support problem solving where challenges are experienced in relation to this policy.
- Update the policy if made aware of any changes required due to change in equipment, devices or protocols.

6. Electronic Monitoring

The Township has the following electronic monitoring systems in place in the workplace:

a. Cell Phone Usage

- The Township is provided a breakdown of all cell phone usage on Township phones.
- This information is used to review appropriate usage of Township owned cellphones and determine best usage plans through the provider.

b. Fire Department Location Tracking

- The Dundalk Fire Department uses applications to track firefighter location using location services enabled on each user's phone when a fire call comes in and the user agrees to have their location tracked at that time.
- This location tracking is used to determine if firefighters are able to respond to emergency calls and is available to all Dundalk Fire Department members.

c. Fire Department Audio Recordings

- All fire department apparatus includes a radio system which is audio recorded at all times.
- Recordings are available to dispatch as well as the Fire Chief.
- Recordings are used for investigations, safety and training purposes.

d. Vehicle & Equipment Monitoring

- GPS devices and monitoring is used in Township owned vehicles and equipment to track location of vehicles.
- Vehicle computer monitoring is installed in most Township owned vehicles, including fire department apparatus and is recorded and may be accessed from time to time to monitor for unsafe driving and/or in the event of an incident for investigative purposes.
- The information that is collected includes vehicle location, time, speed, plow up/down, level of salt and/or sand applied to the road surfaces.
- These records may be accessed for monitoring purposes, training purposes, or in the event of an emergency, complaint or for legal liability court proceedings.

e. Video cameras and Recording Equipment

- Video surveillance technology is used on Township property to deter theft, vandalism and ensure employee safety.
- Video surveillance is used on Waste equipment to assist with investigations of complaints.



- Video surveillance is used on all fire department apparatus to be used for investigations, safety and training purposes.
- These video recordings are used by management to investigate specific occurrences or complaints.
- Should any misconduct be found on video surveillance footage, it may be disclosed to approved third parties if requested.
- Bathrooms, changing rooms and other private spaces do not have video surveillance and video surveillance equipment will be clearly visible and marked with noticed.

f. Virtual Meeting Recordings

- Any virtual meeting held by the Township of Southgate may be recorded and the meeting software program will notify all meeting participants if the meeting is being recorded.
- Public meetings are recorded and posted electronically on the Township's website, YouTube or other online platforms in order to provide transparency to the public.
- Meetings that are not public may still be recorded for future review and minute taking purposes and may be accessed by Township administrative staff.

7. Retention

All data obtained by the Township as part of electronic monitoring will be retained digitally in accordance with the Township's Retention By-Law and the Municipal Freedom of Information and Protection of Privacy Act.

8. Policy Review Cycle

This policy will be reviewed at minimum every three (3) years and updated if required.