New Ontario Law Requires Employers to Adopt Digital Monitoring Policies

January 1, 2023 is the deadline to get your policy in place.

Like many employers, your company may rely on the use of GPS, cell phone and other digital technologies to ensure workers do their jobs safely. While the data generated by these systems can help you protect workers, especially those who work alone, from home or at an offsite location, the information they generate is also privacy-protected. So, you need to be sensitive to and take steps to manage the privacy risks involved. In addition, if you're in Ontario, you must comply with a new law requiring employers to adopt written policies describing their use of monitoring technology. Here's a look at the new Ontario law and how to comply with it.

Ontario Bill 88

The new digital monitoring policy requirement is part of a larger piece of Ontario HR legislation called Bill 88, the *Working for Workers' Act, 2022*. While it doesn't ban, Bill 88 does restrict employer use of electronic technology to monitor workers. Employers who use these solutions have until January 1, 2023, to create and implement a written policy that essentially lets workers know that they're being monitored. Specifically, the policy must describe:

- The electronic monitoring devices the employer uses;
- The information those devices collect;
- How the employer plans to use the information it collects; and
- The third parties to which it intends to discloses the information.

Employers with 25 or more employees must also disclose the purposes of using such devices.

Use the OHSI Template to Comply with Bill 88

There's a template policy on the OHSI site that you can adapt to develop a policy of your own that complies with Bill 88. Although it's based on the example of using GPS in company vehicles to monitor drivers, the template can be adapted for just about any situation. Also keep in mind that adopting a written policy on monitoring technology use is advisable even if you're not in Ontario.