



Policy Type:	Human Resources	Policy Number:	HR-01
Policy Title:	Human Resources Management & Electronic Monitoring	Initial Policy Approval Date:	2011
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In accordance with the **Public Libraries Act**, R.S.O. 1990, c. P44, s. 15(1). "A board may appoint and remove such employees as it considers necessary, determine the terms of their employment, fix their remuneration and prescribe their duties."

The library board, as the employer of all library staff, seeks to create and maintain a work environment that is conducive to attaining its vision and mission.

Section 1: Policy Objectives

1. *Appropriate staffing is in place to provide services to the community.*

This means that there are enough employees who receive ongoing training and skill updating, and that there is always someone who can step in to run the library on an emergency basis in the absence of the Library CEO.

2. *Employees are treated fairly and professionally.*

This means that there exists human resources policies and procedures that at a minimum respect and adhere to provincial legislation related to employment and where possible go beyond minimum standards. These policies are applied consistently to all employees, and employees are aware of these policies and procedures, and have a vehicle for expressing an ethical dissent or reporting that human resources policies have not been followed.

3. *Employees receive fair compensation.*

This means that rates of pay, and benefits do not deviate materially from the geographic and professional market for the skills employed, and that compensation adheres to the principles of pay and internal equity.

4. *The personal information of all employees is confidential.*

Personnel records may be accessed only by the CEO, direct supervisor or HR professional who must protect the privacy of employees.

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Section 2: Responsibility

Part 1 - The library board is the employer of all staff and ultimately responsible for all human resources decisions.

1. The library board develops and approves all policies that are in support of its vision for human resources management including any clauses or practices originating from the municipality.
2. The library board, as a *collective whole*, directly hires and manages the Library CEO.
3. The municipality may assist with payroll processing and provide support and guidance in a number of human resources areas, such as recruitment.
4. The library board may establish a committee to undertake specific HR work on behalf of the board, in which case terms of reference for the committee will be established. (**see Note #1**)

Part 2 - The Library CEO is responsible for human resources management within the library.

1. The CEO develops human resources policies that support the board's vision, for library board approval.
2. The CEO keeps abreast of legislative and social changes which have an impact on the board's human resources policies and procedures.
3. The CEO hires and manages all library employees, either directly or through other managers and supervisors.

Section 3: Employee Records

The library maintains current, confidential information for each employee to meet statutory requirements such as income tax, pension, and employment insurance benefits. Information is kept so that it provides documentation to substantiate decisions on hiring, promotion, compensation, benefits, disciplinary action, and termination.

1. Employee records are kept in a locked filing cabinet in a secure location. All electronic records are password-protected.
2. An employee may request, and will be granted, access to his or her records.
3. An employee is not permitted to remove or add anything to the content of the employee files.
4. Where a board member seeks access to an employee's personal information the board member may only obtain the personal information:
 - a) in compelling circumstances affecting the health or safety of an employee
 - b) in compassionate circumstances, to facilitate contact with the next of kin or a friend of an employee who is injured, ill, or deceased
5. Each record contains basic administrative information including emergency contact numbers; benefits; salary and tax-related information; letter of employment; performance appraisals; and professional development information.
6. A record of emergency contact information for each employee is also maintained and employees should advise the employer promptly of any change to their personal information held at the library.
7. Records that are no longer required are destroyed in a secure manner.
8. Any breach of privacy must be reported to the CEO.

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Section 4: Employee-Employer Communications

1. We believe that well informed employees contribute to stronger organizational decision-making and better represent the library to the public, and, as such, will circulate reports, long-term plans and operational information to employees.
2. The CEO and supervisory staff will meet regularly with employees to facilitate strong staff participation in the workplace.
3. Within its communication framework, the CEO and supervisory staff will adhere to the conditions and circumstances described in Trillium Public Library Policy HR-03, *Hours of Work (including Disconnecting from Work)*.

Section 5: Employment Standards

1. The library shall follow the Ontario **Employment Standards Act, S.O. 2000** (ESA) and all subsequent versions of the Act, except in circumstances described in #3 below.
2. All new employees will be provided with a print copy of the Employment Standards poster within 30 days of the date that the person becomes an employee, as required under the **Employment Standards Act. (see Note #2)**
3. The *Employment Standards Act* does not apply to certain employees or volunteer including:
 - a) A secondary school student who performs work under a work experience program authorized by the school board that operates the school in which the student is enrolled.
 - b) An individual who performs work under a program approved by a college of applied arts and technology or a university.
 - c) A participant in community participation under the *Ontario Works Act, 1997*.
 - d) An individual who performs work under an order or sentence of a court or as part of an extrajudicial measure under the Youth Criminal Justice Act (Canada).
 - e) An individual who performs work in a simulated job or working environment if the primary purpose in placing the individual in the job or environment is his or her rehabilitation.
 - f) Any prescribed individuals listed in 2000, c. 41, s. 3 (5); 2006, c. 19, Sched. D, s. 7; 2017, c. 22, Sched. 1, s. 2 (2); 2020, c. 3, s. 1.

For employees within those exempt categories, the library shall follow the employment standards as prescribed by the appropriate governing bodies (e.g. secondary school, college, Ontario Works program, etc) and not the ESA. However, these individuals will be bound by the policies of the library including all Human Resources and Health & Safety policies and all employees, including this exempted class, are required to sign the Library's Policy Acknowledgement Statement and Confidentiality Statement. (see *HR-10*)

4. The Trillium Public Library will not practice **electronic monitoring** as outlined in the *Employment Standards Act*.

OR YOU COULD BE MORE SPECIFIC IN THE POLICY AND WRITE SOMETHING LIKE THIS

The Trillium Public Library has the capability to monitor library staff but will only access such data under specific circumstances. The parameters of electronic monitoring are as follows:

- [description of how the employer may electronically monitor employees]
 - Examples include GPS tracking of delivery vehicles or a specialized software system to monitor email / online chat activity
- [description of the circumstances in which the employer may electronically monitor employees]
 - Examples include compiling performance measurement statistics to inform workflow improvements
- [purposes for which information obtained through electronic monitoring may be used by the employer]
 - Examples include to assist in setting delivery routes for employee safety, evaluating performance, or planning service improvements and developments (**see Note #3**)


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Related Documents:

Public Libraries Act, R.S.O. 1990, c. P44, s. 15(1)

Trillium Public Library Policy HR-10: Employee Conduct (including Code of Conduct, Confidentiality Statement and Policy Acknowledgement Statement)

Trillium Public Library Policy HR-03, Hours of Work and Disconnecting from Work (formerly HR-13)

 **Editor's Notes:** (for information and the text is not to be included in your own library policy)

Note #1 – Responsibility

Section 2 of the sample policy deals with responsibilities. Some library boards develop their own HR policies, and some adopt those of the local municipality or county. Where the library board adopts those of the municipality or county, the library board should confirm such acceptance in writing through a motion at the board table and then copied into the policy documents.

Through the term of the board, some boards work with a series of standing committees (e.g. for finance, for property, for policy), some never have committees, and some only appoint ad hoc committees to deal with specific matters such as the completion of a CEO performance evaluation.

These are options available to a library board – and each structure/style has pros and cons to it. Before writing this section of your policy, be sure that it reflects the board governance structure used at your library (e.g. with or without standing committees)

Note #2 – Required posters and documents

The Ontario government has a page which describes “posters required in the workplace” – <https://www.ontario.ca/page/posters-required-workplace>. Here is the text from that page, including a link to the posters which you must share with employees, including an employment standards poster to be given to every new employee.

“Workplaces covered by the *Employment Standards Act*

All workplaces covered by the *Employment Standards Act* must distribute an employment standards poster to all employees. Employers are no longer required to post it in the workplace. Learn more about this requirement or download the [employment standards poster](#).

Workplaces covered by the *Occupational Health and Safety Act*

All workplaces covered by the *Occupational Health and Safety Act* must put up:

- A [health and safety at work poster](#)
- a copy of the *Occupational Health and Safety Act*
- the names and locations of your workplace [joint health and safety committee members](#)

If your workplace has more than 5 regularly employed workers you must also prepare, maintain and post [health and safety, workplace violence and workplace harassment policies every year](#). (*Editor's note: if under 5 employees, still need these policies, just not required to post*)

Workplaces covered by the *Workplace Safety Insurance Act*

Employers who are covered by the [Workplace Safety and Insurance Board \(WSIB\)](#) must put up:

- [in case of injury poster](#)”

Note #3 – Electronic monitoring

The Ontario *Working for Workers Act, 2021*, S.O. 2021, c35 – Bill 27 received Royal Assent on December 2, 2021.

This amending legislation changed or added clauses to the Ontario *Employment Standards Act* in two areas:

1. *Disconnecting from Work* - See Trillium Sample Policy HR 03 *Hours of Work and Disconnecting from Work* and the revised *Guide to the Employment Standards Act* on this topic, posted at <https://www.ontario.ca/document/your-guide-employment-standards-act-0/written-policy-disconnecting-from-work>
2. *Electronic monitoring*. See the revised *Guide to the Employment Standards Act* on this topic, posted at <https://www.ontario.ca/document/your-guide-employment-standards-act-0/written-policy-electronic-monitoring-employees>

Key points

1. organizations, including libraries, with less than 25 employees are NOT required to cover these topics in written policy, but you can include these two topics in your written policies if you wish
2. for our sample, we have assumed that the library was required to cover the topic of electronic monitoring and disconnecting from work in writing (that is, the library has more than 25 employees)
3. for electronic monitoring, we included two examples of circumstances where the employer may electronically monitor employees

For electronic monitoring, the *Guide to ESA* contains this information:

“Employers that employ 25 or more employees on January 1 of any year are required to have a written policy on the electronic monitoring of employees in place.

The policy must state whether or not the employer electronically monitors employees. If the employer does, the policy must include:

- a description of how and in what circumstances the employer may electronically monitor employees
- the purposes for which the information obtained through electronic monitoring may be used by the employer
- the date the policy was prepared
- the date any changes were made to the policy

An employer must, within the specified timeframes, provide a copy of the written policy to all of its employees and to all assignment employees who are assigned to perform work for that employer.

These requirements were added to the [Employment Standards Act, 2000](#) (ESA) on April 11, 2022. There is a special rule that applies in the first year of the requirement. Employers that employ 25 or more employees on **January 1, 2022** have until **October 11, 2022** to have a written policy on the electronic monitoring of employees in place.

Beginning in **2023**, and in the years that follow, employers that employ 25 or more employees on **January 1 of any year** must have a written policy on the electronic monitoring of employees in place **before March 1 of that year**.

The ESA requirements:

- do not establish a right for employees not to be electronically monitored by their employer
- do not create any new privacy rights for employees

The ESA requirements are limited to requiring that certain employers be transparent about whether they electronically monitor employees. If they do, the employer must be transparent by:

- describing how and in what circumstances that monitoring occurs
- setting out the purposes for which the information obtained through the electronic monitoring may be used”