



e2r Alert!

Spy Games or Legitimate Employee Monitoring?

The Ontario government recently announced that they would put forward another employee-protection based piece of legislation (Bill 27 recently provided a mandate to employers regarding the right to disconnect).

With the dramatic increase in employees working remotely (usually from home, but sometimes from cottages, other provinces and even other countries) some employers have acquired or increased their reliance on 'productivity' software in an effort to ensure that the work is being done, that productivity levels are maintained and, in some instances, to ensure that confidential information is protected.

Up to now, employers did not need to disclose this to their employees. From a privacy perspective, at common law, employers still needed to ensure they had a legitimate business purpose for the monitoring and that they did it in the least intrusive way, but there were no other significant limitations from a privacy perspective in Ontario.

The proposed legislation will mandate employers with 25 or more employees to advise those employees if they are being monitored, how they are being monitored, and more significantly, why they are being monitored.

Full details of what will be required, and any consequences for non-compliance, remain to be seen.

We will update you further when we know more and are happy to work with you to ensure you remain compliant in this ever-changing workplace landscape. As always, please do not hesitate to reach out to speak with an e2r™ Advisor.

[e2r™](#)

This document is intended to be used as a reference and ought not be considered as constituting legal advice (including jurisdictional variances) and accordingly should not be relied upon without obtaining specific legal advice from e2r™.