



DURHAM DISTRICT SCHOOL BOARD

NOTICE OF MEETING

STANDING COMMITTEE PUBLIC SESSION

Monday, November 7, 2022

Chairperson: Christine Thatcher

Vice-Chairperson: Scott Templeton

Director of Education: Norah Marsh

Recording Secretary: Kathy Fitzpatrick

DATE: Monday, November 7, 2022

TIME: 7:00 p.m.

LOCATION: Hybrid

ATTACHMENTS: Agenda

Copies to:

All Trustees

Director of Education

All Superintendents

STANDING COMMITTEE MEETING OF THE DURHAM DISTRICT SCHOOL BOARD
Monday, November 7, 2022
7:00 p.m.

	PAGE
1. <u>Call to Order</u>	
2. <u>Land Acknowledgement</u>	Verbal
<p>The Durham District School Board acknowledges that many Indigenous Nations have longstanding relationships, both historic and modern, with the territories upon which our school board and schools are located. Today, this area is home to many Indigenous peoples from across Turtle Island. We acknowledge that the Durham Region forms a part of the traditional and treaty territory of the Mississaugas of Scugog Island First Nation, the Mississauga Peoples and the treaty territory of the Chippewas of Georgina Island First Nation. It is on these ancestral and treaty lands that we teach, learn and live.</p>	
3. <u>Declarations of Interest</u>	Verbal
4. <u>Motion to Approve Agenda</u>	Verbal
5. <u>Director's Update</u> (Director Norah Marsh)	Verbal
6. <u>Recommended Actions</u>	
7. <u>Information Items</u>	
(a) Student Trustee Report (Student Trustees Ben Cameron, Lauren Edwards, Gwen Kuyt)	Verbal
(b) Electronic Monitoring Procedure (General Counsel Patrick Cotter)	1-8
(c) OPSBA Report (Trustee Christine Thatcher)	Verbal

8. Correspondence

- | | | |
|------|-----------------------------------|-------|
| i. | Halton District School Board | 9-10 |
| ii. | Rainy River District School Board | 11-12 |
| iii. | Waterloo District School Board | 13 |

9. Other Business

10. Adjournment

**DURHAM DISTRICT SCHOOL BOARD
ADMINISTRATIVE REPORT****REPORT TO:** Durham District School Board**DATE:** November 7, 2022**SUBJECT:** Electronic Monitoring Procedure**PAGE:** 1 of 3**ORIGIN:** Norah Marsh, Director of Education and Secretary to the Board
Patrick Cotter, General Counsel
Phanny Im, Legal Counsel**1.0 Purpose**

The purpose of this report is to provide the Board of Trustees with the *Electronic Monitoring Procedure* that has been adopted by the Durham District School Board (DDSB) in compliance with Bill 88, the *Working for Workers Act*. Bill 88 amended the *Employment Standards Act, 2000* ("ESA") in requiring employers with 25 or more employees to have a written policy disclosing electronic monitoring of employees.

Essentially, Bill 88 requires employers to be transparent about electronic monitoring of employees that currently occurs in the workplace. The procedure does not introduce new forms of electronic monitoring. The electronic monitoring referenced in the attached procedure is outlined in applicable DDSB policies, procedures, and practices.

The attached procedure was adopted October 11, 2022 in compliance with the timelines in the legislation.

2.0 Ignite Learning Strategic Priority/Operational Goals

Success – *Set high expectations and provide support to ensure all staff and students reach their potential every year.*

Well-being – *Create safe, welcoming, inclusive learning spaces to promote well-being for all students and staff.*

Leadership – *Identify future leaders, actively develop new leaders and responsively support current leaders.*

Equity – *Promote a sense of belonging and increase equitable outcomes for all by identifying and addressing barriers to success and engagement.*

Engagement – *Engage students, parents and community members to improve student outcomes and build public confidence.*

Innovation – *Re-imagine learning and teaching spaces through digital technologies and innovative resources.*

3.0 Analysis

Under the legislation, the procedure must include:

1. A description of how and in what circumstances the DDSB may electronically monitor employees, and
2. The purposes for which information obtained through electronic monitoring may be used by the DDSB.

On July 13, 2022, the Ministry of Labour, Training and Skills Development (the “Ministry”) issued guidance (the “Guide”) that defines “electronic monitoring” broadly to include “all forms of employee and assignment employee monitoring that is done electronically”.

Given the broad definition of “electronic monitoring” and that the purpose of the new requirement is to foster transparency, the attached procedure incorporates all forms of electronic monitoring, including both “active” and “passive” data collection, e.g., routine data collection without routine data analysis.

The Guide also provides the following additional clarification to the ESA amendments:

- It applies equally where the employee works from home, at the employer’s workplace, or under a hybrid “workplace/home” model. For example, if the employer electronically monitors employees through personal devices that is are used for work purposes, the policy must capture that.
- It does not limit the employer’s use of the information to what was written in the policy. For example, the policy may state that the purpose for a specific form of monitoring is IT security. If, however, the employer discovers through its electronic monitoring that an employee has been accessing inappropriate websites contrary to Human Resource policies, the employer can rely on that data for investigative and disciplinary purposes.
- A complaint can only be made to the Ministry, or be investigated by an employment standards officer, where there is an alleged contravention of the employer’s obligation to provide a copy of the written policy within the required timeframe to its employees. A complaint alleging any other contravention of the policy (such as relating to its contents) cannot be made under the ESA.

4.0 Evidence of impact

The procedure does not: establish a right for employees not to be electronically monitored by their employer; create any new privacy rights for employees; or affect or limit an employer’s ability to use information obtained through the electronic monitoring. It is a matter of transparency.

5.0 Communication Plan

The procedure must be posted on the DDSB website by November 10, 2022, to meet the requirement of providing a written copy to all employees within the 30 days following the procedure coming into place. The procedure will also be shared with all employees directly to inform them of its adoption.

6.0 Conclusion and/or Recommendations

This report and attached procedure is provided to the Board of Trustees for information.

7.0 Appendices

Appendix A – Electronic Monitoring Procedure

Report reviewed and submitted by:



Phanny Im, Legal Counsel



Patrick Cotter, General Counsel



Norah Marsh, Director of Education and Secretary to the Board

PROCEDURE

CORPORATE SERVICES

Network Access and Electronic Monitoring

Adopted under the Privacy Policy

1.0 Objective

- 1.1 This procedure is adopted under the DDSB's Privacy Policy to provide transparency as to Electronic Monitoring of employees in the workplace, in accordance with recent amendments to the *Employment Standards Act, 2000*.
- 1.2 This procedure summarizes Electronic Monitoring of employees that occurs as of this procedure's effective date, which includes any amendments to this procedure. Please refer to the applicable DDSB policy or procedure for details relating to specific forms of Electronic Monitoring (sections 5.1 and 5.2 of this procedure).
- 1.3 This procedure does not impact current employee privacy rights with respect to Electronic Monitoring, establish a right for employees not to be electronically monitored by the DDSB, create any new privacy rights for employees, or affect or limit the DDSB's ability to use information obtained through the Electronic Monitoring in accordance with the DDSB's policies and procedures and applicable legislation or regulation (including the DDSB's obligations to protect and retain Personal Information collected for monitoring purposes).
- 1.4 This procedure is to be interpreted and applied in accordance with the DDSB's commitment to promoting and upholding Indigenous rights and human rights in all its learning and working environments. This includes anti-colonial, anti-discriminatory and anti-racist approaches and actions to provide services and employment that are safe, welcoming, respectful, inclusive, equitable, accessible and free from discrimination and harassment consistent with the DDSB's Indigenous Education Policy, Human Rights, Anti-Discrimination and Anti-Racism Policy (the "Human Rights Policy"), Safe and Respectful Workplace Harassment Prevention Policy, and related procedures.

2.0 Definitions

In this procedure,

- 2.1 "Cloud Services" means a specific service offering computing, networking, application, or storage function made available to users on demand via the Internet from a cloud service provider as opposed to being provided from an organization's own on-premise servers and equipment.
- 2.2 "Electronic Monitoring" means all forms of employee monitoring that is done electronically.
- 2.3 "Network" means the hardware, software, and services (including Cloud Services) that the DDSB provides to employees, vendors, contractors and volunteers so they can perform work for the DDSB, as well as to other users connecting to the DDSB guest Network.

- 2.4 “Personal Information” means information about an identifiable or potentially identifiable individual as defined in the Municipal Freedom of Information and Protection of Privacy Act and includes, but is not limited to, personal health information and opinions about the individual.

3.0 Access to Network

- 3.1 The DDSB provides use of the Network to employees to enable the DDSB to fulfill its statutory mandate. The DDSB has access to user accounts and information for certain legitimate purposes, which may include (but are not limited to):
- Performing routine and non-invasive Network maintenance and repair (e.g., troubleshooting network performance issues);
 - Investigating Network misuse and employee misconduct where reasonable cause arises;
 - Proactively monitoring and auditing for Network misuse (e.g., suspicious user account activity, such as multiple concurrent logins from different locations that signals that a user account may be compromised);
 - Complying with a legal obligation;
 - Supporting work continuity; and
 - Data analysis to support compliance with DDSB policies and procedures and applicable laws.
- 3.2 The DDSB provides use of the Network to employees for professional purposes. The DDSB recognizes that there may be times when employees use the Network for personal purposes during the business day when on breaks. There is no expectation of privacy given the Network’s purposes. If employees require privacy, they need to use a personal device that is not connected to the Network. Use of the Network can be tracked to the individual signed in.

4.0 Electronic Monitoring

- 4.1 The DDSB may use the following Electronic Monitoring tools for the purposes of safety, user support, system administration and security, and compliance with DDSB policies and applicable laws:

Tool or Tool Class	Circumstances	How	Purpose
Web filtering	All internet traffic on DDSB issued laptops/computers, cellular devices and tablets connected to the Network	Firewalls	Protect from harmful and inappropriate content
E-Mail filtering	All DDSB e-mail traffic	E-mail filtering appliance	Protect from harmful content
Account Authentication	Staff login to services (e.g., account log off, log on, general location based on IP, etc.)	Active Directory, G-suite, Azure AD, standalone applications	To protect against unauthorized access

Tool or Tool Class	Circumstances	How	Purpose
Device Management (iPad/iPhone)	All Board iPads/iPhones	Mobile Device Management (IP address, hardware address, serial number, applications installed)	Protect against loss/theft, and enforce security settings
Device Management	All Board Chromebooks and Chrome Browser	Google Management Console (IP address, hardware address, model number, serial number, logon times, browser extensions installed, location based on Domain Name System entry and public IP address)	Protect against loss/theft, and enforce security settings
Video surveillance (external or public areas only)	Some schools and administrative buildings	Video surveillance cameras and recording systems	Safety, theft, illegal activity, behavioral/incident review
GPS Solution to track vehicles	In Board-owned vehicles	GPS tracking system and associated software	Protect against loss and theft. Staff safety in case of breakdown.
Door Fobs	All DDSB buildings	Door access activity through door FOB system	Control, log and monitor access to buildings
Security Information and Event Management	Suspicious activity (e.g., unusual user account activity, malware, unusual network traffic, etc.)	AD, Fortinet network appliance, External threat feeds, Google G-Suite, O365	Protect from threats and perform security investigations
Computer Application Logs	User Session Activities	Applications store the time stamps of login and IP address of users, etc.	Built into applications for security
Communication data	User activities	Communication data stored through various applications, including email, chat and messaging applications, etc.	Perform security investigations, system administration and user support

- 4.2 The DDSB collects the information in Section 4.1 routinely. DDSB does not access and analyze this information routinely but may authorize limited specific individuals to access this information only as appropriate, such as when investigating Network misuse and employee misconduct where reasonable cause arises and shall be in accordance with legal requirements as to privacy and only as permitted by law and in accordance with DDSB policies and procedures.
- 4.3 The DDSB reserves the right to employ special monitoring tools or change settings of existing monitoring tools as part of a reasonable investigation into potential breaches of DDSB's policies and/or procedures (including but not limited to, threats to employee safety and employee misconduct) and where necessary in the circumstances. These monitoring tools would be employed in accordance with applicable law, including privacy and human rights laws.
- 4.4 Electronic Monitoring applies equally where the employee works from home, on DDSB premises or other location where the employee performs work for the DDSB, or under a hybrid "workplace/home" model.
- 4.5 Any Personal Information about employees collected through Electronic Monitoring will be collected, used and disclosed only for the purposes described in the DDSB's policies and procedures and the applicable legislation, and will be subject to security, retention and access as described in the DDSB's policies and procedures and applicable legislation or regulation.
- 4.6 Information Technology Services and Legal Services are jointly responsible for the administration of this procedure. If employees have any questions regarding this procedure or any questions about Electronic Monitoring that are not addressed in the applicable DDSB policy or procedure, they may email: generaladvice.legal@ddsb.ca.
- 4.7 The DDSB expressly reserves the right to change, modify or delete portions of this procedure without notice. Any changes shall only be effective once the revised procedure is posted to the DDSB website.

5.0 Reference Documents

5.1 DDSB Policies

[Personnel – Privacy](#)

5.2 DDSB Procedures

[Personnel – Privacy](#)

[Acceptable and Safe Use Procedure for Computing Technology Safety](#)

[Guidelines for E-Mail](#)

[Staff Mobile Phones](#)

[Video Surveillance System](#)

5.3 Other Documents

[Working for Workers Act, 2022, S.O. 2022, c. 7 - Bill 88](#)

[Employment Standards Act, 2000, S.O. 2000, c. 41](#)

[Education Act, R.S.O. 1990, c. E.2](#)

[Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, c. M.56](#)

[Personal Health Information Protection Act, S.O. 2004, c. 3, Sched. A](#)

[Human Rights Code, R.S.O. 1990, c. H.19](#)

Appendix:
None

Effective Date
2022-10-11

Amended



October 20, 2022

The Honourable Stephen Lecce
Ministry of Education
438 University Ave., 5th Floor,
Toronto, ON M5G 2K8

Dear Minister Lecce:

At the September 21st, 2022 meeting of the Halton District School Board (HDSB), Board of Trustees meeting, the Board passed the following resolution requesting the Minister of Education revoke and replace wording in Section 264(1)(c) of the Education Act:

Be it resolved that the Chair in collaboration with the Director write a letter to the Minister of Education regarding Section 264(1)(c) of the Education Act, requesting that this section be revoked and replaced with a clause that is inclusive of Ontario's diverse population.

Section 264(1)(c) of the Act under Duties of teacher states:

(c) to inculcate by precept and example respect for religion and the principles of Judaeo-Christian morality and the highest regard for truth, justice, loyalty, love of country, humanity, benevolence, sobriety, industry, frugality, purity, temperance and all other virtues;

We believe this is contrary to Provincial PPM 119 (Developing and implementing equity and inclusive education policies in Ontario schools) which states: **"Providing a high-quality education for all is a key means of fostering social cohesion based on an inclusive society where diversity is affirmed within a framework of common values that promote the well-being of all citizens."** It is these common values that should be the focus.

The three goals of the Province's *Realizing the Promise of Diversity: Ontario's Equity and Inclusive Education Strategy* are outlined in PPM 119, as follows:

- shared and committed leadership by the ministry, board, and schools to eliminate discrimination through the identification and removal of biases and barriers.
- equity and inclusive education policies and practices to support positive learning environments that are respectful and welcoming to all.

Street Address: J.W. Singleton Education Centre • 2050 Guelph Line, Burlington, Ontario L7P 5A8

Mailing Address: J.W. Singleton Education Centre • P.O. Box 5005, Stn. LCD 1, Burlington, Ontario L7R 3Z2

Phone: 905-335-3663 | 1-877-618-3456 Fax: 905-335-9802

www.hdsb.ca

- accountability and transparency with ongoing progress demonstrated and communicated to the ministry and the community.

In this spirit, we respectfully ask the Minister to revoke and replace Section 264(1)(c) of the Act to reflect contemporary and current diversity, equity and inclusion policy and practices, and to reflect the Calls to Action 62 and 63s brought forward by the Truth and Reconciliation Commission.

Respectfully,



Margo Shuttleworth
Board Chair



Curtis Ennis
Director of Education

CC: Effie Triantafilopoulos, MPP
Natalie Pierre, MPP
Parm Gill, MPP
Stephen Crawford, MPP
Ted Arnott, MPP
Ontario School Board Chairs (English Public, English Catholic, French Public, French Catholic)
Cathy Abraham, President, Ontario Public School Boards' Association



Rainy River

DISTRICT SCHOOL BOARD

File Code: DIR GOV

October 12, 2022

EDUCATION CENTRE

522 Second St. E.
Fort Frances, ON
P9A 1N4
Phone: 807 274 9855
Fax: 807 274 5078
Toll Free: 1 800 214 1753

The Honorable Stephen Lecce, Minister of Education
13th floor, Mowat Block 900 Bay Street
Toronto, ON M7A 1L2

Sent via email to minister.edu@ontario.ca

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Dear Minister Lecce,

RE: Regulation 463/97 'Electronic Meetings and Meeting Attendance'**WEB SITE:**

www.rrdsb.com

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DIRECTOR

Heather Campbell

As you are aware, the temporary amendment to Regulation 463/97 allowing for electronic attendance of Board of Trustees and Committee meetings expires on November 14, 2022. I am writing on behalf of the Rainy River District School Board of Trustees to request the continuance of these amendments. The return to pre-COVID meeting requirements will disproportionately disadvantage boards serving large catchment areas such as ours, and we respectfully request that you reconsider permanently amending the Regulation as it currently stands.

Most Board and committee meetings are held at our Education Centre in Fort Frances, Ontario, which necessitates a 150 km drive for our Atikokan trustee, who currently chairs our Finance Committee. Additionally, it is our Board's practice that we conduct at least one meeting per school year in each of the communities of Atikokan, Emo, and Rainy River. This means that, should a trustee from either end of our school district be successfully elected to the position of Board Chair, they are faced with a one-way trip of 240 or more kilometres, the bulk of which is highway travel undertaken after sundown and often in unpredictable weather conditions.

The continuance of the Regulation's amendments is also fiscally responsible. With a time commitment upwards of seven hours to attend a single Board meeting, a hotel stay is often warranted for certain members of the Board.

The return to the pre-COVID meeting requirements is also disadvantageous to parents/guardians and community members from outlying areas of the Board. These stakeholders are discouraged from serving on Board advisory committees and are

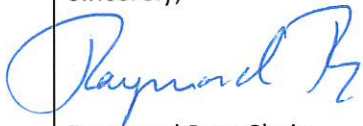
prohibited from serving in an executive role on an advisory committee should the Ontario Regulation 463/97 return to pre-COVID requirements due to the travel involved. Prior to the pandemic, these individuals were required to attend in person if serving as a chair of a Board advisory committee. As such, the return to the original requirements will see our parent/guardian and community members, including those from the surrounding First Nation communities with whom the Board works, travel over one hour one way, in the dark and on secondary highways, to participate in any advisory committee.

The discontinuation of the current amendments to Ontario Regulation 463/97 will be fiscally and environmentally irresponsible. As a government that promoted greater involvement of parents/guardians, the return to pre-COVID requirements will also discourage stakeholder involvement and be inequitable to those who reside in the outlying communities within our District.

The past two years have taught us many things, including the efficiency and effectiveness of virtual meetings of the Board and its standing and advisory committees. As such, we advocate for the continuation of the amendments to Ontario Regulation 463/97.

We thank you in advance for consideration of this request and look forward to your response.

Sincerely,



Raymond Roy, Chair,
Rainy River District School Board

- c. RRDSB Board of Trustees
 - Nancy Naylor, Deputy Minister
 - Heather Campbell, Director of Education
 - The Ontario Public School Boards Association and member boards



October 28, 2022

The Honourable Stephen Lecce, Minister of Education
 Ministry of Education
 315 Front Street West, 14th Floor
 Toronto, ON, M7A 0B8

Dear Minister Lecce,

At its meeting on September 26, 2022, the Board of Trustees for the Waterloo Region District School Board (WRDSB), agreed to write to you to express our support of the York Region District School Board's (YRDSB) letter requesting the Ministry of Education (Ministry) consider amending s. 55 of the Education Act to allow student trustees to move and second motions.

In the WRDSB, Student Trustees advocate on behalf of all students, bringing student voice to Board meetings and are a liaison between the student body, staff and trustees.

WRDSB Trustees believe that amending s. 55 of the Education Act to allow student trustees to move and second motions will further support the WRDSB's strategic direction centring students. Giving students a stronger voice through their Student Trustees further enhances student engagement by valuing their voices and ensuring they are heard.

Minister Lecce, we respectfully request the Ministry of Education consider amending The Education Act to allow Student Trustees the ability to move and second motions at board and committee meetings.

Sincerely,

A handwritten signature in black ink, reading 'Scott Piatkowski'.

Scott Piatkowski
 Chairperson of the Board of Trustees
 Waterloo Region District School Board

cc: WRDSB Trustees and Student Trustees
 Ontario Public School Boards' Association Member Board Chairs