

# Does Remote Monitoring of Employee Attendance Violate Privacy?



There's an important new court ruling out of Ontario that all HR directors should be aware of regardless of where their organizations operate. The case is about an engineering firm that was worried about [time theft](#) by its drivers and implemented what it thought would be the perfect solution: Require all employees to download a commercially available app called ExakTime enabling the company to monitor their start, stop and break times, as well as their exact location throughout the entire shift.

As you'd expect, the employees hated the app and summoned the union to fight it. The Ontario arbitrator found that the app, at least in its current configuration, violated [employee privacy rights](#) by collecting their personal data and allowing ExakTime to disclose that data to Google Analytics or any other third parties it decided to share it with. To make matters worse, the company didn't tell employees that their personal data would be so exposed. The employees' privacy interests outweighed the employer's interest in preventing [time theft](#), the arbitrator concluded [[International Union of Operating Engineers, Local 793 & Labourers' International Union of North America, Local 183 v Earth Boring Company Limited](#), 2021 CanLII 42419 (ON LA), May 15, 2021].

The takeaway is not simply **that** the union won but **why**. The underlying message seems to be that [maintaining attendance](#) and [productivity](#) don't justify use of [intrusive technology](#) to remotely monitor employees' whereabouts and activities. And that's something you need to keep in mind if you're thinking of doing something similar to monitor [telecommuters](#). So, what **can** you do [to monitor telecommuter productivity](#)? Go to the [HRI website](#) to find out, along with getting access to [model language](#) you can add to your [telecommuter policy](#).