

Lie Detectors in the Workplace Policy



Purpose

[Company Name] (“the Company”) respects employees’ right to privacy and is committed to ensuring a fair and lawful approach to gathering information relevant to workplace conduct. The purpose of this Policy is to outline the limited circumstances (if any) under which the Company may consider administering or requesting a lie detector (polygraph) test, as well as the safeguards, procedures, and employee rights associated with such tests.

Scope

This Policy applies to all employees of the Company, including full-time, part-time, contract, and casual employees working at any location in Canada. In the event of a conflict between this Policy and applicable legislation, the legislation prevails.

Important Note: Due to strong privacy and human rights protections in Canada, the use of lie detectors for employment purposes is **discouraged and may be illegal or unenforceable** in most scenarios. This Policy is provided purely for reference if the Company operates in a setting where such tests might be contemplated (e.g., certain security-sensitive contexts). Always seek legal advice before any such testing occurs.

Definitions

- **“Lie Detector Test” or “Polygraph Test”:** A device or procedure used to measure physiological data such as blood pressure, pulse, respiration, and skin conductivity in an attempt to identify whether the subject is being truthful in response to specific questions.
- **“Testing Administrator”:** A trained and qualified professional who conducts and interprets the lie detector test.
- **“Personal Information”:** Any information about an identifiable individual, subject to applicable federal (e.g., PIPEDA) or provincial/territorial privacy legislation.

General Policy Statement

1. The Company **does not routinely require or request lie detector tests** for any job applicants or current employees.
2. Any consideration of a lie detector test would only occur in **exceptional circumstances**, such as certain highly sensitive security positions, and only if permitted by law.
3. Employees have the **right to refuse** a lie detector test without fear of reprisal, in accordance with privacy, human rights, and employment standards legislation.
4. Any decision to request a lie detector test must be approved by [Designated Senior Official/Legal Counsel/HR Director] in writing, following a thorough legal review.

Conditions & Limitations

If, under **extremely rare** and exceptional circumstances, the Company determines a lie detector test is necessary:

1. **Compliance with Law:** The test must comply with all applicable privacy, human rights, and employment standards legislation.
2. **Voluntary Participation:** An employee's participation must be **voluntary**, and the employee must provide **informed, written consent**. The Company will not exert undue pressure, threats, or inducements.
3. **Restricted Scope:**
 - Only questions related to a specific, serious workplace incident or security concern may be asked.
 - Questions relating to personal characteristics protected under human rights legislation (e.g., race, religion, sexual orientation, family status) are strictly prohibited.
4. **Qualified Administrator:** The test must be conducted by a certified, independent professional. The Company may not administer the test itself.
5. **Privacy & Confidentiality:**
 - All test results and data are considered confidential and must be treated as highly sensitive personal information.
 - Access to test results is restricted to authorized persons who **require** this information for legitimate employment or legal purposes.
 - Data from the test shall be stored securely and retained only for as long as is necessary to fulfill its purpose or as required by law.
6. **No Automatic Disciplinary Action:** A test result by itself, including indications of "deception," **shall not be the sole basis** for discipline or termination. Any employment decision must be supported by additional investigation and evidence, in accordance with the principles of procedural fairness.

Employee Rights

- **Right to Refuse:** An employee may **refuse** to undergo a lie detector test. Refusal shall not result in discrimination, dismissal, or any form of retaliation.
- **Right to Withdraw Consent:** Employees can withdraw consent at any time prior to or during the test without penalty.
- **Right to Be Informed:** Employees must be informed about the purpose of the test, the nature of the questions, how the data will be used, who will see the results, and how long the information will be retained.
- **Right to Seek Advice:** Employees may choose to seek legal or union representation

(if applicable) before consenting to a test.

- **Right to Appeal:** If an employee believes that any aspect of the testing process or outcome has violated their rights under human rights, privacy, or employment legislation, they may file a complaint through the Company's internal complaint process or with the appropriate external authority (e.g., labour board or privacy commissioner).

Enforcement & Compliance

Failure to comply with this Policy may lead to disciplinary action, up to and including termination of employment for those responsible for unauthorized testing or misuse of test results.

Policy Review & Amendments

The Company will review and update this Policy to reflect any changes in applicable laws or internal practices. All employees will be informed of significant revisions to this Policy.

Policy Governance

The [HR Department/Legal Department/Designated Senior Official] is responsible for:

- Reviewing and updating this Policy to align with legal developments.
- Providing training to management regarding the rare and restricted use of lie detector tests.
- Ensuring any request or administration of a test complies with the law.