

Usage Policy and Protocol

Waterfront Human Resources Information System and the Protection of Personal Information

For the BCMEA and the Direct Employers

The Waterfront Human Resources Information System ('WHRIS') is a database system of employment related information pertaining to longshore employees and foremen working under the BCMEA/ILWU Collective Agreement. The Labour Relations, and Information Services Departments of the BCMEA developed WHRIS in consultation with the Direct Employers as an initiative to provide required information to Direct Employers of the BCMEA to better enable them to more efficiently manage on-site ILWU personnel in a safe and productive manner.

I. Application of the Policy

This policy applies to staff employees of the B.C. Maritime Employers Association ('BCMEA') and the members of the BCMEA who directly employ longshore labour ('Direct Employers') who are as follows:

- Associated Stevedoring Co. Ltd.
- Cerescorp Company
- DP World (Canada) Inc.
- Empire Grain Stevedoring Ltd.
- Fibreco Export Inc.
- Fraser Surrey Docks Ltd.
- Kinder Morgan Canada Terminals ULC
- Louis Wolfe & Sons (Vancouver) Ltd.
- Maher Terminals of Canada Corp.
- Neptune Bulk Terminals (Canada) Ltd.
- Pacific Coast Terminals Co. Ltd.
- Pacific Rim Stevedoring Ltd.
- Pacific Stevedoring & Contracting Co. Ltd.
- PCDC Canada Ltd.
- Squamish Terminals Ltd.
- TSI Systems Inc.
- Vancouver Shipping Agencies Ltd.
- Western Stevedoring Company Limited
- Western Stevedoring Terminal Operations Ltd.

II. Background

A. Purpose of WHRIS

Specifically, its purpose is:

To facilitate the more efficient management, by the Direct Employers, of on-site ILWU personnel with regards to enhancing on-the-job safety and productivity.

B. WHRIS Data

Collection of the WHRIS data is from two sources:

Historical Employer Waterfront Industry Registration Forms dating back approximately thirty (30) years. This information was gathered by the BCMEA from newly registered ILWU employees who provided personal work-related information.

BCMEA personnel records.

C. WHRIS Database of Personal Information

The WHRIS database contains personal employment related information of all employees currently working or eligible to work under the BCMEA/ILWU Collective Agreement. It includes:

Employee Name, Employee Type, Local and Status, Phone Number, Ratings, Training Programs, Safety Programs completed, recent Suspension/Restriction information, and Employee Hours Worked as they relate to Occupation Codes.

D. *Personal Information and Protection and Electronic Documents Act*

As of January 1, 2002, all businesses and undertakings within the federal sector became subject to the *Personal Information and Protection and Electronic Documents Act*. Among other things, the Act broadly encompasses the collection, use and disclosure of all forms of employee personal information. Therefore, set forth below is a policy statement and protocol in respect to the access and use of the Waterfront Human Resources Information System and the disclosure of its information the database contains.

In terms of the longshore industry, a unique relationship exists amongst the BCMEA and the Direct Employers. Specifically, it is as follows:

The BCMEA, and each Direct Employer are all separate legal entities.

The Direct Employers are members of the BCMEA.

The BCMEA is an Association of waterfront employers whose primary purposes are the negotiation and administration of the industry's Collective Agreement with the ILWU-Canada, and the overseeing and coordination of both the industry's training requirements and health and safety matters. While the Collective Agreement under which longshore labour is employed is between the BCMEA and the ILWU-Canada longshore, the Direct Employer members of the BCMEA employ the employees. Longshore employees may work for any number of Direct Employers throughout their employment years and furthermore may do so on a regular and on-going basis.

The BCMEA is the central collecting point of all information as it relates to the Human Resource database.

The WEBC is the central agency for facilitating the payment of longshore benefits under the terms of the BCMEA/ILWU Collective Agreement.

Therefore, for the purposes of the PIPED Act in respect to WHRIS, the BCMEA and the Direct Employers are collectively referred to as the "Employers" throughout the policy.

III. PIPED Policy with respect to WHRIS

A. Policy statement

The policy of the "Employers" is to protect the privacy of individuals concerning personal information under their control. The "Employers" recognize that effective systems to protect personal information are essential to safeguarding the interests of each Direct Employer, the employees, and other individuals or entities who share such information with the "Employers".

The "Employers" manage personal information holdings, with which they are entrusted, in a responsible and business-like manner. The "Employers" control the collection and quality of information; maintain up-to-date inventories of personal information and protect that information from unauthorized use, disclosure, retention and disposal pursuant to the Act

B. Application

This policy applies to all staff employees of the “Employers” who collect, have custody of and/or use personal information in the course of their duties, as well as to those who design the operating / functional policies, procedures, systems and forms that cause the collection and use of personal information. The policy applies to personal information stored in any media (e.g. paper, magnetic tape, disk, microfilm and video)

C. Accuracy of personal Information

The “Employers” shall take all reasonable steps to ensure personal information to be used in decision-making affecting an individual directly is as accurate, complete and up-to-date as possible.

Personal data entered into automated systems for decision-making purposes will be verified, by computerized methods or manually, in accordance with the value and sensitivity of the data.

D. The Use and Disclosure of Personal Information

The “Employers” shall only use personal information or disclose it to third parties for a purpose for which the information was obtained or compiled, as set forth above, or for a use consistent with that purpose.

Examples:

Valid Uses	Invalid Uses
Gather and analyze data that could enhance the management of on-site ILWU employees.	Dissemination, verbal or written, of personal information to unauthorized personnel, unauthorized regulatory agencies or to other third parties without the employee’s consent
Gather and analyze data that could prevent accident or injury to an individual	Gossip, harassment and general malicious intent to harm an individual

By signing this policy, the authorized employee agrees that the information provided will not leave or be transmitted from the site, in any manner, in contravention of the PIPED Act. Set forth below are some examples of reasons information may be transmitted to a third party:

- o as required by the Workers Compensation Board

- as required by the BCMEA, the WEBC or between the Direct Employers
- as required by HRDC, Transport Canada or other regulatory department of the Federal Government
- subpoenas
- to any body to which an employee provides a release, such as ICBC, medical practitioners, medical centres, etc.

E. Protection of Personal Information

Personal information entrusted to all authorized persons will be protected from unauthorized access, use, disclosure, removal, alteration and destruction. Access will be limited to the authorized staff employees set forth below who have a legitimate need to know.

No unnecessary or unsubstantiated opinions, whether in person or by regular or electronic mail will be proffered or provided. Any personal information required for reporting purposes and where the identity of the individual is not relevant, will be rendered anonymous unless consent from the individual is received.

Personal information will not normally be disclosed by telephone, unless both the caller's identity and need-to-know are verified, nor will it be posted or in any way viewable by the general public or by employees.

Whenever possible, terminals will be located to prevent casual observation and logged out when unattended. The electronic transmission of personal data, including by facsimile, should be among controlled access points.

F. Access to and Correction/Annotation of Personal Information and Right to Complain

Employees are entitled to access their personal information. Employees who believe that any of their privacy rights have been breached also have the right to raise the matter and have their concerns dealt with in an expeditious manner. To maintain consistency and a certain protocol in respect to either matter, any employee requesting such access or raising such complaint is to be referred directly to the BCMEA.

G. Authorized Staff

Only authorized staff employees will have access to the WHRIS database. Each authorized staff employee will be registered with the BCMEA's Information Services Department and will have a confidential password which must be

changed every six (6) months. Passwords will be a minimum of six (6) characters in length and contain a mixture of both alphabetic and numeric characters. Upon implementation, the number of authorized staff for each direct employer will be limited to a maximum of three (3) employees. The BCMEA may approve additional users on a company by company basis.

H. Monitoring

Usage of the Waterfront Human Resource Information System will be monitored as and when required by authorized staff of the BCMEA. Violation of the policy and protocol is serious, and may affect or jeopardize the continued use of the system by the "Employers". Therefore, any person found violating the policy will lose his/her access rights immediately.

I. Questions

Any questions pertaining to the application or interpretation of this policy are to be referred to the Labour Relations Department of the BCMEA.

The BCMEA Information Services Department warrants that all reasonable efforts have been made to ensure that generally accepted computer data security policies and practices have been implemented.

IV. Agreement

By signing this policy, I agree to fully comply with and be bound by the policy and protocol set forth above.

User Full Name

User Signature / Date

User Email

User Telephone

Company

Title

Witness Name

Witness Signature / Date