



# TOWN OF BERWICK

**POLICY  
#5.017**

**Appropriate Use of Mobile Communications Devices**

**Effective Date:**  
December 13, 2011

**Revision Date:**

**1. Objective:**

The Town of Berwick (“the Town”) recognises the value of mobile communications devices to employees conducting business on behalf of the Town. This policy provides direction for the safe, appropriate and consistent use of mobile devices by Staff and Council.

**2. Applicability:**

This policy applies to Staff and elected officials of the Town of Berwick.

**3. Definitions:**

3.1. *Mobile Communications Device (MCD)* refers to any handheld communication system – including cellular phones and smart phones, personal digital assistants (e.g., Blackberry, Palm Pilot), tablet computers (e.g., iPad, PlayBook) – and other types of mobile technology used for wireless communication by voice, data, email and Internet.

Two-way radios used that are owned by the Town and Berwick Electric Commission are exempt from the definition of MCD.

**4. General Provisions:**

4.1. In recognition of the need that most employees have to take care of occasional personal matters during work hours, reasonable personal use of MCDs is allowed, provided that it does not interfere with Town business.

4.2. In accordance with Section 100D of the *Motor Vehicles Act*, the use of an MCD is prohibited while operating Town vehicles, or private vehicles in the conduct of Town business. Staff must pull over and stop the vehicle when it is safe and appropriate to do so, before engaging in phone conversations, text messaging or emailing using an MCD. This section does not apply to a person who uses an MCD to report an immediate emergency situation.

4.3. In the interest of Staff and public safety, use of MCDs is prohibited while operating or working with heavy equipment, or while engaging in activities involving traffic or the operation of motorised or power tools.

4.4. The activity records for MCDs issued by the Town – including but not limited to call history, cost, emails, text messages, and internet access – is information that may have to be released to the public, if requested, under the Part XX of the *Municipal Government Act* regarding Freedom of Information and Protection of Privacy.

**5. Responsibilities:**

5.1. **Council (or its designated Committee)** are responsible for:

- a. ensuring that the Town has in place an effective policy to guide the appropriate use of

- MCDs by Staff and Councillors when conducting Town business, and;
- b. complying with this policy and any relevant municipal, provincial or federal legislation.

**5.2. The Chief Administrative Officer will:**

- a. administer and implement the Appropriate Use of Mobile Communications Devices Policy, and;
- b. identify necessary revisions to the existing policy, in collaboration with Council and Managerial Staff.

**5.3. Staff and Councillors** in possession of MCDs issued by the Town are responsible for:

- a. complying with this policy and any relevant municipal, provincial or federal legislation, and;
- b. being familiar with the usage plan assigned to their device, and using their device in such a manner so as to avoid unnecessary added costs.

**5.4. All other Staff** are responsible for:

- a. complying with this policy and any relevant municipal, provincial or federal legislation.

**6. Non-Compliance:**

Appropriate action will be taken for failure to comply with this policy, which may include progressive disciplinary action up to and including termination.

**7. Related Policies, Procedures and Legislation:**

Motor Vehicles Act

Municipal Government Act. 1998, c. 18, s. 1.

Labour Standards Code. R.S., c. 246, s. 1.

**Authority:** Council

**Date:**