

EMPLOYER OBLIGATIONS ON FEDERAL ELECTION DAY

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The next Canadian federal election will be held on Monday, October 19, 2015. The Canada *Elections Act* imposes certain obligations on employers to ensure that employees have sufficient time free from work to exercise their constitutional right to vote.

Time Off for Voting

The Canada *Elections Act* states that an employer must ensure that each employee eligible to vote has three consecutive hours off from work in which to vote. This does not mean the employee is entitled to three hours off from work, but rather that the employee must have a three hour period in which he or she is not scheduled to be at work during voting hours.

Time off can be at the beginning of a shift, the middle of a shift, the end of a shift, or not be necessary at all if the employee's normal working hours already provide the required time off from work. Voting hours are different across the country and so the voting hours and hours of work must be analyzed time zone by time zone. For example, if an employee lives in a riding where voting hours are 7:30 am to 7:30 pm and the employee is normally scheduled to work from 8:30 am to 4:30 pm, the employee is not entitled to any time off work as the employee already has the required three hours free for voting. If the employee normally works from 10:00 to 6:00 pm, then the employer is required to let the employee start work later (after 10:30 am), give the employee a three hour break in the middle of the day or let the employee leave work early (at 4:30 pm) to ensure there is the required three hour period free from work.

It is up to the employer to decide when their employees can most conveniently take time off from work to vote.

There are also some exceptions to the obligation to allow the employee to take time off. For example, if the voter works in the transportation industry different rules apply. For these employers, the obligation to provide three consecutive hours off to vote does not apply if these four conditions are met:

- the employer is a company that transports goods or passengers by land, air or water
- the employee is employed outside his or her polling division
- the employee is employed in the operation of a means of transportation, and
- the time off cannot be allowed without interfering with the transportation service

When are Polling Stations Open on Election Day

Polling stations are open on October 19, 2015 for voting as follows:

Voting hours at polling places for each time zone across Canada

Time zone	Voting hours (local time)
Newfoundland Time	8:30 a.m. – 8:30 p.m.
Atlantic Time	8:30 a.m. – 8:30 p.m.
Eastern Time	9:30 a.m. – 9:30 p.m.
Central Time*	8:30 a.m. – 8:30 p.m.
Mountain Time*	7:30 a.m. – 7:30 p.m.
Pacific Time	7:00 a.m. – 7:00 p.m.

* In Saskatchewan, when daylight saving time is in effect for the rest of the country, voting hours are from 7:30 a.m. to 7:30 p.m. (local time).

No Reduction in Employee Pay

An employee's pay cannot be deducted or reduced for time off provided for the employee to vote, nor can the employee be otherwise penalized for exercising his or her rights. Employees are entitled to their regular pay for their regular working hours not worked while voting.

Unionized Workplaces

If you are a unionized employer, check your Collective Agreement as it may have specific provisions applicable to your workplace, on top of your obligations to employees under the *Elections Act*.

Penalties

The failure by an employer to comply with Canada *Elections Act* is an offence and upon conviction an employer is subject to a penalty of up to \$2,000 or a term of imprisonment of not more than three months, or both.

by Joan M. Young

A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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