

Time Off to Vote: An Overview of Employer Obligations on Election Day

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As Canadians head to the polls for the federal election on Monday, October 21st, employers should be aware of their obligations to employees under the *Canada Elections Act*.

Pursuant to section 132 of the *Canada Elections Act*, every employee who is eligible to vote is entitled, during voting hours on polling day, to have three consecutive hours to cast their vote. If an employee's hours of work do not allow for three consecutive hours to vote, his or her employer must allow for the time off that is necessary to provide those three consecutive hours. However, the employer has the right to determine when in the day the time off will be granted, based on a time that is convenient for the employer.

Consider the following situations:

1. Jennifer lives in a riding where the polls are open from 9:30 A.M. to 9:30 P.M. on election day, and her work hours are from 9:00 A.M. to 5:00 P.M. Jennifer would have at least three consecutive hours to vote outside her work hours (from 5:00 P.M. to 9:30 P.M.), and her employer is not required to provide her with time off from work to vote.
2. However, if Jennifer's work hours are from 11:00 A.M. to 7:00 P.M., her employer must provide her with time off, at a time convenient for the employer, to allow her at least three consecutive hours to vote. The employer could allow Jennifer to start at 12:30 P.M., allow her to leave at 6:30 P.M., or give her three consecutive hours off during the work day.

Employers should also be aware that they cannot impose any penalty or deduct any pay from an employee for the time that the employer allows for voting. Employers are deemed to have made a deduction from an employee's pay if the employee is paid less than the amount that he or she would have earned on election day, regardless of whether the employee is paid on an hourly, piece-work, or other basis.

Under the *Canada Elections Act*, it is an offence for an employer to fail to provide an employee with three consecutive hours for voting. It is also an offence to impose a penalty or deduct an employee's pay where the employee has been provided time off to vote. A violation of these provisions of the *Canada Elections Act* could result in a fine of up to \$2,000, three months imprisonment, or both.

It should be noted that these rules do *not* apply to employees of a company that transports goods or passengers by land, air or water who are employed outside their polling division in the operation of a means of transportation, if the additional time required to vote cannot be allowed without interfering with the transportation service.

For further information about employer obligations on election day, or to ensure that you are in compliance with the requirements under the *Canada Elections Act*, please feel free to contact WeirFoulds' [Employment and Labour Law Group](#).

The information and comments herein are for the general information of the reader and are not intended as advice or opinion to be relied upon in relation to any particular circumstances. For particular application of the law to specific situations, the reader should seek professional advice.

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