

e2r Alert!

IT'S VOTING TIME AGAIN...KNOW YOUR EMPLOYER OBLIGATIONS!

On May 2, 2011 Canadians will return to the polls for the Federal election. With few exceptions, under the *Canada Elections Act* (the "Act") employers are obligated to ensure that employees who are qualified electors are provided with three (3) consecutive hours away from work in order to vote.

As an example, if voting hours in the employee's riding run from 9:30 a.m. to 9:30 p.m. on Election Day and the employee works from 9:00 a.m. to 5:00 p.m., an employer would have no obligation to provide time off work because the voting hours continue for at least three (3) consecutive hours after the employee's work day (i.e. from 5:00 p.m. to 9:30 p.m.).

If the same employee were scheduled, however, to work from 11:00 a.m. to 7:00 p.m. on Election Day, that employee's hours of work would not allow for three (3) consecutive hours away from work in order to vote. In this scenario the employer is required to allow that employee time away from work in order to vote. The employer retains the right to determine when the time off will be taken. The employer may decide, for example, to allow the employee to commence working at 12:30 p.m. or to leave work at 6:30 p.m. in order to allow the employee to have three (3) consecutive voting hours.

Note that any time that is required to be taken away from work in order for the employee to have three (3) consecutive hours to vote is paid time away from work. An employee must be paid what he or she would have earned during the time allowed off for voting.

Employer Considerations

As an employer, it is important to remember the following leading up to, or on, Election Day:

- Only eligible employees have the right to take time off to vote, where required. Eligibility to vote includes the requirement that the individual be a Canadian Citizen and at least 18 years of age as of the date of the election;
- Be mindful of established voting hours;
- Be aware of any possible scheduling issues, and where feasible, adjust work schedules to maintain productivity; and
- It is an offence for employers to fail to provide time off for voting, if required, or to reduce an employee's pay where the employee has been provided time off to vote in accordance with the Act.

Please note that special rules apply if your organization operates in the transportation industry.

Please contact e2r Solutions® should you have any questions regarding the foregoing.

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