

Employer Obligations and the Right to Vote

Election day is quickly approaching! With the Federal election scheduled for October 21, 2019, employees of your organization may be entitled to paid time off to vote.

The *Canada Elections Act* (the “Act”) provides that every employee who is an elector is entitled to three consecutive hours off from work to vote. For an employee to qualify as an elector on polling day, the employee must be a Canadian citizen and be at least 18 years old.

An employee who has three consecutive hours available outside of their work shift during polling hours are not entitled to additional time off to vote. For example, if the polling location at which the employee intends to vote is open from 9 a.m. to 9 p.m., an employee working from 9 a.m. to 5 p.m. would not require time away from the office to vote.

In the alternative, if an employee does not have three consecutive hours available in which to vote on Election Day, the employee may request time off from the employer. The Act does not set out the time frame in which employees are required to make the request for paid time off. As a result, employers may receive requests with short notice. Once the time off is requested, employers must approve the employee’s request for paid time off work to vote. The time off work to vote is “at the employer’s convenience”.

Employees may be released at the beginning, during or at the end of their work shifts.

Voting hours at polling places for each time zone across Canada:

Time zone	Voting times (local)
Newfoundland	8:30 a.m. to 8:30 p.m.
Atlantic	8:30 a.m. to 8:30 p.m.
Eastern	9:30 a.m. to 9:30 p.m.



Central	8:30 a.m. to 8:30 p.m.
Mountain	7:30 a.m. to 7:30 p.m.
Pacific	7:00 a.m. to 7:00 p.m.

An employer's attempt to withhold pay or interfere with an employee's right to three hours of time off to vote constitutes an offence under the *Act*. An offence of this nature is punishable by a fine of up to \$2,000, imprisonment for up to three years, or both. Further, if an employer goes a step further and uses intimidation, undue influence or any other means to prevent eligible employees from having three consecutive hours to vote, they risk a fine up to a maximum of \$50,000, imprisonment for up to five years, or both.

Given the penalties associated with the above, it is recommended that employers be prepared to react to requests for time off on October 21st or earlier. Note, employers are not required to provide the time off unless requested. If you have any questions about this leave or any other leave of absence, please do not hesitate to speak with an e2r® Advisor.

