

## Employer Obligations on Election Day

A federal election will be held on Monday, May 2, 2011. As a service to our valued clients, we are publishing this primer on the obligations employers have to their employees on election day.

### Employers must provide their employees:

***Three consecutive hours off work***

- Eligible voters are entitled to three consecutive hours off while polls are open for the purpose of casting their ballots.
- All Canadian citizens who are at least 18 years of age on election day are eligible to vote.

***Without loss of pay***

- Employers may not make any deduction from an employee's pay because the employee took time off to vote in accordance with the *Act*.

***At a time scheduled by the employer***

- Employers can choose when to provide the three consecutive hours for voting. The legislation allows employers to schedule time off at the convenience of the employer.

### When are polling stations open on election day?

- In the Pacific time zone, polling stations are open from 7:00 a.m. to 7:00 p.m.
- In the Mountain time zone, polling stations are open from 7:30 a.m. to 7:30 p.m.

**FOR EXAMPLE:**

Henrik and Daniel both work on election day.  
Polls are open from 7 a.m. to 7 p.m. in their electoral district.

Henrik works from 9:30 a.m. to 5:30 p.m.  
The employer must choose to let Henrik either:

- a. start late (i.e., at 10:00 a.m.);
- b. leave early (i.e., at 4:00 p.m.); or
- c. take three hours off during the day.

- Daniel works from 8:00 a.m. to 4:00 p.m.
- Daniel is not entitled to any time off work
  - He already has three hours free from work (i.e., 4:00 p.m. to 7:00 p.m.)

### **Penalties for Non-Compliance**

The consequences of failing to grant time off may be significant. An employer who fails to provide its employees with three consecutive hours off work to vote or who deducts wages because of time off to vote may face a fine of up to \$1,000. An employer who uses intimidation, undue influence or any other means to interfere with an employee's right to time off to vote may face a fine of up to \$5,000. In both instances, there is also the provision, albeit unlikely, for jail time.

### **Collective Agreement Obligations**

If you operate in a unionized environment, it is advisable to review any provision of your collective agreement that speaks to your obligations on election day as you may have obligations over and above those under the *Canada Elections Act*. For example, we are aware of at least one collective agreement that provides employees with four consecutive hours free from work to vote.

### **Transportation companies**

The right to have three consecutive hours free from work on election day, without any loss of pay, is not a right available to all employees. An employee of a company that transports goods or passengers by land, air or water who is employed outside his or her polling division in the operation of a means of transportation is not entitled to time off to vote if this cannot be accomplished without interfering with the transportation service.

*If you have any questions about how the election may affect your workplace, please contact **Drew Demerse** or any of our **other lawyers at Roper Greyell LLP**.*

