

Are Your Employees Entitled To Time Off To Vote?



With Canada's 42nd general election just around the corner, it is important for employers to know their obligations with respect to allowing employees time off to vote.

By law, all eligible voters must be allowed three consecutive hours to cast their vote on election day if they request it. If an employee's work schedule does not allow for three consecutive hours to vote, an employer must provide that time off. The employer has the right to decide when the time off will be given, and there is no obligation to include additional time for travel to the polls.

Employers are prohibited from imposing a penalty or deducting pay from an employee who is taking time off to vote. An employee must be paid what he or she would have earned during the time allowed off for voting.

If an employer fails to meet its obligations set out above, the maximum penalty is a fine of up to \$2,000, three months' imprisonment, or both.

For example:

The polls will be open from 7:30am – 7:30pm on election day (October 19) in Alberta. If an employee is scheduled to work from 9:00am – 5:00pm, they will not have three consecutive hours to vote.

Accordingly, if the employee requests time to vote, an employer would have three options:

1. Allow the employee to leave early, at 4:30pm;
2. Allow the employee to arrive late, at 10:30am; or
3. Give the employee three consecutive hours off to vote during the day.

Advance Polling Days

Advanced polls will be held on October 9, 10, 11, and 12 from noon until 8:00pm. Employers may be able to reduce the number of requests for time off on election day by circulating information about the advanced polling dates. That being said, advising an employee of the advanced polls does not relieve an employer of their obligation to provide time off to vote on election day if it is requested.

An employer is not obligated to provide time off to vote on an advanced polling day.

Exceptions for the Transportation Industry

For employers in the transportation industry, the obligation to provide three consecutive hours off to vote does not apply if these four conditions are met:

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

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