

Employer Obligations On Election Day



A federal general election will be held on Monday, April 28, 2025.

As a service to our clients, we are publishing this bulletin on the obligations owed by employers to their employees on election day.

What are the obligations of employers on election day?

Under the *Canada Elections Act*, for a federal election, employers must provide employees:

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| <i>Three consecutive hours off work</i> | <ul style="list-style-type: none">• Eligible voters are entitled to three consecutive hours off work while polls are open for the purpose of casting their ballot. |
| <i>Without loss of pay</i> | <ul style="list-style-type: none">• All Canadian citizens who are at least 18 years of age on election day are eligible to vote. |
| <i>At a time scheduled by the employer</i> | <ul style="list-style-type: none">• Employers may not make any deduction from an employee's pay because the employee took time off work to vote.• Employers can choose when to provide the three consecutive hours for voting.• Time off work can be scheduled as convenient to the employer. |

When will polling stations be open on election day?

- Newfoundland time zone: Polling stations will be open from 8:30 a.m. to 8:30 p.m.
- Atlantic time zone: Polling stations will be open from 8:30 a.m. to 8:30 p.m.
- Eastern time zone: Polling stations will be open from 9:30 a.m. to 9:30 p.m.
- Central time zone: Polling stations will be open from 8:30 a.m. to 8:30 p.m. *
- Mountain time zone: Polling stations will be open from 7:30 a.m. to 7:30 p.m. *
- Pacific time zone: Polling stations will be open from 7:00 a.m. to 7:00 p.m.

* In Saskatchewan, voting hours are from 7:30 a.m. to 7:30 p.m. for this general election.

Example

Shayna and Taylor both work on election day. Polls are open from 7:00 a.m. to 7:00 p.m. in their electoral district.

Example

Shayna works from 9:30 a.m. to 5:30 p.m. Taylor works from 8:00 a.m. to 4:00 p.m.

The employer must let Shayna do one of the following:

- Start work late – at 10:00 a.m.
- Leave work early – at 4:00 p.m.
- Take three consecutive hours off work during the day.
- Taylor is not entitled to any time off work.
- He already has three consecutive hours free from work – 4:00 to 7:00 p.m.

Non-compliance

It is an offence for an employer to fail to provide its employees with three consecutive hours off work to vote, or deduct wages because of time off work to vote. It is also an offence for an employer to use intimidation, undue influence or any other means to interfere with an employee's right to take time off work to vote.

The fines can be significant and range from thousands to tens of thousands of dollars. There is also the possibility, albeit unlikely, of jail time.

Collective agreement obligations

For clients that operate in a unionized environment, it is advisable to review any provisions in the collective agreement which speak to obligations on election day. Employers may have contractual obligations in addition to those under the legislation.

We are aware of at least one collective agreement, for example, which provides employees with four consecutive hours off 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.

For a company that transports goods or passengers by land, air or water, an employee who is employed in the operation of a transportation service outside his or her polling division (a part of "an electoral district in a general election" which has "at least 250 electors") is not entitled to time off work to vote if this cannot be accomplished without interfering with the transportation service.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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