

# HR Alert: Let Employees Take Paid Time Off to Vote in Elections If They Request It



With the federal election approaching, Canadian companies and their HR directors need to be aware of the rules governing an employee's right to take paid time off from work to vote, especially since failure to comply with these rules may result in fines of up to \$2,000 and/or up to 3 months in prison.

## **The 3 Consecutive Hours Rule**

Under the *Canada Elections Act*, all Canadian citizens who are 18 or older and eligible to vote are entitled to 3 consecutive hours during official voting hours to vote in federal and provincial elections. If the work schedule prevents the employee from being away for 3 consecutive hours on Election Day, the employer must give them time off so that they get their 3 consecutive hours off, provided that the employee requests it. Thus, to determine an employee's entitlement to paid time off, you need to look at their work schedule on Election Day and the voting hours in your electoral district. Voting hours depend on which time zone the electoral district is in.

This graphic will come in handy, especially if you have remote employees working in different parts of the country:

Time Zone	Voting Hours
Newfoundland Time	8:30 am to 8:30 pm
Atlantic Time	8:30 am to 8:30 pm
Eastern Time	9:30 am to 9:30 pm
Central Time	8:30 am to 8:30 pm
Saskatchewan	7:30 am to 7:30 pm
Mountain Time	7:30 am to 7:30 pm
Pacific	7:00 am to 7:00 pm

Employers may not penalize or deduct pay from an employee who takes time off to vote. The employee must also be paid what they would have earned for the day had they not taken time off to vote. Thus, for example, employees who get one hour off to vote are entitled to one hour of wages as if they had worked the hour. However, employers get to decide when the time off on Election Day will be given and aren't required to give employees additional time beyond the 3 hours to travel to the polling place.

## Example

Pat, an Alberta employee, is scheduled to work from 9:00 am to 5:00 pm on Election Day. Because the polls in Alberta will be open from 7:30 am to 7:30 pm, Pat won't have 3 consecutive hours to vote. So, if Pat requests it, the employer would have to give Pat paid time off to vote. The options:

- Give Pat 3 consecutive hours off to vote during the day.
- Let Pat come to work late, that is, by as late as 10:30 am so that Pat has 3 hours to vote after the polls open.
- Let Pat leave early, that is, by 4:30 pm or earlier so that Pat has 3 hours to vote before the polls close.

## Exception for the Transportation Industry

The obligation to provide employees with 3 consecutive hours off to vote doesn't apply to employers in the transportation industry if the following 4 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 their polling division.
3. The employee is employed in the operation of a means of transportation.
4. The time off can't be allowed without interfering with the transportation service.