

Time To Cast Your Vote – What Employers Need To Know About Their Federal Election Obligations



Canadians will be heading to the polls on Monday, April 28th, 2025, to elect their next Federal Government. Employers have a number of obligations to employees under the Canada Elections Act, SC 2000, c 9 (the “Act”). With under 3 weeks until the election, now is a good time for employers to review those obligations.

By law, every employee who is eligible to vote is entitled to three consecutive hours, during voting hours on Election Day, to cast their vote. If these hours are not available outside of work hours, an employer must give an employee time off. An employer does have the right to determine what time during the work day the employee will have off, based upon what is convenient for the employer.

Consider this example:

On Election Day, polls are to be open in Manitoba from 8:30 a.m. to 8:30 p.m.

If an employee works from 8:00 a.m. to 4:00 p.m., the employer is not obligated to provide time off because the employee has at least three free consecutive hours to vote after their shift ends – from 4:00 p.m. to 8:30 p.m.

If the employee works from 12:00 p.m. to 8:00 p.m., again the employer is not obligated to provide time off because the employee has at least three free consecutive hours to vote before they begin work – from 8:30 a.m. to 12:00 p.m.

If the employee works from 10:00 a.m. to 6:00 p.m., or 11:00 a.m. to 7:00 p.m., the employer must provide the appropriate amount of time off, because the employee doesn't have 3 hours on either side of their shift in these situations. Here, the employer has a few options: they could let the employee leave early or let them start later, to allow for a three hour block on either side of the shift; or provide any 3 hour-block of time off during the shift that the employer chooses.

Employers cannot deduct pay or impose any penalty on an employee for the time off they are given to vote. Doing so, along with simply failing to provide an employee with three consecutive hours to vote, are considered offences under the Act, which could result in fines of up to \$2,000, up to three months in prison, or both.

Further, any interference with granting time off work to allow an employee to vote by

intimidation, undue influence or any other means is considered an offence, punishable on summary conviction, to a fine of not more than \$20,000 or to imprisonment for a term of not more than one year, or to both. If conviction is by indictment, the maximum fine rises to \$50,000 and the term of imprisonment up to five years. This all suggests that an employer cannot force an employee to vote at an advance poll if that happens to be on their day off, or force them to vote by mail. If an employee wishes to vote in person on Election Day, the employer must allow for that option under the Act.

While this law applies to all employers, employers in the transportation industry do have some exemptions. For employees whose company transports goods or passengers by land, air or water, who are employed outside of their polling division, and operating a means of transportation, if the additional time required to vote would interfere with the transportation service, the obligation to provide time off does not apply.

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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