

Blakes Bulletin

Labour & Employment

Federal Election – October 14, 2008

PROVIDING AN EMPLOYEE WITH TIME OFF TO VOTE

A federal election will be held across Canada on Tuesday, October 14, 2008. All Canadian citizens who are at least 18 years old on election day are eligible to vote.

The *Canada Elections Act* provides that employees who qualify as electors are entitled to three consecutive hours, while the polls are open, during which to vote. If the hours of work do not allow for this, an employer must provide the employee the time for voting that is necessary to provide those three consecutive hours.

Where an employer is required to provide time off to an employee to allow the employee three consecutive hours off, the time that the employer shall allow for voting may be at the employer's convenience, and must be with pay.

For example, if an employee lives in an electoral district where hours for voting are 9:30 a.m. to 9:30 p.m., and the employee's hours of work are 10:00 a.m. to 7:00 p.m., the employee's hours of work do not allow three consecutive hours for voting. In such a case, an employer can allow the employee to arrive late (i.e., 12:30 p.m.), to leave early (i.e., 6:30 p.m.), or provide the employee three consecutive hours off at some other point during the workday in order to enable the employee the opportunity to vote.

The hours during which the polls are open on election day vary across the country's different time zones, and are as follows: from 8:30 a.m. to 8:30 p.m. in the Newfoundland, Atlantic, or Central time zones; from 9:30 a.m. to 9:30 p.m. in the Eastern time zone; from 7:30 a.m. to 7:30 p.m. in the Mountain time zone; and from 7:00 a.m. to 7:00 p.m. in the Pacific time zone. If the polling day occurs during the period of the year when the rest of the country is observing daylight saving time, as in this case, the voting hours in Saskatchewan are 7:30 a.m. to 7:30 p.m. (in the case of an electoral district in the Central time zone) and 7:00 a.m. to 7:00 p.m. (in the case of an electoral district in the Mountain time zone).

EXCEPTION – TRANSPORTATION COMPANIES

The obligation to provide three consecutive hours off work does not apply to an employee engaged in the transportation of goods or passengers by land, air or water, who is employed outside his or her polling division, if the additional time cannot be allowed without interfering with the transportation service.

NO PENALTIES OR DEDUCTIONS FROM WAGES

An employer cannot make deductions from wages or impose a penalty on an employee for the time that the employer allows the employee to vote. An employee must be paid what he or she would have earned during the time allowed off for voting. Further, an employer cannot interfere with granting an employee time off for voting whether through intimidation, undue influence, or any other means.

For more information with respect to compliance with your obligations regarding employees' voting rights, please contact a member of Blakes Labour & Employment Group.

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