

**VOTING DAY:
AN EMPLOYER'S
OBLIGATION TO PROVIDE
TIME OFF TO VOTE**



Canada's Federal Election day is June 28th, 2004 and employers need to be aware of their obligation pursuant to the *Canada Elections Act*.

Polls in Alberta are open from 7:30 a.m. to 7:30 p.m. on June 28th, 2004 with advanced polls taking place on June 18th, 19th and 21st from 12:00 noon to 8:00 p.m. As a result, employees will need to be given ample time off from work – a minimum of three hours – to cast their vote.

**THREE CONSECUTIVE HOURS AT
EMPLOYER'S CONVENIENCE**

If an employee's work schedule on election day prevents having 3 consecutive hours off work to vote, the employer must provide time off with pay. Failure to do so may result in a fine of up to \$5,000.00 or imprisonment up to 5 years.

For example: On Election Day, if Employee X works from 6:00 a.m. to 6:00 p.m. At the end of the work day, he has only 1.5 consecutive hours (6:00 p.m. – 7:30 p.m.) to vote. The employer must arrange a convenient time to allow the employee the necessary time off. This can be achieved two ways:

- (a) release the employee from work by 4:30 p.m. so that he has 3 consecutive hours to vote (4:30 p.m. – 7:30 p.m.); or
- (b) give the employee 3 consecutive hours off during the work day to vote, for example, allowing the employee to leave work between 2:00 p.m. and 5:00 p.m.

Where an employee has 3 consecutive hours that fall within the voting hours and outside of scheduled work hours, there is no obligation to provide paid time off from work.

For example: On Election Day, if Employee Y works from 11:00 a.m. to 7:00 p.m. The employee has 3.5 consecutive hours (7:30 a.m. – 11:00 a.m.)

before starting work to vote. The employer is not obligated to provide time off.

The *Act* does not require an employer to make additional allowances for the employee's "travel time" to vote but it does prohibit employers from certain practices. Under the *Act*, employers are prohibited from making deductions from an employee's wages because the employer has allowed time off to vote, and cannot interfere with the exercise of an employee's statutory right to time off to vote by means of intimidation or exercising undue influence.

TRANSPORTATION COMPANY EXCEPTION

Employees of a transportation company (transportation of goods or passengers by land, air or water) who are employed outside their polling division in the operation of transportation are not entitled to time off if it would interfere with the transportation service.

Consequently, employers are urged to provide ample notice to their employees in regard to their statutory right to take time off to vote, and to give the appropriate amount of time off to allow them to do it.

If you have any questions or require additional information, please contact Walter Pavlic in Edmonton or Greg Stirling in our Calgary office.

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