



FTR Now

Municipal Elections 2014: Employers' Obligation to Provide Paid Time Off to Vote

Date: October 6, 2014

Province-wide municipal elections will be held on **October 27, 2014**, and voting hours will run from **10:00 a.m. to 8:00 p.m.** Under the *Municipal Elections Act, 1996*, all employees who are eligible to vote in the election are entitled to three consecutive hours during voting hours on election day to cast their vote. To be eligible to vote, an employee must be a Canadian citizen, be at least 18 years of age, and meet certain residency or property ownership or tenancy conditions.

Where an employee's hours of work prevent him or her from having the three consecutive voting hours required by the statute, the employee "is entitled to be absent from work for as long as is necessary to allow that amount of time". The time off is paid.

Where an employee has three consecutive hours that fall within voting hours and fall outside of his or her work hours, there is no obligation to provide paid time off from work. A couple of simple examples will illustrate this principle:

Example 1: Employee 1 works from 9:00 a.m. to 5:00 p.m. The employer would have no obligation to provide time off work because the voting hours continue for three consecutive hours after the end of Employee 1's work day (from 5:00 p.m. to 8:00 p.m.).

Example 2: Employee 2 works from 12:00 noon to 8:00 p.m. Employee 2 does not have a three consecutive hours that fall within voting hours, but outside of her work hours. Therefore, the employer must provide sufficient paid time off work to provide a voting period of three consecutive hours.

The statute says that the time off can be provided "as much as possible" at the convenience of the employer. In Example 2 above, the employer could allow Employee 2 to report to work one hour late (at 1:00 p.m.), as this would provide Employee 2 with a three-hour block of time to vote during voting hours – i.e. from 10:00 a.m. to 1:00 p.m.

Where an employer must provide time off to an employee so that he or she can vote, the employer may not make a deduction from pay nor impose any form of penalty. Rather, an employee must receive full pay for the day, and this obligation would apply regardless of the basis upon which an employee is paid. For example, if an employee is paid on a piece-work basis, the employer must pay the amount that the employee would have earned had he or she actually worked the full day.

If you have any questions about your obligations in connection with the upcoming election, please feel free to contact [your regular Hicks Morley lawyer](#).

The articles in this Client Update provide general information and should not be relied on as legal advice or opinion. This publication is copyrighted by Hicks Morley Hamilton Stewart Storie LLP and may not be photocopied or reproduced in any form, in whole or in part, without the express permission of Hicks Morley Hamilton Stewart Storie LLP. ©