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Employers Take Note: Certain Employees Entitled to Paid Time Off to Cast Vote in Provincial Election

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The Ontario provincial election will be held on June 2, 2022. Under the Ontario *Election Act (Act)*, eligible employees are entitled to three consecutive hours during voting hours to cast their vote. In some circumstances, this may require employers to provide certain employees with paid time off to vote.

For most of the province, voting hours will be between 9:00 a.m. and 9:00 p.m. For electoral districts that lie “entirely west of the meridian of 90° W. longitude,” (i.e. entirely in the Central Time Zone), voting hours will run between 8:00 a.m. and 8:00 p.m. Under the *Act*, all employees who are eligible to vote are entitled to three consecutive hours to cast their vote on election day during the voting hours outlined above.

Where an employee is not scheduled to work for three consecutive hours that fall within the voting hours, there is no obligation to provide the employee with any paid time off from work.

Where an employee’s hours of work prevent them from having three consecutive hours to vote as required by the *Act*, the employee may request time off for voting in order to reach the three consecutive hours off. This time off is paid.

The following examples illustrate these two scenarios:

Example 1: Employee A lives in London, and works from 9:00 a.m. to 5:00 p.m. The employer would have no obligation to provide time off work, even if requested, as the voting hours continue for four consecutive hours after the end of A’s work day.

Example 2: Employee B also lives in London, and works from 7:30 a.m. to 7:30 p.m. Employee B does not have a three-consecutive-hour voting period outside of work hours. Therefore, if requested by the employee, the employer must provide sufficient paid time off work to provide B with a three-consecutive-hour voting period.

If an employee makes the request for time off to reach the three-consecutive-hour requirement, the employer must grant the request.

The *Act* says that the time off “shall be provided at the time of day that best suits the convenience of the employer.” Therefore, the employer can choose how to grant the request. In Example 2 above, the employer could allow Employee B to leave work at 6:00 p.m., for example, as this would provide B with three consecutive hours to vote, from 6:00 p.m. to 9:00 p.m.

Where an employer must provide time off to an employee so that they can vote, the employer may not make any deduction from the employee’s pay or impose any form of penalty. The employee must receive a full day of pay. This obligation applies regardless of the basis upon which an employee is paid.

If an employee is a returning officer or is appointed by a returning officer to be a poll official, and they request leave for this role at least seven days prior to the commencement of the leave, the employer must provide unpaid time off for the employee to fulfil this role. This time off cannot be deducted from the employee’s vacation entitlement. The employer cannot impose any form of penalty on the employee who requests this leave.

For more information about your obligations under the Ontario *Election Act*, please contact your [regular Hicks Morley lawyer](#).

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