



# Employment Update

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*“On May 2, 2011 each Canadian citizen who is 18 years or older has the opportunity to cast a vote in the federal election. Three important questions arise for employers...”*

## TIME OFF TO VOTE?

**D. Barry Prentice**

On May 2, 2011 each Canadian citizen who is 18 years or older has the opportunity to cast a vote in the federal election. Three important questions arise for employers:

### 1. Are we required to permit our employees to take time off from work in order to exercise this right?

The Canada Elections Act provides that each qualifying voter (citizen, at least 18 years of age) is entitled to three consecutive hours, during which the polls are open in the jurisdiction in which he/she works, to cast his/her vote.

In the Eastern Time Zone (most of Ontario), the polls will be open from 9:30 AM to 9:30 PM. If an employee's work schedule does not allow three consecutive hours away from work during this 12 hour period, the employer must grant the employee the additional time off in order to satisfy this three hour criteria.

### 2. If we are required to grant time off to vote, can we select the actual time?

The employer has the right to select the actual time the employee will be away from work, provided it satisfies the requirement of three consecutive hours during which the polls are open.

### 3. Is the employee entitled to be paid for this time off work?

The Act requires the employer to pay the employee what he/she would have earned but for the time off.

How about the upcoming provincial election?

The Ontario Elections Act contains similar provisions. ■

As senior litigation partner at Blaney McMurtry LLP With more than two decades of experience in employment law, D. Barry Prentice acts as counsel for a broad range of clients both inside and outside the courts of Ontario. Barry can be reached at 416.593.3953 or bprentice@blaney.com.

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