

EMPLOYERS' ALERT

ELECTION NOTICE: Employees Must Be Given Time Off to Vote

January 23, 2006 is federal Election Day. On this day, all employees who are Canadian citizens and who are at least 18 years of age are entitled to have three consecutive hours off from work in order to vote. Voting hours in Ontario are from 9:30 a.m. until 9:30 p.m.

What does this mean for employers?

The *Canada Elections Act* mandates that employers have the following obligations with respect to an employee's time to vote:

- a. Every employee who is eligible to vote is entitled during voting hours on polling day to have three consecutive hours for the purpose of casting his or her vote. If their hours of work do not allow for those three consecutive hours, the employer must allow the time for voting that is necessary to provide those three consecutive hours.
- b. No employer may make a deduction from the pay of an employee, or impose a penalty, for the time off given to employees that the employer must allow for voting.
- c. It is an offence for an employer to interfere by intimidation, undue influence or by any other means, with the granting to an eligible voter of the three consecutive hours to vote.

"At the convenience of the employer"

The decision as to which hours during the day an employee is allowed to be absent is to be made "*at the convenience of the employer*". An employee who works from 9:00 a.m. until 4:30 p.m., for example, has at least three hours to vote after normal working hours, and time off need not be given. Alternatively, if an employee works from 10:00 a.m. until 7:00 p.m., some time off work must be given to allow for voting but it doesn't necessarily have to be during the middle of the employee's normal working day. The hours allowed for absence to vote are "*at the convenience of the employer*". Therefore, in this example, if the employee were allowed to leave work at 6:30 p.m., he or she would still have at least three hours in which to vote.

This alert is prepared as a service for our clients and other persons dealing with employment issues. It is not intended to be a complete statement of the law or an opinion on any subject. Although we endeavour to ensure its accuracy, no one should act upon it without a thorough examination of the law after the facts of a specific situation are considered. No part of this publication may be reproduced without prior written permission of Rubin Thomlinson LLP. This has been sent to you courtesy of Rubin Thomlinson LLP.

WHAT'S NEW AT RUBIN THOMLINSON LLP

- ◆ Our two-day "Respect at Work" training session is sold out. Due to demand, additional dates have been scheduled for April 26/27, 2006. Contact us for details.
- ◆ Read "Employment Law 101", a weekly column appearing Wednesdays in *Metro News* in which Rubin Thomlinson LLP's Daniel Lublin addresses important legal matters affecting employers and employees in the workplace.
- ◆ Join Christine M. Thomlinson on the morning of January 31, 2006 for a year in review of the top "Just Cause" cases of 2005. Contact our office for an invitation.

Rubin Thomlinson LLP provides optimal legal solutions to our clients' challenging workplace issues. If you would like to know more about our practice, please do not hesitate to contact us at (416) 847-1814 or via e-mail at contact@rt-law.ca

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