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## LABOUR AND EMPLOYMENT COMMUNIQUÉ

### CANADA VOTES – EMPLOYER OBLIGATIONS ON OCTOBER 14, 2008

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The federal election on October 14, 2008 gives rise to a number of employer obligations under the *Canada Elections Act*.

Employees who are eligible to vote must have three consecutive hours for the purpose of voting while the polls are open. If the regular hours of employment do not allow for this, an employee may request that he or she be excused for any amount of time necessary to allow for the consecutive three-hour time period. The employer must grant this request. However, the time off may be granted at the time of day most convenient for the employer. For example, if the polls are open from 9:00 a.m. to 9:00 p.m., and the employee is scheduled to work from 9:00 a.m. to 7:00 p.m., the employer could provide for the three consecutive hours by allowing the employee to leave work one hour early, at 6:00 p.m.

Employers may not deduct the employee's pay or impose any penalty for the time taken off work to vote.

Employers are exempt from these obligations where all four of the following conditions are met:

- the employer is a company that transports goods or passengers by land, air or water;
- the employee is employed outside his or her polling division;
- the employee is employed in the operation of a means of transportation; and,
- the time off cannot be allowed without interfering in the transportation service.

Non-compliance with the above obligations can attract fines of up to \$1,000.00 and/or five years of imprisonment.

#### ABOUT THE AUTHOR:

Meredith Wain is a member of our Labour and Employment Group in Toronto. She provides legal services and advice to a wide range of clients in the private and public sectors.

*Our Labour and Employment Practice Group is dedicated to providing comprehensive and integrated legal services, and advises management in all aspects of labour relations and employment law. For more information about our Group, visit our website at [www.millerthomson.com](http://www.millerthomson.com).*

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