Election day is soon: What obligations do employers have regarding the federal election?

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On April 28, 2025, Canadian voters will go to the polls for the federal election. Now is a good time to go over what obligations employers have under the *Canada Elections Act*[1] (the "**Act**") and what penalties apply should employers breach their obligations.

Summary

Employers are required to give employees who are eligible to vote three consecutive hours on election day to do so, without loss of pay. If an employee were to find themselves unable to exercise their right because of their schedule, the employer must change that employee's schedule.

However, under their management rights, employers are entitled to determine the period during which employees will be given time off to go vote. Management rights must be exercised reasonably and in accordance with applicable provisions of collective agreements, if any.

In Quebec, polling stations will be open from 9:30 a.m. to 9:30 p.m.

In addition, employers can in no case force employees to exercise their right to vote in advance.

Employers contravening the Act could be fined up to $2,000, but note that certain offences may result in significantly higher penalties. The Act stipulates in particular that no employer may "by intimidation, undue influence or by any other means, interfere with the granting to an elector in their employ of the three consecutive hours for voting."[2] In such cases, offenders may face fines of up to $50,000 or imprisonment for five years.

The same applies to an employer who, by intimidation or duress, would attempt to compel or compel a person "to vote or refrain from voting, or to vote or refrain from voting for a particular candidate or

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registered party, at an election.[3] As such, prudent employers should avoid making comments or behaving in a way that could be interpreted by employees as an attempt to influence their vote.

Conclusion

Election day is fast approaching. Don't hesitate to contact a member of our Labour and Employment Law team if you have any questions about the application of the *Canada Elections Act.*

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[1] S.C. 2000, c. 9.

[2] *Id*., s. 134.

[3] *Id*., s. 282.8.

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