

JOINT COMMUNICATION

Multi-Employer/UNA Collective Agreement Voting on Election Day October 2008

The federal election will be held on October 14, 2008 and we encourage all employees to exercise their right to cast a ballot. It is important that employees and employers are reminded that the Canada Elections Act is in force and sets the rules for voting on election day. The Act provides that:

- ▶ Polling stations in the Mountain time zone will be open from 0730 to 1930 hours [Sec. 128(1)].
- ▶ Employees are entitled to three consecutive hours while the polls are open in order to cast their vote. If work does not provide for three consecutive hours off duty while the polls are open, the employer must provide employees with time off in order to create a three hour period in which to vote [Sec. 132(1)].
- ▶ For affected employees, it is up to the employer to decide which work time they will have off in order to vote [Sec. 132(2)].
- ▶ The employer cannot deduct pay or impose any other penalty for the time that employees are away from work to cast their votes. The employer cannot pay less than the employees would have earned if they had not taken the time off work to vote [Sec. 133(1,2)].
- ▶ Section 134 of the Act states that, *"No employer shall, 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, as provided for in section 132."*

Most shifts worked on October 14, 2008 will provide employees with three consecutive hours away from work in order to vote without having to take any time off work. However, some shifts will require that employees receive time off to vote. For example, employees working a 12 hour extended day shift on election day will require some time off work, the timing of which will be at the employer's discretion.

It is important that employees and managers discuss this issue in advance in order to clarify when each employee will be allowed off work in order to vote. This will enable employees to make any necessary personal arrangements and managers to plan for appropriate staffing arrangements for the day.

Advance polls may be available prior to October 14th. However, the employer cannot require that an employee vote in an advance poll and the requirement for three consecutive hours off work without loss of earnings does not apply for utilization of the advance polls.

See the following page for the full text from the Canada Elections Act.

Applicable Sections of the Canada Elections Act, (2000, C.9)

132. (1) Every employee who is an elector is entitled, during voting hours on polling day, to have three consecutive hours for the purpose of casting his or her vote and, if his or her hours of work do not allow for those three consecutive hours, his or her employer shall allow the time for voting that is necessary to provide those three consecutive hours.
- (2) The time that the employer shall allow for voting under subsection (1) is at the convenience of the employer.
133. (1) No employer may make a deduction from the pay of an employee, or impose a penalty, for the time that the employer shall allow for voting under subsection 132(1).
- (2) An employer who pays an employee less than the amount that the employee would have earned on polling day, had the employee continued to work during the time referred to in subsection 132(2) that the employer allowed for voting, is deemed to have made a deduction from the pay of the employee, regardless of the basis on which the employee is paid.
134. No employer shall, 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, as provided for in section 132.