

Ontario's October 26 Municipal Election: What Employers Need to Know

October 2026
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With Ontario's municipal elections scheduled for October 26, 2026, employers should be prepared to meet their legal obligations under the *Municipal Elections Act, 1996* (the "**Act**"). In particular, employers must ensure that eligible employees have three consecutive hours to vote on voting day. Where an employee's work schedule does not provide this window, the employer must allow sufficient time off to accommodate voting, without deducting the employee's pay or imposing another penalty.

Time Off to Vote: Employer Obligations

Under section 50 of the Act, an employee who is entitled to vote in a municipal election must have three consecutive hours free from work to vote on voting day. If the employee's hours of work would not otherwise provide this window, the employee is entitled, upon request, to be absent from work for as long as necessary to meet this requirement.

Voting locations are generally open from 10 a.m. to 8 p.m. on voting day. Municipalities may also authorize alternative voting methods, including online voting or advance polls. However, the availability of alternative voting methods does not remove an employer's obligations under the Act. If an eligible employee forgoes those options and requests time to vote on voting day, the employer must ensure they have the required voting window. Employers should confirm the applicable voting arrangements in the municipality where an employee is entitled to vote.

If an employee's work schedule already provides the required time to vote while voting places are open, the employer is not required to provide additional time off. Where the employee's schedule does not allow for this period, the employer must provide sufficient time off to meet the three-hour requirement. Any absence must be timed to suit the employer's convenience as much as possible.

For example, assuming voting hours are from 10 a.m. to 8 p.m., an employee working from 9 a.m. to 5 p.m. would not require additional time off because they have three consecutive hours to vote between 5 p.m. and 8 p.m. In contrast, an employee working from 9 a.m. to 6 p.m. would have only two hours after work to vote. In that case, the employer could allow the employee to leave at 5 p.m., providing the required three-hour window while minimizing the employee's absence from work.

Employers are prohibited from deducting an employee's pay or imposing any other penalty because of an absence from work required to provide the necessary time to vote.

Do the Same Obligations Apply to Provincial and Federal Elections?

Broadly, yes. Similar protections exist under Ontario's *Election Act* and the federal *Canada Elections Act*.

Section 6(3) of Ontario's *Election Act* requires employers to ensure that eligible employees have three consecutive hours to vote during polling hours. Where an employee's work schedule does not provide that period, the employee may request the additional time necessary, and the employer must grant the request. The employer cannot deduct the employee's pay or impose a penalty for the required absence. The required time off is to be provided at the time that best suits the employer's convenience.

Similarly, section 132 of the *Canada Elections Act* entitles employees who are electors to three consecutive hours to vote during polling hours. If an employee's work schedule does not provide that window, the employer must allow the additional time necessary at a time convenient to the employer.

Although the applicable legislation and certain details differ depending on whether an election is municipal, provincial or federal, the practical rule for most Ontario employers is this: **if an eligible employee's work schedule does not provide three consecutive hours to vote while the polls are open, the employer must provide sufficient time off to create that three-hour window, without a loss of pay.**

Preparing for Election Day

Employers should review employee schedules in advance of October 26, 2026, particularly for employees working extended shifts or in continuous work operations. They should also confirm the applicable voting arrangements in the municipalities where their employees are entitled to vote. Employers should be mindful that the availability of advance, online or other alternative voting options does not necessarily relieve them of their statutory obligations on voting day. Where time off is required, employers should arrange the necessary schedule adjustments and ensure that employees do not suffer a loss of pay or other penalty.

Ontario employers should take proactive steps to comply with their election-related obligations while supporting employees' ability to exercise their voting rights. Please contact our Workplace Law Group with any questions about these obligations or for assistance in ensuring compliance.

Have more questions about doing business in Canada? Please [click here](#) or scan the QR code to access Aird & Berlis LLP's Market Expansion Dashboard, your one-stop-shop for market expansion resources.



Disclaimer: This article offers general comments on legal developments of concern to business organizations and individuals and is not intended to provide legal advice. Readers should seek professional legal advice on the issues that concern them.

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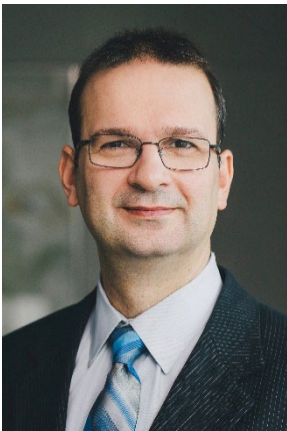
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Fiona has extensive experience advising international businesses entering the Canadian market. To date, she has advised more than 100 companies expanding into Canada. Fiona advises clients in this space all day, every day. She has been practising for more than a decade and is a regular speaker and writer on market expansion matters. Fiona is proud to have been recognized by *The Best Lawyers in Canada*, *The Canadian Legal Lexpert Directory* and *Benchmark Canada*.

A proactive and comprehensive approach is required to succeed in a new market. Fiona manages teams of other lawyers and patent agents to provide her clients with a full range of legal services to help their businesses grow. She acts as project manager to ensure her clients receive seamless legal services in all relevant areas.

Fiona takes great care to understand her clients' businesses and deliver advice that is tailored to meeting their specific needs. Her responsiveness, dedication to clear communication and hands-on approach show that she is personally invested in the success of her clients.

Fiona is pleased to offer a multitude of resources answering often-asked questions about expanding into Canada, including [this video](#) and [this one-page guide](#).



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Michael is a member of the firm's Workplace Law Group. His practice focuses on all aspects of labour and employment law in both the federal and provincial jurisdictions. He advises employers in a number of industries, including manufacturing, transportation, retail, electrical distribution, construction and financial services, on various matters, including employment standards, human rights, discipline, discharge, union certification, grievances, wrongful dismissal, executive employment matters and transactions, as well as general labour and employment law issues.

Michael represents employers before the courts and administrative tribunals, such as the Ontario Labour Relations Board, the Ontario Superior Court of Justice, the Ontario Divisional Court, the Ontario Court of Appeal, the Grievance Settlement Board, the Canadian Railway Office of Arbitration, the Ontario Employment Standards Branch, the Ontario Workplace Safety and Insurance Board and in grievance arbitration and mediation.



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Sonali summered at the firm in 2024 and 2025. She recently graduated from the Henry N.R. Jackman Faculty of Law at the University of Toronto, where she received accolades for academic excellence, including the Course Unique Best Student prizes in Legal Profession and Psychoanalysis and Law. At law school, Sonali served as the Co-President of the Privacy and Cyber Security Law Group. She also served as a board member of the Business Law Society and of Women and the Law.