

Understanding Ontario Employers' Obligations for the 2025 Provincial Election

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With Ontario's provincial election set for February 27, 2025, employers must be prepared to meet their legal obligations under the *Ontario Election Act* ("the **Act**"). One key requirement is to ensure that employees have at least **three consecutive hours** away from work during polling hours to cast their vote. If an employee's work schedule does not naturally provide this window, the employer must grant **paid** time off to accommodate it. Employers also have special obligations towards election volunteers.

Three Consecutive Hours Rule

Under the Act, employees who are Canadian citizens, 18 years or older and Ontario residents are entitled to three consecutive hours off work during polling time. In most of Ontario, voting hours are from **9 a.m. to 9 p.m. Eastern Standard Time ("EST")**, while electoral districts in the Central Time Zone will have polls open from **8 a.m. to 8 p.m.** If an employee's shift already allows for three consecutive hours outside of work, the employer has no obligations during polling hours. However, if an employee's schedule does not naturally grant such a window, the employee may request time off, and the employer must grant a **paid leave** sufficient to meet the three-hour requirement. The employer can choose when during the workday this time off is taken.

For example, an employee working from 9 a.m. to 5 p.m. EST would not need a leave, as they already have four consecutive hours off during voting hours (5 p.m. to 9 p.m.). In contrast, an employee scheduled from 7 a.m. to 7 p.m. would not have the required three-hour window and would be entitled to paid time off, at a time determined by the employer. In such a scenario, the employer could, for instance, allow the employee to leave at 6 p.m., granting them a window from 6 p.m. to 9 p.m. and minimizing their absence from work. Employers are expressly prohibited from withholding wages, imposing penalties or using an employee's vacation time to compensate for this time off.

Leave for Election Officials

Employees who volunteer as either Returning Officers or Poll Officials are also entitled to a job-protected, **unpaid** leave, as long as they request the leave and provide their employer with at least seven days' notice. This leave cannot be deducted from vacation entitlement and employers cannot discipline or terminate employees for taking it.

Legal Consequences of Non-Compliance

Non-compliance with the Act carries serious consequences. Employers who unknowingly deny eligible employees time off to vote or prevent them from serving as election officials could face fines of up to \$5,000. If a court finds that the violation was intentional, penalties can increase to \$25,000 in fines or up to two years less a day in prison.

Ontario employers should take proactive steps to ensure compliance with these election-related obligations to avoid penalties and support democratic participation. Please contact our Workplace Law Group for any related questions; we would be happy to help ensure compliance.

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



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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](#), all of which can be found on the [Market Expansion Resources Dashboard](#).



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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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Quinn summered at the firm in 2023. He recently graduated from the University of Toronto Faculty of Law. He also holds a Bachelor of Arts degree from McGill University where he majored in Sociology, minored in Communication Studies and graduated with Distinction.