



BULLETIN



SECURE AVIATION TRANSPORT LOCAL LODGE 16 INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS

ELECTIONS ACT

PART 6, DIVISION 1, VOTING OPPORTUNITIES, SECTION 74

Time off from work for general voting

- 74 (1) An employee who is entitled to vote in an election or who, on registration, will be entitled to vote in the election is entitled to have 4 consecutive hours free from employment during voting hours for general voting.
- (2) If an individual's hours of employment do not allow for the consecutive hours referred to in subsection (1), the individual's employer must allow the individual time off from employment to provide those hours.
- (3) The employer may set time off required by subsection (2) as best suits the convenience of the employer.
- (4) An employer must not (a) without reasonable justification, fail to grant to an employee sufficient time off as required by subsection (2), or (b) make a deduction in pay for the time off or exact any penalty from the employee for the time off.
- (5) The following are not entitled to time off under this section:
- (a) Election officials and individuals employed or retained by the chief electoral officer or a district electoral officer to work on general voting day;
 - (b) Individuals who, by reason of employment, are in such remote locations that they would be unable to reasonably reach any voting place during voting hours.

Right to time off

Section 74 of the *Election Act* establishes that any employee who is entitled to vote is entitled to have four consecutive hours free from employment during voting hours on General Voting Day for the purpose of voting. Voting hours on General Voting Day are 8 a.m. to 8 p.m., Pacific time.

This does not necessarily mean four hours off from work. It means that there must be a four hour period of no work during the time the voting places are open. It is up to the employer to decide when their employees can take time off work to vote. Time off may be at the beginning or end of an employee's shift, or unnecessary if normal working hours already provide the necessary time free from employment. For example, if a shift ends at 4 p.m., or does not begin until noon, the employee is not entitled to any time off. It is an offence for an employer to take any deduction from an employee's pay, or exact any other penalty, for time off for voting. The employee is entitled to their regular compensation for those hours not worked while voting.

Voting options

Four days of advance voting are available to all voters during the week before general voting. Advance voting is from 8 a.m. to 8 p.m. (local time) on the Wednesday, Thursday, Friday and Saturday before general voting. Use of advance voting and cooperation between employers and employees will ensure that all individuals have the opportunity to vote without disrupting business operations. Employers and employees are encouraged to discuss how staff may exercise their right to vote to ensure that the requirements of the Act are being met.

Exceptions

Section 74 does provide exceptions to the general rule. For example, if the voters are in such a remote location that they would be unable to reasonably reach any voting place during voting hours, they are not entitled to time off. What to do if your employer is refusing to provide time off?

If your employer does not provide you with the necessary time off for voting, you may contact Elections BC. Elections BC will phone the employer or fax a letter to them outlining their obligations under the Act. You must provide us with the name, address, phone number and/or fax number of the employer.

Failure to comply

Failure to comply with section 74 is an offence and, upon conviction, an employer may be liable to a fine of not more than \$10,000 or imprisonment for a term not longer than 1 year, or both. Contraventions of the Act should be reported in writing to the Chief Electoral Officer.

In Solidarity,

John Vincent, Communicator
Local Lodge 16, IAM & AW