



2017 Aruba General Elections

General elections will be held in Aruba on September 22, 2017. With Election Day drawing near, employers should be aware of the Electoral Ordinance related to providing employees with time off. This Tax Newsflash discusses the details of this topic.

Leave rights during voting hours

The voting officially commences at 8:00am and will end at 07:00pm. All employers must ensure their voting employees are allowed a minimum of four consecutive hours of voting leave. The four hours of voting leave rights are only allowed if the working hours of the employees fall within the voting hours. If, for any given reason, the employees already have four consecutive hours leave on September 22, 2017, the employer will not have the obligation to provide another four hours of leave.

Ultimately one week prior to Friday September 22, 2017, voting day, employers must inform their employees on the time during which they will have the opportunity to vote.

**Employers must be
mindful of voting
leave rights on
Election Day!**

Please note, in addition to the employers' obligation to provide employees with voting leave rights, they are entitled to full pay for the hours they exercise these rights.

Examples

As mentioned above, if for any reason employees already have four hours of consecutive leave, work part-time, or if the working hours do not (or not fully) fall within the voting hours, employers will not have the obligation to give their employee more free time.

Example 1 (working hours 08:00am – 05:00pm)

Employees whose working hours are from 08:00am to 12:00 noon and from 1:00pm to 5:00pm must be allowed leave rights from 8:00 to 12:00 noon or from 01:00pm to 5:00pm.

Example 2 (working hours 08:00am – 12:00 noon)

Employees whose working hours are from 08:00am to 12:00 noon cannot invoke the right to be off from work for four hours, as they still have four consecutive hours to vote left.

Example 3 (working hours 07:00am – 3:00pm)

Employees whose working hours are from 07:00am to 3:00pm cannot invoke the right to be off from work for four hours, as they still have four consecutive hours to vote left.

Example 4 (working hours 02:00pm – 11:00pm)

Employees whose working hours are from 02:00pm to 11:00pm cannot invoke the right to be off from work for four hours as they have four consecutive morning hours to vote.

Legal Jurisdiction

Any dispute or other legal matter resulting from this correspondence shall be governed by the jurisdiction of the Common Court of Justice of Aruba, Curaçao, Sint Maarten and of Bonaire, Sint Eustatius and Saba.

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