

Start of posting: ... [date, time]
End of posting: ... [date, time]
Notice location: ...

In accordance with the provisions of Section 14a Works Constitution Act (WCA), a new works council is to be elected at ... in accordance with the provisions of Works Constitution Act. To initiate the works council election in a simplified two-stage election procedure, the electoral board appointed to conduct the election hereby issues the following letter to announce the start of the election season on ... in accordance with Section 31 Election Regulation (ER)

letter to announce the start of the election season for the election of the works council

The works council election will take place at the second election meeting on ... between ... and ... in ... (polling station).

Votes cast on election day are bound to the valid nominations announced. Therefore, only employees who are named in a valid nomination submitted by the deadline can be elected.

The works council to be elected consists of a total of ... members.

As ... women and ... men are employed in the establishment, the group of *women / men* [delete as applicable] is in the minority. According to Section 15 (2) WCA, the minority gender must be represented on the works council at least in proportion to its numerical representation if the works council consists of at least 3 members. Therefore, at least ... works council seats must be filled by *women / men* [delete as applicable].

All employees of the establishment who are eligible to vote are hereby requested to submit their nominations to the electoral board in writing or verbally by the end of the first election meeting. Only nominations submitted in the correct form and by the deadline will be considered.

Further information on works council elections

1. Eligibility to vote

All employees of the establishment who have reached the age of 16 on the (last) day of the election are eligible to vote. If employees of another employer are assigned to work at the establishment (temporary agency workers), they are eligible to vote if they are assigned to the establishment for more than three months (Section 7 WCA).

2. Eligibility for election

All persons eligible to vote who have reached the age of 18 on the (last) day of the election and have been employed by the establishment for six months or have worked mainly for the establishment as home workers are eligible for election (Section 8 (1) S. 1 WCA). Periods during which the employee was employed in another establishment of the same company or group (Section 18 (1) Stock Corporation Act) immediately prior to this are counted toward the six-month period of employment.

Anyone who, as a result of a criminal conviction, is not eligible to obtain rights from public elections is not eligible for election. Employees of another employer who have been assigned to work under the Temporary Agency Work Act are also not eligible for election, even if they are eligible to vote (Section 14 (2) S. 1 TAWA).

3. Voter list

The exercise of the right to vote requires registration on the voter list (Section 2 (3) ER).

The voter list is available for inspection by anyone at the following location, together with the Election Regulation: It can also be inspected at the electoral board's office during business hours from ... to

Objections to the accuracy of the voter list may be lodged with the electoral board at in writing, with effect for the works council election, only within three days of the letter to announce the start of the election season being issued. **The deadline for objections is therefore ... at ...** . Late objections will not be considered.

The election may not be contested by those eligible to vote on the grounds that the voter list is incorrect unless an objection to the accuracy of the voter list has been lodged in the proper manner for the same reason. This does not apply if those contesting the election were prevented from lodging an objection (Section 19 (3) WCA).

4. Nominations

The election is based on nominations. Nominations may be submitted in writing to the electoral board. During the first election meeting, nominations may also be made orally to the electoral board.

Written or verbal nominations must be submitted by the end of the first election meeting. Nominations received after this deadline cannot be considered.

Each nomination must list the individual candidates, stating their **surname, first name, date of birth, and type of employment in the establishment** (Section 33 (2) i.c.w. Section 6 (3) ER).

Each nomination must contain at least twice as many candidates as there are works council

members to be elected (Section 33 (2) in conjunction with Section 6 (2) ER). The works council should continue to be composed, as far as possible, of employees from the individual organizational areas and the various types of employment of the employees working in the establishment (Section 15 (1) WCA).

Each nomination must be accompanied by the written consent of the candidate (Section 33 (2) i.c.w. Section 6 (3) ER). In the case of an oral nomination at the first election meeting, the candidate's consent may be given orally.

In establishments with up to 20 employees eligible to vote, supporting signatures are not required. In establishments with generally between 21 and 100 employees eligible to vote, nominations must be signed by at least two employees eligible to vote, and in establishments with generally more than 100 employees eligible to vote, by at least one-twentieth of the employees eligible to vote. In any case, the signature of 50 employees eligible to vote is sufficient (Section 14 (4) WCA). For our establishment, this means that each nomination must be signed by at least ... employees eligible to vote. In the case of an oral nomination at the first election meeting, the required support for the nomination by a show of hands is sufficient.

Nominations from trade unions represented in the establishment must be signed by at least two representatives in accordance with Section 14 (5) WCA.

If no nominations for the works council election have been made by the end of the first election meeting, the electoral board must announce that the election will not take place (Section 33 (5) ER).

5. Announcement of nominations

Valid nominations will be announced immediately after the end of the first election meeting and before the end of voting, in the same manner as this letter to announce the start of the election season.

6. Election principles

The election will be conducted in accordance with the principles of **majority voting** (so-called personal vote). Voters may mark as many names of candidates listed on the ballot as there are works council members to be elected, i.e. ...

The voter marks the candidates of their choice by ticking the appropriate box on the ballot paper and folds it in such a way that their vote cannot be seen. They then give their name and place the folded ballot paper in the ballot box after their vote has been recorded in the voter list.

If more names are marked than there are works council members to be elected, the ballot paper is invalid. This also applies to ballot papers that contain other additions or comments or of which the voter's intention is not clear.

7. Voting by mail (postal vote)

Employees who are eligible to vote and who are known to the electoral board to be absent from the establishment at the time of the election due to the nature of their employment (in particular, employees in the field, teleworkers, or home workers) shall receive the documents for casting their votes by mail from the electoral board **without having to make an express request** (Section 24 (2) No. 1 ER). The same applies to eligible voters who are known to the electoral board to be absent from the establishment for other reasons, in particular due to suspension of employment or incapacity to work, between the date of the election announcement and the date of the election (Section 35 (1) i.c.w. Section 24 (2) No. 2 ER).

Eligible voters who are unable to cast their votes in person at the time of the election due to absence from the establishment may **apply** to the electoral board at the establishment address below **for** the documents for casting a vote by mail to be sent to them no later than three days before the date of the election meeting for the election of the works council (subsequent voting by mail, see Section 35 (1) i.c.w. Section 24 (1) ER). Corresponding requests must be sent to the electoral board at the establishment address below, stating the employee's private postal address.

[Optional:] The electoral board has decided on voting by mail in accordance with Section 24 (3) ER for the parts of the establishment ... and micro-establishments The documents for voting by mail will also be sent to those eligible to vote employed in these parts of the establishment and micro-establishments without the electoral board having to be asked to do so.

If no subsequent voting by mail takes place, the voter must send or hand in the election documents in good time so that they are available to the electoral board before the end of the voting.

8. Public counting of votes

The votes will be counted publicly immediately after the end of voting in the second election meeting. It will take place on ... at ... in

If subsequent voting by mail is required due to a request, the electoral board will, notwithstanding the above date, count the votes immediately after the deadline for subsequent voting by mail. In this case, the electoral board will immediately announce the fact that a subsequent voting by mail will take place and the new date for the public counting of votes at the location where this letter to announce the start of the election season was posted.

At the beginning of the public meeting for counting the votes, the electoral board opens the unsealed envelopes received by the relevant deadline in the case of (subsequent) voting by mail and removes the ballot envelopes and the pre-printed declarations. If the (subsequent) votes by mail have been cast in accordance with the rules (Section 25 ER), the electoral board will record the votes in the voter list, open the ballot envelopes, and place the ballot papers in the ballot box (Sections 25, 26, 35 ER). The (total) votes will then be counted.

9. Establishment address of the electoral board

All inquiries, submissions, nominations, and objections to the accuracy of the voter list, as well as other statements to the electoral board, shall be sent to the establishment address of the electoral board. This is: ...

The electoral board office is open on the following days from ... to

The electoral board

.....
Signature of the chair of the electoral board

.....
Signature of another electoral board member

* For reasons of better readability, the masculine form is used in this letter to announce the start of the election season for personal designations and personal nouns. Corresponding terms apply to all genders in the sense of equal treatment. The abbreviated form is used for editorial reasons only and does not imply any value judgment.