

Start of posting: ... [date, time]

End of posting: ... [date, time]

Location of notice: ...

In accordance with the provisions of the Works Constitution Act (WCA), a new works council must be elected at the establishmentTo initiate the works council election in the normal election procedure, the electoral board appointed to conduct the election hereby issues in accordance with Section 3 of the Election Regulation (ER) on ... the following

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

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

Votes cast on election day are bound by the valid lists of nominations that have been made public. Therefore, only employees* who are named in a valid list of nominations submitted by the deadline can be elected.

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

Since ... 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 ratio 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 lists of nominations to the electoral board within two weeks of the publication of this letter to announce the start of the election season. The deadline for submission is therefore ... at Only lists of nominations submitted in the correct form and by the deadline will be considered.

Further information on the works council election

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 eligible voters who have reached the age of 18 on the (last) day of the election and who have been employed in the establishment for six months or have worked primarily 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 six-month period of employment are counted toward this 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 in accordance with the Temporary Agency Work Act (TAWA) are also not eligible for election, even if they are eligible to vote (Section 14 (2) S. 1 TAWA).

3. Voter list

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

The voter list is available for inspection by everyone together with the Election Regulation at the following location: ... They can also be inspected at the electoral board's office address on working days between ... and

Objections to the accuracy of the voter list may be submitted in writing to the electoral board with effect for the works council election only before the expiry of two weeks from the date of publication of the letter to announce the start of the election season. **The deadline for objections is therefore ... at ... p.m.** Objections received after this deadline 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. Lists of nominations

The election shall be based on lists of nominations, which must be submitted in writing to the electoral board. All employees of the establishment who are eligible to vote are therefore requested to submit lists of nominations to the electoral board at the establishment address below within two weeks of the publication of this letter to announce the start of the election season. **The deadline for submission is therefore ... at ... o'clock.**

Each list of nominations must contain the individual candidates in a recognizable order, with a consecutive number and their **surname, first name, date of birth, and type of employment in the establishment** (Section 6 (3) WO).

Each list of nominations should contain at least twice as many candidates as there are works council members to be elected (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).

The lists of nominations must be accompanied by the **written consent of the candidates** to be included in the list (Section 6 (3) ER). Candidates may only be nominated on one list of nominations.

Each list of nominations must be signed by at least one-twentieth (5 percent) of those eligible to vote. In any case, the signatures of 50 employees eligible to vote are sufficient. For our establishment, this means that the **lists of nominations must be signed by at least ... employees eligible to vote** (Section 14 (4) WCA). Those eligible to vote may only support one list of nominations with their signature.

One of the signatories should be designated as the agent of the list (list representative). If this information is not provided, the first signatory will be considered the agent of the list. The agent of the list is the contact person for any questions or explanations from the electoral board (Section 6 (4) ER). For the sake of clarity, it is also advisable to assign a code word to the lists of nominations (Section 7 (2) S. 1 ER).

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

Note: Sample forms for lists of nominations can be requested from the electoral board or are available in electronic form at ... [file/path].

5. Announcement of the lists of nominations

The valid list(s) of nominations will be announced, unless an extension for the submission of lists of nominations is required in accordance with Section 9 ER, no later than ... until the end of voting in the same manner as this letter to announce the start of the election season.

6. Election principles

If several valid lists of nominations are submitted, the election will be conducted in accordance with the principles of **proportional representation** (so-called list voting). In this case, voters may only cast their vote for one list of nominations on the ballot paper.

If only one valid list of nominations is submitted, the election will be conducted in accordance with the principles of **majority voting** (so-called personal voting). In this case, the voter may mark as many names of the candidates listed on the ballot paper as there are works council members to be elected.

The voter marks the proposed list (list voting) or the candidate (personal voting) they have chosen by ticking the appropriate box on the ballot paper and folds it so 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.

In the case of a personal vote, 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)

Eligible employees 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 relationship (in particular employees in field service, teleworkers, or home workers) will receive the documents for casting their votes by mail from the electoral board **without having to expressly request them** (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, from the date of the letter to announce the start of the election season until the date of the election (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 **for** the documents for casting their votes by mail (Section 24 (1) ER). Such requests must be sent to the electoral board at the establishment address below in good time before the election day, stating the voter's private postal address.

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

Voters must send or hand in the election documents to the electoral board in good time so that they are available to the electoral board before the end of voting.

8. Public counting of votes

The votes will be counted publicly immediately after the election has ended. This shall take place on ... at ... in

At the beginning of the public meeting for the counting of votes, in the case of voting by mail, the electoral board will open the envelopes received by the end of voting and remove the ballot envelopes and the pre-printed declarations. If the postal votes have been cast correctly, the electoral board will note the votes in the voter list, open the ballot envelopes, and place the ballot papers in the ballot box (Sections 25, 26 ER). The (total) counting of

the votes will then take place.

9. Establishment address of the electoral board

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

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

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.