

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

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

Notice board location: ...

In accordance with the provisions of Section 14a of the Works Constitution Act (WCA), a new works council is to be elected at To initiate the works council election in a simplified single-stage election procedure, the electoral board appointed to conduct the election hereby issues on ... in accordance with Section 36 (3) i.c.w. Section 31 Election Regulation (ER) 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 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.

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 representation if the works council consists of at least 3 members. Therefore, at least ... works council seats must be filled by *women / men* [please delete as applicable].

All employees of the establishment who are eligible to vote are hereby requested to submit their nominations to the electoral board at the establishment address below no later than one week before the date of the election meeting (election day). The deadline for submission is therefore ... at Only 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 persons eligible to vote 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 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 right to vote requires registration on the voter list (Section 2 (3) ER).

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

Objections to the accuracy of the voter list may be submitted in writing to with effect for the works council election only before the expiry of three days from the date of publication of the letter to announce the start of the election season to the electoral board . **The deadline for objections is therefore ... at ... o'clock.** 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. Nominations

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

Each nomination must list the individual candidates, stating their **surname, first name, date of birth, and type of employment in the establishment** (Section 36 (5) i.c.w. Section 6 (3) ER).

Each nomination should contain at least twice as many candidates as there are works council members to be elected (Section 36 (5) i.c.w. 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 candidates** (Section 36 (5) i.c.w. Section 6 (3) ER).

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 signatures of 50 employees eligible to vote are sufficient (Section 14 (4) WCA). For our establishment, this means that **each nomination must be signed by at least ... employees eligible to vote.**

Nominations from 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 nominations can be requested from the electoral board or are available in electronic form at ... [file/path].

If no nominations have been made for the election of the works council, the electoral board must announce that the election will not take place (Section 36 (6) ER).

5. Announcement of the nominations

The valid nominations will be announced no later than ... until the voting is closed 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 voting). Voters may mark as many names of candidates listed on the ballot paper as there are works council members to be elected, i.e. ...

Voters shall mark their chosen candidates by ticking the appropriate box on the ballot paper and folding it in such a way that their vote cannot be seen. They shall 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 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 the electoral board knows will probably not be at work at the time of the election because of the nature of their employment (especially those working in the field, teleworking, or working from home) will get the documents for voting by mail from the electoral board **without having to ask for them** (Section 24 (2) Nr.

1 ER). The same applies to persons entitled to vote 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 letter to announce the start of the election season and the date of the election (Sections 36 (4), 35 (1) i.c.w. Section 24 (2) No. 2 ER).

Eligible employees 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 **to have** the documents for casting a vote by mail 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 Sections 36 (4), 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 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 in these parts of the establishment and micro-establishments without express request by the electoral board.

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 election has been completed. This 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 inform the location where this letter to announce the start of the election season was posted that subsequent voting by mail will take place and announce the new date for the public counting of votes.

At the beginning of the public meeting for the counting of votes, in the case of (subsequent) voting by mail, the electoral board will open the envelopes received by the relevant deadline and remove the ballot envelopes and the pre-printed declarations. If the (subsequent) postal votes have been cast in accordance with the rules (Section 25 ER), the electoral board will note the votes in the voter list, open the ballot envelopes, and place the ballots 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, must be sent to the electoral board's establishment address. 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.