

**ifb-Form 45**

Invitation to the first election meeting during a two-phase election process by employees

Placard on the ..... at .....<sup>1</sup>  
Location of the placard: .....  
Placard ends on the ..... at .....<sup>2</sup>

**Election of a works council in the company .....**

**Invitation to the first election meeting regarding the election of an election board and the initiation of the election process**

Dear colleagues,

By means of this invitation, we would like to set in motion the process of the election of a works council for our company in ..... In compliance with § 14a Betriebsverfassungsgesetz (BetrVG) the simplified election process will be carried out. The election of a works council can therefore be held at short notice.

The first condition is the election of an election board. The election of an election board shall be carried out during the first election meeting, to which all employees of the company are hereby invited.

**The election meeting will be held**

**On the ..... at ..... in .....(room)**

We would be glad to see all our colleagues attending. We hereby inform you, that the participation to this meeting will count as working time. The employer will be informed by us about this meeting and requested to assure a corresponding exemption from the usual working tasks.

We propose the following **order of business** for the first election meeting:

1. Information regarding the purpose and process of the meeting
2. Election of a meeting director and a recorder
3. Election of an election board
4. Establishment of a list of voters
5. Redaction of the election notice
6. Decision about the list of voters and the election notice
7. Placard and publication of the election notice
8. Reception of election proposals (written and oral) and verification thereof by the election board.

Hereunder, we would like to give a few important indications:

**Election of the election board**

The election board to be elected must be constituted by three employees of our company. Employees lent by other employers (temporary workers) can be included, provided they are working for the company for more than three months. In compliance with § 5 Sect. 1 Line 2 BetrVG, employees working from home but mainly working for our company are also eligible to vote.<sup>3</sup> Men and women should both be represented in the election board.

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We propose the following candidates for the election board

1. Mr./Mrs. .... (first and last name)
2. Mr./Mrs. .... (first and last name)
3. Mr./Mrs. .... (first and last name)

Further proposals of members of the election board can be made without any formal requirements at the beginning of the election meeting. All employees of our company eligible to vote can be considered.

### Submitting election proposals

The election of a works council is conditioned by the submission of **election proposals**. It can be made **orally** or **in writing until the end of the election meeting**. No more proposals can be submitted after the end of the first election meeting,

Election proposals expressed before the election meeting (due to the inability to attend for example) must be made in writing. They need to be established very carefully and free of mistakes, since any flaw in election proposals can only be corrected during the election meeting.

**Written election proposals** must contain candidates in a **recognizable order under successive numbers**. The following indications must be made about all candidates:

- **Family name**
- **First name**
- **Date of birth**
- **Type of occupation within the company.**
- **The acceptance of candidacy** must be signed by hand by all candidates. The declarations must be attached to the election proposal.

The individual organisation departments and the different types of occupations present within our company (§ 3 Sect. 3 Wahlordnung (WO)) should be taken into account during the establishment of election proposals. Moreover, each election proposal should present at least twice as many candidates as members of the works council need to be elected (§ 6 Sect. 2 WO).

Each election proposal should have a **Keyword**. Moreover, one of the supporters should be named as a **list representative** on the election proposal. The list representative is the person in charge regarding questions or declarations from the election board.

The written election proposals may be given personally or by courier to the election board during the first election meeting. As signing parties to this invitation, we hereby declare that we are willing to transmit all election proposals handed in before the first election meeting to the election board to be in time.

**Oral election proposals** may be stated for the record during the first election meeting. The same indications must be made for the oral and the written election proposals. The presence of both the candidates and the supporting employees is necessary.

In companies with more than 100 employees eligible to vote each election proposal for the election of the works council must be signed by at least **one twentieth** of all persons **eligible to vote** or supported by the same number during the oral procedure. In companies with **21 to 100 employees** eligible to vote

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the signature or support of **two employees eligible to vote** is sufficient. Only if less than a maximum of **20 employees** are employed by the company, no signature or support is necessary. Each person **eligible to vote** may only support one election proposal.

To our present knowledge, ..... persons eligible to vote are currently employed in our company. Therefore the election proposals have to be signed by a minimum of ..... Employees ((§ 14 Abs. 4 BetrVG). Each person eligible to vote may only support one election proposal.

**Actual works council election**

The actual works council election will take place during a second election meeting, one week after the first, and therefore on the ....., in compliance with § 14a Sect. 1 BetrVG. To this end, the election board will invite separately through an election notice. This election notice will be issued during the first election meeting.

In ....., Date .....

.....  
Person eligible to vote      Person eligible to vote      Person eligible to vote  
(Signature of three employees eligible to vote)

**(alternatively:**

.....  
*Representative*                      *Representative*  
(Signatures of two representatives of a worker union represented within the company))

<sup>1</sup> It also makes sense to write down who carried out the placard by adding an initial.  
<sup>2</sup> It also makes sense to write down who took off the placard by adding an initial.  
<sup>3</sup> If a company organized under private law should employ civil servants, soldiers or employees of a public service (in the case of former state enterprises for instance), the following should be added here as a complementary mention: „According to § 5 Sect. 1 Line 3 BetrVG, civil servants, soldiers and employees of public services, including those currently undergoing professional training in our company, are also eligible to vote.“