

**ifb-Form 51**

Election notice during the election process in two phases

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

**Election notice regarding the election of the works council for the following company:**

.....

A works council shall be elected in our company..... according to a simplified election process, in compliance with the requirements of § 14a Betriebsverfassungsgesetz (BetrVG). The necessary election process has been initiated today, the ..... during the first election meeting by the issue of the present election notice, in compliance with § 31 Sect. 1 Line 2 Wahlordnung (WO).

The election process will be directed and carried out by an election board constituted by employees of our company.

**The election of the works council will take place during the second election meeting on the ..... from ..... to ..... in building ...../room .....**

**Size of the works council**

**1st alternative: Works councils with several members**

The works council to be elected is constituted by ..... members, in compliance with § 9 BetrVG. Since ..... women and ..... men work for the company, the men/women\* are a minority. According to § 15 Sect. 2 BetrVG, the gender forming the minority must be represented at least proportionately to its numbers within the works council. **Therefore, at least ..... seats in the works council must be occupied by women/men\*.**

**2nd alternative: Works councils with one member only**

Because of the size of our company (less than 21 employees eligible to vote), the works council to be elected is only constituted by one person, in compliance with § 9 BetrVG.

**Who is eligible to vote?**

All employees of the company having reached 16 years of age on the day of the second election meeting, which will be the ..... are **eligible to vote** during the election of the works council, in compliance with § 7 BetrVG. Under § 5 Sect. 1 Line 2 BetrVG, people working from home and mainly working for our company are considered to be employees as well. Employees of another employer assigned to take up tasks within our company (temporary workers) are eligible to vote as well, provided they are assigned to us for more than 3 months (§ 7 Line 2 BetrVG). Civil servants, soldiers and employees of public services, including those assigned to our company for professional training purposes employed by companies organised under private law count as employees as well (§ 5 Sect. 1 Line 3 BetrVG).

### **Who is eligible to be a candidate for election?**

All employees of our company who have reached 18 years of age and have been employed here for at least six months as well as all homeworkers who have reached 18 years of age and who have worked mainly for our company for at least six months **can stand as a candidate** (§ 8 Sect. 1 Line 1 BetrVG). All periods of time during which employees were employed by another firm of our company or affiliated group immediately before are included in these six months as well (§ 8 Sect. 1 Line 2 BetrVG). Temporary workers cannot stand as candidates, even if they are eligible to vote.

### **List of voters**

The eligibility to vote and the electability are conditioned by the entering of the employees into the list of voters, in compliance with § 2 Sect. 3 WO. **We therefore ask you to verify the list of voters regarding these conditions.**

The list of voters is available with the text of the Wahlordnung in the room ..... and can be consulted on every working day from ..... to ..... **(Complementary, if applicable: a copy of the list of voters can be found in electronic form under ..... (File).)**

Any inconsistency noticed in the list of voters should be objected to. Objections against the validity of the list of voters must be submitted in written form to the election board within **three days** starting at the issue of the election notice, in compliance with § 31 Sect. 1 Nr. 3 WO linked to § 4 WO. The deadline for objections is the ..... at .....<sup>3</sup>

An election cannot be contested by the electorate on the basis of an objection against the validity of the list of voters, if the same objection has not previously been submitted in the proper manner to the election board. This does not apply if the contesting eligible voters were prevented from filing an objection. An election cannot be appealed by the employer on the basis of the list of voters being inaccurate if the inaccuracy is caused by the employer's information.

### **Election proposals**

The election is carried out on the basis of election proposals as a majority vote (election of a person). Election proposals may be submitted to the election board **in written form**. During the first election meeting, an **oral expression of election proposals** to the election board is possible as well.

The possibility of submitting written or oral election proposals only exists **until the end of the first election meeting**. Election proposals submitted later cannot be taken into account anymore.

All employees eligible to vote are therefore exhorted to submit written or oral election proposals to the election board.

Since the casting of ballots during the second election meeting is linked to the submitted election proposals, only employees mentioned in a valid proposal submitted within the deadline may be elected.

**Every election proposal indicates the individual candidates in clear order under successive numbers and with indication of their family name, first name, date of birth and type of their occupation within the company.**

Each election proposal should have a **Keyword**. Additionally, one of the supporters should be named as a **list representative** on the election proposal. The list representative is the person in charge

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regarding questions or declarations from the election board.

The individual organisation departments and the different types of occupations present within our company (§ 3 Sect. 3 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).

### Declaration of consent of the candidates

The election proposal must be accompanied by an **individual declaration of the candidates**, unambiguously expressing that they consent to their candidacy.

### Necessary supporting signatures

**Every election proposal** made by employees in companies with more than 100 employees eligible to vote must be **signed** by at least one twentieth of all persons eligible to vote. In companies with 21 to 100 employees eligible to vote they must be signed by at least two employees eligible to vote. Only if no more than a maximum of twenty employees work for the company, no supporting signatures are necessary.

To our knowledge, ..... employees eligible to vote are employed by this company at the moment. Therefore, election proposals in our company must be signed by ..... employees at least (§ 14 Sect. 4 BetrVG). Every person eligible to vote may only support **one** election proposal. Election proposals by a worker union represented within the company must be signed by two representatives of said worker union at least (§ 14 Sect. 5 BetrVG).

### Publication of the election proposals

The valid election proposals are put up immediately after the first election meeting and until the end of the casting of ballots on .....<sup>4</sup> **(As a possible complement: Additionally, they are available in electronic form under.....(File).)**

If the election board does not dispose of at least one valid election proposal until the end of the first election meeting, it must inform all concerned that the election of a works council cannot be varied out (§ 33 Sect. 5 WO).

### Personal casting of the ballot

The **personal casting of votes** regarding the election of the works council will take place during the second election meeting on the ..... from ..... to .....in room ..... /in the rooms .....

### The casting of written ballots/postal votes

Persons eligible to vote who are unable to attend the second election meeting to cast their vote personally, will receive the documents necessary to cast a belated written ballot (§ 35 linked to § 24 Sect. 1 WO) from the election board **upon their request**. Said request must be communicated to the election board three days before the second election meeting to the latest, therefore until the .....<sup>5</sup>. The corresponding requests need to be sent to the address of the election board indicated at the end of this election notice with indication of the private postal address<sup>6</sup>.

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***(Complementary, if applicable: For the company departments participating in the election ..... or for small companies ..... the election board has decided to carry out a casting of written ballots in compliance with § 24 Sect. 3 WO. The corresponding voting documents are sent to employees without the need for a request.)***

The filled out documents regarding the postal vote can either be personally handed to the office of the election board during the opening times mentioned hereunder or sent there through the normal postal service (the address is indicated on the return envelope).

It is important to make sure that all documents reach the election board by the ..... at ..... to the latest. Simply sending the documents out within the deadline is not sufficient.

**Public counting of the votes after public verification of the received envelopes for postal voting**

***Alternative 1: the election board has independently decided not to carry out a casting of written ballots:***

After the casting of ballots during the second election meeting has ended, the public counting of votes will be carried out on the ..... beginning at .....<sup>7</sup> in room ....., unless persons eligible to vote have requested a belated casting of a written ballot.

In this case, the public verification of the received return envelopes with the following public counting of votes will be carried out on the ..... beginning at .....<sup>8</sup> in room .....

The election board will immediately inform all concerned about the final date of the counting of votes, depending on the presence of requests regarding belated castings of written votes at the place of the placard as well as during the second election meeting.

***Alternative 2: the election board has independently decided to carry out a casting of written ballots:***

The official verification of the received return envelopes with the following public counting of the votes will be carried out after the deadline for the belated casting of written ballots, which is on the ..... beginning at .....<sup>9</sup> in room .....

**Business address of the election board**

Election proposals, objections or other statements concerning the election process must be addressed to the election board. It can be reached at the following address:

- Head .....
- Company .....
- Street .....
- Postal code and city .....
- Telephone .....
- Fax .....
- Email .....

The office of the election board can be reached daily/on the following days .....\* from ..... to .....

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In ....., Date<sup>10</sup> .....

The election board

.....  
Head of the election board                      Member of the election board<sup>11</sup>

<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.  
\* Please delete when inapplicable.  
<sup>3</sup> Please indicate a time, but not before the end of the usual working hours of the company. Without any indication of a time, the deadline will be set at 12 a.m.; the office of the election board would have to be staffed until that time.  
<sup>4</sup> Indication: The same space/spaces used for the publication of the proposal lists would be appropriate for the publication of the election notice as well.  
<sup>5</sup> Indication: Please indicate the day of the week, the date and the time. Without any indication of a time, the deadline will be set at 12 a.m.! Therefore, please remember to indicate a time!  
<sup>6</sup> Indication: The election board should ask all postal voters to transmit their private postal address. This would enable it to send out the documents regarding the postal vote by normal postal service, should the personal handover of the documents in the company be unsuccessful.  
<sup>7</sup> Indication: If no (belated) casting of written ballots (postal voting) occurs, the counting of the votes must be carried out immediately after the end of the personal casting of ballots (§ 34 Sect. 3 Line 1 WO).  
<sup>8</sup> Indication: If a (belated) casting of written ballots (postal voting) occurs, the counting of the votes must be carried out immediately after the deadline for postal voting (§ 35 Sect. 3 Line 1 WO).  
<sup>9</sup> Indication: The counting of the votes must be carried out immediately after the deadline for postal voting (§ 35 Sect. 3 Line 1 WO).  
<sup>10</sup> Day of the resolution about the election notice = placard day.  
<sup>11</sup> It is sufficient for the election notice to be signed by the head of the election board and one more member of the election board who is eligible to vote. However, all members of the election board may sign.