

**Form elaborated by the
Division of staff representations
of the “Inspection du Travail et des Mines“**

**This document groups all the forms and templates
to be used in the
simple majority voting system.** Vers.2013

Certain templates, such as the form for the counting, could partly filled in before the election day, this to help the electoral offices to progress quicker.

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Election notice

Name of establishment:.....¹
Address of establishment:.....
City:.....

Object: Staff delegations.

1. The staff is invited to elect by single vote the staff delegation for whole personnel of the company as by majority system.

Date of elections:

The electors are going to vote:

- active delegates and
- substitute delegates.

2. Are entitled to vote, all staff members, irrespective of their nationality, aged 18 years at least and bound to the company by an employment contract or apprenticeship contract and occupied in the company for at least six months on the election-day.
3. Are eligible as staff delegates, the personnel members fulfilling the following conditions:
 - ◆ be at least 18 years old, at the day of elections;
 - ◆ have been employed by the undertaking without interruption for the previous year at least, at the day of elections;
 - ◆ be either Luxembourg national, or a national of a member state of the Agreement on the European Economic Region, or national of a not member state of the Agreement on the European Economic Region holding a residence permit and thus an authorisation to exercise a job.
 - ◆ The Managing Director and the relative up to the 4th degree with him, the business managers, the directors and the heads of the personnel department cannot be elected as active or deputy members of staff delegations.
 - ◆ The alphabetic list (electoral list) of the personnel fulfilling the conditions of electors or eligibles are at everybody's inspection disposal as of (date) on (location)².

Any complaints against these electoral lists must be introduced, in writing, to the attention of the head of the establishment or his deputy from to inclusive.

4. The candidatures must be presented at the latest on at 6 PM to the head of establishment or his deputy.

Are valid the candidatures presented by:

- a. the nationally most representative trade unions such as described in article L.161-5 of the “Code du Travail”;
- b. trade unions justifying a representativity in an important defined economic sector such as described in article L.161-6 of the “Code du Travail”;
- c. trade unions as defined in article L.161-3 of the “Code du Travail”, provided such organisations represent an absolute majority of members of the outgoing delegation when nominations are made;
- d. five electors.

The presentation of candidatures is made under the form of single candidatures.

A signed declaration from the candidate(s) proving their acceptance of the candidature has to be joined to every single candidature. For minor candidates at the day of candidature declaration, the declaration has to be signed by one of his parents/his tutor.

The head of the establishment or his delegate will register the candidatures in the order of their presentation. He will refuse the registration of any candidature not complying to the above mentioned criteria's.

5. The name of the candidates as well as the instruction for voters will be available from to (date) at (location).

6. The vote takes place on from to at (location)

In addition, the vote takes place on from to at (location)³

.....
The head of establishment
(signature)

A request for postal voting authorisation has been introduced at the Ministry of Labour. Please contact the head of establishment or his deputy if you know that you will not be in the establishment on the poll day and if you would like to take part of postal voting⁴

For the organisation of the elections, the head of establishment has appointed as his deputy.⁴

Election notice

Name of establishment:.....¹
Address of establishment:.....
City:.....

Object: Youth staff delegations.

1. The young staff is invited to elect by single vote the staff delegation for young personnel of the company as by majority system.

Date of elections:

The young electors are going to vote:

- active young delegates and
- substitute young delegates.

2. Are entitled to vote, all staff members, irrespective of their nationality, not having their 21st anniversary accomplished and bound to the company by an employment contract or apprenticeship contract and occupied in the company for at least six months on the election-day.

To be eligible, the young worker has to fulfil the above conditions and has to be either Luxembourg national, or a national of a member state of the Agreement on the European Economic Region, or national of a not member state of the Agreement on the European Economic Region holding a residence permit and thus an authorisation to exercise a job.

The Managing Director and the relative up to the 4th degree with him, the business managers, the directors and the heads of the personnel department cannot be elected as active or deputy members of staff delegations.

The alphabetic list (electoral list) of the personnel fulfilling the conditions of electors or eligibles are at everybody's inspection disposal as of (date) on (location)².

Any complaints against these electoral lists must be introduced in writing to the attention of the head of the establishment or his deputy from to inclusive.

3. The candidatures must be presented at the latest on at 6 PM to the head of establishment or his deputy.

Are valid the candidatures presented by:

- e. the nationally most representative trade unions such as described in article L.161-5 of the "Code du Travail";

- f. trade unions justifying a representativity in an important defined economic sector such as described in article L.161-6 of the “Code du Travail”;
- g. trade unions as defined in article L.161-3 of the “Code du Travail”, provided such organisations represent an absolute majority of members of the outgoing delegation when nominations are made;
- h. three electors.

The presentation of candidatures is made under the form of single candidatures.

A signed declaration from the candidate(s) proving their acceptance of the candidature has to be joined to every single candidature. For minor candidates at the day of candidature declaration, the declaration has to be signed by one of his parents/his tutor.

The head of the establishment or his delegate will register the candidatures in the order of their presentation. He will refuse the registration of any candidature not complying to the above mentioned criterias.

4. The name of the candidates as well as the instruction for voters will be available from to (date) at (location).

5. The vote takes place on from to at (location)

In addition, the vote takes place on from to at (location)³

.....
 The chief of establishment
 (signature)

A request for postal voting authorisation has been introduced at the Ministry of Labour. Please contact the head of establishment or his deputy if you know that you will not be in the establishment on the poll day and if you would like to take part of postal voting⁴.

For the organisation of the elections, the head of establishment has appointed as his deputy⁴.

Posting of electoral list

Name of establishment:.....¹
Address of establishment:.....
City:.....

Object: Electoral lists for elections of staff delegates for unique staff delegation, youth staff delegation ⁴⁵.

Alphabetic list of staff			
Name and First Name	Profession	Voter	Eligible
		⁶	⁵

NOTICE

Name of establishment:.....¹
Address of establishment:.....
City:.....

Object: Staff delegations / young staff delegation ³.

The complaints against the electoral list published at³ for inspection by the electors must be brought (in writing) to the attention of the head of the establishment or his delegate between and included.

.....,

Head of establishment

(signature)

For the elections of staff delegations, the head of establishment has nominated as a delegate.⁴

**Elections for staff delegation
Individual candidature**

The persons below present with there signature as a candidate for staff delegations elections for the unique staff delegation / the youth staff delegation³ of at the establishment

<i>Name and first-name :</i>	<i>Signature :</i>

The above mentioned candidate declares with his signature to accept the candidature

.....⁸
(Date and signature)

Received by head of establishment or his deputy⁹:

date :	
time :	
Signature :	

Nom de l'Établissement:¹
Adresse de l'Établissement:
Localité:

À

**Monsieur le Ministre du Travail
et de l'Emploi¹⁰
26, rue Sainte-Zithe
L-2763 Luxembourg**

Objet: Demande d'autorisation pour vote par correspondance.

Monsieur le Ministre,

Conformément à l'article L.413-1 (5) de la loi modifiée du 31 juillet 2006 portant introduction d'un code du Travail, je prends la respectueuse liberté de faire une demande d'autorisation de vote par correspondance, en vue les élections sociales du, pour le personnel de notre entreprise qui est absent à cette date.

Veillez agréer, Monsieur le Ministre, l'expression de mes sentiments les plus distingués.

.....,le.....

chef d'établissement

M(me).....

(Signature)



....., le..... 11

**Commission nationale pour la
protection des données
1, av. du Rock'n'Roll
L-4361 Esch-Sur-Alzette**

Engagement formel de conformité

Aux termes de l'article 13 paragraphe (4) de la loi modifiée du 2 août 2002 relative à la protection des personnes à l'égard du traitement des données à caractère personnel :

« Les traitements qui ont une même finalité, qui portent sur des catégories de données identiques et ont les mêmes destinataires ou catégories de destinataires peuvent faire l'objet d'une notification unique de la Commission nationale. Dans ce cas le responsable de chaque traitement adresse à la Commission nationale un engagement formel de conformité de celui-ci à la description figurant dans la notification » unique prévue par la Commission nationale.

Conformément à cette disposition légale, le « responsable du traitement » (l'entreprise, l'association, l'administration ou toute autre personne pour le compte de laquelle le traitement est mis en oeuvre)

.....
.....
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- • déclare par la présente que le traitement qu'il entend mettre en oeuvre a la même finalité, porte sur des catégories de données identiques et a les mêmes destinataires ou catégories de destinataires que celui qui a fait l'objet de la décision de notification unique prise par la Commission nationale pour la protection des données le 14 septembre 2007 (**délibération n°108/2007 - élections sociales**) pour les traitements de données à caractère personnel (y compris certaines catégories particulières de données visés à l'article 6 paragraphe (1)) opérés par les employeurs dans le cadre de l'organisation et du déroulement des élections des délégués du personnel, des délégations des jeunes travailleurs et des représentants du personnel dans les comités mixtes d'entreprise et les conseils d'administration des sociétés anonymes ;
- • prend l'engagement formel que le traitement qu'il entend mettre en oeuvre est strictement conforme à la description figurant dans la décision unique précitée.

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.....

Engagement formel de conformité pris en application de l'article 13 §4 de la loi modifiée du 2 août 2002

Copie de la présente pour information à l'ITM¹⁰

M-06 Conformity agreement CNPD

Posting of candidatures

Object: Candidatures to elections for a principal staff delegation / youth delegation⁵.

Alphabetic list of candidates		
	Names, first names and profession of the candidates	
1		
2		
3		
4		
5		
6		
7		
8		
9		
... ¹²		

Instructions to voters:

To be elected :¹³ staff delegates and¹⁴ substitutes.

The ballot is carried out under the relative majority system.

Each voter has as many suffrages as there are delegates and substitutes to be elected (in our case¹⁵ suffrages).

Each voter may only allocate one suffrage to each candidate, up to the maximum of votes at his disposal.

He does so in making a cross (+ or x) in the box next to the name of the candidate he wants to vote for.

Each cross, even imperfect, is a legal vote unless the intention to make the bulletin recognisable is obvious.

Each cross made elsewhere than in the foreseen box makes the bulletin void/invalid.

The voter must not make any inscriptions, signatures, signs or other scripts on the bulletin to make it recognisable.

The closing of the electoral office will be on ato'clock¹⁶.

Poll bulletin

*For the elections of
principal staff delegation / youth staff delegation⁵.*

1	CANDIDAT A	
2	CANDIDAT B	
3	CANDIDAT C	
4	CANDIDAT D	
5	CANDIDAT E	
6	CANDIDAT F	
7	CANDIDAT G	
8	CANDIDAT H	
9	CANDIDAT I	
... ¹²		

To be elected:

.....¹³ active delegates and

.....¹⁴ substitute delegates.

Counting form ^{5 and 17}

	Name, first name and profession of the candidates		Number of suffrages obtained
1		18	19
2			
3			
4			
5			
6			
7			
8			
9			
⋮ 12			
		Total number of correctly expressed suffrages :	20

PROTOCOL
for main electoral office

Elections of staff delegations / young staff delegations⁵

Name and object of the establishment: (S.à r.l. / S.A. /...)	
ID number (matricule):	
postal Address:	
Physical Address :	

Date of elections: 20.....
Number of effective delegates to elect:	
Registered voters:	
Number of ballot papers at the opening of the office:	
Opening of the office (time):	
Closing of the office (time):	
Number of voters (ticked on the ticking lists):	
Number of NOT used ballot papers:	
Number of destroyed ballot papers during electoral process:	
Number of voters admitted for postal voting:	
Number of voters having used postal voting:	
Number of ballot papers in the poll box:	
Number of void ballot papers:	
Number of valid ballot papers:	
Number of validly expressed suffrages:	

Observations:

.....

.....

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<p>PROTOCOL for supplemental electoral office executing the counting</p>

Elections of staff delegations / young staff delegations⁴

Name and object of the establishment: (S.à r.l. / S.A. /...)	
ID of the electoral office:	

Date of elections: 20.....
Number of effective delegates to elect:	
Registered voters:	
Number of ballot papers at the opening of the office:	
Opening of the office (time):	
Closing of the office (time):	
Number of voters (ticked on the ticking lists):	
Number of NOT used ballot papers:	
Number of destroyed ballot papers during electoral process:	
Number of ballot papers in the poll box:	
Number of void ballot papers:	
Number of valid ballot papers:	
Number of validly expressed suffrages:	

Observations:

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PROTOCOL
for a supplemental electoral office
NOT counting

Elections of staff delegations / young staff delegations⁴

Name and object of the establishment: (S.à r.l. / S.A. /...)	
ID of the electoral office:	

Date of elections: 20.....
Number of effective delegates to elect:	
Registered voters:	
Number of ballot papers at the opening of the office:	
Opening of the office (time):	
Closing of the office (time):	
Number of voters (ticked on the ticking lists):	
Number of NOT used ballot papers:	
Number of destroyed ballot papers during electoral process:	
Number of ballot papers in the poll box:	²³

Observations:

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²¹

....., le20.....

(Signatures of the members of the electoral office)²²

NOTICE

Name of establishment:.....¹
Address of establishment:.....
City:.....

Object: Principal staff delegation / Young staff delegation ⁵.

As the deadline for handing in the candidatures is over and the number of candidatures does not meet the requested number of delegates to elect, we inform you that an other 3 days are added for a valid submitting of the candidatures, (Grand-Ducal regulation of 21st September 1979 (art 9 (1)) concerning the electoral operations for designation of a staff delegation.

The candidatures may thus be validly introduced till at 6:00 PM.

.....,

Head of establishment

(signature)

For the elections of staff delegations, the head of establishment has nominated as a delegate.⁴

Name of establishment:.....¹
Address of establishment:.....
City:.....

**Protocol and Announcement
of NON-elections:
No candidatures**

As of art. 8. (2) of the modified Grand-Ducal regulation of 21st September 1979 concerning the electoral operations of the designation of staff delegations, we have to inform you that after having extended the date to introduce valid candidatures by three days there has been **no valid candidature introduced**.

There is no need of holding elections.

.....,

Head of establishment

(signature)

....., le.....

Name of establishment:.....¹
Address of establishment:.....
City:.....

Protocol of NON-elections named delegates²⁴

As of art. 8. (2) of the modified Grand-Ducal regulation of 21st September 1979 concerning the electoral operations of the designation of staff delegations, we have to inform you that after having extended the date to introduce valid candidatures by three days²⁵ that the number of valid candidates is not larger than the number of **effective** delegates needed for the elections of the principal staff delegation, these candidates are thus elected without any other formality.

Effective members: (ordered alphabetically)

.....²⁶
.....
.....
.....
.....

²⁷

Name and signature of the head of establishment or his deputy: ²⁸

**Announcement in case of NON-elections
named delegates**

Name of establishment:.....¹
Address of establishment:.....
City:.....

Object: Principal staff delegation.

As of art. 8. (2) of the modified Grand-Ducal regulation of 21st September 1979 concerning the electoral operations of the designation of staff delegations, we have to inform you

that after having extended the date to introduce valid candidatures by three days³⁰

that the number of valid candidates is not larger than the number of effective delegates needed for the elections of the principal staff delegation and that these candidates are thus elected without any other formality.

The names of the staff delegation members can be found in the announcement of the “Results of the electoral process for staff delegations” below.²⁹

.....
Head of establishment

(signature)

INSPECTION DU TRAVAIL ET DES MINES

Division des Représentations des Salariés
Boîte postale 27

L-2010 Luxembourg

Charges in staff delegation

Name and object of the establishment: (S.à r.l. / S.A. /...)	
ID number (matricule):	
postal Address:	
Physical Address :	

Date of the meeting: 20....
Number of effective members attending the meeting:	

Function / Charge / Duty:	Name and First name	Elected / co-opted
Chairman / president		
Vice-president		
Secretary		
Safety delegate		31
Equality delegate		

....., le20....

.....

(signature du président)

.....

(signature du secrétaire (si différent))

Notices to fill in the forms:

In general, for all texts not needed, if you retype or download, please omit this text than crossing it out
This helps for readability.

- ¹ ALL documents meant to be forwarded or copied to an administration or a ministry have to carry your name and address in order to be treated and filed correctly. Thanks.
- ² Complete with the exact location, please be very precise (exact address, floor, office f.ex.)
- ³ To cross or delete if necessary. If you want to extend the poll to more periods, please feel free to copy this paragraph as often as needed.
- ⁴ To complete, cross or delete if necessary.
- ⁵ To cross or delete. These documents have to be filled in and published for both elections, main staff delegation and youth staff delegation. (Most probably, the main staff delegation would have to be elected under the proportional voting system).
- ⁶ Indicating “yes” or “no” is a clear statement on the electoral status of the concerned person.
- ⁷ In case of youth staff delegation, only three presenters are needed. By deleting two lines, the table can be adopted.
- ⁸ In case of a minor in age (youth staff delegation), one of his parents or legal guardian will have to sign.
- ⁹ Better have a copy of this form, so that the head of establishment may sign the deposit. The head of office or his deputy has to immediately check for the validity of the candidature and has to inform, in case of problems, the mandatory or candidate causing the problem who than may alter their candidatures.
- ¹⁰ Please send a copy to ITM.
- ¹¹ This letter to CNPD has to be dated, needs to carry the correct information about who is making and signing the request.
- ¹² You may add or delete rows to alter the length of the table.
- ¹³ The number of **effective** delegates to elect.
- ¹⁴ The number of **substitutes** equals the number of effective staff delegation members.
- ¹⁵ total number of suffrages for each voter (sum of effective and substitute delegates to elect)
- ¹⁶ Please repeat here the date and time of the closure of the electoral office you mentioned on the first announcement.
- ¹⁷ Please prepare some more forms in case you had to redo the counting. You need one for each assessor.
The form has to be signed by the assessor
- ¹⁸ Make vertical ticks (grouped by 5) for each suffrage to a candidate
- ¹⁹ Sum of the ticks (suffrages) for a candidate
- ²⁰ Sum of the suffrages of all candidates
- ²¹ If needed, use free paper (but you need to number and sign these sheets).
- ²² All sheets of the protocol have to be signed as well.
- ²³ This is only completed when the ballot box was handed out to the chairman of the main electoral office and by himself!
- ²⁴ This form is **only** to be used to be sent to ITM to inform them that you had an insufficient number of candidates, so that you did not need to proceed to elections.

²⁵ Cross or delete.

²⁶ Please indicate the names, first names, sex, personal id number (matricule), nationality, and, if needed the trade union of each candidature.

²⁷ By adding or deleting lines, you may decrease or increase the place to announce the candidates. **Unfortunately, the court decided that we could no longer find an agreement between candidates if the number of candidates exceeds the number of effective members but does not exceed the number of effective plus substitute staff delegation members. In tis case, you will have to organise elections now!**

²⁸ The document has to be signed **immediately** by the head of the establishment or his deputy. A copy of the candidatures has to go with this report to the ITM.

²⁹ Please see also point ³⁶ below and fill in form P-18 immediately.

³⁰ This form is needed to inform your staff and the unions which have introduced a list of candidates about the results of the electoral procedure. The announcement of the results **MUST** be published at least during the three days foreseen in the Grand-Ducal regulation, even, in case of non-elections, you have to publish it and sent a copy to the unions already some days earlier.

³¹ Only the office of safety delegate can be given to a non elected staff member.

The documents that have to go as a copy to ITM might be sent **either** by post (normal letter) or fax or (the way we prefer) by email:

Inspection du Travail et des Mines
Division des Représentations des Salariés
Boîte postale 27
L-2010 Luxembourg

 : 2478-6280

 : 29 11 94 - 96 69

 : drs@itm.etat.lu

<http://elections.itm.lu>