



**INSPECTION  
DU TRAVAIL  
ET DES MINES**

# **Social elections of 12 March 2019**

**17 January 2019**





# Staff Delegation



Required for **any employer** employing, during the 12-month period prior to the 1st day of the month in which the poster announcing the elections is displayed, **at least 15 staff** bound by an employment contract

**Date of the election** : 12 March 2019

**Election organization** : by the head of the undertaking or a person delegated by him or her or an external person

**Period** to be taken into account for **calculating the number of employees working in the undertaking**: from 1 February 2018 to 31 January 2019

**To include in the calculation** the number of employees :

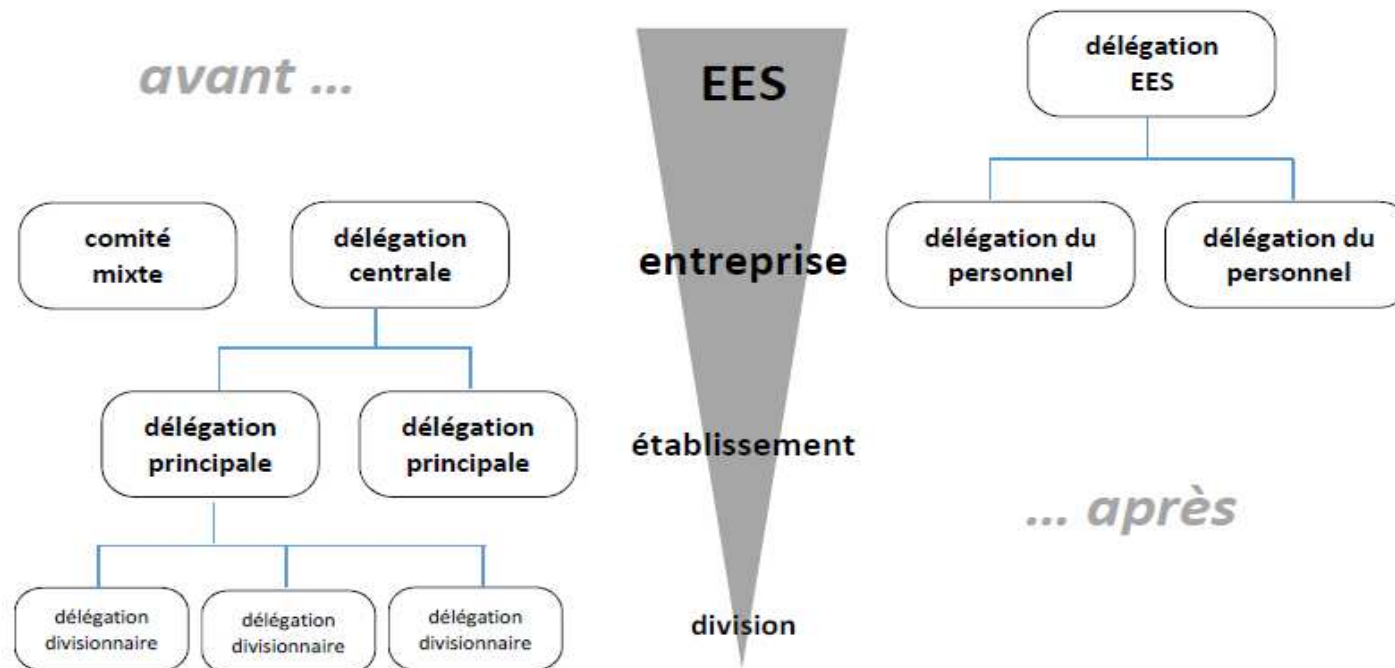
- working a  $\geq 16$  hours per week (count as a unit)
- working a  $< 16$  hours per week (the total weekly hours of work provided for in their contracts/ legal or contractual working time per week) (sum of the working hours to be divided by 40 hours per week)
- employees working under a fixed-term contract and the number of employees made available to the undertaking (the amount of time that they have been present in the undertaking during the 12-month period) ( $173 \times 12 - 200 = 1.876$  hours -> Attendance time to be divided by 1,876 hours)
- **Not to be considered:**
  - employees on fixed-term contracts and temporary employees who replace an absent employee
  - apprentices, students



# Implementation level of staff delegation (1)



Since 1 January 2016, in accordance with the law of 23 July 2015 on reform of social dialogue within companies, the elections of employee delegations are to be organized at **the undertaking level** and no longer at the establishment level.





## Implementation level of staff delegation (2)



**This will make it possible**, according to the opinion of the Council of State of 2 July 2013 (draft law No 6545), **to organize social dialogue at the level at which the decisions falling within the competence of the delegations are effectively taken and implemented.**

**According to the doctrine** (Jean-Luc Putz, book "Le nouveau statut de la délégation du personnel"), the default **level of implementation** of a staff delegation **is now** that of the **undertaking** and no longer that of the establishment.

For the purposes of the application of the law on employee delegations, **the notion of undertaking** is understood to mean either:

- **the economic and social entity** in the case of an undertaking with only one establishment
- **the economic and legal unit** formed by separate institutions



# Number of delegates to be elected



The number of full and substitute delegates to be elected: calculation of **the number of staff** as at **1 February 2019**

Numerical strength of staff delegations					
Represented employees	Number of delegates		Represented employees	Number of delegates	
	Number of staff	Substitute		Number of staff	Substitute
15 - 25	1	1	1.001 – 1.100	14	14
26 - 50	2	2	1.101 – 1.500	15	15
51 - 75	3	3	1.501 – 1.900	16	16
76 - 100	4	4	1.901 - 2.300	17	17
101 - 200	5	5	2.301 - 2.700	18	18
201 - 300	6	6	2.701 - 3.100	19	19
301 - 400	7	7	3.101 - 3.500	20	20
401 - 500	8	8	3.501 - 3.900	21	21
501 - 600	9	9	3.901 - 4.300	22	22
601 - 700	10	10	4.301 - 4.700	23	23
701 - 800	11	11	4.701 - 5.100	24	24
801 - 900	12	12	5.101 - 5.500	25	25
901 - 1.000	13	13	over 5.500	+1 per tranche of 500	+1 per tranche of 500



# Electorate



## Active suffrage right - **elector**

**Electorate conditions;** *is elector* any employee:

- Having reached the age of **sixteen years** at the date of the election
- Bound to the establishment by a contract of employment or an apprenticeship contract for at least **6 months** at the date of the election

## Passive suffrage right– **eligible**

**Eligibility conditions;** *is eligible* any employee :

- Having reached at least **18 years** of age as at the date of the election
- Have been working in the undertaking, without interruption, throughout the **12 months** preceeding the first day of the month on which the poster announcing the elections is displayed
- They must be either Luxembourg nationals or authorised to work on the territory of Luxembourg

### **Not to be considered:**

- Blood relations and relations by marriage, up to the fourth degree, of the head of the undertaking,
- Apprentices
- The head of the undertaking, its managers and executives and the head of its personnel department



1ère démarche

## Election notice - 1st Electronic step



**Posting of an election notice** at least 1 month before the election, no later than Monday, **11 February , 2019** *announcing:*

- the date of the elections
- the place of the elections
- the time at which elections begin and end (at least one hour)
- the place at which interested persons may learn the names of the candidates
- conditions for exercising passive suffrage rights
- the number of employees who are to be taken into account for the purposes of calculating the number of employees working in the undertaking:
  - the number of employees working  $\geq 16$  hours
  - the number of employees contracted to work  $< 16$  hours and the total weekly hours of work provided for in their contracts
  - the number of employees working under a fixed-term contract and the number of employees made available to the undertaking and the amount of time that they have been present in the undertaking during the 12-month period preceding the date on which the electoral lists are to be drawn up

Recording of this information on [MyGuichet](#).

Printing of the election notice on [MyGuichet](#) for posting in the undertaking.



# Myguichet: Certification of the professional space (1)



Certification using a Luxtrust authentication product is used to identify the professional space and provides access to procedures relating to social elections.

MyGuichet.lu

Karine Sophie Raphaëlle Moitry Aide Se déconnecter

nom de l'espace professionnel Espace professionnel

Mes démarches Mes documents Catalogue des démarches Mes données professionnelles Administration de nom de l'espace professionnel

### Données professionnelles de nom de l'espace professionnel ?

Accélérez encore le remplissage des formulaires administratifs en complétant vos données déclaratives et en vérifiant les informations connues des administrations

#### Données déclaratives

- Ma société
- Mes informations

#### Sources authentiques

- Fiscalité
- TVA
- Urbanisme & Environnement
- Taxis : Liste d'attente
- Agriculture & Viticulture
- Enregistrement des codes d'accès
- Loisirs**
- Source Exacte de test
- Elections sociales
- Enregistrement des codes d'accès

#### Ma société

Editer

Les détails de votre fiche signalétique servent au pré-remplissage de vos formulaires. Ainsi plus vous aurez renseigné de détails ici, plus vos démarches en ligne seront rapides et faciles. Cliquez sur le bouton "Editer" ou contactez l'administrateur de votre espace afin de compléter votre profil ou mettre à jour certains détails.

#### Dénomination et identification

Dénomination / Raison Sociale :	SARL	Site Internet :	Non renseigné
Enseigne commerciale :	Non renseigné	Num. T.V.A. :	Non renseigné
Num. Identifiant :	Non renseigné	Libellé NACE :	Non renseigné
Code NACE :	Non renseigné		
Num. RCS :	Non renseigné		
Forme juridique :	Non renseigné		
Publication legilux :	Non renseigné		

#### Adresse du siège social

Adresse :	Non renseigné
Téléphone fixe :	Non renseigné
Téléphone mobile :	Non renseigné
Fax :	Non renseigné





# MyGuichet: Certification of the professional space (2)



MyGuichet.lu

Théo Guichet Aide Se déconnecter

Grand-Duché de Luxembourg Strassen, le 26 novembre 2018

Mes démarches Mes documents Catalogue des démarches Mes données professionnelles

Pro Espace prof

Profil de Pro Certifications Signalétique

**Mandat principal** ▼

Vous souhaitez accéder aux données certifiées de votre société à partir de votre Espace Professionnel. En validant ce code, tous les utilisateurs de cet Espace Professionnel auront accès à ces informations.

Code d'accès Titulaire  Valider

**Mandats obtenus** ▼

Vous avez reçu un code d'accès pour la consultation des données d'une autre société, En validant ce code, tous les utilisateurs de cet Espace Professionnel auront accès à ces informations.

Code d'accès Mandataire  Ajouter l'accès

**Concerne : Opérations électorales pour la désignation des délégués du personnel - Code d'activation MyGuichet.lu**

Madame, Monsieur,

En référence à notre courrier du 19 novembre 2018 concernant les opérations électorales qui auront lieu dans le cadre de la désignation des membres des délégations du personnel, nous vous prions de trouver ci-après les codes d'accès aux démarches relatives aux élections sociales sur MyGuichet.lu et d'effectuer les démarches administratives relatives aux élections sociales précitées.

Code d'accès de votre entreprise: **ITM\_ELECTIONS-NS28-F196-C858-H259-P685**

Code d'accès de votre mandataire: **ITM\_ELECTIONS-G313-C847-J396-R677-E914**

Ces codes d'accès sont à renseigner dans l'espace professionnel MyGuichet.lu de votre choix, dans l'onglet « Mes données professionnelles », puis en cliquant sur le lien « Enregistrement des codes d'accès » sous le titre « Elections sociales » du menu « Sources authentiques ».

Par courrier daté du 19 novembre 2018, nous vous avons en effet informé que les nouvelles dispositions en matière d'élections sociales prévoient que les démarches administratives suivantes doivent dorénavant obligatoirement être effectuées par voie électronique par l'intermédiaire de la plateforme interactive et sécurisée MyGuichet.lu :

- a) l'avis d'élections portant sur les modalités d'organisation des élections sociales au sein de votre entreprise ;
- b) l'avis relatif au délai de réclamation par rapport aux listes électorales ;
- c) la communication des candidats ;
- d) la déclaration des résultats des opérations électorales ;
- e) la déclaration des fonctions au sein de la délégation.

En rouge : Une entreprise « **titulaire** » renseigne le code d'activation qu'elle a reçu pour certifier son espace professionnel

En vert : Une entreprise « **mandataire** » renseigne le code qu'une entreprise titulaire lui a fourni.



## Electoral lists



Establishment of the **alphabetical lists** of employees, by the head of the undertaking, who meet the requirements of **active and passive** suffrage rights, **three weeks before the day on which the elections take place and no later than Monday, 18 February 2019**, for consultation by interested persons.

The **electoral lists** include the **full names of all the company's employees** and the words **"yes" and "no"** in the respective columns of **"active" and "passive"** voting rights.

Liste alphabétique des salariés admis à l'électorat			
Noms et prénoms	Profession	Électeur	Éligible
1		OUI/ NON	OUI/NON
2			
3			
4			
5			



2ème démarche

## Notice of complaints 2nd electronic step



Post of a **notice of the deadline for filing a complaint against the voters' lists 3 weeks before the elections, no later than Monday, 18 February 2019**, informing employees that any complaint against the lists deposited must be made to the head of the undertaking and, for information, to the ITM.

**Deadline for submitting complaints against the electoral lists: 3 working days, from Tuesday, 19 February 2019 to Thursday, 21 February 2019.**

Recording of this information on [MyGuichet](#).

Printing of the election notice on [MyGuichet](#) for posting in the company.



## Presentation of candidacies (1)



**Undertaking with 15 to 99 employees:** Elections take place in accordance with the **relative majority system**

Candidacies **shall be admissible** if they are presented by:

- trade union organisations that can show that they represent members on a general national
- trade union organisations that can show that they represent members in a particularly important sector
- trade unions organisations that can show that they represent the absolute majority of the members of which the outgoing delegation
- 5 voters

Each list and each candidacy of a person standing for election in an individual capacity must be accompanied by a **declaration signed by the candidate or candidates affirming that they accept the candidacy.**

**The candidate** standing for election in his or her individual capacity must receive an **acknowledgement of receipt** mentioning the date and the time of deposit thereof and a statement to the effect that the deposit is valid.

**The head of the undertaking or a person delegated by him or her shall register the lists** in the order of their presentation.

He or she shall refuse to register the list of candidates who are not in line with those requirements.



## Presentation of candidacies (2)



**Undertaking of  $\geq 100$  salariés** : Elections take place in accordance with the **relative majority rules**.

**Candidacies shall be admissible** if they are presented by:

- trade union organisations that can show that they represent members on a general national level
- trade union organisations that can show that they represent members in a particularly important sector
- trade union organisations that can show that they represent an absolute majority of the members of the outgoing delegation
- Staff Members representing at least 5% of the workforce but not exceeding 100 employees

Each list must be accompanied by a **declaration signed by the candidate or candidates affirming that they accept the candidacy**

**Each list of candidates shall bear the name of an agent** chosen by the persons presenting the list **to deliver the list to the head of the undertaking or to such person as may be delegated by him or her**

**it may be delivered by registered letter posted by no later than two days before the legal deadline** (D-15: 25 February 2019 or D-12: 28 February 2019), with the date on the postmark being conclusive in this regard.

**The agent must receive an acknowledgement of receipt** mentioning the date and the time of deposit thereof, together, as the case may be, with the **order number of the list** and a statement to the effect that the deposit is valid.



## Presentation of candidacies (3)



**Undertaking of  $\geq 100$  employees** : Elections under the **proportional representation system**

**Where different lists bear the same name**, the agents shall be requested to establish the requisite distinctions, failing which the lists in question shall be designated by an order letter assigned by the head of the undertaking or by a person delegated by him or her; that designation must be done before the expiry of the deadline for declaring candidacies. (D-15: 25 February 2019 or D-12: 28 February 2019).

**The list shall state**, in alphabetical order the **surname**, **first name** and **profession** of each candidate and the name of the **trade union organisation or group of electors** putting him or her forward.

**No person may appear on more than one list**, whether as a candidate, or as a nominator, or as an agent.  
**A person is not prohibited** from being **on the same list** as a candidate, or as a nominator and as agent.

**If identical declarations are submitted for candidates on lists**, the first one is the only valid one. In this case, **only the application is to be deleted and not the entire list**.

**In the event of an identical date, all these applications are invalid.**



## The observers (New!)



If the election is held in accordance with **the proportional representation system**, a **trade union organisation** that can show that it represents members on a general national level (OGBL or LCGB) or a trade union organisation that can show that it represents members in a particularly important sector of the economy (ALEBA) may, at the time when it is lodged, designate **one observer per electoral office**, who may participate in the electoral operations and whose role shall consist in monitoring the regularity of the electoral operations.

**The observer's mission** shall begin on the day on which the list containing his name is submitted and end on the date on which the official record is signed.

That observer may be a **member of the staff of the undertaking** concerned whose name does not appear **as a candidate** on any of the electoral lists deposited but who fulfils the **conditions of the passive suffrage right** or **another representative duly mandated by one of the trade unions** referred.

**An outgoing delegate may be observer if is not a candidate**

**No other observers or witnesses shall be admitted**, either during the voting or during the counting of the votes, with the exception of officials sent by the Minister of Labour or by the Director of the ITM  
Observers are not part of the electoral bureau and therefore cannot record their observations and complaints in the official records.



## The List numbers



The appointment of **order numbers to the lists** is done by a **drawing operated** by the Prime Minister :

Liste n° 1 :	OGBL Onofhängege Gewerkschaftsbond Lëtzebuerg Confédération syndicale indépendante du Luxembourg
Liste n° 2 :	LCGB - Lëtzebuerger Chrëschtliche Gewerkschafts-Bond
Liste n° 3 :	ALEBA
Liste n° 4 :	FNCTTFEL - Landesverband
Liste n° 5 :	SYPROLUX
Liste n° 6 :	NGL – SNEP
Liste n° 7 :	Neutrale Verband Gemeng Lëtzebuerg N.V.G.L.
Liste n° 8 :	CLSC - CONFEDERATION LUXEMBOURGEOISE DES SYNDICATS CHRETIENS
Liste n° 9 :	SEA - SYNDICATS DES EMPLOYES DU SECTEUR DE L'AVIATION

**Trade union organisations** and **groups of employees** which have not requested or obtained the assignment of an **order number** in accordance with the provisions of the aforementioned Grand-Ducal Regulation of 13 July 1993 **must use the order number assigned to them upon request by the Director of the ITM.**





## Deposit of the candidacies



**The lists and/or candidacies of persons standing for election in an individual capacity must be submitted to the head of the undertaking** on the fifteenth calendar day before the opening of the ballot, **no later than Monday, 25 February 2019 by no later than 6.00 p.m**

**In the event of absence or a lower number of candidacies**, extension of the deadline for the submission of candidacies of 3 days, **at the latest on Thursday 28 February 2019 at 6.00 p.m**

The undertaking shall inform the electors and the case may be, the persons presenting the lists of the further period.

***Upon the expiry of the deadline, the head of the undertaking shall fix the list of candidates.***

**The undertaking shall refuse** to register any **candidates** standing for election in their individual capacity, **who do not meet the requirements laid down by the regulation**

**Where the total number of candidates is not in line with those requirements**, he shall **refuse** to register the list.



# Simple majority system



Example 4 full delegates and 4 released delegates to be elected

Date	Situation	Result	Dispositions
D-15 days before the elections	0 candidate (valid)	extension of the deadline for the deposit of candidacies of 3 days	Art. 8
D-15 days before the elections	≥1 to <8 candidates	extension of the deadline for the deposit of candidacies of 3 days	Art. 8
D-15 days before the elections	=8 candidates	If agreement : automatic elections If no agreement : elections to be held	L.413-1(6)
D-15 days before the elections	>8 candidates	Elections to be held	
<b>3 days of extension</b>			
D-12 days before the elections	0 candidate (valid)	Official record of failure	L.413-1(7)
D-12 days before the elections	≥1 to ≤8 candidates	If agreement: automatic elections If not agreement : elections to be held	L.413-1(6)
D-12 days before the elections	>8 candidates	Elections to be held	



# Proportional representation system



Example 7 full delegates and 7 substitute delegates to be elected

Date	Situation	Result	Dispositions
D-15 days before the elections	0 candidate (valid)	extension of the deadline for the deposit of candidacies of 3 days	Art. 8
D-15 days before the elections	$\geq 1$ à $< 14$ candidacies(s)	extension of the deadline for the deposit of candidacies of 3 days	Art. 8
D-15 days before the elections	=14 candidacies	If agreement : automatic elections If no agreement : elections to be held	L.413-1(6)
D-15 days before the elections	$> 14$ candidacies	Elections to be held	
<b>3 days of extension</b>			
D-12 days before the election	0 Candidacy (valable)	Official record of failure	L.413-1(7)
D-12 days before the election	$\geq 1$ à $\leq 14$ candidacies(s)	If agreement : automatic elections If no agreement : elections to be held	L.413-1(6)
D-12 days before the election	$> 14$ candidates	Elections to be held	



## Communication des candidatures 3rd electronic approach



**Registration of candidates** by the head of the undertaking or a person delegated by him or her **and printing of the list of candidates on MyGuichet for posting** in the undertaking by **Wednesday 6 March 2019 at the latest**.

The communications shall be freely posted up and/or displayed on the divers media including electronic media reproduces **surnames, forenames, profession and instructions** for voters.

Save in the case of **postal voting**: candidacies must be posted up during the last three working days prior to the ballot, from **Thursday, 7 March 2019 to Monday, 11 March 2019**.

In the case of elections **with postal voting**: Posting of candidates 10 days prior to the ballot, **from Friday 1 March 2019 to Monday 11 March 2019**.

Following the registration of candidates on MyGuichet, the **following documents are returned electronically to the undertaking** :

- **List of candidates for posting** in the undertaking
- **Ballot paper** (for optional use)
- **Blank count official record** for the principal electoral bureau and, if applicable, for supplementary electoral bureau
- **Official record of automatic election** (if necessary)
- **Failure Official record** (if necessary)
- **Poster of results in case of automatic elections** (if necessary)



# Communication of the candidacies



## Communication des candidats à l'élection sociale

- 1 Choix de l'entreprise
- 2 Entreprise
- 3 Questions relatives aux salariés et aux candidats

### Questions relatives aux salariés et aux candidats

Votre entreprise occupe-t-elle au moins 15 salariés pendant les 12 mois précédant le premier jour du mois de l'affichage annonçant les élections ?\*  Oui  Non

Avez-vous déjà organisé des élections sociales au cours de l'année précédant la date officielle de tenue des prochaines élections sociales ?\*  Oui  Non

**i** Veuillez vous référer aux articles L. 411-1 et L. 411-2 du [Code du travail](#)

Quel est le nombre de salariés de votre entreprise ?\*

Quel est le nombre de délégués titulaires à élire dans l'entreprise\*  ?

Y a-t-il des candidats ?\*  Oui  Non

Quel est le nombre total de candidats déclarés ?\*

Un accord entre les candidats pour la répartition des postes a-t-il été trouvé ?\*  Oui  Non

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# Communication of the candidacies



## Communication des candidats à l'élection sociale

- 1 Choix de l'entreprise
- 2 Entreprise
- 3 Questions relatives aux salariés et aux candidats
- 4 Questions relatives à l'élection
- 5 Liste des candidats en vue de l'élection sociale

### Questions relatives à l'élection - Proportionnelle

A quelle date seront organisées les élections ?\*

12/03/2019

L'adresse du bureau de vote principal est-elle différente de l'adresse du siège social de l'entreprise ?\*

Oui  Non

Y-a-t-il plusieurs bureaux de vote ?\*

Oui  Non

#### Adresse du bureau de vote principal

Numéro 01  
Rue\* Rue du bureau 1  
Code postal\* 1234  
Localité\* ADWEILER

Supprimer ce bureau de vote ✕

#### Adresse du bureau de vote n°2

Numéro 02  
Rue\* Rue du bureau 2  
Code postal\* 1235  
Localité\* AHN

Ajouter un bureau de vote ➕

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# Communication of the candidacies



## Automatic election : simple majority system

Communication des candidats à l'élection sociale

- 1 Choix de l'entreprise
- 2 Entreprise
- 3 Questions relatives aux salariés et aux candidats
- 4 Liste des candidats - Election d'office
- 5 Validation de la saisie

**Majoritaire – Election d'office**

Nom	Prénoms	N° d'identification national	Profession	Sexe	Nationalité	Présenté par le syndicat	Statut
NOM	PRÉNOMS	112345	PROFESSION	Homme Femme	Luxembourg	OGBL	Titulaire Suppléant
NOM	PRÉNOMS	123654	PROFESSION	Homme Femme	Allemagne	LCGB	Titulaire Suppléant

**i** Compléter une ligne par candidat

Un procès-verbal d'élection d'office, ainsi qu'un document servant à l'affichage des résultats dans l'entreprise, seront transmis et disponibles sous l'onglet "Messages", dans votre espace professionnel MyGuichet.lu, après la transmission de la démarche à l'ITM.

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# Communication of the candidacies



## Communication of candidacies Regular elections: Proportional Representation system

Communication des candidats à l'élection sociale

- 1 Choix de l'entreprise
- 2 Entreprise
- 3 Questions relatives aux salariés et aux candidats
- 4 Questions relatives à l'élection
- 5 Liste des candidats en vue de l'élection sociale

**Scrutin proportionnel – Election normale**

Supprimer cette liste ✕

Liste	Nom*	Numéro du syndicat : 1
	OGBL	

Nom	Prénoms	N° d'identification national	Profession	Sexe	Nationalité
NOM	PRÉNOMS	N° d'identification	PROFESSION	Homme Femme	Luxembourg

Ajouter un candidat +

Ajouter une liste +

**i** Compléter une ligne par candidat

Un formulaire d'affichage des listes de candidats (présentant les noms, prénoms et professions), un modèle vierge de procès-verbal pour le bureau électoral principal, le cas échéant, un modèle vierge de procès-verbal pour le(s) bureau(x) électoral(-raux) supplémentaire(s), ainsi qu'un modèle de bulletin de vote renseigné avec les listes de candidats, seront transmis et disponibles sous l'onglet "Messages", dans votre espace professionnel MyGuichet.lu, après la transmission de la démarche à l'ITM.

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# Communication of the candidacies



## Communication des candidats à l'élection sociale

- 1 Choix de l'entreprise
- 2 Entreprise
- 3 Questions relatives aux salariés et aux candidats
- 4 Questions relatives à l'élection
- 5 Liste des candidats en vue de l'élection sociale
- 6 Validation de la saisie

Veuillez contrôler l'ensemble des informations saisies. Cliquez ensuite sur "Confirmer la saisie" ou sur "Retour à la saisie" pour les modifier.



Le présent document a pour objectif de vérifier les informations saisies dans l'assistant MyGuichet, avant sa transmission électronique. Il n'a aucune valeur officielle.  
Suite à la transmission électronique de la présente démarche, vous recevrez le(s) document(s) officiel(s) relatif(s) à votre déclaration automatiquement dans votre espace professionnel MyGuichet > Messages.

### Entreprise

[Retour à la saisie](#)

#### Signalétique

Nom Administration Communale Waldbredimus  
Matricule 00005123100

Adresse du siège social:

### Important

Ne transmettez pas cette démarche sans la liste complète des candidats.

Tant que la liste des candidats n'est pas complète, veuillez svp utiliser la fonctionnalité « Reprendre plus tard » pour sauvegarder et reprendre votre démarche ultérieurement.

Numéro 01

Rue Rue du bureau 1

Code postal 1234

Localité ABWEILER

Adresse du bureau de vote n°2

Numéro 02

Rue Rue du bureau 2

Code postal 1235

### Scrutin proportionnel – Election normale

[Retour à la saisie](#)

Liste	Nom: OGBL	*Identification		Numéro du syndicat : 1	Sexe	*Nat
Nom	Prénoms	N° d'identification		PROFESSION	M	LUX
NOM	PRENOMS	N° d'identification		PROFESSION	M	LUX

\*Identification : N° d'identification national.

\*Nat : Nationalité

### Important

Ne transmettez pas cette démarche sans la liste complète des candidats.

Tant que la liste des candidats n'est pas complète, veuillez svp utiliser la fonctionnalité « Reprendre plus tard » pour sauvegarder et reprendre votre démarche ultérieurement.

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[Reprendre plus tard](#)

[Confirmer la saisie](#)



## Ballot papers



The ballot papers shall be **identical to the notice displayed**, save that they are of **smaller dimensions**  
The ballot papers must be **stamped on the reverse side and must be identical** in terms of the paper, the format and the printing

### Are invalid ballot papers :

- ballot papers which have not been given out to electors by the presiding officer of the electoral bureau
- ballot papers which purport to cast more votes than there are delegates to be elected
- ballot papers the form and/or dimensions of which have been altered
- ballot papers which would contain a mark or sign of recognition of its author (paper inside, erasure or any other mark)



# Ballot papers

for the relative majority system



## Bulletin de vote

### Élections pour la désignation des délégués du personnel

Noms, prénoms et profession des candidats		
1	Batista Angel, Inspector	
2	Buttler Kyle, Architect	
3	Masuka Vince, Scientist	
4	Morgan Debra, Detective	
5	Morgan Dexter, Scientist	
6	Quinn Joey, Officier	

Sont à élire :

- 1 délégués titulaires et
- 1 délégués suppléants

each elector may cast just one **vote** in favour of each of the candidates



# Ballot papers

for the proportional representation system



## Bulletin de vote

### Élections pour la désignation des délégués du personnel

Liste n° Nom de la Liste :	Liste n° Nom de la Liste :	Liste n° Nom de la Liste :	Liste n° Nom de la Liste :
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Elector may cast **two votes** in favour of each of the candidates



# Setting-up of the electoral bureau



## Electoral bureau

On election day, **12 March 2019**, a **principal electoral bureau** and, if necessary, **supplementary electoral bureau** are set up.

Each electoral bureau is composed of a president and 2 assessors.

The head of the undertaking or the person delegated by him or her to act as **presiding officer** of the principal electoral bureau.

The **2 assessors** are **appointed by the outgoing delegation**, and **failing that**, they are appointed from among the voters by the head of the undertaking, or in the event of a dispute by the director of the ITM.

**Neither the full and substitute delegates of the outgoing delegation**, nor the **new candidates** may sit as assessors.

It is recommended not to give the position of President to a candidate or a member of the outgoing delegation.

The members of the electoral bureau shall be required faithfully to count the votes cast and to maintain the secrecy of the polling booth.

The **electoral bureau or bureau** must be fully manned throughout the duration of the electoral operations.



## Electoral Bureau



### Required equipment :

- **Voting box**
- **ballot box** sufficiently large to contain the ballots papers
- **Elector's guidelines to be visibly displayed** (one in each voting booth and one in the entrance of the electoral bureau)
- **Pens/pencils to vote (at least one per voting booth)**
- **1 or 2 ticking list containing the employees eligible to vote** in the electoral bureau in question
- **Envelopes containing the ballots papers**
- **The ballot papers** shall be folded in four, in a right angle, and stamped at the outside
- **Empty envelopes to contain the ballot that have not been used, the invalid ballots paper as well**
- **Counting forms, blank official records** (which were made available to the company on MyGuichet during the "Candidate Communication" process)

### For the **principal electoral bureau**

- **Computer allowing the recording of results on MyGuichet**



## Election phase (1)



**The electoral bureaus are open at the time indicated in the election notice**

**The voter** who presents himself shall **indicate his name** and shall be able to identify himself by means of an identity card, passport, badge or any other document containing a picture.

The **assessors verify** that the elector is registered on the electoral lists of their electoral bureau and tick his presence.

**A voter who shows up in the wrong electoral office** is asked to go to the office he's inscribed.

**If the 2 bureaus are at different addresses**, the office in front of which the elector presented himself, contacts the main electoral bureau which is in charge of verifying that the elector has not yet participated in the vote in the office in which he was registered and asks, if necessary, that he be deleted from the checklists of that bureau before recontacting the bureau initiating the request.

The person is admitted to vote in the ballot box and the elector is added as a voter on the checklists. This fact should be mentioned in the official record of the 2 offices concerned.



## Election phase (2)



The assessors shall enter the names of the voters who appear on the checklists.

**The person admitted to the vote is handed out, by the president of the electoral office, his ballot paper, folded in 4 at right angles, stamped outside and he/she goes to a not occupied voting cabin.**

**The elector proceeds to the voting**, folds back his ballot paper as it was handed out, with the stamp outside, shows the ballot paper to the president of the electoral office and **puts it in the ballot box.**

**A voter who made a mistake** while voting **informs the president of the electoral office** and hands his ballot paper to the president who has to destroy the ballot paper immediately prior to **handing out a new ballot paper** to the elector.

**No proxy voting is allowed.** The ballot paper is to be handed over by the elector in person to the president of the electoral office.

**In the event of a postal vote**, the ballot paper may be delivered by post. The envelope containing **the ballot paper may also be delivered by the voter in person** with an acknowledgement of receipt to the president of the electoral bureau before the close of the office.





## Rules governing the ballot



Each elector shall have **as many votes as the total number of full delegates and substitute delegates to be elected.**

A ballot paper containing more votes than votes available to the voter **is invalid.**

Each cross (+ or x) placed in one of the reserved boxes next to the name of a candidate shall be deemed to constitute a vote for that candidate.

Any circle which is filled in, even incompletely, or any cross, even imperfectly formed, shall be **deemed to be a valid expression of the vote cast**, unless the intention to render the voting slip recognisable is not manifest.

Any cross marked in any place other than the box reserved for that purpose shall render **the ballot paper invalid.**

Where the election is held in accordance with the **simple majority system**, each elector may cast just **one vote** in favour of each of the candidates.

Where the election is held in accordance with the **proportional representation system**, each elector may cast just **two votes** in favour of each candidates.



## Counting of the votes



**At the time fixed for the closure of the ballot, the ballot box or boxes shall be opened by the presiding officer** in the presence of the two assessors.

**The electoral bureau shall count** the ballot papers contained in the ballot box or boxes, without unfolding them and enters in the official record:

- The number of voters (score)
- The number of ballot papers

**If the counting is not carried out in the supplementary electoral bureau**, the **presiding officer** of this bureau seals the ballot box and, accompanied by the 2 assessors, **will hand over the ballot box, the official record and the envelope containing the unused ballots** in hand of the **presiding officer of the principal electoral bureau**.

**If the counting is carried out in several bureaus**, each bureau records the results by hand on the **counting report** (which was communicated to the employer on MyGuichet during the "Candidate Communication" process).



## Allocation of seats (1)



### Majority system

The candidate obtained the greatest number of votes is elected . In case of equal votes, **the oldest candidate is elected.**

### Proportional system

Calculating the value of **5% of validly cast votes** and **eliminating those lists for which the number of votes cast is less than the aforementioned value.**

Defining the electoral number (EN) based on the following formula:

EN = Nearest integer to the following quotient:

EN =	<b>Sum of valid votes cast on all lists</b>
	<b>Number of effective delegates to be elected +1</b>

Defining the number of seats (Ns) for each list based on the following formula:

Ns =	<b>Number of cast votes by list</b>
	<b>EN</b>

These calculations need to be repeated for each list, after eliminating the lists for which the number of votes cast is less than 5% of the validly cast votes. The calculations need further to be adapted each time in light of the number of votes cast for each corresponding list.



## Allocation of seats (2)



### Proportional system

If the total number of (effective) seats allocated on the basis of the aforementioned method is inferior to the number of effective seats to allocate, a complementary allocation of seats needs to be made.

This complementary allocation is made on the basis of the following formula for each eligible list (for which more than 5% of valid votes were cast).

**Number of votes cast by list**

**Number of seats already allocated for the list +1**

Any seats calculated on the basis of this formula are assigned to the list with the largest quotient. In case of equal quotients, the seat is assigned to the list which has received most votes.

Only one seat at a time can be allocated on the basis of this calculation. If required, the calculations need to be repeated until all seats have been duly allocated.

A list is assigned exactly the number of substitute delegates' seats as it has full delegates' seats. For each list, the relevant seats are assigned to those candidates who have received the largest number of votes cast. In case of equal votes between candidates, the oldest candidate (by reference to the candidate's date of birth, not the candidate's corporate seniority) is selected.

If a list is assigned more seats than it presented candidates, the exceeding seats are reallocated between the other lists.



## Allocation of seats (Example)



### Proportional system

Members of staff as of February 1, 2019	240
To be elected	6 full delegates + 6 substitute delegates
Number of registered voters	196 employees
Voters	174
Number of invalid ballot papers	14
Number of votes validly cast	1.841
Electoral number	$1.841 / (6+1) = 263,0 \rightarrow 264$
Minimum number of votes required per list	5% de 1.841 = 92,05 $\rightarrow$ 93

Name of the list	Total number of votes for the list Electoral number	Delegates	Released
List A	$815/264 = 3,08$	3	3
List B	$261/264 = 0,98$	0	0
List C	77	0	0
List D	$501/264 = 1,89$	1	1
List E	$187/264 = 0,71$	0	0
<b>Total</b>		4	4



## Allocation of seats (Example)



### Proportional system

Additional seats:

Name of the list	Number of votes obtained per list / (Number of seats already obtained+ 1)	Quotient
List A	815/4	203,75
List B	261/1	<b>261</b>
List D	501/2	250,5
List E	187/1	187

Name of the list	Number of votes obtained per liste / (Number of seats already obtained + 1)	Quotient
Liste A	815/4	203,75
Liste B	261/2	130,5
Liste D	501/2	<b>250,5</b>
Liste E	187/1	187



## Allocation of seats (Example)



Proportional system

Final result

Name of the list	Delegates	Released
List A	3	3
List B	1	1
List C	0	0
List D	2	2
List E	0	0
Total	6	6



## Report of result 4th electronic step



**Handwritten entry** by each electoral bureau (main and additional) of the results in the relevant counting report (which were retrieved during the "Communication of candidatures" process)

**Signature** of the presiding officer and the assessors of the official record of the counting of the votes concerned (main bureau and, if necessary, supplementary electoral bureau)

The presiding officers of the supplementary electoral bureaux shall **immediately send** the official record provided to the presiding officer of the principal electoral bureau.

**Recording** by the principal electoral bureau of the information recorded on the official record of the counting on the electronic platform [MyGuichet](#) in the "Declaration of results" process in order to draw up the official record of the **general count**.

**Printing of the official record of the general count** (this is the document in PDF format that is generated by the "Results Declaration" process).

**Signing of the official record of the general count** by the presiding officer and the assessors of the principal electoral bureau.

**Transmission of the results** via the [MyGuichet](#) electronic platform (the "Results Reporting" process) to the ITM as well as copies of the official record of the principal electoral bureau, if any, of the supplementary electoral bureau and the official record of the general count as attachments to the ITM.





# Report of results



## Déclaration des résultats de l'élection sociale

- 1 Choix de l'entreprise
- 2 Entreprise
- 3 **Détail du résultat de l'élection sociale**
- 4 Résultat de l'élection sociale - Proportionnelle

### Détail du résultat de l'élection sociale



Informations pour la génération du procès verbal de recensement général

La date des élections est le 12/03/2019.

Le nombre de représentants requis est de 4 titulaires et de 4 suppléants.

Le nombre de salariés de l'entreprise est de 100.

Nombre d'électeurs inscrits*	<input type="text" value="4"/>
Nombre de votants*	<input type="text" value="250"/>
Nombre de bulletins détruits lors des opérations électorales*	<input type="text" value="2"/>
Nombre d'électeurs admis au vote par correspondance*	<input type="text" value="0"/>
Nombre de votants par correspondance*	<input type="text" value="3"/>
Nombre de bulletins dans l'urne*	<input type="text" value="150"/>
Nombre de bulletins nuls (y compris les bulletins blancs)*	<input type="text" value="50"/>
Nombre de voix valablement exprimées*	<input type="text" value="100"/>
Nombre de bulletins valables*	<input type="text" value="100"/>
Remarques / Observations	<input type="text" value="aucune"/>

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# Report of results



## Déclaration des résultats de l'élection sociale

- 1 Choix de l'entreprise
- 2 Entreprise
- 3 Détail du résultat de l'élection sociale
- 4 Résultat de l'élection sociale - Proportionnelle
- 5 Validation de la saisie

### Résultat de l'élection sociale - Proportionnelle

Nom et numéro de la liste	-			Nombre de voix de liste	<input type="text" value="100"/>
Nom	Prénoms	N° d'identification national	Nombre de voix individuelles	Nombre de voix total	Statut
<input type="text" value="TTT"/>	<input type="text" value="TTT"/>	<input type="text" value="ttt"/>	<input type="text" value="1"/>	101	<input checked="" type="radio"/> Titulaire <input type="radio"/> Suppléant <input type="radio"/> Pas élu

Un procès-verbal de recensement général, ainsi qu'un document servant à l'affichage des résultats dans l'entreprise, seront transmis et disponibles sous l'onglet "Messages", dans votre espace professionnel MyGuichet.lu, après la transmission de la démarche à l'ITM.

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# Document receipt



Mes démarches   Mes documents   Catalogue des démarches

## Mes démarches

Initier une nouvelle démarche administrative

Sélectionnez une démarche parmi toutes les démarches proposées dans le catalogue.

Suivre mes démarches administratives

Tout   En préparation   Transmis   Plus

34 démarches. Affichage des démarches 1 à 10

Mise à jour	Nom	Statut	Réf.	Demandeur
11/01/2019 10:00:41	<a href="#">ITM : Déclaration des fonctions au sein de la délégation</a>	Traité	2019-A001-A483	Miliani
11/01/2019 09:03:25	<a href="#">ITM : Déclaration des résultats de l'élection sociale</a>	Traité	2019-A001-A482	Miliani
11/01/2019 08:51:21	<a href="#">ITM : Communication des candidats à l'élection sociale</a>	Traité	2019-A001-A480	Miliani
11/01/2019 08:51:20	<a href="#">ITM : Déclaration des fonctions au sein de la délégation</a>	Traité	2019-A001-A479	Miliani
11/01/2019 08:00:32	<a href="#">ITM : Déclaration des résultats de l'élection sociale</a>	Traité	2019-A001-A477	Miliani
11/01/2019 07:36:00	<a href="#">ITM : Communication des candidats à l'élection sociale</a>	Traité	2019-A001-A478	Miliani
10/01/2019 17:01:41	<a href="#">ITM : Déclaration des fonctions au sein de la délégation</a>	Traité	2019-A001-A472	Miliani
10/01/2019 12:01:00	<a href="#">ITM : Déclaration des résultats de l'élection sociale</a>	Traité	2019-A001-A427	Miliani
10/01/2019 11:11:46	<a href="#">ITM : Déclaration des résultats de l'élection sociale</a>	Transmis	2019-A001-A424	Miliani
09/01/2019 19:00:31	<a href="#">ITM : Comm. Candidats -Backerei Propo normale liste maison</a>	Traité	2019-A001-A379	Miliani
	<a href="#">ITM : Communication des candidats à l'élection sociale</a>			

Démarches par page 10

ITM : Déclaration des résultats de l'élection sociale

Vous avez au moins un message non lu associé à cette démarche. Consultez l'onglet Messages.

Réf. : 2019-A001-A482   Démarche clôturée le 11/01/2019 09:03:25  
Votre démarche a été clôturée par l'organisme.

Statut

Traité

Dossier   Historique   Acteurs   Messages 1

L'envoi de communication n'est pas permis pour ce type de démarche ou pour une démarche dans ce statut.

Nouveau message   Marquer comme lus   Marquer comme non lus

1 message

<input type="checkbox"/>	Date d'envoi	Sujet	Expéditeur	Déclaration
<input type="checkbox"/>	11/01/2019 10:03:23	<a href="#">Affichage des résultats - proportionnelle.</a>	Inspection du travail et des mines (ES)	ITM : Déclaration des résultats de l'élection sociale

Organisme de contact

Inspection du travail et des mines  
3, rue des Primeurs  
2361 STRASSEN  
Luxembourg

Tél. : 247-76100  
Fax. : 247-96100  
E-mail : contact@itm.etat.lu

- MDDI : SNCA - Demande de réservation d'un numéro d'immatriculation pour les entreprises

Voir toutes les démarches

Actualités sur guichet.lu

Voir toutes les actualités sur guichet.lu



# Content of the official record<sup>(1)</sup>



## Relative majority system and the proportional representation system

- a) The name of the undertaking;
- b) The official company name of the undertaking ;
- c) The national identity number of the employer ;
- d) The registered office of the undertaking;
- e) As the case may be, the postal address of the site ;
- f) The date of the elections ;
- g) The number of full delegates' and substitute delegates seats to be filled ;
- h) The number of electors registered according to the alphabetical list of employees referred to in Article 2 ;
- i) The opening time of the electoral office ;
- j) The closing time of the electoral office ;
- k) The number of electors taking part in the vote ;
- l) The number of ballot papers destroyed in the course of electoral operations ;
- m) The number of electors permitted to cast a postal vote ;
- n) The number of persons casting a postal vote ;
- o) The number of ballot papers deposited in the ballot box ;
- p) The number of invalid ballot papers and blank ballot papers ;
- q) The number of valid ballot papers ;
- r) The number of votes validly cast ;
- s) The surnames and first names of the candidates ;
- t) The national identity numbers of the candidates ;
- u) The gender of the candidates ;
- v) The nationality of the candidates ;
- w) Information regarding the candidate's title following the elections (full delegate, substitute delegate, not elected)
- x) The number of votes obtained by the candidate;
- y) The surname, first name and national identity number of the presiding officer of the electoral bureau ;
- z) The surnames, first names and national identity numbers of the assessors of the electoral bureau.



## Content of the official record(2)



### **Proportional representation system**

The official record shall **also** provide the following information :

- a) organisation referred to in Article 5(1) which put forward the candidate;
- b) The name of the lists;
- c) The number of votes obtained per list;
- d) The number of full delegates' seats per list.



## Communication of results



**The document which is automatically generated by the ITM and received by the undertaking via the electronic platform of MyGuichet via « declaration of results » will serve as communication of results.**

**The head of undertaking must post the results of the ballot for three consecutive days following the day of the ballot, i.e. from 13 March - 15 March 2019.**

**Majority system:** Surnames and first names of full and substitute delegates elected and of the candidates not elected, together with number of votes obtained shall be posted up.

**Proportional system:** Surnames and first names of full and substitute delegates elected and of the candidates not elected, together with number of votes obtained, as the case may be, the name of the trade union organisation which put forward the candidate, shall be posted up.

This **communication** shall be applicable in the event of an **automatic election**

The **communications** shall be freely posted up and/or displayed on the divers media accessible to the staff which are reserved for such use, including electronic media.



## Publication of the results



As from the day following the elections, being 13 March 2019, the results of the elections will be published at the ITM website.

The results of the elections will be published at the 3 following levels:

- 1. Total companies at national level** (majority and proportional system)
- 2. Total companies by economic sector** (majority and proportional system)
- 3. Total by company**

For each of the 3 levels will be posted: number of **full and substitute** delegates and, as the case may be, their **trade union membership**.

Finally, for each of the 3 levels, the **percentages** received by the trade unions or the lists or the neutral candidats with regard to the total result will be posted.



## Refusal of mandate



**In case an elected candidate refuses his/her mandate**, he needs to inform the presiding officer of the electoral office **within six (6) days of the publication of the results of the elections**.

**In such case, the elected candidate is replaced by the person on the list, who has obtained the greatest number of votes and the number of substitutes is supplemented**, as the case may be, by the next non-elected candidate obtained the greatest number of votes.

The staff needs to be informed thereof in accordance with the formalities and deadlines foreseen for the publication of the election results.

During the three (3) days following the expiring of the six (6) days deadline after the publication of the election results, any candidate refusing his/her mandate along with his/her alternate is required to publish his/her decision.

For such purpose, it is recommended to also inform the ITM either by email ([contact@itm.etat.lu](mailto:contact@itm.etat.lu)) or by mail of such publication.

After the end of this six (6) days period, the number of substitutes cannot be complemented anymore.

Any candidate refusing his/her mandate as elected delegate may not be appointed as substitute delegate, but loses entirely his/her mandate, including all his/her rights and obligations.





# Installation of new staff delegations



**The installation of the new staff delegation** cannot take place before the expiry of 15 days' deadline after last day of display of results, that means earliest 2 April, or in case of complaints, not before the decision of the director of the ITM.

The **constituent meeting**, is called by the **employee who has won the highest number of votes in the ballot** in the month following the elections **but at the latest on 12 April 2019**.

## Agenda of the constituent meeting

**Agenda** must comprise, in order, the following points

1. Designation of an electoral office comprising at least two members, and at least one member of each trade union represented within the staff delegation;
2. Election of the Chair;
3. Election of the Vice-Chair;
4. Election of the Secretary;
5. Election of the Delegation's Board;
6. Election of the Equality Delegate;
7. Election of the Health and Safety Delegate;
8. Implementation of Article L.415-5 of the *Labour Code (concerning time-off rights)*

**Minutes of the constituent meeting**, recording points 1 to 8 and signed by the members of the electoral office, must be drawn up and sent to the head of the undertaking and the ITM by **no later than five days after the date of the meeting**.



## Composition of the delegation



**During this constituent meeting, the delegation appoints from amongst its full members**, by secret ballot and in accordance with the relative majority rules:

- a chair,
- a vice-chair,
- a secretary,
- a health and safety delegate (from amongst its members or from amongst the other employees), and
- an equality delegate (from amongst its full or substitute members)

In the event of a tie, the older person shall be elected.

**For the despatching of the day-to-day business** and for the preparation of meetings, **the Delegation appoints from amongst its full members a Board**, to be chosen by secret ballot from a list in accordance with the proportional representation rules.

**The Board is composed in addition** , to the chair, the vice-chair, and the secretary, as follows:

- 1 member, where the Delegation is composed of at least 8 members;
- 2 members, where the Delegation is composed of at least 10 members;
- 3 members, where the Delegation is composed of at least 12 members;
- 4 members, where the Delegation is composed of at least 14 members.



## Function declaration 5th step



**Within 3 days following the constituent meeting, the chair of the delegation shall notify the head of the undertaking, in writing of the surnames, first names and national identity numbers of:**

- the chair;
- the vice-chair;
- the secretary;
- the members of the Board;
- the equality delegate;
- the health and safety delegate

**Within 5 days following the notification by the chair of the delegation to the head of undertaking of the functions, the head of undertaking communicates to the ITM** by registering on the electronic platform « function declaration » of [MyGuichet](#) the surnames, first names and national identity numbers of:

- the chair;
- the vice-chair;
- the secretary;
- the members of the Board;
- the equality delegate;
- the health and safety delegate



# Function declaration



## Déclaration des fonctions au sein de la délégation

- 1 Choix de l'entreprise
- 2 Entreprise
- 3 Fonctions au sein de la délégation (Effectif de l'entreprise <100)

### Fonctions au sein de la délégation (Effectif de l'entreprise <100)

Réunion constitutive

Date de la réunion\* 09/01/2019

Nombre de participants effectifs\* 25

Fonction	Nom	Prénoms	N° d'identification national
Président	Président	Prénoms	01332546
Vice-président	Vice-président	Prénoms	01332546
Secrétaire	Secrétaire	Prénoms	01332546
Délégué à la sécurité et à la santé	Délégué à la sécurité et à la santé	Prénoms	01332546
Délégué à l'égalité	Délégué à l'égalité	Prénoms	01332546

Le délégué à la sécurité est-il\*  Titulaire  Suppléant  Coopté

Le délégué à l'égalité est un délégué\*  Titulaire  Suppléant

Un procès-verbal de répartition des fonctions au sein de la délégation sera transmis et disponible sous l'onglet "Messages", dans votre espace professionnel MyGuichet.lu, après la transmission de la démarche à l'ITM.

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# Electoral challenges and disputes



**Challenges** relating to the electorate and the regularity of the electoral operations must be submitted by letter sent by registered post to the Director of the ITM, **within 15 days following the last day on which the result of the ballot is posted up/displayed, between 16 March and 1 April 2019.**

ITM who shall determine the same as a matter of urgency and in any event within 15 days, by a reasoned decision after hearing the interested party or parties or after duly summoning them to appear.

Upon receipt of an admissible challenge by the director of the ITM, he will **set a date for the hearing and he will inform the parties**, that means:

- The head of undertaking who will inform the president of the principal electoral bureau,
- The elected,
- The non-elected candidates
- As well as the claimants .

**Decisions of the Director of the ITM may be the subject of an appeal, to be lodged within 15 days after service of the decision in question, before the administrative courts ruling as a court adjudicating on the substance.**

**The lodging of such an appeal shall have suspensory effect.**

**The annulment of the elections by the Director of the ITM or by the administrative courts involve the organization of fresh elections which must take place within two months from the date of their annulment.**

The whole electoral procedure, beginning with the first display , has to start again.



# Timeline for companies working from monday to friday



1ère démarche

## 11.02.19:

- Posting of a notice announcing date, place and start/end of the elections
- Deadline to submit a request for ministerial authorisation for postal voting for employees absent on the election day

## 19.02.19-21.02.19:

Deadline for submitting complaints against voters' list

## 1.02.19:

date for the headcount computation

## 18.02.19:

- Deadline for the submission of the alphabetical list of employees
- Information by way of display of a notice that every complaint against the electoral list must be presented within 3 working days
- Communication of posting announcing elections and notice of claims to ITM via electronic platform

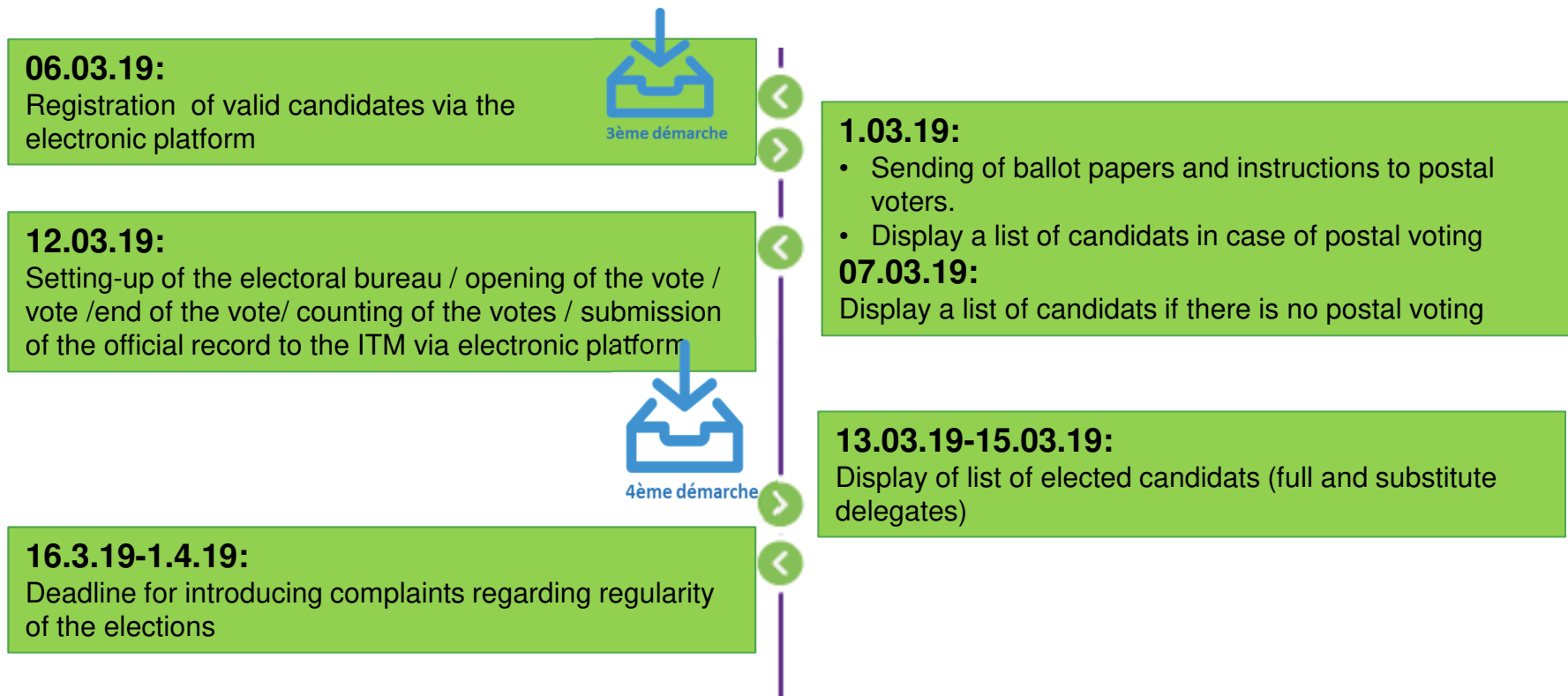
## 25.02.19:

- Date and hour for submission of candidacies
- In the absence of an insufficient number of candidats, extension by 3 days
- If elections via proportional system; deadline to demand an order number at ITM

2ème démarche



# Timeline for companies working from monday to friday





# Timeline for companies working from monday to friday



## Latest on 12.04.19:

The constituent meeting, is called by the employee who has won the greatest number of votes in the ballot

## Within 5 days following the consitution meeting:

An official record will be communicated to the head of undertaking and to the ITM

## As from 2 April:

Installation of the new delegation cannot occur before 2 April and in case of complaints, before the decision of the director of the ITM

## Within 3 days following the constituent meeting:

Communication of the surnames, first names and national identity numbers of: the chair; the vice-chair; the secretary; the members of the Board; the equality delegate; the health and safety delegate

## Within 5 days following the notification by the chair of the delegation to the head of undertaking of the functions,

the head of undertaking communicates to the ITM via electronic platform the surnames, first names and national identity numbers of: the chair; the vice-chair; the secretary; the members of the Board; the equality delegate; the health and safety delegate



5ème démarche





Questions ?





## Contact



**Marco Boly**

**Director**

3, rue des Primeurs, L-2361 Strassen

Tel.: +352 247-76100

Email : [contact@itm.etat.lu](mailto:contact@itm.etat.lu)

Website: [www.itm.lu](http://www.itm.lu)

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## Postal voting (1)



**The employees who are absent the day of the ballot** for reasons directly connected with the organization of work in the undertaking (business trip or mission abroad) or on account of sickness, an accident at work, maternity or leave or holiday are entitled **for postal voting**.

The postal voting has to be **requested by the head of undertaking or the staff delegation** at the **Minister of labour**.

**The request for ministerial autorisation for postal voting has to be submitted at least one month prior to the election , at the latest on 11 February 2019.**

**The minister of Labor will render his decision in form of an « arrêté »** where he precises the conditions and modalities of the postal voting.

The delay for **the publication of the list candidates who is usually 3 days prior to election will be raised to ten calendar days .**

At the same day, **at the latest on 1 March 2019**, the head of undertaking will send to postal voting electors the ballot papers as well as voting instructions.



## Postal voting(2)



### Despatch of ballots papers by postal service

Every elector will receive an envelope- hereinafter called « grande enveloppe » - containing :

- a notice with the instructions about the postal voting (copy of the ministerial authorisation for example);
- the ballot paper, folded in 4 and in an open envelope, the so called neutral envelope, which only indicates “élections pour les délégations du personnel”;
- a second envelope, open as well, indicating the address of the president of the main electoral office and below a space left free for the readable signature of the elector.
  - As the costs have to be taken over by the establishment, on the right upper side, at the space of the stamp, the information “Port payé par le destinataire”.
  - This second envelope has to be able to carry the neutral one without having to fold this last one again.
  - a copy of the notice of candidatures or at least the instructions to the voters who are given on these announcements and information about closing tome of the electoral office



## Postal voting(3)



### **Hand delivered ballot papers**

The postal voters may receive their ballot papers , in return for a signed receipt, through the intermediary of the head of undertaking or a person delegated by him. They may hand the envelope containing the ballot paper in person, to the presiding officer of the electoral bureau, in return for a signed receipt, before the closure of the ballot.

### **Hand over of ballot paper by a person delegated by the elector**

The hand out of ballot papers by a person delegated by the elector is not admissible anymore.



## Postal voting (4)



### **Procedure of the postal voter:**

After having expressed his vote, the postal voter has to:

1. fold back the ballot paper as it was, stamp outside;
2. put the ballot paper in the neutral envelope and close this one
3. put this neutral envelope in the second envelope indicating the address of the president of the main electoral office;
4. close this envelope;
5. put his readable signature in the space left free for it
6. introduce the postal voting by registered letter at a post office giving it enough time to arrive at the main electoral office prior to the closing time

### **Opening of the envelopes**

These envelopes have to be locked up by the presiding officer of the electoral bureau until the date of the ballot.

On the day of the ballot, these envelopes shall be opened, the ballot papers shall be extracted therefrom and placed in the ballot boxes without being unfolded. Where an envelope contains more than one ballot paper, the vote shall be considered invalid and the relevant ballot papers shall be destroyed together with the envelope without being first unfolded. This incident has to be mentioned in the official record.

The names of persons casting a postal vote shall be ticked off by the assessors from the names appearing on the electoral list. The number of persons casting a postal vote shall be entered in the official record.