

Grand Ducal Regulation of 11 September 2018 concerning electoral operations for the designation of staff delegates.

We, Henri, Grand Duke of Luxembourg, Duke of Nassau,

Having regard to Article L. 413-1 of the Labour Code and in particular paragraph 4 thereof;

Having regard to the opinion of the Chamber of Commerce, the Chamber of Skilled Trades and Crafts and the Chamber of Employees;

Having heard our Council of State;

On the basis of the report of our Minister of Labour, Employment and the Social and Solidarity Economy, of our Minister of the Economy and of our Minister of the Civil Service and of Administrative Reform and after deliberation of the Government in Council,

Decide:

Chapter 1. Organisation of the ballot

Article 1

(1) The elections for designation of staff delegates shall be organised and directed by the head of the undertaking or by a delegate appointed by the latter for such purposes.

(2) When the staff delegations are fully renewed between 1 February and 31 March of every fifth calendar year in accordance with Article L. 413-2, paragraph 2, of the Labour Code, the Inspectorate of Labour and Mines shall send, by registered post, to the undertakings referred to in Article L. 411-1, paragraph 1, of the same code, no later than two months before the date of the elections, an identification code enabling them to use the State secure interactive platform relating to electoral operations for the designation of staff delegates.

(3) When the staff delegations are organised outside the period referred to in paragraph 2, the Inspectorate of Labour and Mines shall send, by registered post, to the undertakings referred to in Article L. 411-1, paragraph 1, of the same code, within 15 days following their request, an identification code enabling them to use the State secure interactive platform relating to electoral operations for the designation of staff delegates.

Chapter 2. Preparation of electoral lists

Article 2

The head of the undertaking or his delegate shall prepare for each ballot an alphabetical list of the employees who fulfil the conditions to vote and to stand for election.

Article 3

(1) No later than one month before the elections, the head of the undertaking or his delegate must, by the displaying of notices, inform the employees of the undertaking of the date and place of the elections and the time at which electoral operations will begin and end. Between the start and end of the operations there must be a sufficient period of time – but at least one hour – to enable each elector to cast his vote. The notice will also indicate the number of staff delegates to be elected, the place where interested parties may ascertain the names of the candidates and the

conditions for standing for election. The notice will, finally, indicate the number of employees who, under Article L. 411-1 of the Labour Code, qualify to be taken into account for calculation of the workforce employed in the undertaking and will specify for that purpose:

1. the number of employees working at least sixteen hours per week;
2. the number of employees with a contract for less than sixteen hours per week and the total weekly duration of work stipulated in their contracts;
3. the number of employees with a fixed-term contract and of employees made available to the undertaking and the length of their presence in the undertaking during the 12 months prior to the mandatory date for the preparation of electoral lists.

The head of the undertaking must organise the elections in such a way that each employee is physically able to visit the polling station during his working hours without loss of remuneration.

The display of notices referred to in subparagraph 1 shall mark the commencement of electoral operations.

(2) Three weeks before the day of the elections, the alphabetical lists referred to in Article 2 shall be deposited by the head of the undertaking or his delegate for inspection by interested parties.

No later than that date, the attention of the employees shall be drawn, by the display of notices, to the fact that any objection against the lists deposited must be submitted to the head of the undertaking and, for information, to the Inspectorate of Labour and Mines within three business days following the date on which they are deposited.

(3) On the day of the deposit, the head of the undertaking or his delegate shall disclose the notices referred to in paragraph 1 and the notice of complaint referred to in paragraph 2 to the Inspectorate of Labour and Mines via the electronic platform intended for that purpose.

Chapter 3. Presentation of candidatures

Article 4

(1) When the elections are carried out by a list-based ballot in accordance with the rules on proportional representation, lists of candidates presented by the following shall be admissible:

1. trade union organisations proving general national representativity in accordance with Article L. 161-5 of the Labour Code;
2. trade union organisations proving representativity in a particularly important sector of the economy in accordance with Article L.161-6 of the Labour Code;
3. trade union organisations meeting the definition in Article L. 161-3 of the Labour Code, to the extent to which those organisations represent an absolute majority of the members making up the outgoing delegation, at the time of the filing of candidatures;
4. a group or groups of employees in the establishment representing at least 5% of the workforce to be represented, subject however to an upper limit of 100 workers.

Where a list is presented under a composite name by one or more trade union organisations proving general national representativity jointly with a trade union organisation meeting the definition in Article L. 161-3 of the Labour Code, the latter shall be exempted from compliance with the conditions laid down in point 3 of the foregoing subparagraph.

(2) Where the elections are conducted on the basis of a relative majority, candidatures presented by the following shall be admissible:

1. trade union organisations proving general national representativity in accordance with Article L.161-5 of the Labour Code;
2. trade union organisations proving representativity in a particularly important sector of the economy in accordance with Article L. 161-6 of the Labour Code;
3. trade union organisations meeting the definition in Article L. 161-3 of the Labour Code, to the extent to which those organisations represent an absolute majority of the members making up the outgoing delegation, at the time of the filing of candidatures;
4. five electors.

(3) Every list and every individual candidature must be accompanied by a declaration signed by the candidate or candidates certifying that they agree to stand.

(4) The lists or individual candidatures must be sent to the head of the undertaking or to his delegate no later than 6 o'clock in the evening on the fifteenth calendar day prior to the date of opening of the ballot.

On the expiry of that period, candidatures will no longer be accepted.

Article 5

(1) Every list of candidates shall include the appointment of an agent which the submitters of the list have chosen in order to deliver the list personally to the head of the undertaking or his delegate; delivery may be made by registered letter no later than two days before the date referred to in Article 4(4), the postmark being conclusive for that purpose.

An agent who delivers the list personally to the head of the undertaking or his delegate or an individual candidate who lodges his candidature pursuant to Article 4(4) must be given an acknowledgement of receipt mentioning the date and the time of lodgement, and if appropriate the serial number of the list and an indication that the lodgement is valid.

(2) Each list must bear a name; in the event that different lists have identical names, the agents will be invited to indicate the requisite distinguishing features, failing which those lists will be designated by a sequential letter by the head of the undertaking or his delegate; this designation must be made before the expiry of the period prescribed for declarations of candidacy.

(3) The list shall indicate in alphabetical order the surnames, forenames and professions of the candidates and the name of the trade union organisation or group of electors submitting the list.

(4) No person may appear on more than one list, either as candidate or as person submitting a list, or as agent. If identical declarations regarding candidates entered on lists are lodged, the declaration bearing the earliest date will be the only valid one; if they bear the same date, they shall all be void.

(5) A list may not comprise a number of candidates exceeding the number of full posts and alternate posts to be filled.

(6) Each list submitted by a trade union organisation proving general national representativity in accordance with Article L. 161-5 of the Labour Code or a trade union organisation proving representativity in a particularly important sector of the economy in accordance with Article L. 161-6 of the Labour Code may at the time of its submission appoint one observer for each polling station, who may be present at the electoral operations and whose role will consist in overseeing the conformity of the electoral operations.

That observer may be a member of the staff of the undertaking concerned not appearing as a candidate on any of the electoral lists lodged but meeting the criteria in Article L. 413-4 of the Labour Code or another representative duly mandated by one of the trade unions referred to in the foregoing subparagraph.

Article 6

The head of the undertaking or his delegate shall register the lists or individual candidatures in the order in which they are submitted. He shall refuse to register candidates appearing on a list and individual candidates who do not meet the requirements of the regulation. If all the candidates do not meet the requirements, he shall refuse to register the list.

Chapter 4. Composition and publication of the lists of candidates

Article 7

Upon the expiry of the period referred to in Article 4(4) of the present regulation, the head of the undertaking or his delegate shall draw up the list of candidates which shall be displayed openly on the various media accessible to the staff, reserved for that purpose, including electronic media.

Article 8

(1) If no valid candidature has been presented within the period prescribed in Article 4(4) of the present regulation, or if the number of candidates falls short of the number of posts to be filled, the head of the undertaking or his

delegate shall give notice thereof to the electors and, if appropriate, the submitters of lists and shall grant them an additional period of three days.

Article 9

(1) Valid candidatures must be displayed during the last three business days preceding the ballot, except in the case of postal voting, where the time limit shall be extended to 10 calendar days.

No later than four business days before the elections, the head of the undertaking or his delegate shall register the valid candidatures and give notice of the surname, forename, profession, national registration number, nationality and sex of the candidates on the electronic platform intended for that purpose.

On the same day as the registration of candidatures, the Inspectorate of Labour and Mines shall return the notice referred to in paragraphs 2 to 4 via the electronic platform intended for that purpose to the head of the undertaking, enabling him to display a notice of candidatures in accordance with subparagraph 1.

(2) If the election is conducted in accordance with the proportional representation system, the displayed notice shall reproduce, on the same sheet and in large characters, the surnames, forenames and professions of the candidates on all the valid lists that have been registered.

For each list, the order of presentation of the candidates shall be maintained.

The list shall bear the serial number allocated to the professional organisation which presents it, in accordance with the provisions of the Grand Ducal Regulation of 13 July 1993 concerning the allocation of a unique serial number to lists of candidates presented by the same professional organisation, the same trade union or group of employees for elections of professional chambers, health insurance funds and staff delegations.

Any trade union organisations and groups of employees referred to in Article L. 413-1 of the Labour Code which have not requested or secured the allocation of a serial number in accordance with the provisions of the above-mentioned Grand Ducal Regulation must use the serial number allocated to them on request by the director of the Inspectorate of Labour and Mines.

(3) If the election is conducted on a majority basis, the displayed notice shall reproduce, on the same sheet and in large characters, the surnames, names and professions of all the candidates who are or who have been validly declared. The candidates shall be classified in alphabetical order.

(4) The displayed notice shall additionally set out the instructions to electors.

Chapter 5. Preparation of voting slips

Article 10

After drawing up the list of candidates and after posting a notice of the candidatures, the head of the undertaking or his delegate shall immediately prepare the voting slips.

The voting slip shall be identical to the posted notice except that they may be of smaller dimensions and will not reproduce the instructions to electors. They shall indicate the number of full delegates and alternate delegates to be elected.

Article 11

(1) When the election is to be conducted in accordance with the proportional representation system, a box reserved for the vote will appear above each list. Two other boxes will be provided following the surname and forenames of each candidate. The upper box shall be black and have in the middle a small circle in the colour of the paper.

(2) Where the elections are conducted on a majority basis, only one box shall be provided, following the surname and forenames of each candidate. There will be no upper box.

Article 12

The slips used for the same ballot must be identical as regards paper, format and printing.

The use of any other slips shall be prohibited.

Voting slips must be stamped on the reverse before the ballot using a stamping device made available by the head of the undertaking.

Chapter 6. Constitution of the electoral office

Article 13

(1) On the day of the ballot, a principal electoral office shall be established and, if necessary, additional electoral offices, each one comprising a president and two assessors.

The principal electoral office and the additional electoral offices must be established in the Grand Duchy of Luxembourg.

The head of the undertaking or his delegate shall fulfil the functions of president of the principal electoral office. A representative of the employer shall preside over each additional office.

On each occasion two employees, to be nominated by the outgoing delegation, shall perform the functions of assessors.

In the absence of any appointment by the outgoing delegation and in the event of the setting up of a new delegation, the assessors shall be appointed from among the electors by the head of the undertaking or, if there is an objection, by the director of the Inspectorate of Labour and Mines.

(2) However, no outgoing full or alternate staff delegates nor the new candidates for the post of staff delegate may sit as assessors.

Article 14

(1) The members of the electoral office shall be required to faithfully count the votes cast and to keep votes secret.

(2) The electoral office or offices must be fully manned throughout the duration of the electoral operations.

Chapter 7. Ballot procedure

Article 15

(1) The staff delegates shall be elected by a secret vote placed in a ballot box by the employees of the undertaking.

As and when the electors present themselves, one of the assessors will tick off their names on the alphabetical lists which have been prepared by the head of the undertaking or his delegate.

Each elector who presents himself shall receive personally from the president a voting slip, folded in four at right angles and stamped on the reverse.

(2) Any elector who, inadvertently, damages the voting slip given to him may request another one from the president, returning to him the first slip, which shall be immediately destroyed.

(3) The ballot boxes referred to in paragraph 1 must conform to a model approved by the Inspectorate of Labour and Mines.

Article 16

(1) After voting, each elector shall show to the president of the electoral office his voting slip, duly folded in four, with the stamp on the outside, and shall place it in the ballot box.

No voting by proxy shall be allowed. Voting slips are to be handed over by the elector personally; they may not be handed in either by third parties or by post except where postal voting has been authorised by decision of the Minister

whose terms of reference include employment, in response to a request made by the head of the undertaking or the delegation no later than one month before the date of the elections.

(2) Pursuant to the provisions of Article L. 413-1(5) of the Labour Code, postal voting shall be authorised in accordance with the conditions and procedures defined in subparagraphs 2 to 9 for those employees who are ascertained to be absent from the undertaking on the day of the ballot for reasons associated with the organisation of work in the undertaking or by reason of illness, occupational accident, maternity or leave.

No later than the tenth day before the election, the head of the undertaking or his delegate shall forward to the electors who on that date fulfil the conditions laid down in Article L. 413-1(5) of the Labour Code, by registered post, voting slips together with a notice containing instructions for the elections.

The electors of the undertaking referred to in paragraph 2 may receive their voting slip against a receipt through the intermediary of the head of the undertaking or his delegate.

Voting slips shall be folded in four at right angles; they shall be placed in a first envelope, referred to as "the neutral envelope", left open and bearing the words "staff delegations elections". A second envelope, also open, shall be included in the dispatch and shall bear the address of the president of the electoral office and, beneath that address, a space reserved for the elector to subscribe his signature. The envelopes shall bear the elector's registration number on the electoral list.

Postage shall be charged to the undertaking. The envelope shall bear the words "Post paid by the undertaking".

There shall be included with the dispatch the notice of candidatures provided for in Article 9(1) and the notice referred to in Article 9(4), together with a copy of the ministerial order authorising postal voting, and also the dates of opening and of closure of the electoral office.

After casting his vote, the elector shall fold the voting slip in four, at right angles, with the undertaking's stamp on the outside, and place it in the "neutral" envelope, which shall be sealed. The elector shall place the latter envelope in the envelope bearing the address of the president of the electoral office, shall subscribe a legible signature in the space reserved for that purpose, shall seal the envelope and shall post it, by registered post, within a period such that it can reach the electoral office before closure of the ballot. No envelope will be accepted outside those time limits, regardless of the date of posting.

The electors in the undertaking referred to in subparagraph 2 may personally deliver to the president of the electoral office, against a receipt, the envelope containing their voting slip, before closure of the ballot.

The names of those voting by post shall be ticked off by the assessors on the electoral list. The number of postal voters shall be recorded in the minutes.

The envelopes shall be opened on the day of the ballot. The voting slips shall be withdrawn and placed in the ballot boxes, without being unfolded. Where an envelope contains more than one voting slip, the vote shall be regarded as void and the voting slips involved shall be destroyed with the envelopes without being unfolded.

Chapter 8. Ballot rules

Article 17

(1) Each elector shall be entitled to the same number of votes as the total number of full and alternate delegates to be elected.

(2) When the election is conducted in accordance with the system of proportional representation, an elector may allocate two votes to each of the candidates until all the votes available to him are accounted for.

An elector who blocks in or ticks the circle of the box appearing at the head of the list is deemed to adopt that list in its entirety and thus to allocate one vote to each of the candidates on that list.

Each cross (+ or x) entered in one of the boxes reserved for that purpose following the name of the candidate shall be considered a vote for that candidate.

(3) Where the election is based on the majority system, the elector may award only one vote to each of the candidates until all the votes available to him are accounted for; he shall do so by placing a cross (+ or x) in the box reserved for that purpose following the name of the candidate.

(4) Any circle blocked in, even incompletely, or any cross, even imperfect, shall validly express the casting of a vote, unless the intention to render the voting slip recognisable is not manifest.

Any cross placed elsewhere than in the box reserved for that purpose shall give rise to nullity of the voting slip. The elector must not make on the voting slip any other entry, signature, crossing out or sign whatsoever.

Article 18

An elector may award all the votes available to him to one of the lists or spread the votes over different lists.

Chapter 9. Counting of votes

Article 19

At the time set for closure of the ballot, the ballot box shall be opened by the president in the presence of the two assessors.

Article 20

The office shall count the voting slips contained in the ballot box without unfolding them. The number of voters and the number of voting slips shall be recorded in the minutes.

Before opening the ballot slips, the president shall intermix them.

Article 21

The votes awarded to a list in its totality (list votes) or to candidates individually (nominative votes) shall be counted both in respect of the list for calculation of the proportional allocation of posts between the lists and of the candidates for the allocation of posts within the lists.

A vote entered in the box appearing at the head of a list shall count for as many list votes as there are candidates appearing on the list.

Article 22

The president of the electoral office shall announce the list votes and the nominative votes. The two assessors shall ascertain the number of votes and keep a note thereof, each one separately.

Article 23

Void ballot slips shall not be taken into account in determining the number of votes. The following shall be void:

1. all voting slips other than those which have been issued to the electors by the president of the electoral office;
2. slips which purport to cast more votes than there are delegates to be elected and those which do not record the casting of any vote;
3. slips of which the form and dimensions have been altered, which contain a paper or an object of any kind or which the author has rendered recognisable by the writing of words, a signature, a crossing out or a mark of any kind.

Article 24

The office shall determine the number of voters, the number of void slips, the number of blank slips and the number of valid slips, the number of list votes obtained by each candidate list and the number of nominative votes obtained by each candidate. It shall record those particulars in the minutes.

Article 25

When all the voting slips have been counted, the assessors shall examine them and submit any observations or complaints.

Voting slips which have been the subject of complaints shall be added to the valid slips where they have been accepted as such by decision of the office.

Annulled or contested slips other than blank slips shall be initialled by the members of the office. Complaints and decisions of the office shall be recorded in the minutes.

Chapter 10. Allocation of posts

Section 1. Proportional ballot

Article 26

In order to determine the allocation of posts, the total number of valid votes received by the various lists shall be divided by the number of full delegates to be elected, plus one.

The whole number immediately exceeding the quotient thus obtained shall be referred to as the “electoral number”.

To each list shall be attributed as many posts of full delegates and as many posts of alternate delegates as the electoral number fits into the number of votes attracted by that list.

A list which has not obtained at least 5% of the votes validly cast shall not be taken into account for the allocation of posts.

Article 27

Where the number of full delegates and alternate delegates thus elected falls short of the number of full and alternate delegates to be elected, the number of votes on each list shall be divided by the number of posts of full delegates which it has already obtained, plus one. The post of full delegate and the corresponding post of alternate delegate shall be attributed to the list which obtains the highest quotient. The same procedure will be repeated if posts still remain available.

If quotients are equal, the available post of a full delegate and that of alternate delegate shall be allocated to the list which attracted the most votes in the elections.

Article 28

The respective posts of full delegate and alternate delegate shall be allocated, for each list, to the candidates who obtained the largest number of votes.

The posts of alternate delegate shall be allocated to the candidates who appear, according to the number of votes obtained, after the full delegates.

Article 29

Where the number of candidates exceeds that of the members to be elected, those who have obtained the most votes shall be elected.

Section 2. Majority ballot

Article 30

Where the election is based on a relative majority, those who obtained the most votes shall be elected.

Section 3. Common provisions

Article 31

In the event of an equal number of votes, the oldest candidate shall be declared successful.

Article 32

(1) Minutes, signed during the session by the president and the assessors, shall be drawn up by the principal office and, if appropriate, by the additional offices in respect of the electoral operations and the results of the ballot; the minutes shall be copied to every trade union which presented a list.

(2) The presidents of the additional electoral offices, if there are any, shall during the session forward the minutes provided for in paragraph 1 to the president of the principal electoral office.

The head of the undertaking or his delegate who fulfils the function of president of the principal electoral office shall register on the electronic platform intended for that purpose the results of the ballot, pooling the information in the manner provided for in paragraph 4, as contained in the minutes of the principal electoral office, and, where appropriate, in the minutes of the additional electoral offices.

The head of the undertaking or his delegate fulfilling the functions of president of the principal electoral office shall draw up, via the electronic platform intended for that purpose, minutes giving a general description of the electoral operations and the results of the ballot, pooling the information in the manner provided for in paragraph 4, as contained in the minutes of the principal electoral office, and, where appropriate, in the minutes of the additional electoral offices.

The minutes giving a general description shall be signed by the president and the assessors.

(3) The head of the undertaking or his delegate who fulfils the functions of president of the principal electoral office shall forward the results of the ballot and the minutes provided for in paragraphs 1 and 2 to the Inspectorate of Labour and Mines via the electronic platform intended for that purpose on the actual day of the elections.

(4) The minutes referred to in paragraphs 1 and 2 which report on the electoral operations and the results of the ballot shall contain the following information:

1. if the ballot is conducted on the basis of a relative majority system or in accordance with the system of proportional representation:
 - a) the name of the undertaking;
 - b) the corporate designation of the undertaking;
 - c) the national registration number of the employer;
 - d) the registered office of the undertaking;
 - e) where appropriate, the postal address of the site;
 - f) the date of the elections;
 - g) the number of full posts and alternate posts to be filled;
 - h) the number of registered electors 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 who took part in voting;
 - l) the number of voting slips destroyed during the electoral operations;
 - m) the number of electors allowed to cast postal votes;
 - n) the number of postal voters;
 - o) the number of voting slips in the ballot box;
 - p) the number of void slips and blank slips;
 - q) the number of valid voting slips;
 - r) the number of votes validly cast;
 - s) the surnames and forenames of the candidates;
 - t) the national registration number of the candidates;
 - u) the sex of the candidates;
 - v) the nationality of the candidates;
 - w) details of the candidate's title following the elections (full delegate, alternate delegate, not elected);
 - x) the number of votes obtained by the candidate;
 - y) the surname, forename and national registration number of the president of the electoral office;
 - z) the surname, forename and national registration number of the electoral office assessors.
2. if the ballot is carried out in accordance with the proportional representation system:
 - a) the trade union organisation referred to in paragraph 1 of Article 5 which presented the candidate;
 - b) the names of the lists;

- c) the number of votes obtained by the list;
- d) the number of full posts per list.

Article 33

If the ballot is conducted in accordance with the relative majority system, the surnames and forenames of the full delegates and alternate delegates elected, the candidates not elected and the number of votes obtained shall be displayed in the undertaking for three consecutive days following the day of the ballot.

If the ballot is conducted in accordance with the proportional representation system, the surnames and forenames of the full and alternate delegates elected, the candidates not elected, the number of votes obtained and, where appropriate, the trade union organisation referred to in Article 5(1) which presented the candidate, shall be displayed in the undertaking for three consecutive days following the day of the ballot.

Subparagraphs 1 and 2 shall apply in the event of automatic election as provided for in Article L. 413-1(6) of the Labour Code.

The surnames and forenames of the representatives appointed automatically pursuant to paragraph 7(2) of Article L. 413-1 of the Labour Code shall be displayed in the undertaking for three consecutive days following the day of notification of the order issued by the Minister whose terms of reference include employment.

Communications shall be displayed openly on the various media accessible to the personnel, reserved for that purpose, including electronic media.

Article 34

If an elected candidate refuses his appointment, he must give notice to the president of the electoral office no later than the sixth day following the day of publication of the election results. He shall then be replaced by the person on the list who, after him, obtained the largest number of votes and the number of alternates shall be supplemented, where appropriate, by the candidate not elected who obtained, after him, the largest number of votes.

These facts are to be brought to the notice of the staff in the same form and within the same time limits as those provided for publication of the result of the elections.

On expiry of those time limits, the number of alternates can no longer be supplemented.

Article 35

The inauguration of the delegation cannot take place before 15 days have elapsed following the last day of display of the ballot result or, in the event of an objection, before the decision of the director of the Inspectorate of Labour and Mines.

Chapter 11. Electoral disputes

Article 36

Objections relating to the electorate and the conformity of the electoral operations must be submitted by registered post to the director of the Inspectorate of Labour and Mines, who will adjudicate on an urgent basis and in any event within 15 days, by reasoned decision, after having heard or duly summoned the interested party or parties.

Objections shall be admissible only if they are filed within 15 days following the last day of display of the ballot results referred to in Article 33.

Article 37

Within 15 days following notification thereof, the decisions of the director of the Inspectorate of Labour and Mines may be the subject of an appeal before the administrative courts, sitting as trial courts.

The appeal will have suspensive effect.

Article 38

If the election is declared void by the director of the Inspectorate of Labour and Mines, or in the event of an appeal by the administrative courts sitting as trial courts, new elections must take place within a period of two months as from the date of the annulment.

Chapter 12. Final and repealing provisions

Article 39

The documents concerning the elections shall be retained by the staff delegation until the expiry of its term of office. All costs incurred in relation to the elections shall be borne by the undertaking.

Article 40

The time limits laid down in the present regulation shall be extended until the next following business day where the last relevant day is a Sunday, a statutory holiday or a day on which the undertaking does not work.

Article 40bis

In the event of elections before 1 February 2019, paper versions must be used to forward to the Inspectorate of Labour and Mines the displayed notices and any notice of complaint referred to in Article 3(3), the minutes regarding automatic election referred to in Article L. 413-1, paragraph 6(2), of the Labour Code, the information on the candidates referred to in Article 9(1)(2), the results of the ballot and the minutes referred to in Article 32(3).

Article 41

The Grand Ducal Regulation of 21 September 1979 concerning electoral operations for the designation of staff delegates, as amended, is repealed.

Article 1 of the Grand Ducal Regulation of 24 September 1974 concerning electoral operations for the designation of staff delegates on joint works councils in undertakings and boards of directors or supervisory boards, as amended, is repealed.

Article 42

Our Minister of Labour, Employment and the Social and Solidarity Economy, our Minister of the Economy and our Minister for the Civil Service and Administrative Reform are entrusted, each to the appropriate extent, with implementation of the present regulation, which shall be published in the Official Journal of the Grand Duchy of Luxembourg.

*Minister of Labour, Employment and the Social and
Solidarity Economy*
Nicolas Schmit

Palais de Luxembourg, 11 September 2018
Henri

Minister of the Economy
Étienne Schneider

Minister for the Civil Service and Administrative Reform
Dan Kersch