**Model regulations form for the works councils with earmarked seats - list system**

**Definitions**

**Article 1**

In these regulations, the following terms are defined as stated below:

1. the entrepreneur: ……………………………………………;
2. the company; ……………………………………………;
3. the Act: the Works Councils Act (WOR);
4. the joint sectoral committee: ……………………………………………;
5. employees' organisations: associations of employees as referred to in [Section 9, subsection 2, under a of the Act](http://wetten.overheid.nl/BWBR0002747/#HoofdstukIII_Artikel9).

***Model provision in connection with the deployment of the administrative secretary***

1. administrative secretary: the official who has been added to the works council by the entrepreneur. The secretary is not part of the works council.

**Composition and term of office**

**Article 2**

1. The works council consists of ... members.
Of the total number of seats on the works council, ... are earmarked, namely:
… for a representative of Y (group, unit or branch)
… for a representative of Z (group, unit or branch).
2. The works council elects a chairman and a deputy chairman from among its members.
3. The chairman, or in his absence the deputy chairman, represents the works council in legal proceedings.

**Article 3**

1. Members of the works council step down simultaneously, every ... years.
2. Retiring members are immediately eligible for re-election.

***Alternative to Article 3, paragraph 1, in the event of a four-year term of office with a schedule of retirement***

1. The term of office of members of the works council is four years. After two years of each term of office, half of the members step down according to a schedule of retirement drawn up in advance by the works council.

***Model provision in the event of restriction of re-election***

1. By way of exception to paragraph 2, members not eligible for re-election are those who have been a continuous member of the works council for ... years, provided that they will be eligible for re-election if ... years have passed since their retirement.

**Preparation for the election**

**Article 4**

1. Organising the election of members of the works council is the responsibility of the works council.
2. The works council may assign the organisation of the election to a committee.

**Article 5**

1. Persons who, on the election date, have been employed by the company for at least three months, are eligible to vote.
2. Persons who, on the election date, have been employed by the company for at least three months are eligible to stand for election as members of the works council.

**Article 6**

1. After consultation with the entrepreneur, the works council determines the election date, as well as the start and end times of voting.

The (administrative) secretary of the works council will notify the entrepreneur, the persons employed by the company and the employees' organisations of this in the form of an announcement. There will be at least thirteen weeks between this announcement being made and the date on which the election is held.

1. The date of the election will be no earlier than four weeks and no later than two weeks before the end of the term of office of the retiring members of the works council.
2. The works council or the election committee established by it may be assisted in the election by one or more electoral committees, each consisting of a maximum of three persons working for the company.

***Model provision in connection with outsourcing the organisation of digital elections***

1. The works council or the election committee established by it assigns the organisation of the digital elections to an external party.

**Article 7**

1. No later than nine weeks before the election date, the works council draws up an electoral register and includes in it the persons employed by the company who are eligible to vote or stand for election on the election date. The works council informs all persons employed by the company that the electoral register has been drawn up.
2. Nominations are made by submitting a list of one or more candidates to the (administrative) secretary of the works council. The secretary provides a dated receipt in the name of the person who submitted the list.
3. Employees' organisations can submit candidate lists up to six weeks before the election date.
4. Within one week after the period referred to in paragraph 3 has expired, the works council will announce which employees' organisations have submitted candidate lists.
5. After the announcement referred to in the previous paragraph, one or more employees eligible to vote, but who are not members of an employees' organisation that has nominated candidates, may submit candidate lists.
6. The candidate lists referred to in paragraph 5 may be submitted to the (administrative) secretary of the works council up to three weeks before the election date.
7. A written declaration of acceptance of candidacy for each candidate appearing thereon must be submitted with each candidate list.
8. A candidate's name may only appear on one candidate list.

**Article 8**

1. The works council investigates whether the submitted candidate lists and the candidates appearing thereon meet the requirements of the Act and these regulations.
2. The works council will declare a candidate list that does not meet the requirements referred to in the previous paragraph invalid and will immediately notify in writing the person(s) who submitted the list, stating the reasons. After this notification, the person(s) who submitted the list will be given one week to adjust the list to the requirements.
3. The candidate lists will be announced by the works council to the persons employed by the company at least two weeks before the election date.

**Article 9**

If the number of candidates put forward does not exceed the number of positions to be filled on the works council, no election will take place and the nominated candidates shall be considered elected.

**Method of voting in elections**

**Article 10**

1. The election will take place by secret ballot.
2. On the day of the election, a certified ballot paper will be handed out to each person eligible to vote by or on behalf of the works council at the locations designated by it for that purpose. This ballot paper lists the candidates. Immediately after completing the ballot paper, the person eligible to vote must deposit the ballot in a designated box, unless the ballot paper is sent by post.
3. Each person eligible to vote may complete a ballot paper for a maximum of two other persons eligible to vote, provided they have been authorised to do so in writing by these persons.

***Alternative to Article 10 in connection with electronic voting***

1. The election takes place by secret electronic ballot.
2. On the day of the election/during the election period, the person eligible to vote casts his vote digitally, via a cloud application.
3. Each person eligible to vote may cast a vote for a maximum of two other persons eligible to vote, provided that he has been authorised to do so in writing by these persons.

**Article 11**

Each person eligible to vote casts one vote.

**Election results**

**Article 12**

1. After voting has ended, the works council determines the number of valid votes cast on each candidate list and on each candidate appearing thereon.
2. The following ballots are invalid:
3. those that have not been certified by or on behalf of the works council;
4. those from which the voter's choice is not clearly apparent;
5. those on which more than one vote has been cast;
6. those which contain notes other than the votes cast.

**Article 13**

1. To determine the outcome, the earmarked seats are filled first, then the remaining seats.
2. *Earmarked seats*
The works council calculates the electoral quota by dividing the number of valid votes cast by the total number of seats on the works council.
The earmarked seat(s) will be filled with eligible candidates based on characteristics associated with the earmark; candidates who received the highest number of votes are elected, followed by the candidate with the next highest number of votes, etc.
The total number of votes for a list is reduced by the number of votes for the candidate to whom an earmarked seat has been allocated, up to a maximum of the electoral quota.
Seats that cannot be filled in this way will be included in the distribution of the remaining seats.
3. *Remaining seats*
The works council recalculates the electoral quota by dividing the remaining votes by the remaining seats. Each candidate list is then allocated as many seats as the number of times the electoral quota fits into the number of valid votes cast on that list. Seats that cannot be filled in this way are allocated to the lists with the most surplus votes, Followed by the list with the next most surplus votes, etc.
4. Votes cast on a list that did not meet the electoral quota also count as surplus votes. If two or more lists have an equal number of surplus votes, the result will be determined by drawing lots which list will receive a remaining seat first.
5. The seats that accrued to a list are allocated to the candidates thereon. This will be effected in the order in which they appear on the list, with the proviso that a candidate who achieved the electoral quota will in any case be elected.
6. If, in applying these provisions, a list is allocated more seats than there are candidates, the seat or seats that cannot be filled will be transferred to one or more of the other lists containing candidates to whom no seat has been allocated.
7. The results of the election are determined by the works council and announced to the entrepreneur, to the persons employed by the company and to the employees' organisations that have submitted a candidate list.

**Article 14**

The ballot papers used are kept by the (administrative) secretary of the works council in a sealed envelope and are destroyed three months after the election results have been determined.

***Alternative to Article 14 in case of digital elections***

The (administrative) secretary will ensure that any data in his possession, or any data held by a third party that the data considered equivalent to the data on paper ballots, is deleted three months after the election results have been determined.

**Provision for interim vacancies**

**Article 15**

1. In the event of an interim vacancy on the works council, the works council will appoint as successor to the member concerned the candidate who, according to the results of the last election, is the first to be eligible.
If the vacancy concerns an earmarked seat, a candidate from the relevant group will be considered first. If there is no candidate from the relevant group, the earmarked seat will be allocated to the candidate who is the first to qualify for it according to the results of the last election.
2. The appointment will be made within one month of the vacancy arising. Article 13, paragraph 7 of these regulations applies by analogy.
3. If no successor as referred to in paragraph one of this Article is available, the vacancy will be filled by holding an interim election, unless a general election is due to be held within six months.

**Objection procedure**

**Article 16**

1. Any interested party may, within one week of its announcement, lodge an objection with the works council against a decision of the works council regarding:
2. the determination of the election date and the start and end times of voting, as regulated in Article 6, paragraph 1;
3. the preparation of the electoral register in which the persons eligible to vote and stand for election are listed, as regulated in Article 7, paragraph 1;
4. the validity of a candidate list, as regulated in Article 8;
5. the determination of the election results, as regulated in Article 13, paragraph 7;
6. the provision of an interim vacancy, as regulated in Article 15.
7. The works council will decide on the objection as soon as possible, taking the necessary measures in the process.

**Working method and secretariat of the works council**

**Article 17**

1. The works council meets:
2. at the request of the chairman;
3. at the reasoned request of at least two members.
The chairman determines the time and place of the meeting.

A meeting at the request of members of the works council is held within fourteen days after their request has been received by the chairman.

1. The (administrative) secretary will notify the members of the works council of the meeting in writing or electronically. This notification will be sent no later than seven days before the meeting, except in urgent cases.
2. A meeting can only take place if the majority of the members of the works council, as referred to in Article 2, paragraph 1 of the regulations, are present.
3. In the absence of the chairman and their deputy, the works council will elect a chairman for the meeting from among the members present.

**Article 18**

1. The works council appoints a secretary.
2. The secretary is responsible for convening the works council, drawing up the agenda and subsequent report of the meeting, and for conducting and managing the works council's correspondence. The secretary can also assign these tasks to an administrative secretary who has been added to the works council by the entrepreneur.

**Article 19**

1. The (administrative) secretary draws up an agenda for each meeting in consultation with the chairman. Any member of the works council can request the (administrative) secretary to place an item on the agenda.
2. The (administrative) secretary will bring the agenda to the attention of the members of the works council and the entrepreneur and will, as much as he can, ensure that the persons employed by the company can take note of the agenda. The agenda will be announced no later than seven days before the works council meeting, except in urgent cases.

**Article 20**

1. The works council decides by a majority of votes. Blank votes do not count when determining whether this requirement has been met.
2. Business matters will be voted on orally and matters concerning persons will be voted on by ballot.
3. If, in a decision regarding the appointment of a person, none of the candidates obtains a majority in the first ballot, a second ballot will be held between the two candidates who received the most votes in the first ballot. In this second vote, the person receiving the most votes is elected. If the votes are tied, lots will decide.
4. If the votes are tied on a proposal to be decided on by the works council not relating to a person to be appointed, this proposal will be put forward again at the next meeting. If the votes are again tied, the proposal will be deemed to have been rejected.

**Article 21**

1. After each meeting of the works council, the (administrative) secretary will draw up minutes of the meeting and send it to the members in draft form, as soon as possible. Members have the opportunity to object to the content of the report, preferably supported with reasons. The works council decides on the content of the report and adopts it at its next meeting.
2. The (administrative) secretary distributes the report to all employees of the company and to the entrepreneur. The report to be distributed to all employees of the company does not contain any information that is required to be kept secret under Article 20 of the Act.

**Article 22**

1. The (administrative) secretary draws up an annual report on the activities of the works council and of the works council's committees in the past year before ... . This report requires the approval of the works council.
2. After approval by the works council, the (administrative) secretary distributes the annual report to the entrepreneur and to all employees of the company.

**Amendment to and supplementation of the regulations**

**Article 23**

1. These regulations may be amended and supplemented by a decision of the works council.
2. Before the amendment or supplement is adopted, the works council will give the entrepreneur the opportunity to make his position known.
3. At the meeting at which it is decided to amend or supplement the regulations, at least two-thirds of the number of members of the works council, as referred to in Article 2, paragraph 1 of the regulations, must be present.
4. Such a decision requires a majority of at least two-thirds of the votes cast. Blank votes do not count when determining whether this requirement has been met.
5. The works council will notify the persons employed by the company of the amendment or supplement and provide a copy thereof to the entrepreneur.

***Model transitional provision Article 24 for the first works council in the event of a four-year term of office with a retirement schedule***

By way of exception to Article 3, paragraph 1 of these regulations, half of the members of the first works council elected on the basis of these regulations will step down when two years of their term of office have expired. The works council itself designates in advance the members who belong to this half.