

10/2023

SOCIAL ELECTIONS

12TH MARCH 2024



• **LCGB**

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WHAT ARE SOCIAL ELECTIONS?

Every 5 years, during the social elections, employees, both residents and cross-border commuters, are called upon to elect:

- at national level: the representatives of their professional chamber in the Chamber of Employees (CSL)
- in their company: their representatives within the staff delegation.

Through the social elections, also cross-border commuters have the opportunity to participate in the election of their staff representatives and representatives in the CSL.

This publication provides you with all the practical information you need for the staff delegation elections.

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SETTING UP A STAFF DELEGATION

It is compulsory for companies employing at least 15 people on a regular basis to set up an employee delegation. The composition of the delegation varies according to the number of employees:

Staff	N° of regular delegates to elect	N° of substitute delegates to elect	Staff	N° of regular delegates to elect	N° of substitute delegates to elect
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			

Who can become a candidate?

All employees:

- aged at least 18 years old on the day of the election;
- with at least 12 months of service before 1st February 2024 (1st day of the month in which the notice announcing the elections is posted);
- who are not a director, managing director, personnel manager or related (up to and including the 4th degree) to the head of the company.

Time credit and work exemption

A company must allow the members of the delegation the time they need to perform their duties. All activities required for the exercise of the delegate mandate shall be equated to working time

The delegation normally meets once a month (but at least 6 times a year), including 3 times with management. Meeting time is treated as ordinary working time and paid as such. The employer is also obliged to grant delegates a paid time credit to enable them to perform their duties. The time credits are distributed proportionately to the votes received, among all the lists having won at least 20% of the seats in the election.

In companies with < 250 employees, staff representatives have a total paid time credit proportional to the headcount:

Staff	Weekly hours credit
15	1
20	2
40	3
60	5
80	6
100	8
120	10
140	11

Staff	Weekly hours credit
149	12
150	24
160	26
180	29
200	32
220	35
240	38
249	40

Companies with ≥ 250 employees must grant a permanent work exemption to a number of delegates that is set based on the number of employees represented, to perform trade union duties, with continued payment of their salary:

Staff	N° of full-time staff delegates
250-500	1
501-1.000	2
1.001-2.000	3
2.001-3.500	4

Number of employees > 3.500 = 1 additional delegate is appointed for every 1.500 employees.

In companies with more than 1.000 employees, the LCGB may automatically exempt one of its delegates.

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Would you like to keep up to date with the latest news? The LCGB Spotlight newsletter contains all the practical information you need:

- all the important news
national news, informative brochures, etc.
- actions in companies
e.g. collective agreement negotiations
- all important trade union dates
e.g. events and excursions
- news about our member services

Interested? Visit our website www.lcgb.lu/newsletter and register or scan the QR code

The newsletter is available in French or German



DELEGATES ELECTION

Elections are held by secret ballot of a company's employees. Staff representatives are elected for a 5-year term. The next elections will take place on 12th March 2024.

Who can vote?

All employees and apprentices:

- aged 16 and over ;
- that have been employed in the establishment for at least 6 months on the day of the election.

Electoral system

The voting system varies according to the number of employees in the company.

- Relative majority (≤ 99 employees)

Elections are held on the basis of individual candidacies. Votes are allocated by drawing a cross (+ or x) in the box behind the candidate's name. The candidates with the highest number of votes are elected.

- Proportional representation (≥ 100 employees)

Elections are held on the basis of lists of candidates. Delegate mandates are allocated on the basis of the votes cast for each list. Each voter has as many votes as there are regular and substitute delegates to elect. Voters may either allocate all their votes to a list of candidates by filling in or ticking the circle at the top of the list. In this way, they allocate one vote to each candidate on the list.

Alternatively, voters may allocate one or two votes to the candidates of their choice by marking one or two crosses (+ or X) in the box behind the candidate's name, taking care not to place more crosses than votes. Delegate mandates are then allocated on the basis of the votes received by each list.



FUNCTIONING OF THE DELEGATION

Roles and rights

The role of the staff delegation is to safeguard and defend employees' interests with regard to working conditions, job security and employment status. Thus, it acts as a mediator between the employees and employer.

The delegation performs its tasks by:

- presenting the employer with any and all claims, both individual and collective;
- ensuring proper enforcement of laws, regulations and collective agreements and strict enforcement of equal treatment of the business's employees;
- preventing and settling individual or collective disputes between the employer and employees;
- proposing changes to the company's internal regulations.

Other rights and duties of the staff delegation are:

- to assist to an employee in a dismissal interview;
- to be informed of any changes in the employer's legal position;
- to be informed and consulted in the event of the creation of part-time posts or the use of temporary workers;
- to receive details and breakdowns of flexible working hours;
- to give its opinion on requests for overtime;
- to ensure the protection of workers against bullying and harassment.

Training leave

Employee representatives are also entitled to a certain number of days' leave to attend training courses related to the exercise of their mandate. The amount of training leave is as follows:

- 1 work week of training leave during their term for effective delegates in companies with 15-49 employees;
- 2 work weeks of training leave during their term for effective delegates in companies with 50 to 150 employees;
- 1 work week of training leave per year for each effective delegate in companies with more than 150 employees.

Health and safety delegate

A staff delegation must appoint a health and safety delegate from among its members or company employees. Even if he is not an elected member of the delegation, he may attend all delegation meetings in an advisory capacity.

The health and safety representative also has the right to ask the employer to take appropriate measures and to submit proposals to that effect.

He must be consulted and informed by the employer, in particular, as regards:

- assessment of workplace health and safety risks;
- protective measures to be implemented and equipment to be used;
- measures taken in terms of first aid, fire-fighting and employee evacuation;
- on appropriate health and safety training of all employees;
- on environmental protection measures taken when employee health or working conditions are affected.

In carrying out these tasks, the delegate may perform an inspection of headquarters and worksites, accompanied by a company manager. In administrative departments, maximum of 2 inspection visits per year is permitted. If the inspection uncovers an issue requiring immediate response from the ITM, the health and safety representative may contact the ITM directly, but must notify the business manager and staff delegation at the same time.

Equality delegate

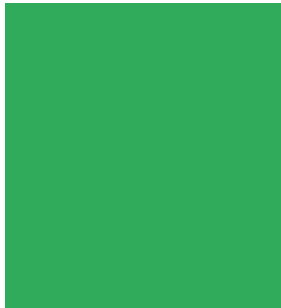
The staff delegation must also appoint an equality delegate from among its members. The delegate is responsible for safeguarding gender equality in the workplace as regards access to jobs, training and promotion, and pay and working conditions.

In particular, it may:

- issue opinions or make proposals on any issue relating directly or indirectly to equal treatment;
- propose to the employer awareness-raising initiatives for the company's salaried employees;
- present the employer with any and all claims, both individual and collective, regarding gender equality;
- put forward a plan of action to the employer to promote equal opportunities;
- refer any complaints or observations to the ITM;
- preventing and settling individual or collective disputes that may arise between the employer and employees regarding gender equality.

In order to carry out his duties, the equality delegate is allocated a specific time credit, not including the time credit they receive as a staff delegate:

Staff	Time credit
15-25	4 hours / month
26-50	6 hours / month
51-75	8 hours / month
76-150	10 hours / month
>150	4 hours / week



Special protection

Delegates:

- are entitled to continued remuneration;
- may not have an essential clause of their contract amended;
- may not be dismissed, even for serious misconduct, during their term of office or within the first 6 months following the expiry or termination of their term of office. However, employers have the option to suspend the delegate with immediate effect, citing serious misconduct on the delegate's part.

The exercise of the delegate mandate may not constitute an obstacle to advancement or promotion.

Election candidates:

Protection against dismissal also exists for candidates in social elections during the 3 months following the presentation of their candidacy as well as for former delegation members during the 6 months following the expiry of their mandate.



For more information,
simply scan the QR code



LCGB's values and commitments

One step ahead of tomorrow means protecting workers in the face of digitalisation.

The LCGB offers employees, no matter their sector, innovative solutions for a decent and social digitalisation.



One step ahead of tomorrow means strengthening purchasing power.

The LCGB offers efficient solutions to strengthen the purchasing power of employees in all sectors.

One step ahead of tomorrow means reducing social injustice.

The LCGB offers effective solutions to defend social justice, solidarity and responsibility in the interest of all employees.



One step ahead of tomorrow means securing employment.

The LCGB offers efficient solutions to protect employment, social gains, quality of life and living standards of employees in all sectors.



One step ahead of tomorrow means improving professional education and training.

The LCGB suggests efficient solutions to adapt and develop professional education and training for employees in all sectors.

One step ahead of tomorrow means adjusting working time.

The LCGB offers efficient solutions for a better organisation of working time for employees in all sectors.



One step ahead of tomorrow means being committed to health and safety at work.

The LCGB offers efficient solutions to improve health and safety at the workplace in all sectors.

One step ahead of tomorrow means committing to a fair and innovative health system.

The LCGB demands a policy in the interest of all insured persons.



Discover our values and commitment at lrgb.lu or scan the QR code
(Available in French and German only)





BECOME A CANDIDATE OF THE LCGB!



WHY BECOME AN LCGB CANDIDATE

- YOU share the LCGB's commitments and values.
- YOU want to take part in the social dialogue in your company.
- YOU want to defend your rights and those of your colleagues at work.
- YOU fight up for better working conditions.



THE MAIN TASKS OF A DELEGATE

- Improving working conditions.
- Defending social benefits, jobs and equal opportunities.
- Mediating conflicts between employees and employer.
- Participating in collective bargaining.
- Promoting health and safety at work.

THE LCGB'S STRENGTHS

With the support of more than 45,000 members, the LCGB is a nationally representative trade union that defends the rights and achievements of employees and pensioners.

As a nationally representative trade union, the LCGB has the following strengths:

- Representation on the national tripartite, the permanent employment committee, the Economic Committee, the Economic and Social Committee.
- Direct representation in labour and social security courts.
- Right to negotiate collective bargaining agreements.





HOW TO BECOME A CANDIDATE?

Do YOU meet the following requirements?

- YOU are at least 18 years old on election day.
- YOU have with at least 12 months of service before 1st February 2024.
- YOU must not be a director, chief executive, personnel manager or related (up to and including 4th degree) to the head of the company.



INTERESTED?

Then contact your union secretary and send us your registration form! The LCGB is here for you. A team of experienced delegates and union representatives will accompany you.

Send us the completed form:

LCGB
11, rue du Commerce
L-1351 Luxembourg
✉ elections@lcgb.lu

Send us the completed form:

