

**REGULATION ON CONDUCTING THE ELECTION FOR THE EMPLOYEES'
REPRESENTATIVES IN "HORIA HULUBEI" NATIONAL INSTITUTE FOR
RESEARCH AND DEVELOPMENT IN PHYSICS AND NUCLEAR ENGINEERING**

CHAPTER I

PREAMBLE

Article 1

(1) This regulation is drafted in accordance with the provisions of Law No. 53/2003 – Labor Code, republished with further amendments and supplements and is intended to regulate the procedure for electing the employees’ representatives in “Horia Hulubei” National Institute for Research and Development in Physics and Nuclear Engineering (IFIN-HH), given that the trade union organizations set up at institute level do not have representativity.

(2) The elections of the employees’ representatives in IFIN-HH will be carried out in accordance with art. 221 of Law No 53/2003 – Labor Code, republished with further amendments and supplements:

Par. (1) *“At employers having more than 20 employees and where there are no representative trade union organizations according to the law, the employees’ interests may be promoted and defended by their representatives, specially elected and mandated for this purpose.”*

Par. (2) *“The employees’ representatives shall be elected in the employees’ general meeting, with the vote cast by at least half of the total number of employees.”*

Article 2

The timetable for organizing and conducting the election of employees’ representatives for the mandate of employees’ representative is detailed in Annex 1.1 hereto.

(2) The timetable for organizing and conducting the election of the employees’ representatives for the mandate of employees’ representative will be displayed on the noticeboard of all locations within the institute, posted on the institute’s website www.nipne.ro, and disseminated by e-mail.

Article 3

(1) The organization and conduct of the process for electing the employees’ representatives in IFIN-HH will take place in compliance with the principles of lawfulness, transparency, the employees’ rights and freedoms, and the code of ethics.

(2) Only the employees holding an unsuspended employment contract are entitled to elect employees’ representatives.

(3) Any IFIN-HH employee satisfying the criteria below is entitled to submit their candidacy:

- has full capacity of exercise;
- has the legal status of IFIN-HH employee;
- does not have the employment contract suspended.

(4) In IFIN-HH the number of employees’ representatives is 5, a number equal to those of the members appointed by the employer in the Parity Commission.

(5) To be electable as an employees’ representative, any IFIN-HH employee satisfying the criteria in art. 3 (3) must submit their candidacy according to the election timetable in Annex 1.1.

(6) A candidacy can only be of one’s own volition by submitting at the Legal and Human Resources Office – Human Resources Office the form set out in Annex 1.6.

(7) Candidacies formulated under conditions other than those stipulated herein shall not be considered when printing the ballot papers.

CHAPTER II

GENERAL PRINCIPLES

Article 4

(1) The election of the employees' representatives is the exclusive attribute of employees holding an employment contract with IFIN-HH.

(2) The elections activity will be organized so as not to cause disruptions in the activity of IFIN-HH.

(3) In accordance with the legal provisions in force, the employees' representatives have, without limitation, the following main duties:

a. following up the compliance with the employees' rights, in accordance with the legislation in force, the applicable collective bargaining agreement, the employment contracts, and the internal regulations;

b. taking part in devising the internal regulations;

c. promoting the employees' interests regarding the salary, working conditions, working time and rest time, established by work, as well as any other professional, economic, and social interests related to labor relations;

d. notifying the labor inspectorate about the non-observance of the legal provisions and of the applicable collective bargaining agreement;

e. negotiating the CBA according to the law;

(4) To be validated, the process of electing the employees' representatives requires the presence of 50%+1 of the total number of employees with voting rights in keeping with the provisions of Law No 53/2003 – Labor Code – republished, as further amended and supplemented. Each representative of the employees must obtain at least 50%+1 votes out of the total number of employees (representation standard).

(5) The duration of the mandate will be for maximum 2 years. The mandate of the employees' representatives automatically ends on the date the mandate expires or when a trade union organization acquires representativity at IFIN-HH level.

(6) According to the provisions of Law 53/2003 – Labor Code *“throughout the duration of their mandate, the employees' representatives cannot be fired for reasons unrelated to the employees' person, for professional unfitness or for reasons related to the fulfillment of the mandate received from the employees.”*

(7) If during their mandate, the elected representative ceases their activity or cannot perform their duties for objective reasons during the mandate, their place will be taken by the next candidate who obtained the highest number of votes.

(8) The employees' representatives are not allowed to carry out activities that the law recognizes for trade unions alone.

CHAPTER III

ELECTION ORGANIZING COMMITTEE

Article 5 – Appointment of the Committee

- (1) The Election Organizing Committee, set up after the meeting of the Board of Directors in extended membership of 11 May 2022, operates as an impartial body, in charge of organizing and conducting the election procedures and will carry out its activity throughout the elections at the headquarters of IFIN-HH.
- (2) The Election Organizing Committee approves, on request, that employees of IFIN-HH serve as observers throughout the election of the employees' representatives.
- (3) The employer will make provisions for the members of the Election Organizing Committee /observers with respect to the number of hours required to fulfill their tasks related to the organization of the elections, without their salary entitlements being thereby affected. For the hours worked during the elections, the members of the Election Organizing Committee /observers will be remunerated as if attending to their regular workplaces.
- (5) The Election Organizing Committee consists of 5 people.

Article 6 – The election organizing committee has the following duties:

- (1) Drafts the Regulation on Conducting the Election for the Employees' Representatives in "Horia Hulubei" National Institute for Research and Development in Physics and Nuclear Engineering
- (2) Informs the personnel about the procedure for electing the employees' representatives and the manner of submitting candidacies by displaying on the noticeboard of all locations within the institute, posting on the website www.nipne.ro, and by dissemination via e-mail;
- (3) Requests from the Human Resources Office the lists of employees on employment contract, Annex 1.5. (unsuspended).
- (4) Centralizes the candidacies submitted and proceeds with displaying them on the noticeboard of all locations within the institute, posting on the institute's website www.nipne.ro, and disseminating via email;
- (5) Ensures the printing of ballot papers;
- (6) Makes records on the lists of employees (with voting rights) based on an identity document valid on the election day, under the employee's signature;
- (7) Centralizes the votes;
- (8) Validates the outcome of the elections;
- (9) Communicates the final result of the elections by displaying on the noticeboard of all locations within the institute and by posting on the website www.nipne.ro, within one working day of ending the process for electing the employees' representatives.

CHAPTER IV

ELECTION OF EMPLOYEES' REPRESENTATIVES

Article 7 – Conduct of the elections for the employees' representatives

- (1) The elections for the employees' representatives will take place at the headquarters of IFIN-HH, management building, first floor (ground floor entrance), where there will be a ballot box.
- (2) The time interval for casting votes will be from 08:30 to 16:30.
- (3) The Election Organizing Committee will decide on issues related to the organization and good conduct of the actual voting process (ballot box sealing, unsealing, storing during the night etc.).
- (4) The Employees on Băița Bihor work site, given the large distance from the headquarters of IFIN-HH, where the voting takes place, will receive the List of their names alongside the ballot papers via email. The list of employees, signed, and the voting options cast will be sent in scanned copy to the person in charge of the activity on Băița Bihor work site, who is at the headquarters of IFIN-HH and who will print and hand them over under Protocol to the Election Organizing Committee to be taken into account when centralizing the votes. The original copies will be sent by mail/courier services within 1 day of sending by email, the mail submission date.

Article 8 – Ballot Papers

- (1) The ballot papers will be printed by the Election Organizing Committee.
- (2) The ballot paper contains the names of all those who have submitted their candidacy, in alphabetical order (Annex 1.2 – ballot paper template).
- (3) The employees' vote on the ballot paper is to be cast by checking "X" in the empty box next to the 5 candidates of their choice.
- (4) Votes expressing no option or a number of options higher than 5 will be declared null.
- (5) Each voter will confirm the receipt of the ballot papers by signing on the lists of employees, based on a valid identity document, the delegation of the voting right not being permitted.

Article 9 – Counting of votes

- (1) The votes will be counted in the presence of at least 3 members of the Election Organizing Committee.
- (2) Observers may be present during all necessary counting operations under the conditions set out in art. 5 (3) hereof.
- (3) After the vote has ended, the Election Organizing Committee will cancel the unused ballot papers with a line and writing the text "CANCELED".
- (4) The number of unused and canceled ballots will be separately recorded in the minutes.
- (5) The Committee will proceed with opening the ballot boxes. Once the ballot boxes have been opened, the Committee will count the validly cast ballots and the null ballots (votes expressing no option, votes expressing more than 5 options).
- (6) The number of null ballots and the number of validly cast ballots will be separately recorded in the minutes.

- (7) The number of validly cast ballots will be added to the number of unused and canceled ballots plus the number of null ballots. Their sum must match the number of printed ballot papers.
- (8) The members of the committee will record the options resulting from reading each ballot on the forms set out in Annex 1.4.
- (9) Should there be ballots with for which there are different opinions regarding the validity of the vote, the opinion of the majority of the voting committee members will be considered.
- (10) Separate packages will be made for unused and cancelled ballots, null ballots, and ballots with validly cast votes.
- (11) The winning candidates will be decided by the Election Organizing Committee considering the number of votes obtained.
- (12) The election results will be recorded for all candidates.
- (13) The results will be centralized at the end of the process of electing the employees' representatives, by the Election Organizing Committee and will be displayed on the noticeboard of all the locations within the institute, posted on the website www.nipne.ro, and disseminated by e-mail, within one working day of the end of the process for electing the employees' representatives.
- (14) After the minutes recording the election results is drafted, the Committee will hand over to the Human Resources Office, based on a handover-takeover report, all documents related to the process of electing the employees' representatives.
- (15) The employer has the obligation to retain in the archives all documents relating to the election procedure.

CHAPTER V

VALIDATION OF ELECTIONS

Article 10

- (1) The Election Organizing Committee will write the minutes centralizing the votes and acknowledging the result of the elections of the employees' representatives. The sample minutes form Annex 1.3 hereto.
- (2) Is declared a representative of the employees in IFIN-HH the candidate who has obtained 50%+1 of the total number of employees in IFIN-HH.
- (3) If the quorum of 50%+1 of the number of employees on the voting list - employees with voting right - is not reached, or this quorum is also reached by less than 5 candidates for the unfilled places, the voting procedure will be resumed until the quorum is reached by each of the 5 candidates. In each additional round of voting will participate a number of candidates that is not more than double the number of places remaining unfilled, ranked in the descending order of the number of votes obtained in the previous round. If after maximum 5 rounds the necessary number (five) for IFIN-HH employees' representative is not reached, the whole process for appointing the employees' representatives will be resumed.

CHAPTER VI

FINAL PROVISIONS

Article 11

- (1) This Regulation will be displayed on the noticeboard of all locations within the institute, posted the website www.nipne.ro and disseminated by e-mail.
- (2) The provisions of this Regulation are applicable to all IFIN-HH employees on employment contract.
- (3) Annexes 1.1, 1.2, 1.3, 1.4, 1.5, 1.6 are an integral part of this regulation.

Committee members