

A NEW DAWN IN LABOUR RELATIONS

Botswana is on the verge of a transformative shift in its labour relations framework. On 6 June 2025, the Employment and Labour Relations Bill No. 10 of 2025 was published in the Government Gazette. It consolidates the Employment Act [Cap 47:02], The Trade Union and Employers' Organisation Act [Cap 48:01] and the Trade Disputes Act [Cap 48:02].

From an individual employment law perspective: it increases maternity leave from 12 to 14 weeks; it introduces 4 days of family responsibility leave; in addition to the 20 minimum sick leave days that an employee is currently entitled. it introduces 20 days of hospitalisation leave. It also introduces 5 days of paternity leave; 10 weeks of adoption leave and 10 weeks of surrogacy leave.

It strengthens job security, by requiring a fair procedure to be followed in terminating employees who are still on probation. It requires that, unless there is a commercial rationale, a worker should not be employed for a fixed-term contract for more than 12 months. The failure to renew a fixed-term contract where there is an expectation of a renewal constitutes an unfair dismissal.

On the collective labour law front, in future recognition will not be a precondition for a trade union to enjoy organisational rights.

On the dispute resolution front, the Bill establishes an independent dispute resolution structure, namely, the Mediation and Arbitration Commission. The party referring the dispute is the one who decides whether it goes for arbitration or the Industrial Court.



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