



# DECENT WORK CHECK

## **BOTSWANA** 2025

Iftikhar Ahmad

## WageIndicator Foundation - [www.wageindicator.org](http://www.wageindicator.org)

WageIndicator started in 2001 to contribute to a more transparent labour market for workers and employers by publishing easily accessible information on a website. It collects, compares and shares labour market information through online and face-to-face surveys and desk research. It publishes the collected data on national websites, serving as an online library for wage information, labour law, and career advice for workers/employees and employers. The WageIndicator websites and related communication activities reach out to millions of people every month. The WageIndicator concept is owned by the independent, non-profit WageIndicator Foundation, established in 2003. The Foundation has offices in Amsterdam (HQ), Ahmedabad, Bratislava, Buenos Aires, Cape Town, Islamabad and Venice.

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The Minimum Wages Database and Labour Law Database are maintained by the Centre for Labour Research (Labour Law Research team), together with the country and regional teams. The team currently comprises Iftikhar Ahmad (team lead), Ayesha Kiran, Ayesha Mir, Razan Ayesha, Seemab Haider Aziz, and Sobia Ahmad. The 2025 update was done by Iftikhar Ahmad and reviewed by Nadia Pralitasari.

## Bibliographical information

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# INTRODUCTION

Decent Work is the type of work to which all of us aspire. It is done under conditions where people are gainfully employed (and there exist adequate income and employment opportunities); the social protection system (labour protection and social security) is fully developed and accessible to all; social dialogue and tripartism are promoted and encouraged; and rights at work, as specified in ILO Declaration on Fundamental Principles and Rights at Work and Core ILO Conventions, are practised, promoted and respected.

WageIndicator Foundation has been working since late 2007 to raise awareness of workplace rights through a unique tool, i.e., Decent Work Check. The Decent Work Check considers different work aspects deemed necessary in attaining “decent work”. The work makes the abstract Conventions and legal texts tangible and measurable in practice.

The Decent Work Check employs a double comparison system. It first compares national laws with international labour standards and scores the national regulations (happy or sad face). If national regulations in a country are not consistent with ILO conventions, it receives a sad face, and its score decreases (and vice versa). It then allows workers to compare their on-ground situation with national regulations. Finally, workers can compare their personal score with the national score and see whether their working conditions are consistent with national and international labour standards. The Check is based on de jure labour provisions, as found in the labour legislation.

A Decent Work Check is beneficial both for employees and employers. It gives them knowledge, which is the first step towards any improvement. It informs employees of their workplace rights while enlightening employers about their obligations. Decent Work Check is also helpful for researchers, labour rights organisations conducting surveys on the situation of rights at work and the general public wanting to know more about the world of work. For example, WageIndicator teams worldwide have found out that workers, small employers and even labour inspectors are not, sometimes, fully aware of the labour law. When you are informed – being a worker, self-employed, employee, employer, policymaker, or labour inspector – there is a greater possibility that you ask for your rights (as a worker), you comply with rules (as an employer), and you strive to enforce these (as a labour inspector).

The work is relevant to the challenges posed to the future of work, especially the effective enforcement of legislation in financially constrained states, a rise in precarious employment and analysis of the impact of regulatory regimes.

# MAJOR LEGISLATION ON EMPLOYMENT AND LABOUR

1. Employment Act, 1982 (Cap. 47:01)1982 (Cap. 47:01)
2. Public Holidays Act, 2006
3. Code of Good Practice: Termination of Employment
4. Code of Good Practice: Maternity Benefits and Family Responsibility
5. Factories Act, 1973
6. Workers Compensation Act, 1973
7. Code of Good Practice: Sexual Harassment in the Workplace
8. Code of Good Practice: HIV/AIDS and Employment
9. Children Act, 2009
10. Anti-human Trafficking Act, 2014
11. Constitution of Botswana 1966
12. Trade Unions and Employers' Organization Act, 1983
13. Trade Disputes Act, 2016

# 01/13 WORK & WAGES

## ILO Conventions

Minimum wage: Convention 131 (1970)

Regular pay & wage protection: Conventions 95 (1949) and 117(1962)

**Botswana has not ratified the above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

The minimum wage must cover the living expenses of the employee and their family members. Moreover, it must relate reasonably to the general level of wages earned and the living standard of other social groups. Wages must be paid regularly on a daily, weekly, fortnightly or monthly basis.

## Regulations on work and wages:

- Employment Act, 1982 (Cap. 47:01)1982 (Cap. 47:01)

## Minimum Wage

*Botswana's Employment Act allows the Government to set, adjust, or abolish sector-specific minimum wages while considering cost-of-living changes with recommendations from the Minimum Wage Advisory Board. Compliance is enforced by Labour Officers, and employers who violate wage laws face fines, repayment orders, or imprisonment.*

Employment Act regulates minimum wages in Botswana. The minimum wages can be fixed for industries or sections thereof of building, construction, exploration, quarrying, garage, motor trade, road transport, hotel, catering, entertainment, manufacturing, service, repair, wholesale or retail distributive trade, domestic services, agricultural sector and for security guards employed by security companies.

Where the Minister of Labour considers it necessary to set the minimum wage for any category of employees in any trade, section of trade, industry or section of industry, he must refer the matter to the Minimum Wages Advisory Board (the "Board"). The Board investigates the wages in the concerned industry and makes recommendations to the Minister. However, the Minister is not required to accept the recommendation of the Board. Having considered the recommendations of the Board, the Minister can then, by order published in the Gazette, set the minimum wage for employees of the relevant category in the industry or section of

industry and designate the date on which the minimum wage will take effect

In formulating its recommendations to the Minister, the Board must take into account certain considerations. First, the needs of the employees in question and their families. The general level of wages in Botswana, the cost of living, any social security benefits and the relative living standards of other social groups need to be considered. Second, elimination of gender discrimination in respect of wages for equal work. Third, economic factors such as the requirements of economic development, levels of productivity and the necessity of a high level of employment. Last, all other relevant matters.

Where the Minister considers it necessary to adjust or abolish the minimum wage with regards to any category of employees in any industry or section of industry due to the changes in the cost of living as updated by the Government's Central Statistics Office or because of any other relevant changes, he is to refer the question of the adjustment or abolition to the Board. The Board will then investigate and make recommendations. However, before referring to any question about the adjustment or abolition of a minimum wage to the Board, the Minister must declare his intention to do so through a notice published in the Gazette. Such a notice is to be published in the Gazette no less than 30 days before the first meeting of the Board concerning the matter. Upon considering the recommendations of the Board, the Minister can abolish the minimum wage in question or adjust it in such manner as he deems appropriate in all the circumstances and designate the date on which the new minimum wage shall come into operation.

Labour Officers ensure compliance with the provisions of the Employment Act, 1982 (Cap. 47:01) including the provisions on minimum wages and wage payment. To pursue legal action for contravention of the legislation, the Labour Officers require authorization from the Attorney General. Where the employer is convicted for failing to comply with minimum wage order, the court can order him to pay to the employee the difference between the statutory wages and wages actually paid. Furthermore, the employer can also be fined (maximum fine is P2 000) or face imprisonment for a term not exceeding 18 months or to both.

Source: §10-11, 102, 131-137 and the Fourth Schedule of the Employment Act (Cap. 47:01)

## Regular Pay

*The Employment Act defines wages and mandates timely payment, with deductions allowed for taxes, pensions, rent, and other approved reasons. Employers are not legally required to provide bonuses or extra salaries unless agreed upon in the contract.*

Under the Employment Act, 1982 (Cap. 47:01), basic pay has been defined as the rate of payment, including any payment in kind, made by an employer for work done or services performed during an hourly, weekly, fortnightly or monthly period excluding all other remuneration.

Wage has been defined in relation to any contract of employment, means remuneration or earnings, however designated or calculated, which is paid by an employer to an employee, and is capable of being expressed in monetary terms. It is fixed by mutual agreement or

legislation, and is payable by virtue of a written or oral employment contract.

An employment contract may specify the intervals at which wages are to be paid. However, no wage period is to exceed one month and with regards to casual employees, no wage period can be less than one week. Where the contract of employment is silent as to the wage period, the period is one month.

Wages earned by an employee under his employment contract must be paid before the expiry of the third working day immediately after the last day of the wage period in respect to which the wages are payable. Where it is not practicable, wages must be paid as soon as it is reasonably practicable.

All wages and any other payments due to the employee are to be made on a working day and during working hours at or near the place of employment. However, with the employee's consent, such payments can be made elsewhere.

An employer can deduct from the wages and any other payments that are due by him concerning any tax or rate imposed by law and contribution to any provident or pension fund or scheme established under the Employment Act, 1982 (Cap. 47:01) to which the employee has agreed. With employee's consent, employee can deduct from wages an amount for rental or service charges for accommodation provided by the employer and where any deduction is allowed under any collective agreement.

Furthermore, the employer can deduct from the wages any other payments which may be due to the employee, where the employee has requested the employer to remit on his behalf. Deductions can be in

respect of unauthorized absence from work; the actual cost of meals, or the cost not subsidized by the employer, supplied by the employer at the request of the employee; such amenities and services supplied by the employer; to recover any over payment of wages; contributions payable by the employee; to recover any basic pay which may have been paid to an employee in respect of annual leave granted by the employer before the completion of the period by virtue of which that leave would have been earned; and for any other purpose which the Minister may approve.

There is no legal requirement for employers to provide a 13th or 14th-month salary, nor are compulsory bonuses mandated by legislation. Such payments are at the employer's discretion and may be agreed between the parties and clearly specified in the employment contract.

Source: § 2, 74, 75, 78 & 80 of the Employment Act, 1982 (Cap. 47:01)

# 02/13 COMPENSATION AND WORKING HOURS

## ILO Conventions

Compensation overtime: Convention 01 (1919)

Night work: Convention 171 (1990)

**Botswana has not ratified the Conventions 01 & 171.**

### ***Summary of Provisions under ILO Conventions***

Working overtime is to be avoided. Whenever it is unavoidable, extra compensation is at stake - minimally the basic hourly wage plus all additional benefits you are entitled to. In accordance with ILO Convention 1, the overtime pay rate should not be less than one and a quarter-time (125%) of the regular rate.

Night work means all work which is performed during a period of not less than seven (07) consecutive hours, including the interval from midnight to 5 a.m. A night worker is a worker whose work requires the performance of a substantial number of hours of night work which exceeds a specified limit (at least 3 hours). Convention 171 requires that night workers be compensated with reduced working time or higher pay or similar benefits. Similar provisions are found in the Night Work Recommendation No. 178 of 1990.

If a worker has to work on a national/religious holiday or a weekly rest day, he/she should be entitled to compensation. Not necessarily in the same week, provided that the right to a paid compensation is not.

If a worker has to work during the weekend, they should thereby acquire the right to a rest period of 24 uninterrupted hours instead. Not necessarily in the weekend, but at least in the following week. Similarly, if a worker has to work on a public holiday, they must be given a compensatory holiday. A higher rate of pay for working on a public holiday or a weekly rest day does not take away the right to a holiday/ rest.

## Regulations on compensation and working hours:

- Employment Act, 1982 (Cap. 47:01)

### Overtime Compensation

*In Botswana, normal working hours are 8 per day and 48 per week, with overtime limited to 14 hours and paid at 150% of the regular wage. Specific regulations apply to shift workers, essential services, and young workers, ensuring rest breaks and work-hour limits.*

Normal working hours in Botswana are 8 hours a day and 48 hours a week.

An employee is not required under his contract of employment to work more than five consecutive hours without a period of rest which is not less than 30 minutes or more than an ordinary working period of eight hours in any one day or more than 48 hours in any one week. However, an employee engaged under his contract of employment in regular shift work can be required by his employer to work more than five consecutive hours without a period of rest, more than eight hours in any one day or more than 48 hours in any week. That being said, the average number of hours worked over four weeks is not to exceed 48 hours per week.

Where the working week is one of five days, the hours of work in each day can be increased to nine but the work hours must be interrupted by a period or periods of rest of not less than one hour in the aggregate during which period the employee is to be provided with the opportunity to have a meal.

An employee can be required by his employer to exceed the limit of hours or to work during a rest period prescribed in case of an actual or threatened accident; essential work, the performance of which is crucial to the life of the community; work essential for national defence or security; urgent work to be done to machinery or plant; an interruption of work which it was not reasonably possible to foresee; or work to be performed by employees in any industrial undertaking considered by the Minister of Labour to be vital to the economy of Botswana.

An employee is not required or permitted to work overtime for more than 14 hours in any week. The Minister can declare through an order published in the Gazette that the limitation upon overtime is not to apply to employees in a particular industry or undertaking.

If an employee is required to work more than the number of hours in the ordinary daily working period, the number of extra hours will be considered overtime, and the employee will be paid one and a half times (150% of the normal wage rate).

Where a contract of employment provides for the payment of wages without reference to the number of hours worked by the employee and further provides that he may be required to work overtime in exceptional circumstances, the worker is not entitled to the overtime unless the contract of employment provides.

A child cannot be required or permitted to work more than six hours a day or 30 hours a week. A child or young person cannot, without the express permission of the Commissioner, be required or permitted to work in an industrial undertaking for more than three consecutive hours in the case of

a child or more than four consecutive hours in the case of a young person, without a period of rest which cannot be less than 30 minutes.

A young person cannot, without the express permission of the Commissioner in writing, be required or permitted to work in an industrial undertaking for more than seven hours a day. Where a young person employed on work in an industrial undertaking is attending school, then the hours of his attendance at school will be deemed to be hours of work in the industrial undertaking, unless it is a government institution or approved by public authority.

Source: §95, 97, 105 & 109 of the Employment Act, 1982 (Cap. 47:01)

### Night Work Compensation

No provision concerning night work compensation could be located in the Employment Act.

### Compensatory Holidays / Rest Days

*Employees are entitled to a weekly rest period of at least 24 hours, typically on a Sunday. If required to work on a rest day or public holiday, they must receive double pay or a substitute rest day.*

Every employee is to be granted by the employer every seven consecutive days a rest period comprising at least 24 consecutive hours.

This period is ordinarily Sunday or includes a Sunday. Where the employee is engaged on shift work, he must be granted a rest period comprising any period of 30 consecutive hours. Where an employee is

required to work during a rest period, he must be granted a substitute rest period before the next weekly rest period or paid at least double the wages (200% of the normal wage rate) for working on a weekly rest day.

Any employee who works on a paid public holiday or on a day observed as a public holiday must either be paid at least double the wages (200% of the normal wage rate) or be granted a paid day off within 10 days immediately thereafter.

Source: §93, 95 & 99 of the Employment Act, 1982 (Cap. 47:01)

### Weekend / Public Holiday Work Compensation

*Employees working on a rest day or public holiday must receive double pay or a compensatory day off. Rest day compensation must be given before the next rest day, while public holiday compensation must be within 10 days.*

Any employee who works on a weekly rest day, a paid public holiday, or a day observed as a public holiday must be paid a premium wage or given a compensatory holiday.

The monetary compensation is 200% of the normal wage rate for working on a weekly rest day or a public holiday. The compensatory holiday for weekly rest day must be granted before next weekly rest day. The compensatory holiday for working on a public holiday must be granted within 10 days of the said public holiday on which the worker was required to work.

Source: §94 and 99 of the Employment Act, 1982 (Cap. 47:01)

# 03/13 ANNUAL LEAVE & HOLIDAYS

## ILO Conventions

Convention 132 (1970) on Holidays with Pay Convention  
Conventions 14 (1921), 47 (1935) and 106 (1957) for weekly rest days.  
In addition, for several industries, different Conventions apply.

**Botswana has ratified the Convention 14 only.**

### ***Summary of Provisions under ILO Conventions***

An employee is entitled to at least 21 consecutive days of paid annual leave, excluding national and religious holidays. Collective agreements must provide at least one day of annual leave on full remuneration for every 17 days the employee worked or was entitled to be paid.

A worker should be entitled to paid leave during national and officially recognized public holidays.

Workers should enjoy a rest period of at least twenty-four consecutive hours every 7 days, i.e., a week.

## Regulations on annual leave and holidays:

- Employment Act, 1982 (Cap. 47:01)

### Paid Vacation / Annual Leave

*Employees receive 15 days of paid annual leave, with at least 8 days taken within six months and the rest accumulable for up to three years. Unused leave is paid out if employment ends before it is taken.*

Workers are entitled to a minimum of 1.25 days of paid annual leave for each month of employment. In total, this translates to 15 working days of annual leave. Annual leave does not increase with the length of employment with the employer.

Of the total 15 working days' leave earned in respect of a period of 12 months, at least eight working days have to be taken no later than six months immediately after the end of the period in respect of which the leave was earned. Remaining leave can be accumulated year by year but is not to be accumulated for longer than three years immediately after the end of the period in respect of which leave was first accumulated. At the end of that three years' period, all the accumulated leave together with all the leave earned in respect of the immediately preceding period of 12 months must be taken.

Payment in lieu of annual leave is possible. Where a contract of employment is terminated by either party to the contract, the employer is to pay to the employee his basic pay in respect of any period of leave accumulated or which has otherwise accrued to him but has not been granted before the termination of the contract of employment, and leave in respect of every

month or part of a month of continuous employment after he last became entitled to leave.

Source: §98 of the Employment Act, 1982 (Cap. 47:01)

### Pay on Public Holidays

*Workers in Botswana are entitled to eight fully paid public holidays. Public holidays are adjusted if they fall on rest days, ensuring a weekday off in lieu.*

Workers are entitled to fully paid festival (public and religious) holidays. These include memorial holidays and religious holidays (Christian origin). There are a total of eight public holidays. These are New Year's Day, Good Friday, Easter Monday, 1st May, President's Day, Day following President's Day, Botswana Day, Christmas Day. However, for the mining industry, only Christmas Day, Good Friday, and Botswana Day are public holidays.

Public holidays in Botswana are adjusted when they coincide with the weekly rest days. If a public holiday falls on a Sunday, the following Monday becomes the public holiday. If any of the following public holidays fall on a Monday, the following Tuesday becomes the public holiday.

- a. 2nd January
- b. 1st October,
- c. Boxing Day

If the Botswana Day (30th September) falls on a Saturday, the next Monday is observed as the public holiday.

Source: §99 and the Second Schedule of the Employment Act, 1982 (Cap. 47:01); §2 of the Public Holidays Act, 2006 (Cap 03:07)

## Weekly Rest Days

Workers are entitled to a rest period of at least 24 consecutive hours in 7 consecutive days. This period is ordinarily a Sunday or includes a Sunday. Where the employee is engaged on shift work, such worker is to be granted a rest period comprising any period of 30 consecutive hours.

Source: §93 & 95 of the Employment Act, 1982 (Cap. 47:01)

# 04/13 CONTRACTS AND DISMISSALS

## ILO Conventions

Convention 158 (1982) on employment termination

**Botswana has not ratified the Convention 158.**

### ***Summary of Provisions under ILO Convention***

The questions under this section measure the security or even flexibility or precariousness of an employment relationship. Although these are not clearly mentioned in a single convention (severance pay and notice requirements are provided in the Termination of Employment Convention No. 158) however, the best practices in the field require that employees be provided with a written contract of employment; workers on fixed-term contracts should not be hired for tasks of permanent nature; a reasonable probation period (ideally lower than or equal to 6 months) may be followed to assess the suitability of an employee; a period of notice must be specified in an employment contract before severing the employment relationship; and workers be paid severance allowance on termination of employment relationship.

A contract of employment may be oral or written; however, workers should be provided with a written statement of employment at the start of their employment.

Fixed Term Contract workers must not be hired for permanent tasks as it leads to precarious employment.

A reasonable probation period must be allowed for workers to learn new skills. During this period, a newly hired employee may be fired without any negative consequences.

Depending on the length of service an employee has, an employer may require a reasonable notice period before severing the employment relationship.

Employers may be required to pay a severance allowance on termination of employment (due to redundancy or any other reason except for lack of capacity or misconduct).

## Regulations on Contracts & Dismissals:

- Employment Act, 1982 (Cap. 47:01)

### Written Employment Particulars

*Employment contracts in Botswana can be oral or written, but written contracts are mandatory for work abroad or as specified by the Minister of Labour. Contracts must include key employment terms, with copies provided to the employer, employee, and relevant labour authorities.*

Contracts of employment may be oral or in writing, expressed or implied. However, the employment contract must be in writing for any work that falls outside of Botswana or as may be specified by the Minister of Labour. Worker must be given a copy of contract where employment contract is concluded in writing.

Contract of employment is to contain the full name and address of the employer, the name and occupation of the employee, the place of work, the date on which employment begins, working hours, wage, rate of overtime pay, other cash payments, when remuneration will be paid, deductions from remuneration, annual leave, sick leave, maternity benefits and leave, period of notice for termination of employment or when the contract is to terminate, the payment for working on public holidays, and the list of documents which form part of contract of employment.

The employment contract which pertains to work outside Botswana or as otherwise prescribed by the Minister for labour should all of the above and certain extra information.

Three copies of every contract of employment attested under this act are to be attested together with the original; one copy is to be delivered to the employer, one copy to the employee and one to the labour officer of the district of employment or, where the place of employment is outside Botswana, to the appropriate government official in the district within which the place of employment is located. The original of every attested contract of employment is to be deposited with and preserved by the attesting officer.

Source: §14, 39, 40, 43 of the Employment Act, 1982 (Cap. 47:01) and Rule 9.4 of the Code of Conduct

### Fixed Term Contracts

*Botswana's law does not limit the length of local fixed-term contracts, but contracts for work abroad have a maximum duration of two years. Employment contracts made in another country for work in Botswana cannot exceed nine months or the home country's legal limit if shorter.*

The law has not specified the length of local fixed-term contracts. Fixed-term agreements are allowed for employment outside of Botswana. The maximum length of employment contract is to be 2 years.

Where the employment contract is made in another country and relates to employment in Botswana, then the period of employment stipulated in any re-engagement contract of employment is not to exceed nine months or the maximum period prescribed by the law of the country of origin if it is less than nine months.

Source: §50 & 51(2)(f) of the Employment Act, 1982 (Cap. 47:01)

## Probation Period

*Probation periods in Botswana are up to 3 months for unskilled workers and 12 months for skilled workers. During probation, either party can terminate the contract with a 14-day notice without providing a reason.*

Employment contract provides a probationary period for indefinite employment contracts with unskilled and skilled workers. In the case of an employment contract with an unskilled worker, the maximum probationary period is 3 months. The probationary period is at most 12 months for employment contracts with skilled workers.

An employment contract can be terminated during the probationary period by giving at least 14-day notice. In this way, the contract is deemed to have been terminated with just cause and neither the employer nor the employee is required to give any reasons.

Source: §20 of the Employment Act, 1982 (Cap. 47:01)

## Employment Termination

*Employment in Botswana can be terminated for various reasons, including misconduct, redundancy, incapacity, or mutual agreement, but protections exist against unfair dismissal. Courts may order reinstatement or compensation for wrongful termination, considering factors like financial loss, reemployment prospects, and employer conduct.*

Employment termination is regulated under the Employment Act and the Code of Good Practice on Termination of Employment.

The main reasons provided by the law/Code of Conduct to terminate an employment contract are:

1. Mutual agreement between the parties
2. Death or sequestration of employer
3. Death of employee
4. Retirement
5. Resignation by the employee
6. Forced resignation or constructive dismissal
7. Dismissal, due to:
  - a. Misconduct
  - b. Incapacity, including poor work performance or ill health or injury
  - c. Operational requirements (re-organisation of the business or the discontinuance or reduction of the business for economic, structural, technological or similar reasons)
8. Termination of fixed term contract on completion of task or expiry of the period specified in the contract

The following are considered gross misconduct under the Employment Act: wilful disobedience of lawful orders, misrepresentation of skills or qualifications, habitual neglect of duties, theft, dishonesty, or acts of violence, gross negligence causing property damage, disclosure of confidential information, alcohol or drug-related impairment affecting duties, non-compliance with safety rules, persistent underperformance despite warnings, bribery, and unapproved absenteeism.

If proven, the employer may terminate the employment contract without serving any notice of termination.

The Employment Act also refers to the circumstances under which an employee

may justifiably leave their job without service any notice of termination (constructive dismissal). These include being assigned work fundamentally different from their original role, facing relocation without contractual provision, or being demoted to lower-grade work. Additionally, unjust treatment by the employer or their representative, or immediate threats to the employee or their dependents from violence or disease are also valid reasons.

The Employment Act further specifies that the employer cannot terminate an employee's contract based on certain protected grounds. These include the employee's trade union membership or activities, seeking or serving as an employee representative, making a legitimate complaint or participating in legal proceedings against the employer, or discrimination based on race, tribe, origin, marital status, political beliefs, gender, colour, or creed.

Other than these, Employment Act prohibits serving the notice of termination of contract of employment during a female worker's maternity leave.

The Code of Good Practice on HIV/AIDS provides that employees with HIV/AIDS may not be wrongfully dismissed solely on the basis of their HIV/AIDS status.

Under the Code of Good Practice on Discrimination, dismissal based disability for employees with disabilities is prohibited.

In the case of redundancy (termination of employment for the purpose of reducing the size of workforce), the employer shall give a notice of intention to the Commissioner. In case of collective

dismissals/redundancy, the employer must follow the "first-in, last-out" principle for each employee category, where practical. However, the employer must also consider the efficient operation of the business and evaluate each employee's ability, experience, skills, and qualifications before making decisions.

If the Court determines that an employee has been wrongfully dismissed or disciplined, it may order remedies it deems fair. For wrongful dismissal, the Court may order reinstatement, with or without compensation, or compensation instead of reinstatement. In cases of wrongful disciplinary action, the Court may award appropriate compensation.

Compulsory reinstatement is considered only if the dismissal was unlawful or discriminatory (e.g., based on gender, union activities, filing of complaint or grievances, religion, or political opinion) or if the employment relationship has not irrevocably broken down. Compensation linked to reinstatement cannot exceed the employee's actual financial losses due to the dismissal.

When assessing compensation, the Court shall evaluate factors such as the employee's actual and future losses, age, reemployment prospects, the circumstances of the dismissal, adherence to Court recommendations, any legal or collective agreement violations, and the employer's financial capacity.

Source: §17-26, 113 of the Employment Act, 1982 (Cap. 47:01); §27 of the Trade Disputes Act, 2016

## Notice Requirement

*Fixed-term contracts in Botswana end when the task is completed or the contract period expires, while indefinite contracts require notice based on service length. Termination without notice is allowed for serious misconduct, unfair treatment, or job changes, with the option to compensate in lieu of notice.*

A contract of employment (for a specified task) is terminated when the work specified in the contract is completed or the period of time for which the contract was made has expired. An indefinite term employment contract is deemed to run until lawfully terminated.

An indefinite term employment contract may be terminated by either employer or employee where the wages are payable for a period not exceeding a day, at the close of any day's work without notice. Where the wages are payable in respect of any period exceeding a day, the employment contract may be terminated at any time as long as notice has been given to the other party. Where the wages are payable for a period exceeding one day but less than a week, then notice must be at least one day. Where the wages are payable for period more than one week but less than two weeks but the employee has been in continuous service for 2-5 years, then the minimum length of notice is to be two weeks. Where the wages are payable in respect for a period exceeding one week but not more than a month and the employee has been in continuous employment for 5-10 years, then the minimum length of the notice is to be one month. Where wages are payable in respect for a period exceeding a day and the employee has been in continuous

employment for 10 years or more, the minimum length of notice is to be six weeks.

The employer can terminate the employment contract without giving notice of his intention to do so or making any payment where the employee is guilty of serious misconduct during his employment.

An employee whose contract of employment is for an indefinite term or whose contract is for a specific task can terminate the contract of employment without giving notice of his intention to do so or making any payment on the basis that the nature of work is different than for which he was engaged for, his employment requires change in residence which is not stated in the employment contract, being transferred to lower grade work, bad treatment by employer or employer's representative, or possibility of violence or disease resulting from employment which was not stated in the employment contract.

There is a possibility of paying compensation in lieu of notice. Either party may terminate an indefinite-term contract by paying the other party the wages that would have accrued to the worker during the minimum legal notice period. Where such notice has already been given, the employment contract can be terminated without waiting for the expiry of the period of notice, by paying to the other party a sum equal to the amount of basic pay which would otherwise have accrued to the employee during the balance of the period of notice.

Source: §17, 18, 19 & 26 of the Employment Act, 1982 (Cap. 47:01)

## Severance Pay

*In Botswana, severance pay is granted to employees with at least five years of service, calculated based on their length of employment. It is not applicable to those receiving pensions or gratuities, and all dues must be settled promptly upon termination.*

Severance pay is regulated under the Employment Act, 1982 (Cap. 47:01). Severance pay is payable only if the worker has worked at least 60 months (5 years) with the same employer.

The amount of severance pay depends on the length of service. During the first 60 months of employment, the severance is payable at the rate of one day's basic wage for each month of service. The severance pay is raised to two days' basic wage for each month of continuous employment beyond 60 months. An employee with 10 years (120 months) of employment with an employer shall be entitled to severance pay of 180 days of basic wage as follows:

1. 60 days' basic wage for the first 60 months of employment (12 days per year);
2. 120 days' basic wage for the next 60 months of employment (24 days per year)

Severance pay is payable only where the worker is not registered with the social insurance system. Employees receiving pension or gratuity or both benefits are not eligible for severance payment.

On termination of employment, all dues must be cleared on the same day, or where it is not practical, as soon as reasonably practicable to do so.

Source: §27 & 76-78 of the Employment Act,

1982 (Cap. 47:01); §3 of the Employment (Miscellaneous Provisions) Regulations, 1984

# 05/13 FAMILY RESPONSIBILITIES

## ILO Conventions

Convention 156: Workers with Family Responsibilities Convention (1981) Recommendation 165: Workers with Family Responsibilities (1981)

**Botswana has not ratified the Convention 156.**

### *Summary of Provisions under ILO Convention*

Paternity leave is for new fathers around the time of childbirth and is usually of shorter duration.

Recommendation (No. 165) provides for parental leave as an option available to either parent to take a long leave of absence (paid or unpaid) without resigning from work. Parental leave is usually taken once the maternity and paternity leave have been exhausted. For working parents, laws may define the portion of parental leave that has to be compulsorily taken by fathers or mothers.

Flexible Work Option for Parents / Work-Life Balance Recommendation 165 asks employers to look into the measures for improving general working conditions through flexible work arrangements.

## Regulations on family responsibilities:

- Code of Good Practice: Maternity Benefits and Family Responsibility

### Paternity Leave

There is no provision concerning paternity leave in the Employment Act, 1982 (Cap. 47:01).

### Parental Leave

There is no provision concerning parental leave in the Employment Act, 1982 (Cap. 47:01).

### Flexible Work Option for Parents / Work-Life Balance

It is encouraged that employers grant their employees paid leave in addition to their annual leave entitlement, for circumstances where in case of fathers, a child is born; when the employee's child is seriously ill; and when in the event of death of an employee's spouse, life partner, parent, grandparent, child, grandchild or sibling.

Source: Rule 9 of the Code of Good Practice: Maternity Benefits and Family Responsibility

# 06/13 MATERNITY & WORK

## ILO Conventions

An earlier Convention (103 from 1952) prescribed at least 12 weeks maternity leave, 6 weeks before and 6 weeks after birth. However, a later convention (No. 183 from year 2000) requires that maternity leave be at least 14 weeks, of which a period of six weeks of compulsory leave should be after childbirth.

**Botswana has not ratified both the Conventions 103 & 183.**

### *Summary of Provisions under ILO Convention*

A worker should be entitled to medical and midwife care during pregnancy and maternity leave without additional cost.

During pregnancy and while breastfeeding, a worker should be exempt from work that might bring harm to you or your baby.

The total maternity leave should last at least 14 weeks.

During maternity leave, a worker's income should amount to at least two-thirds of your preceding salary.

During pregnancy and maternity leave, a worker should be protected from dismissal or any other discriminatory treatment.

Workers have the right to return to the same or equivalent position after availing maternity leave.

After childbirth and re-joining work, a worker must be allowed paid nursing breaks for breastfeeding the child.

## Regulations on maternity and work:

- Employment Act, 1982 (Cap. 47:01)
- Code of Good Practice: Maternity Benefits and Family Responsibility

## Free Medical Care

The Employment Act, 1982 (Cap. 47:01) does not require an employer to pay the medical expenses or any part of such expenses incurred by a female employee during or attributable to her pregnancy or confinement.

Medical services, including maternity care, are provided by public hospitals, accessible to all.

Source: §119 of the Employment Act, 1982 (Cap. 47:01)

## No Harmful Work

An employer may not require or permit pregnant or breast-feeding employees to perform work hazardous to their health or children. Certain conditions may threaten health and safety, including exposure to noise, vibration, radiation, electromagnetic fields etc; working in extreme conditions, i.e., excessive heat or cold; and exposure to harmful chemical substances.

Source: Rule 8 of Code of Good Practice: Maternity Benefits and Family Responsibility

## Maternity Leave

*Female employees in Botswana are entitled to 12 weeks of maternity leave, starting six weeks before and ending six weeks after childbirth. If health complications arise,*

*maternity leave can be extended by up to six additional weeks.*

A female employee is to notify the employer of her confinement through a written medical certificate stating that the confinement will probably occur within six weeks immediately after the certificate date. On receipt of this certificate, the employer has to immediately permit the female employee in question to absent herself from work until her confinement. He is not to permit or require her to return to work until the expiry of six weeks immediately after her confinement. This means that the pregnant employee is entitled to 12 weeks of maternity leave. Within 21 days immediately after her confinement, a female employee is to inform her employer of the date of confinement through a written certificate.

Where a female employee delivers to her employer a written certificate that the employee is suffering from an illness arising out of her confinement and is consequently unfit to return to work, the employer will not permit or require her to return to work until the expiry of eight weeks immediately after her confinement.

The maternity leave can be extended further by six weeks when the employee suffers from an illness arising out of her confinement and is consequently unfit to return to work.

Source: §113 of the Employment Act, 1982 (Cap. 47:01) and Rule 2 of Code of Good Practice: Maternity Benefits and Family Responsibility

## Income

*Employers must pay female employees on maternity leave at least 50% of their basic pay in three instalments. However, maternity allowance is forfeited if the employee works for another employer during the leave period.*

The employer has to pay every female employee whilst she is absent from work because of maternity leave an allowance of not less than 50 per cent of the basic pay and other benefits or 50 thebe per day, whichever is greater.

If a female employee works for another employer during maternity leave, she forfeits her entitlement to maternity allowance.

Maternity allowance is paid in the following three instalments:

- (a) the first, for the period of absence up to and including the day of confinement, is paid within 48 hours immediately after the employee delivers the medical certificate;
- (b) the second, for the period of absence of six weeks immediately after the day of confinement, is paid on the return of the employee to work or, where that period has been extended, on the day she would otherwise have been due to return to work; and
- (c) the third, with an extension of two weeks, is paid within 48 hours immediately after the employee delivers the required medical certificate.

Source: §113 & 114 of the Employment Act, 1982 (Cap. 47:01); Rule 3 of the Code of Good Practice: Maternity Benefits and Family Responsibility

## Protection from Dismissals

*A female employee cannot be dismissed during maternity leave, and any termination notice expiring during this period is void. Additionally, termination within three months of childbirth without serious misconduct does not affect her right to maternity allowance.*

Employment of a female worker during her maternity leave is protected. Where a worker is on maternity leave, the employer is prohibited from serving a termination of employment notice on her. Furthermore, any such notice given to a female employee which expires during maternity leave will be null and void.

No notice of intention to terminate the employment of a pregnant employee given without good cause within three months of her confinement, will affect her right to receive maternity allowance. Here, good cause is limited to acts of serious misconduct.

Source: § 116 of the Employment Act, 1982 (Cap. 47:01) and Rule 4 of the Code of Good Practice: Maternity Benefits and Family Responsibility

## Right to Return to Same Position

The Employment Act, 1982 (Cap. 47:01) provides that any absences by the employee due to maternity leave do not interrupt the employee's employment. The law also prohibits dismissal of a worker on maternity leave. This means that the worker has the right to return to the same position on completion of maternity leave.

Source: § 113 of the Employment Act, 1982 (Cap. 47:01)

## Breast-feeding/ Nursing Breaks

*Nursing mothers get two paid 30-minute breaks daily for six months, or a combined one-hour break if agreed with the employer.*

For nursing mothers, the employer is to permit the female employee to take nursing break of half-an-hour twice a day during the working hours for six months immediately after her return to work from confinement. The nursing breaks are considered working time and are thus paid breaks. The two half-an-hour feeding periods can be aggregated and taken as one continuous hour, at the option of the employee and in agreement with the employer.

Source: §118 of the Employment Act, 1982 (Cap. 47:01)

# 07/13 HEALTH & SAFETY

## ILO Conventions

Most ILO OSH Conventions deal with very specific Occupational Safety hazards, such as asbestos and chemicals.

Convention 155 (1981) is the relevant general convention here.

Labour Inspection Convention: 81 (1947)

**Botswana has ratified Convention 81.**

### ***Summary of Provisions under ILO Conventions***

The employer, in all fairness, should make sure that the work process is safe.

The employer should provide protective clothing and other necessary safety precautions for free.

Workers should receive training in all work-related safety and health aspects and must have been shown the emergency exits.

In order to ensure workplace safety and health, a central, independent and efficient labour inspection system should be present.

## Regulations on health and safety:

- National Industrial Relations Code of Good Practice Employment Act, 1982 (Cap. 47:01)
- Factories Act, 1973

## Employer Cares

*Various Acts in Botswana mandate employers to ensure a safe workplace, provide medical aid, and protect workers from hazards. Employers must offer protective gear, medical check-ups, and, where possible, establish a health and safety committee.*

Parts IV-VII of the Factories Act have detailed provisions on maintaining safe and healthy workplaces. These relate to cleanliness, ventilation, prohibition of overcrowding, safe dealing of chains, ropes, hoists and lifts, etc. The Factories Act further requires safe means of access and safe place of employment. Maintaining a safe work environment is also the responsibility of workers. Factories Act prohibits workers to wilfully and without reasonable cause do anything likely to endanger himself or any other person.

In line with the Employment Act, every employer must, at his own expense, provide medical aid to his employees and members of their families living with them following the scale prescribed. The obligation to provide medical assistance to the members of worker's family extends only to cases where the employee and his family are resident on employer's land.

According to the Code of Conduct, the conditions of employment must be designed to avoid any exposure to danger, health hazards or unpleasant working

conditions to the employee. If hazardous or unpleasant working conditions cannot be avoided, the employer must provide appropriate protective clothing and equipment, and should consider compensation for unpleasant working conditions. Where practical, the employer should arrange for pre and post medical examinations and if the employees are exposed to hazardous substances, then there should also be regular in-service medical examinations. A joint management and employee health and safety committee should be established wherever possible.

The other relevant legislation on the subject is as follows:

1. Mines, Quarries, Works and Machinery Act, 1973 (Cap. 44:02): governs health and safety in the mining, quarrying, and related industries.
2. Radiation Protection Act, 2006 (Cap. 24:03): regulates the safe use, handling, and disposal of radioactive materials while protecting individuals and the environment.
3. Public Health Act, 2013: prevention and control of communicable diseases, sanitation and housing standards, environmental health protection, etc.
4. Workers' Compensation Act, 1973 (Cap. 47:03): requires payment of compensation to workers for injuries or illnesses arising from their employment.

Source: Rule 11 of the National Industrial Code of Industrial Relations Practice; §125 of the Employment Act, 1982 (Cap. 47:01); Parts IV-VII of the Factories Act, 1973

## Free Protection

*Employers in Botswana must provide protective gear for workers exposed to hazardous or unpleasant conditions and consider compensation where necessary.*

If hazardous or unpleasant working conditions cannot be avoided, the employer must provide appropriate protective clothing and equipment, and should consider compensation for unpleasant working conditions.

Where, in any factory, workers are employed in any process involving excessive exposure to wet or to any injurious or offensive substance, suitable protective clothing and appliances, including suitable gloves, footwear, goggles, head or face coverings or any other necessary clothing or appliance must be provided and maintained for the use of such workers.

Source: §51 of the Factories Act, 1973; Rule 11 of the National Industrial Code of Industrial Relations Practice

## Training

*The Factories Act mandates training and supervision for inexperienced workers, with special safety training for hazardous jobs. Employers must also provide induction training, skills development, and leadership training for supervisory roles.*

Factories Act requires training and supervision of inexperienced workers.

In line with the Code of Conduct, the induction training should consist of providing information concerning the employee's job and direct supervisor, rates

of pay and other terms and conditions of employment, the company's rules, and if necessary, information about trade union recognized by the company.

If an employee is exposed to hazardous working conditions, special training should be given in using safety equipment, safety procedures and wearing protective clothing. Employees should also be trained in occupational health and safety practices at work.

The management is to provide appropriate training programs to enable employees to develop additional skills and knowledge. Service training is to be considered essential. For supervisor and management positions, the employers are to ensure that employees undergo appropriate training prior to taking up these positions.

Source: §29 of the Factories Act, 1973; Rule 22 of the National Industrial Code of Industrial Relations Practice

## Labour Inspection System

*The Employment Act empowers the Commissioner of Labour and Labour Officers to inspect workplaces, ensure sanitary conditions, and enforce labour laws. They can also provide technical advice to employers and employees on compliance with legal requirements.*

Employment Act provides for appointment of Commissioner of Labour and Labour Officers. They have the power to, at any reasonable time, enter, inspect and examine any area where any employee is housed; enter, inspect and examine any sanitary arrangements, water supply, hospital or medication to be used by employees in any place; inspect and

examine kitchens and food for the employees; take and remove, for the purposes of analysis, samples of any material or substances handled by employees; require any employer to produce any employee employed by him or any documents relevant to such an employee; and question any employer or employee or any other person whose evidence there is reasonable cause to consider necessary regarding matters connected with carrying out any of the provisions of this act.

The Commissioner or any labour officer can require all premises in the building used by the employer or recruiter to be kept clean and in a sanitary condition; require the employer or recruiter to return to the place of his recruitment or send to hospital any person who is ill and for whom the conditions prevailing at any place of employment is not conducive to the recovery of his health; where any particular place is unsanitary according to the Commissioner or Labour Officer. Directions can be issued to the person for the time being responsible for the management to discontinue such occupation

The Commissioner and Labour Officers must furnish technical information and advice to any employer or employee regarding the most effective means of complying with legislative requirements.

Source: §3, 4, 7 & 11 of the Employment Act, 1982 (Cap. 47:01)

# 08/13 SICK LEAVE & EMPLOYMENT INJURY BENEFIT

## ILO Conventions

Social Security (minimum standards): Convention 102 (1952)  
Employment Injury Benefits: Conventions 121 (1964),  
Medical Care and Sickness Benefits: Convention 130 (1969)

**Botswana has not ratified the above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

A worker's rights to work and income should be protected when illness strikes. The national labour law may provide that sickness benefits may not be paid during the first 3 days of your absence. Minimally, a worker should be entitled to an income during the first 6 months of illness. This income should be at least 45 per cent of the minimum wage. (Countries are free to opt for a system which guarantees 60 per cent of the last wages during the first 6 months of illness or even during the first year). A worker must be entitled to paid sick leave.

A worker should be entitled to medical care without any additional cost during illness. Employees and their family members should have access to the necessary minimal medical care at an affordable cost.

During the first 6 months of illness, a worker should not be fired.

If a worker is disabled due to an occupational disease or accident, they must receive a higher benefit. In the case of temporary or total incapacity/disability, a worker may at least be provided 50% of his average wage, while in the case of fatal injury, the survivors may be provided 40% of the deceased worker's average wage in periodical payments.

## Regulations on sick leave & Employment Injury Benefits:

- Employment Act, 1982 (Cap. 47:01)
- Workers Compensation Act, 1998
- Factories Act, 1973
- ISSA Country Profile

## Income

After a medical examination, any employee is entitled to sick leave as the medical officer recommended and is entitled to be paid basic pay for at least 20 working days of sick leave in any one year of continuous employment. The cost of the medical examination has to be borne by the employer.

Source: §100 of the Employment Act, 1982 (Cap. 47:01)

## Medical Care

*Employers must provide medical assistance to employees and their families for work-related injuries or diseases. Factories must maintain stocked first aid boxes under a designated responsible person, with their name displayed in each workroom.*

Every employer is to provide medical assistance to employees and members of their families living with them. The employer is to defray the reasonable expenses incurred by a worker within Botswana, or with the approval of the Commissioner of Worker's Compensation, outside Botswana, as a result of any injury or occupational disease which would entitle the worker to compensation.

Under the Factories Act, upon the premises of a factory, a first aid box or cupboard must

be provided and maintained to be stocked to the prescribed standard. Each first aid box is to be placed under the charge of a responsible person who will always be readily available during working hours, and a notice will be affixed in every workroom stating the name of the person in charge of the first aid box or cupboard provided in respect of that room.

Source: §125 of the Employment Act, 1982 (Cap. 47:01); §28-30 of the Workers Compensation Act; §49 of the Factories Act

## Job Security

There is no clear provision on job security after the first 20 days of sickness. In line with the Employment Act, if the employer is unable to fulfil a contract of employment or where, owing to sickness or accident, the employee is unable to fulfil such a contract, the contract may be terminated, subject to conditions safeguarding the right of the employee to any wages earned, any compensation due to him in respect of sickness or accident and any right to repatriation.

Source: §49 of the Employment Act, 1982 (Cap. 47:01)

## Disability / Work Injury Benefit

*Work injuries are classified as permanent, temporary, or fatal, with compensation based on severity. Benefits include lump sums for disability, wage-based payments for temporary incapacity, and survivors' benefits for fatal injuries.*

Work injuries are divided into three categories: (i) permanent incapacity (ii) temporary incapacity and (iii) fatal injury leading to death of a worker.

If the employee is assessed with a total disability, a lump sum of 60 months of the insured worker's monthly earnings is paid. If the employee requires the constant attendance of others to perform daily functions, up to 25% of the permanent disability benefit will be paid as constant attendant allowance. For partial permanent disability, a percentage of full permanent disability benefit is paid based on the assessed degree of disability.

For temporary disability, 66% of the difference between the employee's monthly earnings before the work injury occurred or the occupational disease began and the employee's monthly earnings (actual or potential) afterwards is paid for up to six months. This may be extended for an additional three-month period of up to 24 months with the approval of the Commissioner for Workmen's Compensation. A lump sum can also be paid under certain circumstances.

Where the employee has passed away due to his injuries, the compensation payable to or for the benefit of the worker will be payable to the deceased worker's dependents. A lump sum of 48 months of the employee's monthly earnings minus funeral costs is paid to the survivors. However, a reduced benefit is paid to survivors who were only partially dependent.

Source: §15-20 of the Workers Compensation Act, 1998; ISSA Country Profile

# 09/13 SOCIAL SECURITY

## ILO Conventions

Social Security (minimum standards): Convention 102 (1952). For several benefits, somewhat higher standards have been set in subsequent Conventions

Employment Injury Benefits: Conventions 121 (1964),

Invalidity, Old age and survivors' benefits: Convention 128(1967)

Medical Care and Sickness Benefits: Convention 130 (1969)

Unemployment Benefits: Convention 168 (1988).

**Botswana has not ratified the above-mentioned Conventions.**

### ***Summary of Provisions under ILO Conventions***

In the normal circumstances, the pensionable age may not be set higher than 65 years of age. If retirement age is fixed above 65 years, it should give “due regard to the working ability of elderly persons” and “demographic, economic and social criteria, which shall be demonstrated statistically”. Pension can be set as a percentage of the minimum wage or a percentage of the earned wage.

When the breadwinner has died, the spouse and children are entitled to a benefit, expressed as a percentage of the minimum wage, or a percentage of the earned wage. This must at least be 40% of the reference wage.

For a limited period of time, the unemployed has a right to unemployment benefit set as a percentage of the minimum wage or a percentage of the earned wage.

Invalidity benefit is provided when a protected person is unable to engage in a gainful employment, before standard retirement age, due to a non-occupational chronic condition resulting in disease, injury or disability. Invalidity Benefit must at least be 40% of the reference wage.

## Regulations on social security:

- Workers Compensation Act, 1973
- ISSA Country Profile

## Pension Rights

*Botswana provides a government-funded universal pension at a flat rate from age 65, with periodic adjustments for the cost of living.*

Both men and women are entitled to a pension from age 65 onward. To claim pension, the person in question must have a valid national identity card. For old-age benefits, the monthly old-age benefit amount is 630 Pula. That being said, the benefits are to be adjusted periodically due to changes in the cost of living. The entire source of funds is from the Government. The old age pension system is universal and is not linked to employment and/or contributions by workers.

Source: ISSA Country Profile

## Dependents' / Survivors' Benefit

*Botswana provides government-funded survivor benefits for WWII widows and orphans, including allowances, food vouchers, and education support. Widows' allowances are split if there are multiple beneficiaries and end upon remarriage.*

For Universal pension, the source of which is the government, there are survivor benefits for War Veteran's allowance (WW II) and Orphan Care benefit for widow or orphan of a World War I and II deceased veteran. . Under War Veteran's allowance, the monthly survivor's amount, has been increased from 450 Pula to 700 Pula per

month. If there is more than one widow, the pension is split equally. The widow's allowance will cease upon her remarriage.

There is also an orphan care benefit where the orphan's guardian pays an electronic food voucher of 650 pula. In addition, the cost of school uniforms, subsidies for transportation, clothing and rent, support for special dispensation for tertiary education and support for additional education needs is also paid.

Source: §14 of the Workers Compensation Act, 1973; ISSA Country Profile

## Unemployment Benefits

There is no provision for unemployment benefit. Law provides for severance benefit, paid by the employer, which is paid on termination of the employment relationship.

## Invalidity Benefits

For Disability Allowance under Universal Pension, the entire source of funds is the government. It is paid to individuals who have severe disabilities. For Disability Allowance, the revised amount is 550 pula per month. Additionally, a monthly electronic food voucher worth 600 to 1200 Pula is also paid depending upon the local authority.

Source: ISSA Country Profile

# 10/13 FAIR TREATMENT

## ILO Conventions

Convention 111 (1958) lists the discrimination grounds which are forbidden.

Convention 100 (1952) is about Equal Remuneration for Work of Equal Value.

Convention 190 (2019) is about elimination of violence and harassment in the world of work.

**Botswana has ratified the Conventions 100 and 111.**

### ***Summary of Provisions under ILO Conventions***

At workplaces, equal pay for men and women for work of equal value is a must, regardless of marital status. Pay inequality based on race, colour, sex, religion, political opinion, national extraction/place of birth or social origin is also forbidden. A transparent remuneration system and a clear matching of pay and position should be in place to help prevent wage discrimination.

Convention No. 190 recognises the right of everyone to a world of work free from violence and harassment. It defines violence and harassment as “a range of unacceptable behaviours and practices, or threats thereof, whether a single occurrence or repeated, that aims at, result in, or are likely to result in physical, psychological, sexual or economic harm, and includes gender-based violence and harassment”. This definition covers physical abuse, verbal abuse, bullying and mobbing, sexual harassment, threats and stalking, among other things.

An employer can't discriminate against a worker in any aspect of employment (appointment, promotion, training and transfer) on the basis of union membership or participation in union activities, filing of a complaint against an employer, race, colour, sex, marital status, family responsibilities, pregnancy, religion, political opinion, national extraction or social origin, temporary absence due to illness, age, trade union membership, disability/HIV-AIDS, or absence from work during maternity leave. (Conventions 111, 156, 158, 159 and 183)

People have the right to work and there can't be occupational segregation on the basis of gender.

## Regulations on fair treatment:

- Employment Act, 1982 (Cap. 47:01)
- Code of Good Practice: Sexual Harassment in the Workplace
- Code of Good Practice: HIV/AIDS and Employment

## Equal Pay

There is no provision concerning equal pay in the Employment Act, 1982 (Cap. 47:01).

## Sexual Harassment

*Botswana law classifies sexual harassment as misconduct, allowing victims to seek legal action or claim constructive dismissal. Employers must ensure a harassment-free workplace, uphold employee dignity, and take appropriate action against violations.*

The Botswana Public Service (Amendment) Act, No. 14 of 2000 (in a newly added section 31A) classifies sexual harassment of a public officer by a co-worker or supervisor as misconduct. No such provision is available under the Employment Act.

The Code of Good Practice includes, within the definition of discrimination, harassment of an employee, whether of a sexual nature or not. Sexual harassment has been defined as unwanted conduct of a sexual nature. The undesirable nature of the act distinguishes it from consensual behaviour.

A harassed employee can resign and claim compensation for constructive dismissal, sue for damages for breach of contract or an invasion of privacy, or interdict the harasser or the employer. Furthermore, the employee can lawfully discipline or dismiss

an employee who is found to have been guilty of sexual harassment.

The workplace is to be free from sexual harassment. The employer is to respect the employee's right to dignity, privacy and equity, and the employees are to respect the right to dignity, privacy and equity of other employees. Furthermore, an employer is to create and maintain a working environment where the dignity of each employee is respected. A workplace is to be kept in such a way that the victims of sexual harassment do not fear reprisals or feel their grievances are being ignored. For this, the employer can follow specific steps such as all employees being refrained from committing sexual harassment, a working environment is to be maintained where sexual harassment is unacceptable, that those dealing with the business are not subjected to sexual harassment by any of the employees, and that appropriate action is taken when sexual harassment does occur in the workplace.

Source: Rule 1, 3, 5 of Code of Good Practice: Sexual Harassment in the Workplace

## Non-Discrimination

*Botswana prohibits workplace discrimination based on factors like race, gender, disability, or health status, including HIV/AIDS. Employers cannot terminate contracts or deny benefits based on these protected characteristics.*

Discrimination has been defined to include but not limited to discrimination based on race, tribe, place of origin, national extraction, social origin, marital status, political opinions, sex, colour or creed.

An employment contract cannot be terminated on the grounds of employee's race, tribe, place of origin, social origin, marital status, gender, sexual orientation, colour, creed, health status or disability.

Under the Code of Conduct, no employee or employer can discriminate against any employee in any employment policy or practice. Furthermore, employees with HIV/AIDS are not to be discriminated against the allocation of employee benefits or be dismissed based on their HIV/AIDS status.

Source: § 23 of the Employment Act, 1982 (Cap. 47:01) and Rule 3 of the Code of Good Practice: Employment Discrimination and Rule 8 & 9 of the Code of Good Practice: HIV/AIDS and Employment

## Equal Choice of Profession

No discriminatory provisions could be located under the Constitution of Botswana or Employment Act. It is the employer's responsibility to ensure equal opportunity in the workplace. The employer must adopt, communicate, implement, monitor and review policies to eliminate discrimination and the following guidelines on specific issues.

No restrictive provisions concerning employment of women during night hours, and in jobs deemed dangerous, hazardous, arduous or morally inappropriate with the aim to limit equal choice of profession could be located.

Source: Rule 6 of the Code of Good Practice: Employment Discrimination

# 11/13 MINORS & YOUTH

## ILO Conventions

Minimum Age: Convention 138 (1973)

Worst Forms of Child labour: Convention 182 (1999)

**Botswana has ratified the Conventions 138 and 182.**

### *Summary of Provisions under ILO Conventions*

At workplaces, children may not be forced to perform work that could harm their health and hampers their physical and mental development.

All children should be able to attend school. Once this is safeguarded, there is no objection against children performing light jobs between the ages of 12 and 14. The general minimum age is 15 years; however, developing countries may set this at 14 years. The minimum age for hazardous work, which is likely to jeopardise young persons' health, safety or morals, is 18 years. It can also be set at a lower level of 16 years under certain circumstances

Children should not be employed in a work that is likely to harm their health, safety, or morals. It is considered one of the worst forms of child labour. The minimum age for such hazardous work is 18 years.

## Regulations on minors and youth:

- Employment Act, 1982 (Cap. 47:01)
- Children Act, 2009

## Minimum Age for Employment

*In Botswana, employing children under 15 is illegal, with limited exceptions for light work with parental oversight and Commissioner approval. Violations carry hefty fines and prison terms.*

A child has been defined to mean a person under the age of 15 years. A young person is described as someone above the age of 15 but below the age of 18. No one is to recruit any child or young person for employment. Any person who does so will be guilty of an offence and liable to a fine.

A child cannot be employed in any capacity. However, where the child has attained the age of 14 and is not attending school, he may be employed for light work which is not harmful to his health and development by a family member or for such work as may be approved by the Commissioner. However, where the employment is other than of a domestic character in connection with which suitable accommodation is provided, the child is to return to his parents or guardian each night. A child cannot work more than six hours a day or 30 hours a week.

A child who has attained the age of 14 years and is still attending school can be employed during school vacations for light work, which is not harmful to his health, for not more than five hours a day between 6 am and 4 pm. For this, the approval of the Commissioner is required.

Under the Children Act, every child has the right to be protected from labour practices that are inappropriate for the child's age or have detrimental impact on the child's education, physical or mental health, or social, moral or spiritual development. A person who employs a child has to submit the necessary records to the Ministry of Labour. Failure to do so can lead to a fine of P10,000. Any person who employs children will be fined P10,000 to P30,000 and can be imprisoned for 12 months to 5 years.

Education is not compulsory in Botswana.

Source: §2, 47 & 105 of the Employment Act, 1982 (Cap. 47:01); §24 of the Children Act, 2009

## Minimum Age for Hazardous Work

*Botswana limits working hours for children and young workers, bans night shifts except in emergencies or apprenticeships, and prohibits hazardous or physically demanding work. Young workers in industrial jobs require Commissioner approval, with school hours counting as work time.*

A child cannot be required or permitted to work more than six hours a day or 30 hours a week. A child or young person cannot, without the express permission of the Commissioner, be required or permitted to work in an industrial undertaking for more than three consecutive hours in the case of a child or more than four consecutive hours in the case of a young person, without a period of rest which shall not be less than 30 minutes.

A young person cannot, without the express permission of the Commissioner in writing, be required or permitted to work in an

industrial undertaking for more than seven hours a day. Where a young person employed to work in an industrial undertaking is attending school, then the hours of his attendance at school will be deemed hours of work in the industrial undertaking unless it is a government institution or approved by public authority.

A child or young person should not be employed for any work during the night. For a child, night consists of the period between 10 pm to 6 am. For a young person, night consists of the period between 11 pm to 6 am.

However, a young person may be employed during the night in the case of an emergency that could not reasonably have been foreseen and prevented, or if the young person is so employed under a contract of apprenticeship or indenture to learn.

A child is not to be required or permitted, in the course of his employment, to lift, carry or move anything so heavy that it is likely to endanger his physical development. A child or young person is not to be employed for underground work. Furthermore, a young person or child cannot be employed in any work that is harmful to his health, development, safety or morals.

Source: § 105, 106 & 107 of the Employment Act, 1982 (Cap. 47:01)

# 12/13 FORCED LABOUR

## ILO Conventions

Forced labour: Conventions 29 (1930)

Abolition of Forced labour: Conventions 105 (1957)

Forced labour is the work one has to perform under threat of punishment: forfeit of wages, dismissal, harassment or violence, even corporal punishment. Forced labour means a violation of human rights.

**Botswana has ratified both Conventions 29 & 105.**

### ***Summary of Provisions under ILO Conventions***

Except for certain cases, forced or compulsory labour (exacted under the threat of punishment and for which you may not have offered voluntarily) is prohibited.

Employers must allow workers to look for work elsewhere. If a worker is looking for work elsewhere, he/she should not be shortened on wages or threatened with dismissal. (In the reverse cases, international law considers this forced labour.)

If the total working hours, inclusive of overtime exceed 56 hours per week, the worker is considered to be working under inhumane working conditions.

## Regulations on forced labour:

- Employment Act, 1982 (Cap. 47:01)
- Anti-human Trafficking Act, 2014

## Prohibition on Forced and Compulsory Labour

*Botswana's Employment Act defines forced labour as work done under threat without consent, with exceptions for civic duties and emergencies. Engaging in forced labour or trafficking carries heavy fines and prison sentences, with harsher penalties for repeat offenses.*

Under the Employment Act, 1982 (Cap. 47:01) defines forced labour as all work or service which is exacted from any person under the threat of a penalty and for which the person has not offered himself voluntarily. However, it does not include labour required in consequence of a sentence or order of a court, required of any person while the person is lawfully detained, and that which is reasonably necessary in the interest of hygiene at the place at which that person is detained; required of a member of a disciplined force as the member's duties as such or, in the case of a person who has conscientious objections to service as a member of a naval, military or air force, required by law of such person in place of such service; required during any period of public emergency or calamity which threatens the life and well-being of the community; or reasonably required as part of normal communal or other civic obligations.

A person who exacts, imposes, causes or allows forced labour for his benefit or the benefit of any other person is guilty of an offence and is liable to be fined not

exceeding P2,000 or be imprisoned for a term not exceeding 18 months or to both.

Any individual who, during the act of human trafficking, subjects another person to slavery or forced labour commits an offence punishable by a fine or imprisonment, or both. Any person who buys and engages in the service of a trafficked person is liable to a fine not exceeding P100,000 or to an imprisonment for a term not exceeding 15 years or both. On a subsequent conviction, there is to be a fine not exceeding P400,000 or imprisonment for a term not exceeding 20 years.

Source: §2, 70, 151 of the Employment Act, 1982 (Cap. 47:01) and 9 & 12 of the Anti-human Trafficking Act, 2014

## Freedom to Change Jobs and Right to Quit

*Botswana provides workers freedom to change or quit jobs after fulfilling notice requirements based on service length, ranging from one day to six weeks.*

An indefinite-term employment contract may be terminated by either employer or employee where the wages are payable for a period not exceeding a day at the close of any day's work without notice. Where the wages are payable for any period exceeding a day, the employment contract may be terminated at any time as long as notice has been given to the other party. Where the wages are payable for a period exceeding one day but less than a week, then notice must be at least one day. Where the wages are payable for more than one week but less than two weeks but the employee has been in continuous service for 2-5 years, then the minimum length of notice is to be

two weeks. Where the wages are payable in respect of a period exceeding one week but not more than a month and the employee has been in continuous employment for 5-10 years, then the minimum length of the notice is to be one month. Where wages are payable in respect of a period exceeding a day and the employee has been in continuous employment for 10 years or more, the minimum length of notice is to be six weeks.

Source: §18 of the Employment Act, 1982 (Cap. 47:01)

## Inhumane Working Conditions

The general working hours are 8 hours a day and 48 hours a week. The overtime hours are 14 hours per week. Thus, the maximum working hours per week, including overtime, are 62. The Minister for Labour may declare that 14-hour overtime restriction does not apply to employees in some industries or undertakings. Similarly, a ministerial order may prescribe the maximum number of hours that may be worked, such as overtime over any given period.

Source: §95 of the Employment Act, 1982 (Cap. 47:01)

# 13/13 TRADE UNION

## ILO Conventions

Freedom of association and protection of the right to organise: Convention 87 (1948)

Right to Organize and Collective Bargaining: Convention 98 (1949)

**Botswana has ratified both Conventions 87 & 98.**

### *Summary of Provisions under ILO Conventions*

Freedom of association means freedom to join a trade union. This is part of the fundamental human rights. Employees may not be disadvantaged when they are active in the trade union outside of working hours. The list of exclusions for sectors of economic activity and workers in an organisation should be short.

Trade unions are entitled to negotiate with employers on terms of employment without hindrance. The freedom of a trade union to negotiate with employers to try to conclude collective agreements is protected. (The ILO has a special procedure for handling complaints from unions about violations of this principle.)

Workers have the right to strike to defend their social and economic interests. This right is incidental and corollary to the right to organize provided in ILO Convention 87.

## Regulations on trade unions:

- Constitution of Botswana, 1966
- Trade Unions and Employers' Organization Act, 1983
- Trade Disputes Act, 2016

## Freedom to Join and Form a Union

*Botswana's Constitution protects the right to freely associate and join trade unions, with some restrictions. Membership is limited to those over 15, working in the relevant industry, and not employed by a union.*

In line with article 13 of the Constitution of Botswana, no person shall be hindered in the enjoyment of his or her freedom of assembly and association, that is to say, his or her right to assemble freely and associate with other persons and in particular to form or belong to trade unions or other associations for the protection of his or her interests.

There are a few restrictions on joining a trade union. A person cannot be a member of a registered trade union if he/she is under the age of 15 years. The member must also be an employee of the industry the trade union is concerned about. Furthermore, an employee of a trade union cannot be a member as well.

Source: §13 of the Constitution of Botswana 1966; §20 & 21 of Trade Unions and Employers' Organization Act, 1983

## Freedom of Collective Bargaining

*Under the Trade Disputes Act, collective labour agreements are binding and can be terminated with written notice, becoming void one month after such notice. These agreements, covering employment terms,*

*must be registered with the Commissioner, who notifies all parties involved.*

Collective bargaining is regulated under the Trade Disputes Act. Every collective labour agreement is binding upon the parties who have entered into the agreement. A collective agreement can be terminated by any party giving written notice to all other parties, and it ceases to be binding one month after the notice is served (or longer if specified in the notice). However, such notice cannot be issued within the first six months of the agreement's enforcement unless written permission is obtained from the Minister.

Each party to a collective labour agreement or to an agreement extending or varying the terms of a collective labour agreement has to lodge a certified copy thereof with the Commissioner within 28 days from the day the agreement was concluded. The Commissioner will register one copy of the agreement lodged with him and will serve notice on each party to the agreement that he has done so.

A collective labour agreement is a written agreement relating to the terms and conditions of employment concluded between one or more registered trade unions or branches of trade unions, or where no such organization exists, the representatives of the employees concerned are to be elected and authorised by them.

Source: §2, 40 & 41 of the Trade Disputes Act, 2016

## Right to Strike

*In Botswana, employees can go for a strike if a dispute remains unresolved after 30 days,*

*with a 48-hour notice required before striking. However, strikes are prohibited in essential services, and workers who disrupt essential services may face penalties.*

A party to a dispute of interest has the right to strike if the dispute has been referred to the Commissioner but remains unresolved after 30 days. However, if the party referring to the dispute fails to attend a mediation meeting, then the period can be extended by 30 days. After the 30-day limit has expired, 48-hour notice of the commencement of the strike has to be given to the Commissioner and the other parties to the dispute. Furthermore, the strike must conform to the provisions of the Trade Disputes Act, rules regulating strikes, and any rules determined by the mediator.

An employee who wilfully breaches his contract of employment knowing, either alone or in combination with others, the effect of which is to deprive the public of an essential service or substantially diminish the enjoyment of an essential service by the public or endanger human life or public health or damage property, such worker is presumed to have committed an offence and is liable to a fine not exceeding P2,000 or to imprisonment for a term not exceeding 12 months, or to both.

Industrial action (strikes and lockouts) are prohibited in essential services which include the following: Air Traffic Control Services; Botswana Vaccine Laboratory Services; Bank of Botswana; Diamond Sorting, Cutting and Selling Services; Electricity Services; Fire Services; Health Services; Operational and Maintenance Services of the Railways; Sewerage Services; Water Services; Veterinary Services in the Public Service; Teaching Services; Government Broadcasting Services; Immigration and Customs

Services; and Transportation and Distribution Services of Petroleum Products.

The legislation also includes in the list of essential services all those services which are necessary to the operation of any of the foregoing services.

In case of a trade dispute between employees and employers in essential services, where there is a failure to settle a trade dispute reported to the Commissioner within 21 days of the day on which the dispute was so reported, the employees, by or on whose behalf the dispute can proceed to take industrial action in furtherance of the dispute and such industrial action will not be unlawful industrial action.

Employers are prohibited from taking any persons into employment to do the work of employees who are on strike or who are locked out.

Source: §42-50 of the Trade Disputes Act, 2016

# QUESTIONNAIRE

*The text in this document was last updated in January 2025. For the most recent and updated text on Employment & Labour Legislation in Botswana in Arabic, please refer to: <https://mywage.org/botswana>*

# DECENTWORKCHECK.ORG

## Check

DecentWorkCheck Botswana is a product of  
wageindicator.org and mywage.org/botswana



National Regulation exists



National Regulation does not exist

### 01/13 Work & Wages

	NR	Yes	No
1. I earn at least the minimum wage announced by the Government		<input type="checkbox"/>	<input type="checkbox"/>
2. I get my pay on a regular basis. (daily, weekly, fortnightly, monthly)		<input type="checkbox"/>	<input type="checkbox"/>

### 02/13 Compensation

3. Whenever I work overtime, I always get compensation <i>(Overtime rate is fixed at a higher rate)</i>		<input type="checkbox"/>	<input type="checkbox"/>
4. Whenever I work at night, I get higher compensation for night work		<input type="checkbox"/>	<input type="checkbox"/>
5. I get compensatory holiday when I have to work on a public holiday or weekly rest day		<input type="checkbox"/>	<input type="checkbox"/>
6. Whenever I work on a weekly rest day or public holiday, I get due compensation for it		<input type="checkbox"/>	<input type="checkbox"/>

### 03/13 Annual Leave & Holidays

7. How many weeks of paid annual leave are you entitled to?*		<input type="checkbox"/> 1 <input type="checkbox"/> 2	<input type="checkbox"/> 3 <input type="checkbox"/> 4+
8. I get paid during public (national and religious) holidays		<input type="checkbox"/>	<input type="checkbox"/>
9. I get a weekly rest period of at least one day (i.e. 24 hours) in a week		<input type="checkbox"/>	<input type="checkbox"/>

### 04/13 Employment Security

10. I was provided a written statement of particulars at the start of my employment		<input type="checkbox"/>	<input type="checkbox"/>
11. My employer does not hire workers on fixed terms contracts for tasks of permanent nature <i>Please tick "NO" if your employer hires contract workers for permanent tasks</i>		<input type="checkbox"/>	<input type="checkbox"/>
12. My probation period is only 06 months		<input type="checkbox"/>	<input type="checkbox"/>
13. My employer gives due notice before terminating my employment contract (or pays in lieu of notice)		<input type="checkbox"/>	<input type="checkbox"/>
14. My employer offers severance pay in case of termination of employment <i>Severance pay is provided under the law. It is dependent on wages of an employee and length of service</i>		<input type="checkbox"/>	<input type="checkbox"/>

### 05/13 Family Responsibilities





15. My employer provides paid paternity leave <i>This leave is for new fathers/partners and is given at the time of child birth</i>		<input type="checkbox"/>	<input type="checkbox"/>
16. My employer provides (paid or unpaid) parental leave <i>This leave is provided once maternity and paternity leaves have been exhausted. Can be taken by either parent or both the parents consecutively.</i>		<input type="checkbox"/>	<input type="checkbox"/>
17. My work schedule is flexible enough to combine work with family responsibilities <i>Through part-time work or other flex time options</i>		<input type="checkbox"/>	<input type="checkbox"/>

### 06/13 Maternity & Work





18. I get free ante and post natal medical care		<input type="checkbox"/>	<input type="checkbox"/>
19. During pregnancy, I am exempted from nightshifts (night work) or hazardous work		<input type="checkbox"/>	<input type="checkbox"/>
20. My maternity leave lasts at least 14 weeks		<input type="checkbox"/>	<input type="checkbox"/>

\* On question 7, only 3 or 4 working weeks is equivalent to 1 "YES".





# DECENTWORKCHECK.ORG

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 21. | During my maternity leave, I get at least 2/3rd of my former salary   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 22. | I am protected from dismissal during the period of pregnancy<br><i>Workers can still be dismissed for reasons not related to pregnancy like conduct or capacity</i> |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 23. | I have the right to get same/similar job when I return from maternity leave   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 24. | My employer allows nursing breaks, during working hours, to feed my child   |  | <input type="checkbox"/> | <input type="checkbox"/> |





## 07/13 Health & Safety

- |     |  |   |                          |                          |
|-----|--|---|--------------------------|--------------------------|
| 25. | My employer makes sure my workplace is safe and healthy  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 26. | My employer provides protective equipment, including protective clothing, free of cost   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 27. | My employer provides adequate health and safety training and ensures that workers know the health hazards and different emergency exits in the case of an accident |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 28. | My workplace is visited by the labour inspector at least once a year to check compliance of labour laws at my workplace  |  | <input type="checkbox"/> | <input type="checkbox"/> |









## 08/13 Sick Leave & Employment Injury Benefits

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 29. | My employer provides paid sick leave and I get at least 45% of my wage during the first 6 months of illness |    | <input type="checkbox"/> | <input type="checkbox"/> |
| 30. | I have access to free medical care during my sickness and work injury                                       |   | <input type="checkbox"/> | <input type="checkbox"/> |
| 31. | My employment is secure during the first 6 months of my illness   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 32. | I get adequate compensation in the case of an occupational accident/work injury or occupational disease     |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 09/13 Social Security

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 33. | I am entitled to a pension when I turn 60   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 34. | When I, as a worker, die, my next of kin/survivors get some benefit   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 35. | I get unemployment benefit in case I lose my job  |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 36. | I have access to invalidity benefit in case I am unable to earn due to a nonoccupational sickness, injury or accident |  | <input type="checkbox"/> | <input type="checkbox"/> |

## 10/13 Fair Treatment

- |     |   |   |                          |                          |
|-----|---|---|--------------------------|--------------------------|
| 37. | My employer ensure equal pay for equal/similar work (work of equal value) without any discrimination                                      |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 38. | My employer take strict action against sexual harassment at workplace   |  | <input type="checkbox"/> | <input type="checkbox"/> |
| 39. | I am treated equally in employment opportunities (appointment, promotion, training and transfer) without discrimination on the basis of:* |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Sex/Gender  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Race  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Colour  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Religion  |  | <input type="checkbox"/> | <input type="checkbox"/> |
|     | Political Opinion   |  | <input type="checkbox"/> | <input type="checkbox"/> |

\* For a composite positive score on question 39, you must have answered "yes" to at least 9 of the choices.

# DECENTWORKCHECK.ORG

Nationality/Place of Birth	😊	<input type="checkbox"/>	<input type="checkbox"/>
Social Origin/Caste	😊	<input type="checkbox"/>	<input type="checkbox"/>
Family responsibilities/family status	😞	<input type="checkbox"/>	<input type="checkbox"/>
Age	😞	<input type="checkbox"/>	<input type="checkbox"/>
Disability/HIV-AIDS	😊	<input type="checkbox"/>	<input type="checkbox"/>
Trade union membership and related activities	😞	<input type="checkbox"/>	<input type="checkbox"/>
Language	😞	<input type="checkbox"/>	<input type="checkbox"/>
Sexual Orientation (homosexual, bisexual or heterosexual orientation)	😊	<input type="checkbox"/>	<input type="checkbox"/>
Marital Status	😊	<input type="checkbox"/>	<input type="checkbox"/>
Physical Appearance	😞	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy/Maternity	😞	<input type="checkbox"/>	<input type="checkbox"/>
40 I, as a woman, can work in the same industries as men and have the freedom to choose my profession	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 11/13 Minors & Youth

---

41. In my workplace, children under 15 are forbidden	😊	<input type="checkbox"/>	<input type="checkbox"/>
42. In my workplace, children under 18 are forbidden for hazardous work	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 12/13 Forced Labour

---

43. I have the right to terminate employment at will or after serving a notice	😊	<input type="checkbox"/>	<input type="checkbox"/>
44. My employer keeps my workplace free of forced or bonded labour	😊	<input type="checkbox"/>	<input type="checkbox"/>
45. My total hours of work, inclusive of overtime, do not exceed 56 hours per week	😊	<input type="checkbox"/>	<input type="checkbox"/>

## 13/13 Trade Union Rights

---

46. I have a labour union at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
47. I have the right to join a union at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
48. My employer allows collective bargaining at my workplace	😊	<input type="checkbox"/>	<input type="checkbox"/>
49. I can defend, with my colleagues, our social and economic interests through "strike" without any fear of discrimination	😊	<input type="checkbox"/>	<input type="checkbox"/>

# DECENTWORKCHECK.ORG

## Results

Your personal score tells how much your employer lives up to national legal standards regarding work. To calculate your DecentWorkCheck, you must accumulate 1 point for each YES answer marked. Then compare it with the values in Table below:



is your amount of "YES" accumulated.

Botswana scored 45 times "YES" on 49 questions related to International Labour Standards

### If your score is between 1 - 18

This score is unbelievable! Does your employer know we live in the 21st century? Ask for your rights. If there is a union active in your company or branch of industry, join it and appeal for help.

### If your score is between 19 - 38

As you can see, there is ample room for improvement. But please don't tackle all these issues at once. Start where it hurts most. In the meantime, notify your union or WageIndicator about your situation, so they may help to improve it. When sending an email to us, please be specific about your complaint and if possible name your employer as well. Also, try and find out if your company officially adheres to a code known as Corporate Social Responsibility. If they do, they should live up to at least ILO standards. If they don't adhere to such a code yet, they should. Many companies do by now. You may bring this up.

### If your score is between 39 - 49

You're pretty much out of the danger zone. Your employer adheres to most of the existing labour laws and regulations. But there is always room for improvement. So next time you talk to management about your work conditions, prepare well and consult this DecentWorkCheck as a checklist.