



LEARNING PROGRAMME CONTENT & DELIVERY

LAB 101 Introduction to Law

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The basic aims of this course are to introduce law as a discipline of study and to provide an in-depth coverage of salient features of the Botswana legal system. The aims of the course is to provide the students with:

- An understanding of the structure and system of law in Botswana
- Ability to use legal sources and materials
- Ability to identify legal principles and issues from factual situations
- Develop research and writing skills appropriate to the study of law.

Rationale

The course is designed to provide the necessary foundation for further study of other law courses on the Diploma in Law curriculum. It is essential to the trainees' understanding of the basic principles of law and the various aspects of the Botswana Legal System. The course also exposes the students to the various theoretical underpinnings of law and the operation of law in the Botswana dual legal system.

Course Synopsis

The course will cover the concept of law, its nature and functions, and an introduction to the Botswana legal system.

Course Outline

1. The nature and functions of law
 - Distinction between law and morality, customs, conventions as well social norms
 - Functions of law: maintenance of order, settlement of disputes, regulation of economic activities, protection of interests, regulation of organs of power, other functions.
 - Law and justice: Legal justice, distributive justice, natural justice, restorative justice.

2. Historical development of the Botswana legal system
 - The pre-colonial period
 - The colonial period – Genesis of the modern legal system
 - The post-independence period (The pluralism of laws).
3. Divisions of law
 - Classifications of law: national and international law, common law and civil law, law and equity, private law and public law, civil law and criminal law, common law and statutory law, substantive law and adjectival law.
4. Historical and contemporary sources of law in Botswana
 - Common law
 - Judicial precedent
 - Statutory law
 - Customary Law
5. The structure and jurisdiction of the courts
 - Court of Appeal
 - High Court
 - Magistrates Courts
 - Customary Courts
 - Industrial Court
 - Specialised Courts (Court Martial, Small Claims Court, Land Tribunal, Juvenile Courts)
6. Interpretation and application of statutes and other legal sources
 - Rules of interpretations of statutes
 - Presumptions
 - Maxims

Learning outcomes

Upon completion of the course students should be able to:

1. Exhibit an understanding of the meaning of what law means and how it can be distinguished from ethics, morality and traditions by explaining and drawing the differences between any of the two.
2. Explain and illustrate the structure and system of law in Botswana.
3. Be able to use legal sources and materials such as statutes and law reports.
4. Use the library effectively.
5. Identify legal principles and issues from factual situations.
6. Carry out research and writing skills appropriate to the study of law.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Prescribed texts

C.M. Fombad, *The Botswana Legal System*, Juta, 2013.

Reading List

Books

Harris, *Introduction to Law*

Cockram, *Interpretation of Statutes*

Otlhogile, *A History of the Higher Courts of Botswana*, 1994.

Journal articles

B. Otlhogile, *A History of the Higher Courts of Botswana 1912-1990*

A. Molokomme, *Children of the Fence* (1991)

A. Aguda, "Legal developments in Botswana from 1885 to 1996" 1973 *Botswana Notes and Records* pp 52-62

A. Molokomme, "The reception and development of Roman-Dutch Law in Botswana" 1985 *Lesotho Law Journal* vol. 1 pp. 121-134

AJGM Sanders, "The characteristic features of Southern African Law" 1981 *Comparative and International Law Journal of Southern Africa*. Vol. 15 pp. 198-207

J.H. Pain, "The reception of English and Roman-Dutch law in Africa with reference to Botswana, Lesotho and Swaziland" 1978 *Comparative and International Law Journal of Southern Africa*. Vol. 11 pp. 140-167

AJGM Sanders, "Legal dualism in Lesotho, Botswana, Swaziland. A general survey" 1985 *Lesotho Law Journal*. Vol. I pp. 47-65.

A. Molokomme, "Customary law in Botswana: Past, present and future" in Sue Brothers et al. *Botswana in the 21st century*.

Quansah, "The Legal Practitioners Act, 1996 of Botswana" 41 *Journal of African Law* (1997) 140

Charles M. Fombad, "Customary courts and traditional justice in Botswana: Present challenges and future prospects", 15 *Stellenbosh Law Review* (2004) pp. 166-192

Charles M. Fombad, "A Preliminary Assessment of the Prospects for Judicial Independence in Post 1990 African Constitutions" *Public Law* (2007) pp673-71

Statutes

Customary Law Act (Cap 16:01)

Interpretation Act

Cases

Kweneng Land Board v Kabelo Matlho 1992 BLR 292

Central London Property Trust Ltd. v High Trees House Ltd. [1947] KB 130

Rondel v Worsley [1969] 1 AC 191

State v Moyo & Others [1988] B.L.R. 113 at p. 114B

Hedley Byrne & Co. Ltd. v Heller & Partners Ltd. [1964] AC 465

Tafic Sporting Club v Mokobi N.O. and Another [1997] B.L.R. 177 at pp. 188F-189 B

Donoghue v Stevenson [1932] AC 56

Matomela & Another v The State 1 B.L.R. 396

FNB of Botswana v Botswana Bank Employers' Union [1998] B.L.R. 403 at 414

Mzwinila v The State [1989] B.L.R. 610 at p. 611 H

Tlhogo v The State [1993] B.L.R. 387

Petrus & Another v The State [1984] B.L.R. 114 at 116

The State v Nkani [1980] B.L.R. 195

Mzwinila v The State [1989] B.L.R.357

LAB 102 Legal Research Skills

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aim of this course is to provide students with research and writing skills relevant to law and/or social sciences. At the end of the course students should have the ability to conduct research and report on a legal or social science issue related to law.

Rationale

This course will prepare students for the type of research and writing that may be required in law courses during the programme and at an advanced level.

Course Synopsis

The course will cover the special techniques in law and the social sciences for conducting research, analysing information and producing reports and academic papers.

Course Outline

1. Legal research and writing
2. Handling precedents and legal reasoning
3. Law reporting
4. Drafting of legislation
5. Social science research methodologies relevant to law
6. Qualitative and quantitative methodologies
7. Project design
8. Data collection
9. Statistical analysis
10. Reporting and writing.

Learning outcomes

Upon completion of the course students should be able to:

- Use independently legal material such as statutes and law reports.

- Describe a range of quantitative and qualitative research designs used in legal research and identify the advantages and disadvantages associated with these designs.
- Students should know the steps involved in qualitative data collection.
- Students should be familiar with ethical issues in educational research, including those issues that arise in using quantitative and qualitative research.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Prescribed texts

J. Kiggundu *How to Study Law in Botswana*

LAB 103 Constitutional Law

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	2
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aims of this course are to teach students the basic principles of constitutional law; to introduce the history of the Botswana Constitution; and to discuss its salient features in comparison with other constitutions in Southern Africa. The aim is further to equip students with sufficient knowledge as regards the role and relevance of constitutional law in labour relations issues in Botswana and the world over. That is, the aim of this course is to provide the basis legal knowledge necessary for an appreciation of important constitutional issues in labour matters in Botswana.

Rationale

The constitution is the primary source of legal authority and legal norms in the Botswana Legal System. It must be covered in any study of the legal system. As aforementioned, the relevance of constitutional principles in labour relations have become obvious over the years as the labour movement asserted the rights of its members. It is therefore crucial that any person who undertakes labour relations studies should be, at the end of their studies, aware of the constitutional imperatives.

Course Synopsis

The course covers the development of the Botswana Constitution, its salient features and basic underlying concepts, and the distribution of powers, functions and duties between the various institutions of government.

Course Outline

1. General principles of constitutional Law

- The meaning of a constitution and constitution
 - Functions of a constitution
 - Classification of constitutions (written and unwritten, rigid & flexible, unitary and federal, monarchical and republican, presidential and parliamentary constitutions).
2. Key constitutional law concepts
 - Constitutionalism
 - The concept of the rule of law
 - The doctrine of separation of powers
 - Constitutional supremacy vs. parliamentary supremacy
 3. Sources of constitutional law
 - The Constitution
 - Statutory sources/legislation
 - Common law
 - Judicial precedent
 - Conventions and customs
 - International law
 4. History of the Botswana Constitution
 5. Essential features of the Botswana Constitution
 - Bill of rights
 6. Institutions of Government
 - The Executive (The President, Cabinet and the Public Service)
 - The Legislature
 - The Executive
 - The Judiciary and
 - The House of Chiefs
 7. Other organs of state
 - The Independent Electoral Commission
 - The Auditor-General
 - The Ombudsman
 - The Directorate on Corruption and Economic Crime
 - The Attorney General
 - The Director of Public Prosecutions.

Learning outcomes

Upon completion of this students should:

- Explain what a constitution is and draw distinctions between the different types of constitutions.

- Apply the key constitutional principles to factual situations to provide an analysis of a particular country's, such as Botswana, constitutionalism.
- List and discuss the sources of constitutional law.
- Have an overall understanding, critical appraisal and analysis of the various provisions of the Bill of Rights so as to be able to apply them to factual situations in the resolution of disputes.
- Have a thorough understanding of the Botswana Constitution and the values underlying it, key government institutions and be familiar with comparable constitutional arrangements in Southern Africa.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous

assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Prescribed texts

D.D. Nsereko, *Constitutional Law in Botswana* (Pula Press, 2010)

Reading List

Books

K.C. Wheare, *Modern Constitutions*

Barnett H., *Constitutional and Administrative Law*

De Smith et al, *Constitutional and Administrative Law*

C. F. Strong, *Modern Political Constitutions. An Introduction to the Comparative Study of their History and Existing Forms.*

Journal articles

Balule BT. (2008). 'Good v. The Attorney- General (2): Some Reflections on the National Security Dilemma in Botswana'. In *University of Botswana Law Journal*, 7: 153–172.

Dinokopila BR. (2011) 'The right to water in Botswana: a review of the Matsipane Mosetlhanyane case'. In *African Human Rights Law Journal*, 11: 572-581.

Dinokopila, BR. (2013) 'The Justiciability of socio-economic rights in Botswana'. In *Journal of African Law*, 57, 1: 108 – 125.

Maripe B. 2014. 'Giving effect to international human rights law in the domestic context of Botswana: Dissonance and incongruity in judicial interpretation'. In *Oxford University Commonwealth Law Journal*, 14, 2: 251 – 282

Charles Manga Fombad, "The Swaziland Constitution of 2005: Can Absolutism be Reconciled with Constitutionalism?" *23 South African Journal of Human Rights* (2007), pp. 93-115.

Charles Manga Fombad, "Post-1990 Constitutional Reforms in Africa: A Preliminary Assessment of the Prospects for Constitutional Governance and Constitutionalism," in Nhema & Zeleza (eds), *The Resolution of African Conflicts: The Management of Conflict Resolution & Post-Conflict Reconstruction*, (2008), pp. 179-199.

Charles Manga Fombad, "The Separation of Powers and Constitutionalism in Africa: The Case of Botswana," 25 *Boston College Third World Law Journal* (2005), pp. 301-342.

Charles Manga Fombad and D. Sebudubudu, "The Framework for Curbing Corruption, Enhancing Accountability and Promoting Good Governance in Botswana," in Charles Manga Fombad (ed.), *Essays on the Law of Botswana* (2007).

Charles Manga Fombad, "The Protection of Human Rights in Botswana: An Overview of the Regulatory Framework," in Charles Manga Fombad (ed.), *Essays on the Law of Botswana* (2007).

Quansah EK. (2010). 'An examination of the use of international law as an interpretative tool in human rights litigation in Ghana and Botswana'. In Killander (ed.) *International law and domestic human rights litigation in Africa*. Pretoria: Pretoria University Law Press.

Statutes

Constitution of Botswana (1966)

National Assembly (Powers and Privileges) Act

Cases

Petrus & Another v The State [1984] BLR 14

Attorney General v Dow [1992] BLR 119

Rivlin v Bilainkin (1953) 1 QB 485

Re Parliamentary Privileges Act, (1958) AC 331.

Attorney-General of Ceylon v Livera (1963) AC 103.

Church of Scientology of California v John-Smith (1972) 1 QB 522.

Bradlaugh v Crossett (1884) 12 QBD 271.

Idah Ngope v O'Brien Quinn [1986] BLR 335

McC v Mullan (1984) 3 All ER 909.

R v Waltham Forest JJ ex Parte Solanke (1986) 2 All ER 981

Sirro v Moore (1975) QB 118.

Atwood v Chapman (1914) 3 KB 275.

Law v Llewellyn (1906) 1 KB 487.

LAB 104 Employment Law I

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	2
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aim of this course is to introduce students to the key principles as regards the relationship between an employer and an employee in the context of labour relations. The course is aimed at providing practical-oriented training as regards the contract of employment to people in the legal profession, the business world, trade unions and the public sector. It is also aimed at equipping students with the knowledge and capacities required to act as dispute resolution practitioners, including arbitrators, mediators and conciliators' on matters relating to the contract of employment.

Rationale

The prevalence and importance of employment relationships in a modern economy makes this a necessary course for law and other students. This course is one of the fundamental courses that makes up the Diploma in Labour Law programme. It provides one with an understanding of the conclusion of agreements at an individual invariably leading to the conclusion of collective labour arrangements.

Course Synopsis

The course will cover common law principles and statutory provisions governing the formation, contents, and termination of contracts of employment.

Course Outline

1. Introduction to employment law: sources and nature of terms of contracts of employment
 - Statutory definitions: employer and employee
2. Formation of the contract of employment
 - Common Law: employed or self-employed?
 - The difference between a contract of service and a contract for services.
 - Temporary employment
 - Apprenticeship and apprenticeship training
3. Terms and contents

- Formalities
 - Terms of the Contract;
 - Variation of Terms and Conditions of Contract
4. Employment cards
 5. Drafting a contract of employment
 6. Termination of the contract and legal consequences

Learning outcomes

Upon completion of this students should be able to:

- Define a contract of service/employment;
- Describe the content of a contract of service;
- Differentiate between a fixed and indefinite term contract of service in practice ;
- Explain how a contract of service is terminated;
- Explain the consequences of terminating a contract of service
- Draw up a contract of service.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches,

research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

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Prescribed texts

N.K Balule *Selected materials: employment law in Botswana*, vol. 1 (2007)

Selwyn, *Law of Employment* (2016)

Reading List

Books

Grogan, Riekerts *Basic Employment Law*

Statutes

Employment Act

Trade Unions and Employers' Organisations Act, Cap 48:01

Trade Disputes Act, Cap 48:02

Constitution of Botswana

Cases

Michael Jordaan v. Tamlac (Pty) Ltd Case no. IC 113/2004 (unreported)

Sigwele v. Botswana Life Insurance Ltd 2000 (2) BLR 331 (IC)

Ready Mixed Concrete (South East) Ltd v. Minister of Pensions and National Insurance, [1968] 2 QB 479; [1968] 1 ALL ER 433.

Market Investigations Ltd v Minister of Social Security [1969] 2 QB 497; [1968] 3 ALL ER 732.

Kgano v Prestige Panel Beaters (Pty) Ltd and Others 2007 (2) BLR 635 (HC)

Smit v Workmen's Compensation 1979 (1) SA 51 (A)

Zachariah & Anor. V Botswana Power Corporation, [1996] BLR 710

Barclays Bank of Botswana v. Botswana Bank Employees Union & Others, [1995] BLR 10

Botswana Breweries Distribution Staff v. Botswana Breweries (Pty) Ltd, [1997] BLR 312

Botswana Railways etc [2010] 1 BLR 240

Botswana Diamond Sorters and Evaluators Union v Botswana Diamond Valuing Company [1998] BLR 319

Anthony v Clothing Manufacturers (Pty) Ltd 2000 (2) B.L.R. 29 (IC)

Marope and Others v Signal Signs 2006 (1) B.L.R. 468 (IC)

Charles Jacobs v Coin Botswana (Pty) Ltd, IC 75/97

Power Nleya v Item Botswana (Pty) Ltd, IC 147/96

Tebalo Setshedi v Coin Botswana (Pty) Ltd, IC 190/96

East Rand Gold and Uranium Co Ltd v National Union of Mine Workers (1989) 10 ILJ 675

Metal and Allied Workers Union v Natal Die Casting Pty Ltd (1986) 7 ILJ 520 (IC)

SA Clothing and Textile Workers Union and Others v Jatex SA (Pty) Ltd (1992) 13 ILJ 1252 (IC)

Financial Network & Auto Management Systems (Pty) Ltd v. Grace, [1996] BLR 512

Morupule Colliery v. Botswana Mining Workers Union, [1995] BLR 224

Botswana Bank Employees Union v. Bank of Botswana, Civ. App. No. 1/1995

DPSM etc v Botswana Landboards & Local Authorities Work.

LAB 105 Labour Law I

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The basic aims of this course are to introduce labour law as a discipline of study and to provide an in-depth coverage of salient features of labour law in the context of Botswana. It is aimed at providing students with sufficient knowledge of legislative and institutional framework mechanisms governing labour relations in the country. It is to provide an understanding of the various dimensions of labour law that are key to the relationship between the employer and an employee as well as collective relations. The aim of the course is to equip students with skills to apply the relevant law to factual situations and as such relate that law to practical problems and situations.

Rationale

The importance of employment and harmonious labour relations to the modern Botswana economy makes this a relevant and necessary course for law and other students at this level of study. It is also critical as it is one of the critical foundational courses that will ensure that the students are able to apply the basic principles learnt through this course to the rest of the courses offered under the Diploma in Labour Law programme.

Course Synopsis

The course will cover key principles of collective labour relations law in Botswana.

Course Outline

1. Introduction to collective labour relations in Botswana
 - The right to self-organisation
 - Protection of the right to self-organisation
 - Collective bargaining
 - Statutory Restrictions on the Right of Self Organization
2. Collective bargaining and agreements

- Definition
 - Theories of collective bargaining
 - Establishing the collective bargaining relationship
 - Rights and liabilities of registered trade unions
 - Recognition of trade unions
 - Implications for individual members
 - Withdrawal of recognition of a trade union
 - Joint Industrial Councils
3. Negotiating the collective labour agreement
- The right to bargain collectively
 - The duty to bargain
 - Disclosure of information
 - Legal status of collective labour agreements
 - Registration of collective labour agreements
4. Comparative perspectives: international standards and dimensions
- Discussion of the relevant legislative framework from other jurisdictions with a similar legal system such as South Africa, Zimbabwe and Namibia.

Learning outcomes

Upon completion of the course students should be able to:

- Advise on collective labour relations and to participate in various forms labour dispute resolution.
- Outline the sources of labour law in Botswana.
- Draft and advise on the steps necessary to register a collective labour agreement.
- Explain the normative content of the right to self-organisation in the context of collective bargaining.
- Provide a sound analysis of the key players in the labour movement in Botswana.
- Draw a distinction between a lawful and an unlawful industrial action.
- Explain and apply the principles of strikes/picketing to factual situations.
- Effectively participate in the negotiation of a collective labour agreement.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

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Assessment

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Prescribed texts

N.K Balule *Selected materials: employment law in Botswana*, vol. 2 (2008)

O.K. Dingake *Collective Labour Law in Botswana* (2008)

Reading List

Books

Mogalakwe, *The State and Organized Labour in Botswana* (London, 1997)

Du Toit *et al Labour Relations Law: A comprehensive Guide* (Butterworths 3rd ed)
M. Finnemore, *Introduction to Labour Relations in South Africa* (Butterwoths 1998)

Statutes

Trade Unions and Employers' Organisations Act, Cap 48:01

Trade Disputes Act, Cap 48:02

Constitution of Botswana

Cases

Zachariah & Anor. V Botswana Power Corporation, [1996] BLR 710

Barclays Bank of Botswana v. Botswana Bank Employees Union & Others, [1995] BLR 10

Botswana Breweries Distribution Staff v. Botswana Breweries (Pty) Ltd, [1997] BLR 312

Botswana Railways etc [2010] 1 BLR 240

Botswana Diamond Sorters and Evaluators Union v Botswana Diamond Valuing Company [1998] BLR 319

East Rand Gold and Uranium Co Ltd v National Union of Mine Workers (1989) 10 ILJ 675

Metal and Allied Workers Union v Natal Die Casting Pty Ltd (1986) 7 ILJ 520 (IC)

SA Clothing and Textile Workers Union and Others v Jatex SA (Pty) Ltd (1992) 13 ILJ 1252 (IC)

Financial Network & Auto Management Systems (Pty) Ltd v. Grace, [1996] BLR 512

Morupule Colliery v. Botswana Mining Workers Union, [1995] BLR 224

Botswana Bank Employees Union v. Bank of Botswana, Civ. App. No. 1/1995

LAB 106 Introduction Social Security Law

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aim of this course is to introduce and to provide for fairly detailed study of the general principles of social security law in Botswana. Social Security in this context broadly refers to a wide variety of public and private arrangements or measures designed to compensate for the financial consequences of certain social contingencies or risks, such as unemployment, old age death, disability, or injury. It also refers to public policies or measures broadly aimed at assuring or ensuring adequate living standards for citizens.

Rationale

Social Security Law is an emerging field of study, relevant and necessary for law and social science students interested in issues such as social welfare, poverty alleviation and human development in a wider sense.

Course Synopsis

The course will cover conceptual issues and themes on social security and a selection of core elements of social security law relevant in the context of Botswana.

Course Outline

1. The concept of social security: themes and issues.
 - Social Security
 - Social Protection
 - Social Insurance
 - Social Assistance
 - Social Development
2. Constitutional dimensions
3. Institutional and administrative framework
 - The Universal Declaration of Human Rights
 - The International Covenant on Economic, Social and Cultural Rights

- The African Charter and OAU Convention
 - The SADC Charter on Fundamental Social Rights
 - Development and Recognition within the International Labour Organisation (ILO)
4. Old age
 5. Death and survivor's benefits
 6. Disability
 7. Health care
 8. Family and maternity support
 9. Unemployment.
 10. Employment injuries
 11. Motor vehicle accidents
 12. Legal Aid

Learning outcomes

Upon completion of this students should be able to:

- At the end of the course students should have sufficient knowledge and understanding of the concept of social security and its attendant legal dimensions and be able to engage critically in discourses on social security, poverty or welfare problems in Botswana.
- Analyse the various social security schemes in Botswana.
- Discuss the international framework for the promotion and protection of social security.
- Explain the relevance of social security to the labour movement.
- Highlight the extent to which social security

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Prescribed texts

M. Olivier, et al, Social Security Law in South Africa: General Principles, Butterworths, 1999.

Reading List

Books

D. Pieters, Introduction into the Basic principles of Social Security, Kluwer, Deventer, 1993.

Statutes

Constitution of Botswana

Workers Compensation Act, 1998

Motor Vehicle Accident Fund Act, 1998

Insurance Industry Act

Pensions Act

Pensions and Provident Funds Act

Deserted Wives and Children Protection Act

Children's Act

Cases

The Botswana Constitution 1966/ Matsipane Mosetlhanyane CACLB-074-10 / Sesana v Attorney General [2006] 2 BLR 633 / Tapela v Attorney General CACGB-096

Khosa & Others v Minister of Social Development & Others 2004 (6) SA 505 (CC).

Journal articles

EML Strydom "Introduction to Social Security" in EML Strydom (ed) Essential Social Security 2006 1-26 (Chapter 1)

Dekker A et al "Social Security: A Conceptual View" 2000 Law, Democracy and Development 1-13

Smit N and Mpedi LG "Social Protection for Developing Countries: Can Social Insurance be more Relevant for those Working in the Informal Economy" 2010 Law, Democracy and Democracy 159-187

Mpedi LG "The Evolving Relationship Between Labour Law and Social Security" in Le Roux R and Rycroft A (eds) Reinventing Labour Law (Juta Cape Town 2012) 270-285

Liffman R et al "Those who have and those who don't: An Investigation into the Limited Scope of Application of Social Security in South Africa" 2000 Law, Democracy and Development 15-25

EML Strydom "Introduction to Social Security" in EML Strydom (ed) Essential Social Security 1-26 (Chapter 1)

Vonk G "The Social Protection Floors Recommendation 2012 (No 202): The Human Rights Approach to Social Security in ILO Wrapping Paper" in Dupper OC, Olivier MP and Govindjee A (eds) The Role of Standards in Labour and Social Security Law 29- 41 (Chapter 3)

Liffman R et al "Those who have and those who don't: An Investigation into the Limited Scope of Application of Social Security in South Africa" 2000 Law, Democracy and Development 15-25

LAB 107 Law of obligations 1

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aim of this course is to introduce the law relating to obligations arising out of contractual arrangements. The course will introduce the basic principles of the law of contract as foundation for further study of the law relating to specific contractual arrangements. At the end of the course students should be able to appreciate the basic legal nature and implications of common contractual arrangements.

Rationale

Many social and business arrangements are founded on contractual obligations. Contractual obligations are an important component of private law, a division of law that must be introduced in study of any legal system.

Course Synopsis

This course covers basic general principles and rules relating to the formation of contractual obligations, the content of contracts, performance failure to perform, and the consequences thereof.

Course Outline

1. The nature of obligations.
2. The concept of a contract.
3. Formation of a contract: offer and acceptance; intention; formalities; capacity; legality.
4. Factors affecting consensus: mistake, misrepresentation, duress and undue influence.
5. Contents and terms.
6. Third parties.
7. Performance.
8. Breach and Remedies.

Learning outcomes

Upon completion of the course students should be able to:

- Analyse and evaluate the nature and meaning of contracts, the regulation of the form of contracts, and evaluate the impact of legislation upon contract law.
- Explain the nature of contractual liability
- Identify and describe the elements of a contract
- Scrutinize and apply the rules governing the requirement that the parties to a contract must reach an agreement comprised of offer and acceptance.
- Analyse and assess rules relevant to the requirement that the parties have an intention to create legal relations.
- Determine and analyse the legal principles relating to the position of persons who lack contractual capacity to enter into contracts, comparing contrasts and the rights and liabilities of persons with whom they contract.
- Determine the circumstances where a contract may be illegal or void and assess the consequences.
- Analyse the various remedies available when a contract is breached, and apply to a relevant factual situation.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Prescribed texts

CG Nagel, Commercial Law, LexisNexis, 3rd Ed, 2006

Reading List

Statutes

Control of Goods, Prices and Other Charges Act

Hire Purchase Act, Cap 46:03

State Land Act, Cap 32:01

Deeds Registry Act, Cap 32:02

Cases

South African Railways & Harbours v National Bank of South Africa,
1924 AD 704

Pieters & Co.v Salmon, 1911 AD 121

Khama v Debswana Diamond Co. (Pty) Ltd, [2000]1 BLR 31

Meswele Investments (Pty) Ltd t/a Oasis motel v Attorney General, [1985] BLR.370

Metswe and Another v Thata Save [2000] 2 BLR 198

Conradie v Rossouw, 1919 AD 279

TIM'S Lock and Key (Pty) Ltd v Jones and Another, [1988] BLR. 338.

Fashion Enterprises v Image Botswana Ltd, [1994] BLR 288

Harvey v Facey, [1893] AC 552

Rood v Venter, (1903) TS 221

Crawley v R 1909 TS 1105

Carlill v Carbolic Smoke Ball Co. [1893] 1 QB 256 (CA).

Bloom v American Swiss Watch Co. 1915 AS 100

Cape Explosives Works Ltd v SA oil and Fat Industries Ltd, 1921 CPD

Kergeulen Sealing and Whaling Co. Ltd, CIR 1939 AD 487

Edelstein v Edelstein, 1952 (3) SA 1 (A)

Stuttaford & Co. v Oberholzer, 1921 CPD 855

National and Overseas Distributors Corporation (Pty) Ltd v Potato Board, 1958

(2) SA 473 (A)

Standards Chartered Bank Ltd v Estate Construction (Pty) Ltd,

[2001] B. L. R. 2033

Du Toit v Atkinson's Motors Bpk 1985 (2) SA 893 (A)

Allen v Sixteen Stirling Investments) (Pty) Ltd, 1974 (4) SA 164 (D)

George v Fairemead (Pty) Ltd, 1958 (2) SA 465

Trollip v Jordaan

LAB 201 Labour Law II

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The basic aims of this course are to introduce labour law as a discipline of study and to provide an in-depth coverage of salient features of labour law in the context of Botswana. It is aimed at providing students with sufficient knowledge of legislative and institutional framework mechanisms governing labour relations in the country. It is to provide an understanding of the various dimensions of labour law that are key to the relationship between the employer and an employee as well as collective relations. The aim of the course is to equip students with skills to apply the relevant law to factual situations and as such relate that law to practical problems and situations.

Rationale

This course will complement the study of the law of Labour Law under course LAB102. The importance of employment and harmonious labour relations to the modern Botswana economy makes this a relevant and necessary course for law and other students at this level of study. It is also critical as it is one of the critical foundational courses that will ensure that the students are able to apply the basic principles learnt through this course to the rest of the courses offered under the Diploma in Labour Law programme.

Course Synopsis

The course will extensively cover key principles of collective labour relations law in Botswana. It will focus on the law that regulates trade unions, the relationship between trade unions, employers' organisations and the state. The course will revolve around the analysis of statutory provisions as well as the decisions of our courts on the subject.

Course Outline

1. The history of labour relations in Botswana
2. Trade Unions:
 - Definition

- Rationale
 - functions of trade unions
3. Types of trade unions:
 - Occupational unions
 - Promotion unions
 - General Unions, Industrial Unions
 - White Collar Unions
 - Public Sector Unions
 - Federations
 - Employers' organisations.
 4. Organisation and management of trade unions: Shop stewards, role shop stewards, the Branch Office, Regional Office, The National Executive Committee
 5. Industrial action
 - The right to strike/lockout
 - Regulation of strikes/lockouts
 - Unlawful strikes/lockouts
 - Strikes action and essential services
 - Picketing
 - Intimidation
 6. Alternatives strategies against industrial action
 - Criminal Law
 - Peace clause and no strike agreements
 7. Comparative perspectives: international standards and dimensions
 - Discussion of the relevant trade unions from other jurisdictions with a similar legal system such as South Africa, Zimbabwe and Namibia.

Learning outcomes

Upon completion of the course students should be able to:

- Describe the developmental phase(s) of labour relations in Botswana
- Identify the key participants in labour relations in Botswana
- Explain the roles in labour relations of:
 - Trade Unions
 - Employers' organisations
 - The state
- Explain the socio-political and economic changes which took place and their impact on labour relations
- Describe the legal requirements of a lawful industrial action.
- Suggest to management alternatives strategies to industrial action.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Prescribed texts

N.K Balule *Selected materials: employment law in Botswana*, vol. 2 (2008)

O.K. Dingake *Collective Labour Law in Botswana* (2008)

Reading List

Books

Takirambudde, *Labour Law in Botswana*

Mogalakwe, *The State and Organized Labour in Botswana* (London, 1997)

Du Toit *et al Labour Relations Law: A comprehensive Guide* (Butterworths 3rd ed)

M. Finnemore, *Introduction to Labour Relations in South Africa* (Butterwoths 1998)

Statutes

Trade Unions and Employers' Organisations Act, Cap 48:01

Trade Disputes Act, Cap 48:02

Constitution of Botswana

Cases

Zachariah & Anor. V Botswana Power Corporation, [1996] BLR 710

Barclays Bank of Botswana v. Botswana Bank Employees Union & Others, [1995] BLR 10

Botswana Breweries Distribution Staff v. Botswana Breweries (Pty) Ltd, [1997] BLR 312

Botswana Railways etc [2010] 1 BLR 240

Botswana Diamond Sorters and Evaluators Union v Botswana Diamond Valuing Company [1998] BLR 319

East Rand Gold and Uranium Co Ltd v National Union of Mine Workers (1989) 10 ILJ 675

Metal and Allied Workers Union v Natal Die Casting Pty Ltd (1986) 7 ILJ 520 (IC)

SA Clothing and Textile Workers Union and Others v Jatex SA (Pty) Ltd (1992) 13 ILJ 1252 (IC)

Financial Network & Auto Management Systems (Pty) Ltd v. Grace, [1996] BLR 512

Morupule Colliery v. Botswana Mining Workers Union, [1995] BLR 224

Botswana Bank Employees Union v. Bank of Botswana, Civ. App. No. 1/1995

DPSM etc v Botswana Landboards & Local Authorities Work.

LAB202 Employment Law II

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aim of this course is to equip students with the relevant legal principles as regards the relationship between an employer and an employee in the context of labour relations. The aim of the course is to provide the students with a deeper understanding of the rights and duties of both the employer and the employee. The course further provides a detailed exposition of the law regarding the public service.

Rationale

The prevalence and importance of employment relationships in a modern economy makes this a necessary course for law and other students. This course is one of the fundamental courses that makes up the Diploma in Labour Law programme. It provides one with an understanding of the conclusion of agreements at an individual invariably leading to the conclusion of collective labour arrangements.

Course Synopsis

The course will cover common law principles and statutory provisions governing the rights of employees, their duties and employment law in the Public Service.

Course Outline

1. Rights of employees
 - Right to be paid strictly and punctually
 - To be provided with work
 - Safe and healthy working conditions
 - Prescribed hours of work
 - Leave
 - Certificate of employment
 - Discipline within a reasonable time
2. Duties of employees.

- Duty to enter and remain in service
 - Duty to avoid misconduct
 - Fidelity: duty not to compete with our employer
 - Duty to maintain reasonable efficiency
 - Duty to obey lawful and reasonable orders
3. Employment in the Public Service
 4. Labour legislation and policies and the Public Service
 - Public Service
 - General orders
 - Government directives

Learning outcomes

Upon completion of this students should be able to:

- Identify and discuss the duties of the parties to a contract of employment
- Identify and discuss the rights of the parties to a contract of employment
- Identify and apply the law applicable to employment relations in the public service to factual situations.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per

week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Prescribed texts

N.K Balule *Selected materials: employment law in Botswana*, vol. 1 (2007)

Selwyn, *Law of Employment* (2016)

Reading List

Books

Grogan, *Riekerts Basic Employment Law*

Statutes

Public Service Act

General Orders

Employment Act

Trade Unions and Employers' Organisations Act, Cap 48:01

Trade Disputes Act, Cap 48:02

Constitution of Botswana

Cases

Michael Jordaan v. Tamlac (Pty) Ltd Case no. IC 113/2004 (unreported)

Sigwele v. Botswana Life Insurance Ltd 2000 (2) BLR 331 (IC)

Ready Mixed Concrete (South East) Ltd v. Minister of Pensions and National Insurance, [1968] 2 QB 479; [1968] 1 ALL ER 433.

Market Investigations Ltd v Minister of Social Security [1969] 2 QB 497; [1968] 3 ALL ER 732.

Kgano v Prestige Panel Beaters (Pty) Ltd and Others 2007 (2) BLR 635 (HC)

Smit v Workmen's Compensation 1979 (1) SA 51 (A)

Zachariah & Anor. V Botswana Power Corporation, [1996] BLR 710

Barclays Bank of Botswana v. Botswana Bank Employees Union & Others, [1995] BLR 10

Botswana Breweries Distribution Staff v. Botswana Breweries (Pty) Ltd, [1997] BLR 312

Botswana Railways etc [2010] 1 BLR 240

Botswana Diamond Sorters and Evaluators Union v Botswana Diamond Valuing Company [1998] BLR 319

Anthony v Clothing Manufacturers (Pty) Ltd 2000 (2) B.L.R. 29 (IC)

Marope and Others v Signal Signs 2006 (1) B.L.R. 468 (IC)

Charles Jacobs v Coin Botswana (Pty) Ltd, IC 75/97

Power Nleya v Item Botswana (Pty) Ltd, IC 147/96

Tebalo Setshedi v Coin Botswana (Pty) Ltd, IC 190/96

East Rand Gold and Uranium Co Ltd v National Union of Mine Workers (1989) 10 ILJ 675

Metal and Allied Workers Union v Natal Die Casting Pty Ltd (1986) 7 ILJ 520 (IC)

SA Clothing and Textile Workers Union and Others v Jatex SA (Pty) Ltd (1992) 13 ILJ 1252 (IC)

Financial Network & Auto Management Systems (Pty) Ltd v. Grace, [1996] BLR 512

Morupule Colliery v. Botswana Mining Workers Union, [1995] BLR 224

Botswana Bank Employees Union v. Bank of Botswana, Civ. App. No. 1/1995

LAB 203 Alternative Dispute Resolution

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The main objective of this course is to provide students with a theoretical and practical understanding of alternative dispute resolutions (ADR). The course focuses on the three main dispute resolution methods: arbitration, negotiation and mediation. It also introduces the basic principles and techniques of various dispute resolution methods. Different areas of the law and law enforcement in which such methods are or could be used in labour matters are explored in the course, including mediating workplace disputes, negotiating collective labour agreement, and resolving disputes without resorting to litigation. Students will be equipped with the skills on how to select the most cost-effective and least expensive way of resolving a legal dispute.

Rationale

This course is designed for those who are involved in one or more of the dispute resolution processes that will be covered in this course. This will be a particularly useful course for students likely to be involved in conflict management or non-adversarial dispute resolution in labour relations and other commercial or contractual settings.

Course Synopsis

The course will cover basic principles and processes of negotiation, mediation and arbitration, and the application of one or more of these principles in areas such as labour relations, construction contracts, or international commercial transactions.

Course Outline

1. Introduction to ADR: What Is It? Why Use It?
2. Principles and processes of negotiation
3. Principles and processes of mediation
4. Principles and processes of arbitration
5. Comparison of various forms of ADRs
6. ADRs compared with other (adversarial) processes.
7. Negotiation, mediation or conciliation in labour relations

8. The Future of Alternative Dispute Resolution in Labour practice in Botswana.

Learning outcomes

Upon completion of this students should be able to:

- Acquire thorough familiarity with the various dispute resolution methods that are “alternative” to traditional methods on both a practical and a theoretical level.
- Begin to acquire skills, procedures, techniques, and characteristics needed to engage in the various forms of alternative dispute resolution.
- Recognize specific issues and concerns within ADR, such as gender, power, and culture; and be aware of the impact of these issues on the process, the client, the practitioner, and the appropriateness of ADR.
- Recognize the possible importance of alternative dispute resolution within the Botswana justice system.
- Consider conflict and conflict resolution in a different way—one that properly serves clients and contributes to a fair justice system and a safe community.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches,

research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least three pieces of continuous assessment (CA) work and a final examination. The moot court practical shall constitute 25% and the test will constitute 15% of the total mark. The examination will constitute 60% of the overall mark.

Reading List

Books

L. Boulle, *Mediation: Principles, Process, Practice*, (Butterworths, 1996)

R.J. Lewicki, D.M. Saunders & J. Minton, *Negotiation*, (McGraw-Hill International, 1999)

H. Brown & A Marriot, *Arbitration and Dispute Resolution*, (Sweet & Maxwell, 1999).

R. Fisher & W. Ury, *Getting to Yes: Negotiating Agreement without Giving In*, (Arrow Business Books, 1991)

William Ury, *Getting Past No: Negotiating With Difficult People*, (Arrow Business Books 1991)

A. Redfern & M. Hunter, *Law and Practice of International Commercial Arbitration*, (3rd. ed., Sweet & Maxwell, 1999).

Statutes

Arbitration Act

Trade Disputes Act

High Court Act

Rules of the Industrial Court

High Court Rules

LAB204 Labour Practice and the Courts

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aim of this course is to equip law students with detailed theoretical and practical knowledge of the procedures and rules applied in labour litigation before the Botswana courts. The course will also introduce students to the drafting of common processes and notices utilized in labour litigation. It will further introduce the students to the various courts and fora where labour disputes are resolved. For each process, there will be a discussion of the essential elements followed by a practical demonstration of the application or appeal through precedents. The course is highly practical with students expected to draft the various processes that they have been taught.

Rationale

Labour Practice is the formal process through which labour disputes are resolved or settled. This is an essential course for students intending to work within the labour market in Botswana.

Course Synopsis

The course deals with the rules defining litigation in labour matters, and proceedings issued and conducted in the various courts and tribunals in Botswana.

Course Outline

1. The civil court structure in the context of litigation of labour matters
 - Court of Appeal
 - High Court
 - Magistrates Courts
 - Customary Courts
 - Industrial Court
 - Specialised Courts (Court Martial, Small Claims Court, Land Tribunal, Juvenile Courts)
2. Jurisdiction of the Botswana courts and labour matters
 - Court of Appeal

- High Court
- Industrial Court
- 3. Forms and procedures
 - Originating papers in the different courts
 - Appeals and reviews
 - Special applications
 - Urgent applications
 - Default judgements
 - Heads of argument or written submissions.
- 4. Parties to litigation
- 5. Summary proceedings
- 6. Principles of pleadings (applicable rules of procedure)
- 7. Trial
- 8. Enforcement of orders and judgments

Learning outcomes

Upon completion of this students should be able to:

- have a sound understanding of the rules and procedures involved in labour litigation before the Botswana courts and be able to draft the common processes and notices.
- Advise clients on the relevant processes, notices and rules relating to labour litigation in Botswana.
- have the competence to participate in labour litigation.
- Draft the relevant court documents for initiating actions, applications, appeals, defending actions and navigating the procedures of the court with emphasis on the Industrial Court Rules.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects

- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least three pieces of continuous assessment (CA) work and a final examination. The moot court practical shall constitute 25% and the test will constitute 15% of the total mark. The examination will constitute 60% of the overall mark.

Prescribed texts

Kakuli, *Civil Procedure and Practice in Botswana*

Van Winsen, *The Civil Practice of the Superior Courts in South Africa*

Reading List

Buckle and Jones *Civil Practice of the Magistrates' Courts in South Africa*

Erasmus, *Workbook for Civil Procedure*

Statutes

High Court Act, Cap. 4:02

Magistrates Court Act, Cap. 4:04

Court of Appeal Act, Cap. 4:01

Rules of the High Court

Industrial Court Rules

LAB 205 Law of obligations II

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aim of this course is to introduce basic principles and rules relating to delictual obligations. At the end of the course students should have a basic understanding of the nature of delictual liability and be able to identify from factual situations possibilities of delictual liability.

Rationale

This course will complement the study of the law of contract under course LAB107. The law of delict broadly covers obligations arising by operation of law. This is another important branch or field of private law.

Course Synopsis

The course covers the general principles of the law of delict and the special rules and principles relating to specific delicts.

Course Outline

1. Nature, meanings and definitions of a delict
2. Sources of delictual liability
3. Elements of a delict
4. General defences
5. Specific wrongs
6. Strict liability
7. Wrongs against property
8. Parties
9. Survival and limitation of actions
10. Remedies

Learning outcomes

Upon completion of the course students should be able to:

- Explain the nature of delictual liability;
- Distinguish between patrimonial and non-patrimonial damages;
- Identify and describe the elements of delictual liability.
- Explain the grounds of justification that may exclude delictual liability; and
- Apply principles of delictual liability to solve basic practical problems.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Reading list

Prescribed text

Neethling, Potgeiter & Visser, Law of Delict (Latest edition)

Books

Van der Walt and Midgley, Principles of Delict (Latest edition)

Neethling, Potgeiter & Scott, Casebook on the Law of Delict (Latest edition)

Cases

Els v Bruce 1922 EDL 295.

Bourhill v Young [1942] 2 All ER 396.

Bester Commercial Union (supra).

Jones v Wright [1991] 3 All ER 355.

Chadwick v BTC [1967] 1 WLR 912.

Masiba v Constantia Insurance Co. Ltd 1982 4 SA 333.

Boswell v Minister of Police 1978 3 SA 268.

McLaughlin v O'Brien [1982] 2 All ER 298.

Phillips v Sun International Botswana (Pty) Ltd [1987] BLR 105.

Barnard v SANTAM 1999 1 SA 202.

Alcock v Chief Constable of South Yorkshire Police [1991] 4 All ER 907.

White v Chief Constable of South Yorkshire Police [1999] 1 All ER 1.

Road Accident Fund v Sauls 2002 2 SA 55.

Msipha v Ndlovu [1991] BLR 365.

Colonial Mutual Life Assurance Society v MacDonald 1931 AD 412.

Cassidy v Minister of Health [1961] 2 KB 343.

Ready Mixed Concrete Co v Minister of Pensions [1968] 2 QB 497.

Coronation Brick v Strahan Construction Co 1982 4 SA 371.

Siman & Co v Barclays NAT Bank 1984 2 SA 808.

Jowell v Bramwell-Jones 1998 1 SA 836.

Indac Electronics (Pty) Ltd v Volkskas Bank Ltd 1992 1 SA 783.

Minister of Law and Order v Kadie 1995 1 SA 303.

Attorney General v Public Procurement and Asset Disposal Board & others [2007] 2 BLR 805.

Black v Joseph 1931 AD 132.

Ghanzie Hotel v AG [1986] BLR 178.

SA Associated Newspapers v Yutar 1969 2 SA 442.

Motlhabi v Griffiths [2011] 2 BLR 754.

LAB206 Internship

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	3 (Outside semester)
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The purpose of the internship is to help students to apply the knowledge acquired when they were being taught during the course of the semester. Interns under the guidance of labour and/or human resources practitioners learn the duties and responsibilities of being a labour practitioner by observing, assisting and practising some of the knowledge they have previously acquired.

Rationale

The internship program offers students an unparalleled opportunity to carry out labour law-based research projects in a professional workplace. The course requires and develops both legal knowledge and a lawyer's approach to problem identification, analysis and recommendations.

Course Synopsis

The course will cover basic principles and processes of negotiation, mediation and arbitration, and the application of one or more of the principles in areas such as labour relations, employment contracts, social security and other areas covered in the programme.

Course Outline

1. Preparation for the Internship:

Students participate in a preparatory workshop in the session preceding the internship to consider the expectations of the host organisation, the institute and the internship coordinator and what students aim to learn during the internship. This preparation requires students to develop their self-management skills and refine their understanding of professional responsibility supported by their discussions with the coordinator and the rest of the student group.

2. Participation in the Internship:

The placement is aimed at providing students with a full-time legal experience in a professional organisation. Students participate in an internship (ordinarily for 6 weeks). This enables students to apply their academic knowledge and skills such as research and legal writing to activities provided by the host organisation. Students learn about labour practice in a professional setting through participant observation which involves actively monitoring and analysing the way in which professional staff fulfil their functions and how the labour practice operates. They also learn through active practice-based learning by completing assigned tasks.

Internship projects require students to draw on their self-management skills, resourcefulness and professionalism in unfamiliar environments. The internship involves full-time work by the student at the host organisation as an intern under the instruction of the relevant members of the host organisation, in compliance with their rules and expectations. Students are provided with projects and tasks by the host organisation which require students to draw on and develop their research and communication skills.

3. Critical Reflection and Feedback:

Each week students record a critical reflection involving evaluations of their developing knowledge, skills and behaviours that enables them to develop strategies for the week ahead to improve their workplace contributions. This enables the student and subject coordinator to keep in regular contact and is a mechanism for students to reflect on their developing self-management skills and professional competence during the internship. The subject coordinator provides speedy feedback in response to these critical reflections so as to help students refine and improve their professional and self-management skills. The subject coordinator is also available via email, throughout the internship, to assist students with any issues affecting their well-being that may arise in relation to the placement.

4. Final debrief and reporting on placement experiences: Students consolidate and build on learning in their placements by presenting orally on the experience of and lessons learned from the placement. This enables students to deepen their reflections on the internship experience as a whole, to assess the professional and personal skills gained and to identify the areas that each student needs to develop for their future professional and academic work. The internship coordinator provides feedback on the presentation focusing on the student's development as a future labour practitioner.

5. Written report: At the end of the six (6) weeks of internship placement, (1st semester of the 2nd year), students will submit a comprehensive report on the internship. The report shall be produced and submitted for grading not later than the 5th week of the last semester of the programme.

Learning outcomes

Upon completion of this students should be able to:

- Work under professional supervision, gain useful background in the way a labour law professional thinks and works in a professional workplace and the way that workplace operates, exercise critical thinking and judgment in the context of developing advanced professional knowledge.
- Apply legal knowledge and research skills to practical projects in a professional context in order to understand the relationship between legal theory and practice.
- Exercise ethical judgment and responsibility as a professional in an organisation.
- Manage themselves as self-directed, reflective and resilient professionals able to develop their skills while ensuring their own well-being.
- Critically reflect on their learning experiences and evaluate the implications for their future professional pathways.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Students are required to participate in a professional internship as agreed with the subject coordinator. Students will provide evidence of satisfactory participation by submitting an appraisal form completed by the host organisation to the subject coordinator by the date of the debrief presentation. Students who do not provide evidence of satisfactory participation in their internship will not be able to complete the subject. The report shall be marked out of 100% of the overall mark.

LAB207 Administrative Law in Botswana

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	2
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The main aims of the course are: to teach the basic principles that govern review of administrative action by courts and tribunals; to provide a critical analysis of that system; to teach students to apply those principles in complex factual situations; to teach students to interpret statutes while problem solving. The course further aims to reflect the wider dimensions of administrative law, stressing links with public administration, commerce and labour politics. The Course thus aims to emphasise the functions of law in the administrative process and the constitutional role of judicial review in general and specifically in labour relations disputes.

Rationale

Administrative Law is a vital subject throughout the modern world. An understanding of the role which it plays is essential to all legal practitioner including labour practitioners. Labour Practitioners frequently come into contact with regulatory bodies whose procedures or processes derive from administrative law.

Course Synopsis

A particular focus is placed upon judicial review, including its fundamental concepts of jurisdiction, ultra vires, and procedural fairness. The course will also cover review on the merits by administrative tribunals. The course deals with the structure of the executive arm of government, the exercise of administrative powers and the legal methods and remedies available to curb excesses in the use of such powers.

Course Outline

1. General introduction to Administrative Law:
 - nature, content and scope
 - Relationship with constitutional law
 - Rule of law
2. Administrative institutions and tribunals
 - Nature and functions

- Composition
- 3. Exercise of administrative powers
 - Jurisdiction and exclusion of jurisdiction
 - Discretion
 - Natural justice and the duty to act fairly
 - Access to judicial review (*locus standi*)
- 4. Delegated legislation
 - Definition, Nature and function
 - Control of delegated legislation (parliamentary control and judicial control)
- 5. Remedies
 - judicial remedies
 - certiorari
 - mandamus
 - prohibition
 - declaration
 - mandament van spolie
 - habeas corpus or de homine libero exhibendo
 - parliamentary remedies
 - Ombudsman

Learning outcomes

Upon completion of the course students should be able to:

- Analyse the principles of administrative law, undertake self-directed legal research at an intermediate level, and evaluate complex legal information, with a particular emphasis upon legislation.
- Apply administrative law principles to complex legal problems and critique the operation of administrative law from a theoretical perspective, through individual work.
- Structure and sustain concise and cohesive written arguments.
- Conduct legal research and analyse government decision making.
- Analyse the impact and operation of administrative law from policy perspectives and identify and explain Government's accountability for the exercise of public power.
- Reflect on their abilities to effectively undertake work as an administrative decision maker, or to challenge administrative decisions.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Prescribed texts

Wade and Forsyth: Administrative Law 7th Edition (1994).

O.B.K. Dingake, Administrative Law in Botswana: Cases, Materials and Commentaries, 2nd Edition, (2008)

Reading List

Journal articles

Maripe B; Locus Standi and Access to Judicial Review: Statutory Interpretation and Judicial Practice in Botswana 1999 THRHR 390.

Peiris G.L. The doctrine of Locus Standi in Commonwealth Administrative Law, 1983 Public Law 52. for Judicial Independence in Post 1990 African Constitutions" Public Law (2007) pp673-71.

Hugh Corder: The content of the Audi Alteram partem rule in South African Administrative Law 1980 THR HR (1980) 43 page 156

John Hlophe; "Legitimate Expectations and Natural Justice: English, Australian and South African Law, 1987 (104) SALJ 165"

Forysth C.F. The Provenance and Protection of Legitimate Expectation 1988 (47) CLH 238.

Maripe B. Legitimate Expectations and the right to a hearing: Lessons from the George Arbi Case 1998 JAL 94.

C. Forsyth: The Protection of Legitimate Expectations: Some pitfalls for Botswana to avoid: Vol 3 UBLJ (2006) pp 5-16

Statutes

Civil Procedure (actions by or against government or public officers) Act Cap 10:04

Commission of Inquiries Act Cap. 05:02.

Statutory Instruments Act Cap. 01:05.

Ombudsman Act, 1995.

Public Service Act Cap 26:01.

Public Authorities (Functions) Act No. 22 of 1984.

Cases

Kruse v Johnson 1898 (2) Q.B. 91.

R v Kunene 1960 (1) SA 155.

Ida Ngope v O'Brien Quinn [1986] BLR 1

Clover Petrus v The State [1984] BLR 14

Desai and others v The State [1987] BLR 209.

Agricultural, Horticultural and Forestry Industry Training Board v Aylesbury Mushrooms Ltd [1972] 1 WLR 190, [1972] 1 ALL ER 280.

Allingham v Minister of Agriculture [1948] 1 ALL ER 780.

Attorney General v Fulham Corpn [1921] 1 ch 440.

Attorney General v Smethwick Corpn [1932] 1 ch. 562.

BEF (Pty) Ltd v Cape Town Municipality 1983 (2) SA 387.

S v Akambakamba 1972 (2) BLR 27.

Botswana Motor Vehicle Insurance Fund v Whyte Marobela [1999] 1 BLR 21

Student Representative Council of 'MCE'No. 1 (supra)

Clover Petrus v The State [1984] BLR 14.

Williams v The State [1990] BLR 289

Justice Alliance of South Africa and Others v President of the Republic of South Africa and Others, [2011] ZACC 23, Case CCT 53/ 11 (electronic copy available)

R v Chief Constable of the West Midlands Police Force exp Wiley [1995] 1 A.C. 274, [1994] 3 ALL ER 420.

Duncan v Cammell Laird and Co. [1942] AC 624 [1942] 1 ALL ER 587.

Spycatcher in [1990] 1 AC 109 [1988] 3 ALL ER 545.

Conway v Rimmer 1968 AC 910.

D v NSPCC 1978 AC 171.

Norwich Pharmacal Co. and others v Commissioner of Customs and Excise [1973] 2 ALL ER 943.

A.G v Observer Ltd 1988 (1) ALL ER 385.

Burmah Oil v Bank of England 1980 AC 1090.

Secretary of State v Guardian Newspapers 1985 AC 399.

Air Canada v Secretary of State for Trade 1983 (2) WLR 494, [1983] 2 AC 394 [1983] 1 ALL ER 910 (prima facie case that docs will be useful).

Re K and others (minors) (disclosure of privileged material) [1994] 3 ALL ER 230.

A.G v Jonathan Cape 1976 Q.B 752.

Ishmael Charles Pandor v The State [1985] BLR 177.

LAB 208 Occupational health and Safety Law

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	2
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aim of the course is to introduce students to the laws governing interactions between occupational health and safety in the workplace. The course will provide students with an understanding of the legal regulation of workplace safety, especially the employer's common-law duty to maintain a safe workplace and the employer's obligations under occupational health and safety statutes. The course will consider the problem of work-related injuries in the workplace, and the nature of workplace accidents.

Rationale

Health and Safety in the workplace is becoming an ever growing concern for employees and employers; not only are employers expected to adhere to safe working practices, but they are also bound to provide a workplace free from discrimination and unfair practice. Legislation also dictates the relationship and responsibilities between consumers and providers, such as through trading standards. It is therefore important for labour practitioners to be aware of the legal landscape as regards health and safety legislation.

Course Synopsis

The course provides a background of the general law as regards health and safety in Botswana as a starting point. It then moves on to explore some important elements of health and safety law in more detail. It will provide an analysis of liability, including vicarious liability, as regards health and safety in the workplace. The course concludes with the practical implications for the health and safety practitioner and management, making it an ideal course for employers and interested students alike.

Course Outline

1. Accidents & Their Effect on Industry

- types of hazards
- costs of accidents

- work accident costs and rates
- time lost
- work injuries, parts of the body injured on the job
- chemical burn injuries
- Carpal Tunnel Syndrome Injuries
- Drugs and Alcohol in the Workplace

2. Sources of health and safety law in Botswana: The section explores the numerous sources from which health and safety law can be derived from. It will include an exploration of common law liability, as well as the influence of the relevant legislation in Botswana. The overall aim of this section is to try to place health and safety law in its rightful perspective by providing an overview of the major sources.

3. Liability: This module explores the substantive area of health and safety law, where an employer may become liable should he fail in his duty of care under common law. Despite the age of this remedy, it remains a vital safeguard for the employee in the event of an industrial injury. It also explores situations under which the employer will be liable for wrongful and, often, potentially dangerous acts committed by his employees. There is a consideration of the primary statutory provisions which relate to this area.

4. Workers Compensation (Compensation for occupational health, safety and diseases)

Injuries and workers compensation

Workers' compensation legislation

Resolution of workers' compensation disputes

5. Occupational health and safety legislation, policies and programmes

6. Occupational health and safety institutions

7. The International Labour Organisation (ILO) and Health and safety

Learning outcomes

By the conclusion of this course, it is intended that students who have successfully completed all of the course requirements should be able to:

- Identify, explain and examine the legal regulation of workplace safety and critically evaluate past attempts to regulate safety at work.
- Demonstrate understanding and knowledge and ability to distinguish and explain the main provisions of workplace safety legislation.
- Identify, explain and critically evaluate the functions, interests and limitations of health and safety laws in Botswana.
- Identify, examine and demonstrate critical analysis of the causes of workplace accidents;

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Students are required to participate in a professional internship as agreed with the subject coordinator. Students will provide evidence of satisfactory participation by submitting an appraisal form completed by the host organisation to the subject coordinator by the date of the debrief presentation. Students who do not provide evidence of satisfactory participation in their internship will not be able to complete the subject. The report shall be marked out of 100% of the overall mark.

Prescribed texts

Reading List

Loewenson R Occupational Health and Safety legislation in Southern Africa: Current Trends, FES / UCT Development and Labour Monographs Series 1/96 (1996).

Loewenson R Occupational Health in Migrant Mineworkers in Southern Africa, Report prepared for ILO SAMAT, Harare" (1996).

Maganu E The health effects of workers in Botswana: A study on the effects of Mining and Migration ILO Working paper, Botswana (1988).

Monyo R Chemical Management in Tanzania in African Newsletter on Occupational Health and Safety
1996; 6 Suppl 2; 80-83 (1996).

BIDPA Impact of HIV/AIDS and options for intervention: Results of a five Company Pilot Study,
Mimeo, Gaborone August (1997).

Statutes

Factories Act chapter 44:01

Mines, Quarries, Works and Machinery Act

Radiation Protection Act

Public Health Act

Fire Services Act

Waste Management Act

Atmospheric Pollution (Prevention) Act

Food Safety Act

Control of Smoking Act

Workers' Compensation Act

Building Control Act

Explosives Act

Agrochemicals Act

Road Safety

Employment Act

LAB 209 Introduction to International Labour Law

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	2
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The course is aimed at an advanced study of select topics and issues in comparative labour law as points for reflection for reform and development of labour law in Botswana. The basic learning objective is to provide detailed knowledge to enable post-graduate students to critically engage in discourses on contemporary labour issues.

Rationale

In this course students will be encouraged to think about these issues and, having established a solid understanding of the international rules and principles governing labour and work. Furthermore, students will be invited to reflect critically on both the thinking and practice bearing on international labour law, including its relevance and effectiveness.

Course Synopsis

The course will focus on the breadth of world-of-work issues, an understanding of the impact (strengths and weaknesses) of the international rules and principles that address these issues, and critical appraisal of real case examples where international labour law has improved the lives of working women and men, and contributed to improved social and economic outcomes. It will deliver knowledge and hone skills regarding the fundamental substantive areas (echoing but not duplicating existing ANU courses on, for example, maritime law, migration, indigenous rights, health/OSH and social security). It will address process issues including who can and how do States and organizations lodge complaints of violations of international labour law, the methods used in monist and dualist States, remedies available, and how to track the impact of international labour law from the practical point of view.

Course Outline

1. Definition, scope, origins, sources and objectives of international labour law.
2. The place of international law in Botswana.

3. The Role of the ILO: mandate, tripartite composition, structures, standard-setting, regular supervisory system (Committee of Experts on the Application of Conventions and Recommendations & Conference Committee on Labour Standards), complaints mechanisms (Committee on Freedom of Association; commissions of inquiry), successes (social protection, domestic workers' rights) and shortcomings.
4. Relationship between ILO and UN treaty bodies (in particular the Committees on Economic, Social and Cultural Rights (CESCR), on the Rights of Child (CRC) and the CEDAW Committee as well as ECOSOC's functional commissions and other multilateral institutions relevant to international labour law (World Trade Organization's Ministerial Declarations on labour standards).
5. The four fundamental international labour standards (freedom of association-based on Conventions 87 & 98, non-discrimination-based on Conventions 100 & 111, forced labour-based on Conventions 29 and its Protocol & 105, child labour- Conventions 138 & 182) and related technical international labour law.
6. Interface between international labour law and social and economic development highlighting the role of international legal principles generally in the face of modern-day inequalities (social justice).
7. New areas of international labour law (including GBV at work, social protection reforms, labour rights of marginalised groups) and revamped mechanisms for implementing international labour law (possible UN treaty on business and human rights, including labour rights).

Learning outcomes

By the conclusion of this course, it is intended that students who have successfully completed all of the course requirements should be able to:

- Discuss the sources of international law as well as the place of international law in Botswana.
- Discuss and explain the core principles and structures of International Labour Law.
- Exhibit a solid understanding of the international rules and principles governing labour and work and their relevance to Botswana.
- To know and interact with processes and issues relating to international labour enforcement mechanisms including who can and how do States and organizations lodge complaints of violations of international labour law.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures

- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Reading List

R. Blainpain, Comparative Labour Law and Industrial Relations, Kluwer, 1987

R. Blainpain & C. Engels, Comparative Labour Law and Industrial Relations in Market Economies, Kluwer, 1998

M. Brassey Employment Law, Juta, 1998

M. Brassey et al The Labour Relations Act, Juta, 1999

J. Brand et al Labour Dispute Resolutions, Juta, 1997

Pons and Deale, Labour Relations Handbook Juta, 1989

Lord Wedderburn, Labour Law and Freedom London, 1995

Davies and Freedland, Kahn-Freund's Labour and the Law, London, 1983

Kalula and Woolfrey (ed), Southern African Labour Legislation. Commentaries and Selected Statutes

Kalula (ed) Labour Relations in Southern Africa, Cape Town, 1993

Kalula and Madhuku (ed) Public Sector Labour Relations in Southern Africa: Development and Trends, Cape Town 1997

Sengenberger & Campbell (eds), International Labour Standards and Economic Interdependence, Geneva, 1994.

Journal articles

Geoff Hogbin "Power in Employment relationships: is there an imbalance?" (2006) Newzeland Business Roundtable.

Bob Jessop "Marxist Approaches to Power" in E. Ameta, K. Nash, A scott (eds) The Wiley-Blackwell Companion to Political Sociology, Oxford: Blackwell, 3-14.

Richard A. Epstein "In Defense of the Contract at Will" (1984) 51 Chicago Law Review, 947 – 981.

Samuel Bowles & Herbert Gintis "Power" New Palgrave Encyclopedia sof Economics, McMillan (2008).

Katherine Van Wezel Stone "Labour and the Global Economy: Four approaches to transnational labour regulation" (1994 – 1995) 16 Michigan Journal of International Law 1987 – 1028.

Statutes and Conventions

Relevant International Labour Organisations (ILO) treaties

LAB 210 Research Essay

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	2
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

This course will provide students with an opportunity to conduct research, analyse and evaluate data, and write a paper on a chosen topic under supervision. The main objective is to equip students with the basic skills for conducting research and producing academic papers on legally relevant topics.

Rationale

This course will be particularly relevant as it equips research and writing skills which are essential in the workplace.

Course Synopsis

The course will involve choice of a topic, conduct of legally relevant research, and production of a paper of appropriate prescribed length. The Students will be required to utilize the skills they have acquired in LAB102.

Course Outline

1. **Research Topic:** Students are encouraged to think about proposed topics for research before registering for the course. The Institute shall approve the topic for research and a supervisor appointed within one week of registering for the course.
2. **Presentation of First Draft:** The first draft of the paper shall be presented to the supervisor within 7 weeks of the approval of the topic.
3. **Final Version:** The final version of the paper shall be submitted for examination not later than 5 weeks from the presentation of the first draft. The final version shall be typed in double spacing on A4 paper, and shall not normally exceed 8000 words including footnotes and citations. The style and presentation shall conform to guidelines approved by the Institute.

4. Extensions: The Institute may, in special circumstances, and upon written application by the concerned student, extend the periods for the submission of the first draft and final versions of the paper.

Learning outcomes

By the conclusion of this course, it is intended that students who have successfully completed all of the course requirements should:

Have acquired the basic skills for conducting research and producing academic papers on legally relevant topics.

1. Have acquired sufficient skills to carry out independent research and writing.
2. Be able to articulate a clear research question or problem and formulate a clear or concise argument in response.
3. Be able to use library and other tools to search for existing body of research relevant to their topic.
4. Be able to work autonomously in an effective manner, setting and meeting deadlines.
5. Reflect constructively on their research experience in making decisions about their future, whether for undergraduate studies or the work force.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Library Research
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

The final version of the research essay shall be marked by the supervisor and moderated by an examiner selected by the Institute. The paper shall be marked out of 100 per cent taking into consideration the following:

1. Research Technique: The paper shall display evidence of adequate research on the topic. In particular the paper shall demonstrate that the student has

investigated all relevant lines of enquiry and has canvassed the relevant source materials.

2. Presentation: The paper shall reveal that the student has been able to extract essential and relevant legal principles and issues from the sources and has presented these in an articulate and succinct fashion. The paper shall be presented in an acceptable style of legal writing.
3. Comprehension: The paper shall demonstrate an adequate understanding of the subject of the research.
4. Originality: Original insights, conclusions or opinions shall be some of the factors to be taken into account in the award of an excellent grade.

COM 101 Communication and Study Skills

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The course introduces students to the various principles relating to communication skills mostly in a professional setting. It also introduces them to the various skills as regards rhetorical skills, research skills, writing, communication skills and their relevance to both academic and professional purposes. This is done in the context of legal writing and emphasis is placed on ensuring that the students are skilled on relevant aspects of English for law.

Rationale

The goal of any institute of learning is to help students become effective communicators and critical consumers of messages thus preparing them for life as an educated citizen and as a productive professional. The Institute therefore seeks to integrate and impart such skills on the students. The course is designed to graduate students who are technically proficient as well as knowledgeable and conversant in all rules of communication. This is done in the context of legal writing and emphasis is placed on ensuring that the students are skilled on relevant aspects of English for law.

Course Synopsis

This course covers basic general principles and rules relating to the process of communication and communication theories, written communication, verbal and non-verbal communication with particular emphasis being placed on English for Law. It further covers issues relating to visual communication.

Course Outline

1. The process of communication and communication theories
2. Written communication
 - Introduction to writing
 - The writing process: prewriting and first draft
 - Writing and supporting a thesis
 - Revising and editing sentences
 - Essay writing & patterns of essay writing
 - Summary writing
 - Formal and/or legal correspondence
3. Law reports and reading a case: Botswana and South African cases
4. Reading long and complex texts

5. Reading statutes
6. Verbal Communication
7. Non-verbal communication: body language
8. Information technology and communication in organisations
9. Visual communication

Learning outcomes

Upon completion of the course students should be able to:

1. Demonstrate critical and innovative thinking.
2. Display competence in oral, written, and visual communication.
3. Apply communication theories.
4. Show an understanding of opportunities in the field of communication.
5. Use current technology related to the communication field.
6. Respond effectively to cultural communication differences.
7. Communicate ethically.
8. Demonstrate positive group communication exchanges.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

This course consists of 12 credits for the semester. This is equivalent to 1 credit per week for the semester course. One Credit equals 10 Notional Hours per week, which is generally the amount of time spent on the course in a given week (i.e 10 hours per week). The 10 Notional Hours consist of 3 contact hours and 7 hours for student engagement or activities per week in the course. The Seven (7) Notional Hours provides for activities which the student will be engaged in, such as: Library searches, research, group work, assignment preparation, tutorial attendance, reading, independent among others.

Assessment

Assessment, which shall be in accordance with the Institute's Assessment and Moderation Policy (2017), shall be based on at least two pieces of continuous assessment (CA) work and a final examination. The ratio of CA to examination shall be 1:1.

Prescribed texts

Van der Walt, C ; Nienaber, A *English for Law Students (3rd Ed)*, Cape Town: Juta.

Langan, John *College Writing Skills (8th Ed.)* New York: McGraw-Hill.

Reading List

Farness, J *College Writing Skills* San Diego: Harcourt, Brace Jovanoch.

The Legal Writing Handbook: Analysis Research and Writing (6th Ed.) New York: Aspen.

ICT 101 Information Technology

Credits	12
Type (Core/Optional/Elective/General Education Course)	C
Semester in which the course is taught (1 or 2)	1
Pre-requisites (if any)	-
Co-requisites (if any)	-

Course aims

The aim of this course is to equip students with basic information technology skills which are important in accessing electronic resources and carrying out legal research. It introduces students to the computer system environment and problem solving with the help of information technology. It introduces students to the use of technology in presentation, spreadsheet and databases.

Rationale

The goal of any institute of learning is to help students become effective communications and critical consumers of messages thus preparing them for life as an educated citizen and as a productive professional. The Institute therefore seeks to integrate and impart such skills on the students. It is designed to equip students with knowledge as regards the use of computers, the internet and their relevance to their academic work.

Course Synopsis

This course covers basic general principles and rules relating to the use of computers when undertaking research, use of Microsoft word, spreadsheets and databases, power point and web search tools.

Course Outline

1. Introduction to computers.
2. Microsoft word.
3. Spreadsheets and databases.
4. Power point.
5. Internet based research and internet research ethics.
6. Web search tools.

Learning outcomes

Upon completion of the course students should be able to:

1. Demonstrate critical and innovative thinking in the use of computers.
2. Display competence in the use of Microsoft word, spreadsheets and databases, power point and use of the web as a research tool.
3. Show an understanding of opportunities in the field of internet communication.

4. Use current internet technology related to the communication field.
5. Communicate and use the internet ethically.

Teaching and learning methods

The following will be some of the methods that will be used for teaching and learning in this course:

- Lectures
- Tutorials
- Class discussions
- Practical learning activities
- Student presentations
- Case studies
- Presentations
- Library Research
- Group-assigned mini projects
- Group work
- Independent work

Credits

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Assessment

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Prescribed texts

Microsoft Office 2010/2013 books.