

Trade Unions In Botswana
Country Report
July 2008

Published by Botswana Office

**FRIEDRICH
EBERT 
STIFTUNG**

ISBN 99912-443-5-8

Copies of this publication can be obtained from:

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ACKNOWLEDGEMENTS

The Friedrich Ebert Foundation, Botswana Office would like to thank **Mr. Trywell Kalusopa (Lecturer, University of Botswana)** and **Mr. Ronald Baipidi (Former BFTU President)** for the valuable contributions they made in the review, compilation and writing of this Country Report on Trade Unions in Botswana. The FES Project Co-ordinator, Botswana Office **Mr. Lawrence Kefitilwe** is also acknowledged for the direction, guidance and publication of the report.

FOREWORD

Since its beginning in 1925 the Friedrich Ebert Foundation is committed to the concepts and basic values of social democracy and the labour movement. Ever since we started our international programmes in the early 1960's we had a special focus on strengthening of our trade union partners all over the world.

The labour movement in Botswana today faces many challenges which make it difficult to have a significant impact in the country. The need for the labour movement to restructure and consolidate union structures continues to remain at the core of its most important challenges. In line with its broad historical principles and mandate, Friedrich Ebert Foundation (FES) continues to support the labour movement so that it can increase its influence and strength. The FES has found it imperative to assist the institutional capacity building of the labour movement in terms of leadership development, research, training and educational programmes especially in light of current wave of the unionisation process in Botswana. It has also been actively involved in the development of the processes of restructuring and amalgamation through supporting efforts of consolidating trade union organisations into strong and viable unions. It is hoped that such programmes would strengthen the labour movement so that they are able to effectively participate in the decision-making process and social-economic reforms in the country.

In addition, over the past years, the FES has supported trade unions involvement in the political debates through the development of the general policy position papers published in 2004 and subsequently more in-depth position papers on privatisation, regional integration, economic policy, social security, education, etc, in 2006/07.

In particular, the FES also published the Country Report on Trade Unions in Botswana in 2003. The report covered the areas of socio-economic and political environment, legal framework and practices of labour relations, trade union profile and its challenges and prospects in Botswana. However, there have been a lot of changes in the socio-economic, political and legislative reforms that have had undue influence on the operation of Trade Unions since then. It is, thus, against this background that the FES decided to comprehensively review the 2003 Country Report given these different developments that have taken place in labour relations since then. This 2008 Trade Union Country Report, therefore, documents the current trends over the past period since 2003. It is the hope of the FES that such a publication will add value to literature that exists on Trade Unions in Botswana.



Helmut Eischer

Resident Representative

ABBREVIATIONS AND ACRONYMNS

BCP	Botswana Congress Party
BDP	Botswana Democratic Party
BNF	Botswana National Front
BIDPA	Botswana Institute of Development and Policy Analysis
BFTU	Botswana Federation of Trade Unions
COLI	Cost of Living Index
CSO	Central Statistic Office
EPA	Economic Partnership Agreements
FES	Friedrich Ebert Foundation
GDP	Gross Domestic Products
HIES	Household Income and Expenditure Survey
ICFTU	International Confederation of Free Trade Unions
ILO	International Labour Organization
ITUC	International Trade Union Confederation
LFS	Labour Force Survey
NDP	National Development Plan
OATUU	Organization of African Trade Union Unity
SANOSO	Southern African Network of AIDs Service Organization
SATUCC	Southern Africa Trade Union Co-ordination Council
WTO	World Trade Organization

EXECUTIVE SUMMARY

This 2008 Country Trade Union Report documents details on the trends, developments and challenges of the labour movement in Botswana. The analysis, description, and profiling Trade Unions was based on document analysis and selected follow-up interviews with key stakeholders dealing with labour relations in Botswana. This was to gain insights or depth on issues arising out of document analysis based on the terms of references. The report thus presents the following:

- a description of the situation of the country with particular focus on the current socio-economic challenges of Trade Unions in Botswana.
- an analysis of legal framework and practice of labour relations covering the recent trends, establishment and functioning of Trade Unions, Trade Union rights, wage setting and collective bargaining, dispute resolution and right to strike, workers participation at shop floor, trade union representation in tripartite and consultative structures, and social dialogue.
- a narrative of Trade Union profile focusing on history, membership development and union density, Trade Union structures, centres and organization of individual unions, relationship of Trade Union Centre and affiliates, internal organization and finances, services offered to members, government-trade union relations and role of international co-operation and networking.
- analysis, description and prescription of Trade Union challenges and strategic internal and external responses to the current challenges.
- analysis, description and prescription of Trade Union capacity to influence political and socio-economic decision making processes at national, regional and global levels.

The report shows that, despite recent efforts through legislative reforms, the labour movement in Botswana continues to be plagued by several political and socio-economic challenges at global, regional and national levels over the years. In this report, it has been noted that there has been some movement toward changes in legislative reforms meant to activate the sense of progressive renewal in the labour movement in Botswana. It is, however, observed that the decline in proactive trade union activities and lack of exploitation of the potential or opportunity to remain viable and relevant, requires that the labour movement seizes that opportunity by building more “participative unionism” through better strategic planning and communication so that workers can provide effective leadership to their cause at their workplaces.

1. SOCIO-ECONOMIC AND POLITICAL ENVIRONMENT

1.1 General Economic Status

According to the 2005/06 Labour Force Survey (LFS), Botswana had an estimated population of 1,702,829; of which 798,460 (46.9%) were males and 904,369 (53.1%) were female with 68% of this population estimated to be economically active. The number of households was estimated at 515,294 of which 266,331 (51.7%) were male headed households while 248,963 (48.3%) were female headed (CSO-LFS, 2006). Most of the population (about 76%), live in the rural and 27 urban villages.

The country has maintained a stable and steady economic growth since 1966 thus transforming itself into a middle-income country with a per capita Gross Domestic Products (GDP) of income at market exchange rate averaging about \$3,800 (Ministry of Finance, 2007).

The country has also made some remarkable investment and progress in education and health. Botswana largely depends on the extraction of diamonds for export. On average, this accounts for over 70-80% of its export earnings and contributes 36% of GDP. Botswana is also a large exporter of beef to the European Union, though this industry now faces a myriad of problems. Agriculture only contributes about 3% of GDP. Thus, taken together, agriculture and mining contribute about 39% of the rural GDP to overall GDP. Currently, the country has placed emphasis on diversification of its economy to other sectors such as tourism which is showing potential for growth (BIDPA, 2006).

1.2 Political Structure & Developments

The Botswana political structure is built on multiparty democracy. Elections are contested every five years and the Botswana Democratic Party (BDP) has ruled since independence in 1966. The President has executive powers and is chosen by virtue of the party with the highest seats in National Assembly. Cabinet is nominated by the President from the National Assembly. After the 2004, national legislative and subsequent by-elections in between, out of the 57 seats, the ruling Botswana Democratic Party (BDP) holds 45 of the seats in the National Assembly while eleven (11) seats are held by the official opposition, Botswana National Front (BNF). The Botswana Congress Party (BCP) has 1 seat. There are 4 specially “elected” or nominated MPs by the President. The next elections will be held in 2009. There is also the House of Chiefs, which is advisory, representing subgroups of the Botswana ethnic groupings. Most National Assembly bills of ethnic concern must be referred to the House of Chiefs for input. The roots of Botswana’s democracy lie in Setswana traditions, exemplified by the *Kgotla*, or Village Council, in which the powers of traditional leaders are limited by custom and law.

The civil and political rights are entrenched under the Constitution with fundamental human rights enforced by the courts. There is freedom of association, of worship and of expression. The Executive, Legislature, and Judiciary are to a larger extent separated. The Office of the Ombudsman attempts to demonstrate independence and effectiveness. The standards of conduct in political, civil and commercial life are comparatively high in Botswana and the country has been hailed among the few less corrupt country according to the Transparency International Index.

1.3 Macro-Economic Conditions

The size of GDP at current market prices is approximately \$9.2 billion. According to the Central Statistics Office's estimates of GDP measured at constant prices, the overall size of the economy increased by 15.2% in 2005/2006 with the real GDP growth averaging 5-6% when inflationary trends were taken into account. The real growth for 2004/05 was 9.2% while the economy grew by 3.4% in 2003/04. The 2005/06 data showed 4.4% decline in the mining sector real GDP while the non-mining sectors of agriculture, manufacturing and construction declined by 3% from 2004/05 to 2005/06 (Ministry of Finance, 2007). The slower than originally forecast performance of the non-mining sectors for the first part of the Development Plan period was affected by a loss of competitiveness in the export and import competing sectors associated with real exchange rate appreciation and slow implementation of important policy reforms (BIDPA, 2006). The economic outlook in the Mid-Term review (MTR) shows a forecast of GDP growth for the second half of NDP 9 (2006/07 – 2008/09) will average about 6% (Bank of Botswana, 2005; 2006).

Inflation increased from 6.8% (year to year) in December, 2003 to 7.8% by December, 2004. However, by May 2005, the rate had fallen to 6.3% following the pass through of the February 2004 Pula devaluation. With devaluation of May 30, 2005, and some pass through of the exchange rate change to the Cost of Living Index (COLI), inflation increased to about 16% in the early part of 2006, passing that mark for the first time since 1992. The June, 2008 year to year inflation rate was 14.5%.

1.4 Total Labour Force Employment

The 2005/06 Labour Force Survey¹ results show that the current total employed population is estimated at 548,594 of which 52.4% were males and 47.6 were females. Major employers were Agriculture (30.9%), Retail (14.5%), Public Administration (10.9%) and Education (7.9%) while the least were employed in Foreign Missions (0.2%) (CSO-LFS, 2006). Table 1 shows these trends.

Table 1: Employed Population by Industry & Sex

-
- 1 Employed persons were defined as those who did work during the reference period either for payment in cash or in kind (paid employees) or who were engaged in self employment for profit or family gain, and persons temporarily absent from these activities but definitely going to return. Some work was defined as one hour or more in the reference seven days with economic work taking priority over all activities.

Industry	Sex		Total
	Male	Female	
Agriculture	103,924	65,407	169,331
Mining	12,396	1,716	14,112
Manufacturing	16,020	19,963	35,982
Water & Electricity	2,697	1,537	4,234
Construction	22,169	4,265	26,434
Retail & Trade	28,791	50,804	79,596
Hotels & Restaurants	3,848	10,968	14,816
Transport & Communications	10,292	5,381	15,674
Financial Intermediaries	3,018	5,406	8,424
Real Estates	15,338	9,778	25,116
Public Administration	34,372	25,417	59,789
Education	15,190	27,987	43,177
Health & Social Work	5,503	8,612	14,114
Other Community Services	5,277	5,283	10,560
Private Households	8,013	18,247	26,261
Foreign Missions	456	439	895
Note Stated	--	78	78
Total	287,303	261,290	548,594

Source: Central Statistic Office, Botswana, 2006

The 2005/06 survey also show that the most common occupation was Agricultural workers (26.4%), followed by Elementary Occupations (18.9%), Service workers (16.9%).

1.5 Formal Employment

Formal sector employment² grew from 298, 799 persons during September 2006 to 301, 978 in March, 2007, or a growth rate of 1.1% or 3,179 over a six months period (CSO, 2008). Private sector employment rose by 1% from 185, 824 in September, 2006 to 187, 588 employees in March, 2007 with the Private sector alone contributing 172, 882 (57.2%) jobs. The Central Government contributed 88,521 job (29.3%) while the Local Government had 25, 869 (8.6%) employees. The March, 2007 survey also show that most employees in the Private and Parastatal sector were employed in Wholesale and Retail (44, 126 or 23.5%)

2 The definition of formal sector employment in Botswana excludes people working in businesses that are not registered and in businesses fewer than five employees as well as those employed in the Botswana Defence Force.

followed by manufacturing with 35,204 or 18.8%. (CSO, 2008).

1.6 Unemployment and Under-employment

Labour Force analysis reports show a perennial and increasing rate of unemployment in Botswana since 1991. The labour reports show the following unemployment trends: 1991 (13.9%), 1993/94 (21.6%), 2001 (19.6%), 2002/03 (23.8%), 2004 (26.4%), 2005/06 (17.6%) (Annual Economic Report 2003; 2002/03 Household Income and Expenditure Survey [HIES] 2005/06 LFS).

The current 2005/06 also shows that overall unemployment rate was 17.6%.³ The total number of the unemployed was 114,422 of which the majority, 63,546 were women with a significant of these being female youth aged 12-29. The male unemployment rate is 15.3% while that for females stands at 19.9%. Female youth (12-29 years) unemployment is 31.8% while that of males is 23.3%. Overall youth unemployment rate is 27.4 %.(CSO, 2006).

In terms of child labour the current 2005/06 Labour survey showed that of the 548,594 employed persons, 37,936 are children (aged 7 to 17 years old) and account for 6.9% of employed population. Male children are said to constitute 60.9% of employed children. Agriculture is the major employer of children with 66.1%, followed by Retail Trade with 22%. Employed children also constitute 8.9% of the children aged 7-17 years (CSO, 2006).

Earlier surveys reveal that in 2001, a sizeable number of children under the age of 15 were engaged in economic activities. It has been observed that the majority of male children are engaged in child labour. Out of a total of total number of 2,446, 2,226 are male. A total of 799 are in paid employment, males accounting for 733. About 999 children own land and or cattle post and all of them are male. 357 males are unpaid family helpers as opposed to zero women CSO, 2004).

Special efforts needs to be made to discourage the use of child labour and ensure that in all sectors of the economy, particularly the farming sector, domestic work similar services, labour practices conform to international conventions in protecting young people from exploitation. The government discourages all forms of child labour and recently released a joint comprehensive report with ILO in 2006.

1.7 Economic Growth, Poverty and Inequality

Despite Botswana's economic success story, the issue of poverty continues to haunt Botswana. The CSO estimate that poverty has reduced from 59% in 19985/86 to 47% in 1993/94 and now to 30% in 2002/03. The most significant reduction is said to be in the urban area from 29% in 1993/94 to 10% in 202/03 while rural poverty where majority live only fell from 55% to 45%.(Bank of Botswana, 2006). The most comprehensive study on poverty in Botswana conducted by BIDPA revealed the following factors about the extent and severity of poverty in Botswana (BIDPA, 1997).

3 Unemployed persons were defined as those who were not employed as defined above and who were available for work and took some steps to look for work in the last 30 days.

- An estimated 623,100 people from 109,503 households were poor or very poor in 1994
- The number and proportion of people living in poverty was substantially higher in the rural areas compared with the urban centres. For example, 62% of the poor or very poor were living in rural areas, 24% in urban villages and 14% in urban areas
- A higher proportion of female-headed households (FHH) than male-headed households (MHH) were living in poverty. For example, an estimated 313,880 persons from FHH were living in poverty compared with 309,221 from MHH.
- Gaborone, the capital city had the lowest rate and severity of poverty.

1.8 Causes of Poverty in Botswana

Several factors have been identified as the root causes of poverty in Botswana, namely; harsh climatic conditions, lack of employment opportunities, lack of vocational and entrepreneurial skills and finally, inappropriate targeting of developmental programs and assistance policies.

Successive droughts and the failure of agriculture have to a large extent eroded the resource and productive base of most farmers particularly the small farmers. Apart from the decrease in food supply, droughts have led to the decline of various farm income sources such as on-farm employment paid in kind, sale of agricultural produce and wild fruits and hiring of draught power. Other constraints on arable agriculture reported by small farmers are; lack of arable land for ploughing, insufficient labour and lack of plant implements (BIDPA, 1997).

Unemployment is recognised as the other major cause of poverty. Unemployment rates are higher for females than males and the youth are the most affected particularly because the majority are unable to attain higher educational levels. The lack of employment opportunities in Botswana is exacerbated by the following factors:

- Lack of financial assistance for the establishment of small business ventures by vulnerable groups such as the youth and women
- Academically oriented schooling system that does not encourage diversity of career opportunities
- Lack of adequate training opportunities for junior and secondary school leavers
- Inadequate development of business skills to facilitate sustainable income generating activities
- High concentration of job opportunities in urban and peri-urban centres.

Research has also shown that financial assistance policies have in the past benefited those entrepreneurs who have the ability to pay the required deposits for economic and agricultural schemes. (BIDPA, 1997). Schemes such as Financial Assistance Policy, Arable Land Development Program (ALDEP) were intended to improve the living conditions of rural Botswana. However, eligibility requirements made it impossible for vulnerable groups to access these resources. In an effort to correct this situation, government introduced a Citizen Entrepreneurial Development Agency (CEDA) in year 2001 with the aim to support the development of viable citizen businesses through funding, training and mentoring. Through this scheme, financial assistance is provided in the form of loans from P500.00 to

P7 million. Companies owned by citizens aged 18 and above are eligible to apply without being required to pay deposit (CEDA, 2001).

The general principle behind CEDA is to provide a financial scheme that is both inclusive and integrative. For example, since beneficiaries were not expected to pay any deposits, it was envisaged that the poor and other vulnerable groups such as the youth and disabled persons would be assisted. However, over the years, potential beneficiaries have lodged serious complaints about the complexity of the application procedures that require high level of skill in proposal writing. Given this scenario, it is unlikely that the vulnerable groups will be in a position to compete favourably unless if the application procedures are made simpler.

2. DEVELOPMENT OF LABOUR LEGISLATION IN BOTSWANA

2.1 Historical Overview

The first legislation in the Bechuanaland Protectorate was the Trade Union and Trade Dispute Proclamation of 1942 which legalized Trade Unions. The legislation provided “what could be regarded as paternalistic protection for workers” but made inadequate provision for the settlements of industrial disputes. Ten years later, the Employment Law No. 15 of 1963 was enacted but still failed to provide for the settlement of disputes. The attainment of independence in 1966 did not bring any immediate change in the legal framework although the Bill of Rights guaranteed freedom of association with certain limitations. (Section 13 (1) and (2) of the Constitution of Botswana).

It was not until 1969 that the first pieces of legislation ever passed by the new government after independence improving the Trade Unions and Trade Dispute Proclamation and Employment Law No. 15 of 1963, which was replaced by the Trade Unions Act No.24 of 1969, the Trade Dispute Act No. 28 of 1969 and the Regulation of Wages and Conditions of Employment Act of 1969. These Acts came into force in August 1969. (Cooper 1985). Trade Unions Act No.24 of 1969 came into force on the 8th. August 1969 provided for the amendment and the consolidation of the law relating to the registration of Trade Unions and other purposes; the Trade Dispute Act No. 28 of 1969 came into force in 1st. August 1969 provided for the establishment of the Industrial Arbitration Tribunal and Board of inquiry as well as to make provisions for the settlement of Trade Disputes and to control and regulate Strike Action and Lockouts. The Regulation of Wages and Conditions of Employment Act of 1968 which also came into force in 1st. August 1969 provided for the establishment of Wages Councils and regulation of remuneration as well as conditions of employment.

These Acts were overtaken by events and as a result amendments were introduced in 1982/83 and later in 2004. These included an overhauled Employment Act, a comprehensive Trade Dispute Act and Trade Union and Employers Organizations’ Act which for the first time made provision for employer organization.

2.2 Current Legal Environment for Labour Relations in Botswana

Currently the major pieces of legislation governing labour relations and the rights and activities of trade unions are including the following:

Employment Act (Cap 47:01)

It sets out the basic minimum terms/conditions of employment for private sector, parastatal corporations and public employees. In particular, it outlines the duties of the parties to a contract of employment, maximum hours of work, their entitlement to various types of leave with pay, minimum wages as well as legally permissible ways of terminating employment contracts.

Trade Unions and Employers' Organizations Act (Cap 48:01)

It embodies the rules on formation and registration formalities for trade unions, amalgamation of trade unions, federations of trade unions as well as employers' organizations. It also spells out the consequences of registration of the aforementioned bodies. More importantly, it reiterates each employee's entrenched right to form and/or join trade unions and outlaws discrimination on the basis of trade union membership.

Trade Disputes Act (Cap 48:02)

Outlines the trade disputes settlement mechanism at both individual and collective level. It also encourages collective bargaining in the sense that it does create a possibility for the establishment of Joint Industrial Councils between employers/industries and trade unions recognized by such employers/industries and it also states the legal significance of collective labour agreements. More significant is the fact that it discourages strike action by failing to outline circumstances under which strike action will be deemed to be lawful.

Factories Act

Provides for the regulation of the conditions of employment with particular regard to safety, health and welfare of persons employed in factories and for the safety and inspection of certain plant and machinery in order to ensure that workplace safety is observed at all times.

Worker's Compensation Act

Obliges employers to keep all their employees insured or for them to set aside sums of money as may be determined by the Commissioner of Labour for purposes of compensating the employees for injuries suffered or occupational diseases contracted in the course of their employment or for death resulting from such injuries or diseases.

Public Service Act

Sets out in general terms the criteria for appointment to the public service, termination of appointments and retirements, as well as the terms and conditions of service for public officers. The Act also defines misconduct and unsatisfactory service and the appropriate penalties therefore. This Act has not been reviewed to be in line with ratified ILO conventions and national labour legislation.

2.3 Ratified ILO Conventions by Government of Botswana

Eight ILO Conventions have been identified by the ILO's governing Body as being fundamental to the rights of human beings at work, irrespective of levels of development of individual member States. These rights are a precondition for all the others in that they provide for the necessary implements to strive freely for the improvement of individual and collective conditions of work. Botswana has ratified the following fifteen (15) Conventions including all the eight (8) Core Conventions. These are:

- a) **Weekly Rest C014 (1921)** (RATIFIED 1988)
 - It provides for a day's rest of a working week of seven (7) days
- b) **Equality of Treatment (Compensation of Injuries at Work C19 (1954)** (RATIFIED 1988)
 - It provides for equal treatment of workers in cases of compensation for occupational injuries and diseases
- c) **Forced Labour C 029 (1930)** (RATIFIED 1997)
 - It prohibits the use of forced labour in all its forms
- d) **Protection of Wages C95 (1949)** (RATIFIED 1997)
 - It restricts deductions from wages/salaries, payment in kind, etc without the consent of the worker
- e) **Equal remuneration C 100 (1951)** (RATIFIED 1997)
 - It prohibits wage discrimination based on sex, race, creed, origin, etc
- f) **Freedom of Association and Protection of the Right to Organize C 087 (1948)** (RATIFIED 1997)
 - Aims at safeguarding the freedom of workers and employers, without distinction, of their rights to form organizations of their choosing for furthering and defending their interests
- g) **Right to Organize and Collective Bargaining C 098 (1949)** (RATIFIED 1997)
 - It is a further elaboration of the rights set forth in C 87.
 - It aims at protecting workers in exercising the right to organize, preventing State interference in workers and employers' organizations in promoting voluntary collective bargaining.
- h) **Abolition of Forced Labour C 105 (1957)** (RATIFIED 1997)
 - It advocates complete abolition of any kind of forced labour
- i) **Discrimination (Employment and Occupation) C 111 (1958)** (RATIFIED 1997)
 - Prohibits any form of discrimination in employment practices or occupation on the basis of creed, race, sex, origin etc
- j) **Minimum Age Convention C 138 (1973)** (RATIFIED 1997)

- It sets minimum age of employees to be employed in order to prohibit child labour
- k) Tripartite Consultation C 144 (1976) (RATIFIED 1997)**
 - It promotes social dialogue or consultation between government, workers and employers at national level on all international labour standards
- l) Labour Relations (Public Service) C 151 (1978)(RATIFIED 1997)**
 - It guarantees the right of workers in the public sector to organize freely
- m) Protection of Workers' Claims (Employer's Insolvency) C 173 (1992) (RATIFIED 1997)**
 - It provides for a higher prioritization of workers claims against the creditors in the event of insolvency.
 - It provides for the protection of workers claims to the extent of three months wages
- n) Safety and Health in Mines C176 (1995) (RATIFIED 1997)**
 - It provides for government to periodically consult with employers and workers representatives on safety and health issues in mines in order to prevent fatalities, injuries and ill health of workers and members of the public.
- o) Elimination of the Worst Forms of Child Labour C 182 (1999) (RATIFIED 2000)**
 - It calls for the prohibition and elimination of worst forms of child labour

2.4 Recent Trends in Labour Legislation

The ratification of the ILO Convention must go in hand in hand and with enactment of these laws so that they have bearing on the protection of workers .The amendments to the Botswana laws passed in 2004 were meant to achieve the following:

- Bring Botswana more in line with relevant international labour standards
- Strengthen collective bargaining
- Strengthen the development of trade unions
- To give effect to Botswana's international obligations

The changes to the labour laws were effected by a series of amendments to key labour statutes which included the enactment of a new Trade Disputes Act, and significant amendments to the Trade Unions and Employers' Organization Act. But to what extent have the key principles to which the labour laws seek been addressed? The section below attempt to show the extent of impact of these amendments on the workers rights in Botswana.

2.4.1 Trade Unions and Employers' Organizations Act (Cap 48:01)

The Trade Unions and Employers' Organizations Act (Cap 48:01) came into force on 1st September, 1984 and was repealed on 9th July, 2003 and enacted on 23rd April, 2004. As earlier put, the Act embodies the rules on formation and registration formalities for trade unions, amalgamation of trade unions, federations of trade unions as well as employers' organizations. It also sets out the consequences of registration of the afore-mentioned bodies. More importantly, it reiterates each employee's entrenched right to form and/or join trade unions and outlaws discrimination on the basis of trade union membership. Some of the key 2004 amendments include among others the following:

- allowing public servants to unionise for the first time, with the exception of the Botswana Defence Force, the Botswana Police, the Local Police and the Prisons Services
- the condition requiring more than 30 employees to form a union was removed and replaced with "at least a one third of the employees of an employer and that trade union may apply for recognition under section 32 of the Trade Dispute Act."
- powers of the Registrar to de-register a trade union of federation if one of their officers is a non-citizen were abolished
- restriction for members to relinquish the membership of their trade union when move to another industry was removed
- allowing the amalgamation of trade unions by informing the Registrar "within 14 days of it taking place" and also the formation of joint industrial councils "under section 36 of the Trade Disputes Act"
- allowing trade unions to "accept funds originating from outside Botswana."

However, in practical realities some controversial points in this Act have arisen. The 2004 amended law that reads that a trade union can be registered if it "represents at least one third of the employees of an employer" has been made it now easier for the proliferation of splinter unions in that a third of any number of workers can actually form a trade union and ask for recognition. This defeats and goes counter to spirit of unity of purpose as many of already small in-house union can easily be manipulated and be split. The case of Botswana Power Corporation Union is a case in point where the small union has been split. Another example is the Government industrial class workers who now have been split into two (Manual Workers Union and Government Workers Union). The teachers also remain split between Botswana Teachers Union (BTU) and Botswana Secondary Teachers Union (BOSETU) while there is also another emerging union called Botswana Primary Teachers Association (BOPRITA) among the primary teachers as a breakaway from BTU. Both BOSETU and BOPRITA broke way from BTU citing that their members were not ably represented. The other trade unions in the retail sector are also split among wholesale and furniture on one hand and then commercial workers on the other. As we shall allude to in detail later, in the report, there have been concerted efforts to amalgamate these union but the results continue to be very disappointing.

While the Constitution of Botswana appears to recognize an employee's freedom to contract away his right to form and/or join a trade union at the time that he enters into a contract of employment, that remains a mere theoretical and not a practical possibility. This is in view of the fact that the Act makes it unlawful for an employer to make it a condition of one's employment that he/she will not become a member of a trade union and/or for an employer to terminate one's contract of employment on the grounds that he a member of a trade union. While the Act appears, if the above is considered in isolation, to fully embrace and promote employees' freedom to join trade unions of their choice, it still does contain

restrictions on their rights to form and/or join trade unions. The first and most notable is the fact that some employees are not permitted to form and/or join trade unions. In particular Botswana Defence Force, the Botswana Police, the Local Police and the Prisons Services are not allowed to belong to a union as is the case in South Africa.

Since trade union membership is based on freedom of association in Botswana, there is no possibility for automatic trade union membership. Therefore, a collective labour agreement that seeks to achieve that purpose will, in all probability, be deemed to be invalid to the extent that it creates the possibility for automatic union membership. Even if the parties were to enter into an agreement that provides for automatic union membership, either party would not be able to enforce the agreement when the other party defaults in observing it, particularly by taking industrial action, which, under normal circumstances should be used to compel the defaulting party to abide by the terms of a collective labour agreement. This is in view of the fact that the Trade Disputes Act outlaws industrial action whose objective is to achieve a closed shop.

2.4.2 Employment Act (Cap 47:01)

The Employment Act CAP. 47:01 of 1984 came into force on the 14th December 1984. It repealed and replaced the Employment Act of No. 29 of 1982 in order to amend the law relating to employment and to make comprehensive provisions. Among, the 2004 key amendments is the protection of the employees if their employer becomes insolvent, by means of privilege on that employers' assets before non-privileged creditors are paid their shares. It also specifies the functions of the Labour Advisory Board setting out the composition and process of appointment to the Board. This means the role of the Labour Advisory Board was clarified and clearly established in the law.

The Act provides the central link between the State and the employee in the form of the so-called 'floor of rights' a set of statutory entitlements purporting to provide a protection by prescribing labour standards in the employment relationship. The principal functions of the Act were to lay down basic minimums required for contract of employment e.g. sick leave, maternity leave, notice pay, hours of work, overtime and severance pay to prevent exploitation of workers.

The beneficiary of such entitlement must fall within the definition of an employee, which with the 2004 amendments have been broaden as "an employee is any person who has, either before or after its commencement, entered into a contract of employment for the hire of his labour provided that expression does not include members of the Botswana Defence Force, Botswana Police Service, Local Police Force and the Prison Service." This means public officers and those employed by a local authority were free to form and belong to union. Currently, two teachers, one college lecturers unions and one local government have been recognized.

However, "the 'floor' is not secure" affirms Jean Friedman-Rudovsky and asserts that there are sections of the Employment Act that are not up to the standards of the International Labour Organisation (ILO). The major shortcoming of this Act was that the Botswana Defence Force, Botswana Police Service, Local Police Force and the Prison Service were excluded from the definition of employees. In effect, they do not enjoy the rights and freedoms other employees do, for instance, the right to unionize. The exclusion of these members that count

for approximately half the country's total labor force has contributed to the low density of unionization in the labor movement of Botswana.

2.4.3 Trade Dispute Act, 2003

The Trade Dispute Act establishes the procedures for settlements of trade disputes and regularizes the Industrial Court. It also sets the standards for collective labour agreements, and most important, it defines and governs unlawful industrial actions. The right to strike, though the demands and procedures of arbitration are laborious and complex, was been recognised though strikes are still not allowed in essential services including the Bank of Botswana.

There are several points of contention in this Act according to the interviewees. First, the procedures for collective bargaining are lengthy, bureaucratic and therefore ineffective and the tripartite system (the resolution of trade disputes among the state, employers organizations and workers' organizations) is built on weak foundations. Section 7 and 8 set the procedures for dealing with trade disputes. First, it establishes, that a trade dispute should be bargained between the employee/ her-his union and the employer. If they do not reach an agreement, the dispute can be taken to the Commissioner of Labour or any legally recognized Labour Officer. The Commissioner or the Labour officer would assign a third party, the mediator, to resolve the dispute through mediation first, and then, in case the dispute was not settled they would proceed to resolve the disputes through arbitration, which means that the parties involved in the dispute can assign one or more neutral third parties to represent their interests. If the dispute is not resolved after mediation and arbitration, it can be referred to the Industrial Court. Workers complain that this is a tedious and lengthy process that usually does not resolve the trade disputes. A member of the Executive Committee of the BFTU felt that it "is hard to reach a level of negotiation" with the employers and the state.

Furthermore, workers complained that the establishment of the Industrial Court in 1992 has not resolved, but delayed the resolution of trade disputes. This institution was established in order to enhance the tripartite system. However, it has not been as effective as it was expected.

The Industrial Court stands as a 'court of law and equity'. It is expected to resolve the trade disputes that the Commissioner or the Labour Officer cannot settle. Overall, there is an agreement among workers that the idea of institutionalizing collective bargaining was a good one but they contend that the Industrial Court has been ineffective in addressing industrial disputes. There are organizational and structural flaws that delay the resolution of disputes. There is only one Industrial Court located in Gaborone for the entire country, and only two judges travel to Francistown one a month to attend to cases of the northern areas. This results in inefficiency since workers or employers from more remotes areas are unable to come down to Gaborone due to a myriad of reasons. Beside this, the number of cases reaching the industrial Court offices has tripled in the last three years. In 2003 the Court received 340 trade disputes and in from January to November of 2005, they registered 1,600 cases. It was affirmed that the Industrial Court is unable to deal with so many cases due to the reduced number of staff. He remarked that there are trade disputes that take longer than a year to reach the Courts. (Saera, 2005). In addition to the organizational and structural imperfections of the Industrial Court, its standing for equality is under question. Workers do not know their rights, and they are in disadvantage because, unlike employers, they can not afford good lawyer (Saera, 2005).

In addition to the ineffectiveness of the tripartite system, workers also have to tolerate strict restrictions with respect to taking industrial actions. Section 39 (1) reads, “Every party to a dispute of interest has the rights to strike or lockout...” However, the parties willing to strike or lockout have to apply first to the Commissioner in order to get his/her permission. The application process is deemed as lengthy and unworthy. In Good’s words, “a legal strike is made a practical impossibility”, and he adds that, “none has occurred in independent Botswana” (Good, 2004:26). In addition to tedious application process, the right to strike is not provided for all those employees that are employed in the “essential services” category. This category involves the provision of electricity; the fire service, rubbish disposal and sanitation; health and ambulance services’ the production, supply and distribution of water, fuel and food; and any other service declared by the President (Good, 2004:26). Consequently, the right to take legal industrial action is limited, exclusive, and practically impossible. In this way, the State is taking away one of the most powerful and legitimate tools that workers have to make their voice reach employers, the state and the entire nation. As one worker said, “as long as workers can’t strike, we cannot achieve anything” (Friedman-Rudtovsky, 2001:27).

Clearly all parties agree that dispute resolution is one of the hallmarks of good labour relations. The establishment of dispute prevention and resolution system can address labour conflict and promote labour peace and thus strengthen social partnership for good governance. As alluded to above the amendments to the Trade Disputes Act, which were promulgated on the 23rd April 2004, have incorporated a new concept of mediation and arbitration as methodologies of resolving disputes in a less formalized set up than adjudication. These concepts are also meant to bring about speedy and cost effective justice to the worker. With the help of the ILO-Swiss project, mediators and arbitrators have been trained. However, though Mediators and Arbitrators have been appointed, the process has been too slow and has not fully taken off as envisaged. Most trade unionist also contend that in order to promote independence and instil a sense of credibility, there need to have an Independent Commission rather than having the Labour Commissioner to deal with matters dispute resolution.

Another issue of contention has been the question of the definition of management in public service sector. In terms of Section 14 (3) a, b, c stipulate the general definition of “member of management”. However, some public service employees interviewed raised question of who really constitute management in government especially after changes to labour legislation. For example, concern was raised that most “members of management” in government are also card carrying members of BOPEU. This raises the issue of conflict of interest in terms of dispute resolution and collective bargaining.

2.4.4 Wage Setting and Collective Bargaining

According to Part XVI of the Employment Act, the Minister of Labour and Home Affairs is solely responsible for fixing the minimum wage. As a precursor, however, the Minister is obliged to refer all matters relating to the fixing, adjustment and/or abolition of the minimum wage to the Minimum Wages Advisory Board. The Board is appointed by the Minister and consists of three government representatives, three representatives of employers, three representatives of the trade union movement and three persons who do not represent either the employers or employees. As the name implies, the Board’s role is merely to carry out the necessary investigations and consequently make recommendations to the Minister, who can

either accept or reject such recommendations. That is, the Minister is not obliged to accept the recommendations of the Board.

Once a matter relating to the fixing, adjustment and/or abolition of the minimum wage with respect to a particular trade or industry is referred to the Board, the Board has to investigate the wages in that trade or industry and make recommendations to him on the minimum wage that, in its opinion, has to be paid to employees in that trade or industry. It appears to be mandatory for the Board, during the investigation, to take into account representations, if any, made by employers or their registered organizations and employees or their registered organizations. To the extent that it may be practically possible, the Board may even permit the above-mentioned individuals or bodies to make representations before the Board.

Notwithstanding the fact that there exists, within our law, a mechanism for setting the minimum wage, it is possible for an employer and a trade union, through the collective bargaining process, to agree on a minimum wage within a particular trade/ sector or industry. As indicated above, there exists only one pre-requisite for the recognition of a trade union as a negotiating body on behalf of its members, namely that the trade union should have, as its members, one third of the employees of the employer or industry who qualify to be members of the trade union, as de facto members of the trade union. The law as it currently stands provides a measure of flexibility on levels of collective bargaining, and it attaches the same amount of significance (legal) on collective bargaining at all levels. It primarily provides for collective bargaining at employer and industry level. Section 36 of the Trade Disputes Act does, however, create a possibility for the establishment of Joint Industrial Councils. In terms of that Act, Joint Industrial Councils may be established by and between a trade union that represents employees in an industry and an employers' organization in that industry, in a joint application to the Commissioner of Labour for that purpose.

The issue of minimum wage still remains an issue at the heart of the labour movement in Botswana. The concerns are about the minimum wage itself and the effectiveness of the policing methods being deployed by government. As stipulated in terms of figures, most minimum wages are between P500 to P1,000 per month yet the food basket in most urban areas is well over P2, 000. This in itself is a mockery of the sacrifices that most workers put in to produce wealth since it does not provide a decent standard of living for a worker and family.

There no doubt that it is important to have a minimum wage to minimize worker exploitation by employers. The minimum wage applies to specified industries in terms of the Employment Act, namely, building, construction, quarrying, garage or motor trade, road transport, hotel, catering or entertainment trade, manufacturing, service or repair, wholesale or retail distributive trade and watchmen industries. Recently, the domestic and agricultural sectors were added to the list. However, the involvement of trade union in the fixing of minimum wages is limited to the participation of representatives of the trade union movement in the Minimum Wages Advisory Board. Other observers also point to fact that the minimum wage setting stifles bargaining in certain cases while in other instances ordinary workers, whose salaries are low are not able to engage services such as domestic workers. This has essence has also forced some ordinary employers to rely on employing part-time domestic workers with no clearly defined conditions of employment.

To that extent, the influence of trade unions in the fixing of minimum wages is rather insignificant in that all that trade unions do is make submissions to the Board as and when the Minister feels there is a need to adjust the minimum wage. Considering that trade

unions only contribute 25% to the total membership of the Board, more often than not, their submissions would be frustrated by the rest of the members of the Board, which constitutes 75% of the membership. Over and above that, even if submissions by trade unions were to carry the day at any particular point in time, the Minister could still turn them down since he is not bound to implement the recommendations of the Board, whatever form they take. It is possible, through the collective bargaining process, for trade unions and employers to agree on a minimum wage that is higher than the one prescribed by the minister within a particular workplace/industry. However, due to the fact that a dispute relating to wages is a dispute of interest and not one of fact, it is not common for employers to readily agree on minimum wages proposed by trade unions, even where, in terms of a collective agreement between the union and the employer/industry, wages are listed under negotiable.

2.4.5 Trade Union Representation on Tripartite Forum

The Employment Act establishes two tripartite structures, the Minimum Wages Advisory Board and the Labour Advisory board. As already alluded to above, the mandate of the Minimum Wages Advisory Board is to advise the Minister on any matter relating to the setting, alteration and/or abolition of the minimum wage with respect to the industries listed in the Fourth Schedule of the Act. The Labour Advisory Board, on the other hand, acts as a consultative group on labour laws. In terms of the Act, the Minister is obliged to consult with the Board before presenting any Bill before parliament or before making subsidiary legislation, provided that such Bill or subsidiary legislation makes fresh provisions for contracts of employment, relates to the productivity of employees or amends the Act. In any other situation, the Minister may consult the Board only if it is reasonably practical to do so. The Trade Disputes Act establishes the third tripartite structure in the Industrial Court.

Judges of the Industrial Court sit with assessors, one nominated by an employers' organization and another nominated by an employees' organization. The role of the assessors, however, is not similar to that of the Judge. The assessors assist the Judge with questions of fact and not of law. Even on questions of fact, the Judge's view can prevail over that of the assessors if he disagrees with them. There exist other structures, which, although not strictly tripartite in nature, deal with labour matters and therefore, allow for participation of the labour movement therein. These structures are, the National Employment, Manpower and Incomes Council, whose functions are, inter alia, to determine the conditions of service for parastatal organizations and to formulate general employment policies, the Productivity Centre, the Botswana Training Authority and the Tertiary Education Council, etc.

Most trade unions and labour analysts contend that the tripartite arrangement through the Labour Advisory Board remains restrictive and not very effective. The current tripartite and social dialogue arrangement in Botswana that relegates trade unions to an advisory role completely disempowers the workers in effectively participating in matters that affects their well-being. There is need for government not only to ratify these conventions but to go far enough by devolving the workers rights by creating an enabling environment that assists the trade union organizations to flourish. Certainly the concept of acceding to workers right should not end with ratification of ILO conventions.

3. TRADE UNION PROFILE IN BOTSWANA

3.1 Trade Union History in Botswana

The first union to be formed was the Francistown African Employees Union (FAEU) in 1948, which was based only in Francistown under the leadership of the late Mr. G. M.K. Mmusi. Due to the pressure of restrictions imposed by the District Commissioner on the formation of trade unions, the union was only recognized by the colonial government under the Protectorate Proclamation Act No. 16 of 1964. It collapsed six years later. The late development of trade unions can be attributed to under-development of the economy during colonial rule when formal employment was low and unemployment was high. In 1959, Bechuanaland Protectorate Union was formed in Serowe under the presidency of the late Lenyeletse Seretse under the instigation of the Chief Tshekedi Khama. In 1962, the Bechuanaland Trade Union Congress was formed under the leadership of Mr. Klaas K. Motshidisi as its first General Secretary. It worked closely with the Bechuanaland People's Party and collapsed in 1965. After independence, the local unions financially supported by the International Confederation of Free Trade Unions (ICFTU) formed the Bechuanaland Federation of Labour with Mr. G. M. K. Mmusi as General Secretary. The ICFTU is now called the International Trade Union Confederation (ITUC), formed on 1 November 2006 out of the merger with the World Confederation of Labour (WCL).

The current Botswana Federation of Trade Unions (BFTU) was formed as early as the 1970s with the establishment of the Botswana Trade Union and the Education Centre comprising a handful of trade unions. In April, 1977, the BFTU, the only federation in country was formed replacing the Botswana Trade Union and the Education Centre. Five unions: Botswana Mines Workers Union, Botswana Bank Employees Union, Botswana Commercial and General Workers Union, Botswana Construction Workers Union and Botswana Railways Workers Union, have been cited as forerunners in the establishment of the BFTU. The mission of the BFTU is to actively promote the interest and welfare of the workers, individual citizens and to create a free and prosperous society for all Botswana. It advocates for sustainable economic growth, equitable income distribution, stable prices, full employment and maximum economic security and social welfare. (BFTU, 2004; FES, 2003)

3.2 Trade Union structures, Centres and Organization of Individual unions

3.2.1 Structure and Organization

After the changes in labour legislation that allowed for freedom of association, there has been some proliferation of trade unions. Available statistics indicate that there are 50 registered in Botswana (see appendix V). However, the main national centre remains the BFTU which has 31 affiliates (see appendix VI) and represents about 63% of all the legally registered trade union in the country.

As has been observed elsewhere in this report, the BFTU is currently the only registered federation. The structure of the BFTU is that the principal officers of the Federation are the President, Vice President, Secretary General, Assistant Secretary General, Treasurer and five additional members elected by the Congress. This constitutes the Executive Board. The delegates' congress is the highest organ and authority. The delegates' congress is held every three years determined. The Secretary General is a full-time official but the federation has a low regional base in Botswana. The BFTU affiliates include the following (see appendix VI):

1. Air Botswana Employees Union
2. Botswana Commercial & General Workers Union
3. Botswana Construction & Wood Workers Union
4. Botswana Railways Amalgamated Workers Union
5. Central Bank Union
6. Botswana Mining Workers Union
7. National Development Bank Employees Union
8. Botswana Bank Employees Union
9. Botswana Power Corporation Workers Union
10. Botswana Meat Industry Workers Union
11. Botswana Agricultural Marketing Board Workers Union
12. Botswana Postal Services Workers Union
13. Botswana Housing Corporation Staff Union
14. Botswana Telecommunications Employees Union
15. Botswana Diamond Valuators & Sorters Union
16. Institute of Development & Management Workers Union
17. Botswana Savings Bank Employees Union
18. Botswana Wholesale Furniture & Retail Workers Union
19. Maranyane Staff Union
20. Botswana Beverages & Allied Workers Union
21. Botswana Hotel Travel & Tourism Workers Union
22. Botswana Manufacturing & Packaging Workers Union
23. Botswana Private Medical & Health Workers Union
24. Botswana Teachers Union
25. Botswana Secondary Teachers Union
26. Botswana Government Workers Union
27. Botswana Vaccine Institute Staff Union
28. Botswana Land Board and Local Government Workers Union
29. Trainers & Allied Workers Union
30. University of Botswana Non-Academic Staff Union
31. University of Botswana Senior Support Staff Union

The Manual Workers Union and the Botswana Public Employees Union, two major public service workers organizations, who are approximately 10-15% of the formal workforce, are not affiliated to the BFTU. The two unions have confirmed reports that they are in the process of registering their own national federation.

3.2.2 Membership Density and Trade Union Development

Over the years there has been a general decline in trade union membership. The overall membership and trade union density is still low in the country. Although, there are no conclusive official statistics, recent reports show that there are about 60,000-70,000 unionized workers out of the total 301,978 formally employed work force. This represents an estimated union density of about 20%. However, in terms of affiliation, the BFTU seem to have grown to 31 affiliates. This has been mainly due to the fact that four labour organizations namely; Botswana Teachers Unions (BTU), Botswana Secondary School Teachers Union (BOSETU) (formerly BOFESETE), Trainers and Allied Workers Union (TAWU) (formerly Association of Botswana Tertiary Lecturers [ABOTEL]), and the Botswana Land Board Local Authorities Workers Union (BLLAWU) (formerly Botswana Unified Local Government Staff

Association [BULGSA]) were granted trade union status and are now affiliates of the BFTU. It is important to note that this transformation into unions brings with it several challenges that require that the BFTU Secretariat adjusts their political/administrative abilities so that they would be able to shepherd the process of orienting and guiding these associations into effective trade unions in the country.

The changes to the labour laws are said to have brought many challenges including the fact that based on freedom of association, there are now eminent dangers of having further proliferation of trade unions/federations that could break away and undermine workers' unity and solidarity. As earlier observed, the Manual Worker largely comprising government industrial class workers and the Botswana Public Employees Union (BOPEU), (formerly Botswana Civil Servants Association [BCSA]) have, for example, teamed up and are in the process of forming new Federation of Public Service workers which has been roundly condemned by other unions as move that will divide the labour movement in the country.

3.3 Relationship of Trade Union Centre and Affiliates

The Botswana Federation of Trade Unions BFTU, the sole "National Centre" represents affiliates at international, continental, regional and national tripartite forums. At national level, BFTU represents its affiliates in various tripartite forums. Such are purely consultative as against negotiations resulting in government dominance in final decisions.

3.3.1 Fragmentation and Amalgamation of the Trade Unions

Most of the trade unions organizations in Botswana are largely "in-house" unions whose organization ability has not been consolidated. In most cases, it is often common to find different in-house unions in one organization "competing" to recruit members and perpetuating leadership in-fighting across similar workforce. Most trade unions have remained either as "welfare associations" where members look to for soft loans. The move towards the merging of different types of unions into bigger and stronger sectoral unions, which was expected to reduce the affiliates from 25 to about 9 has been slow and hampered by several structural problems.

With the support of the Friedrich Ebert Stiftung (FES), the BFTU initiated the amalgamation process with the aim of reducing the proliferation thus strengthening the labour movement in Botswana. Some unions have made significant strides to the extent that they have developed constitutions, which are ready for submission to the Registrar of Trade Unions. The target is reducing the Unions from 26 to about 10 or 11. The following are some of the efforts that have been made regarding the amalgamation process. The unions were put in clusters as discussed below.

Cluster 1

In this group are Botswana Railways & Amalgamated Workers Union (BRAWU), Botswana Telecommunication Union (BOTEU), Botswana Postal Services Workers Union (BPSWU), and Air Botswana Employees Union (ABEU). These developed the constitution and there is a Task Force in place.

Cluster 2

In this group are Botswana Mine Workers Union (BMWU), Botswana Power Corporation Workers Union (BPCWU), Botswana Diamond Sorters & Valuers Union (BDSU), and Water Utilities Staff Union. These developed the constitution and there is a Task Force in place.

Cluster 3

In this group are Botswana Meat Industrial Workers Union (BMIWU), Botswana Beverage & Allied Workers Union, Botswana Manufacturing and Packaging Workers Union, Botswana Vaccine Institute Workers Union. These developed the constitution and there is a Task Force in place.

Cluster 4

In this group are Botswana Wholesale Furniture and Retail Workers Union (BWFRUWU), Botswana Hotel Tourism & Travel Workers Union (BHTTWU), Botswana Agricultural, Marketing Board Union. The Botswana Commercial & General Workers Union pulled out of the negotiations. The constitution has been finalized, the ballot taken and details have been finalized and forwarded to the Registrar for registration.

Cluster 5

In this group are Central Bank Union (CBU), Botswana Bank Employees Union (BOBEU), Botswana Savings Bank Union (BSBU) and unions in insurance companies. Here negotiations are continuing and a draft constitution is in place.

Cluster 6

In this group are Botswana Housing Corporation Staff Union (BHCSU) and Botswana Construction & Wood Workers Union. Here there is no draft constitution and negotiations have stalled.

Cluster 7

In this group are teachers and related organizations: Botswana Teachers Union (BTU), Botswana Secondary School Teachers Union (BOSETU), Trainers and Allied Workers Union (TAWU), Botswana Primary Schools Teachers Association (BOPRITA), Maranyane Staff Union (MSU), University of Botswana Non-Academic Staff Union (UBNASU). Negotiations have not commenced.

Cluster 8

In this group are public service workers unions such as Manual Workers, Botswana Public Employees Union (BOPEU), Botswana Government Workers (BOGOWU) and Botswana Land Board and Local Government Workers Union (BLLAWU). Negotiations have not commenced.

This process started in 1997 and has dragged on and there has been no firm resolution from the BFTU so that the process is implemented with the urgency it deserves.

3.4 Internal Organization and finances,

The Botswana Federation of Trade Unions BFTU is currently the sole National Centre that represents affiliates at international, continental, regional and national tripartite forums. It survives on subscriptions, a merger grant from government and resources from co-operating partners. Most of the business ventures are not as viable to sustain operations. Currently there are efforts to form an investment wing that would sustain the labour movement.

3.4.1 Services offered to members

Trade Unions are a cornerstone of any effective system of industrial relations that seek to balance the need for enterprises to remain competitive with the aspiration of workers for higher wages and better working conditions. Unions act as agents for labour, organizing large numbers of workers into a single entity whose collective bargaining power matches that of the employer. Trade Unions can also monitor employers' compliance with government regulations, and they can help raise workplace productivity and reduce discrimination. Unions provide their members with important services. At plant level, unions provide workers with a collective voice and at micro or national level they provide advice to Government.

3.4.2 Services offered by Individual Unions

The primary responsibility of individual unions is to act as a negotiating body on behalf of its members on all matters that have a bearing on the relationship between the employer and employees who are its members. Their other responsibilities, which are by no means less important include taking up of employees' grievances as well as the settlement of trade disputes that arise in the workplace. Where the internal mechanisms fail and/or the union and the employer cannot amicably resolve any trade dispute, unions normally take the disputes through the mechanism established by the Trade Disputes Act (from the labour office through to the Industrial Court).

In terms of the constitutive documents of all trade unions, they are supposed to have or establish what is normally referred to as the Education and Research Committee, whose primary responsibility is to educate union members on unionism through the holding of seminars and the distribution of written material on the same subject. In practice however, the Education Committees hardly ever fulfill their mandate because to date, the level of ignorance on trade unionism is very high.

Much as the unions are primarily established for collective bargaining purposes, not much success has, thus far, been achieved in negotiating real wages for employees. This is due mainly to the weakness inherent in the prevalent type of unions in the country, very minimal, if any, militancy as well as the fact that the unions are apolitical. The other reason is attributable to the fact that the right to strike is recognized in law but not in fact. Most importantly, our courts have held that a dispute relating to wages is a dispute of interest. This means, therefore, that the unions cannot take employers to court when there is a dispute relating to wages, unless the wages being paid are lower than the minimum wage. The unions have also not been very successful in safeguarding employment in the sense that

the employers normally determine, where there exist collective labour agreement, what the content of such agreements are. Where none exist, the employers unilaterally formulate all policies, be they disciplinary or otherwise. In most cases, termination of one's employment is not safeguarded beyond what is legally permissible, notwithstanding the fact that the law merely provides the minimum possible standards of workplace relations. This problem is compounded by the fact that the Industrial Court has not been particularly receptive towards the issue of reinstatement as a remedy. The Court appears to have adopted the view that only in exceptional cases should reinstatement be ordered. Notwithstanding the fact that the circumstances under which it should not be ordered are enumerated in the Trade Disputes Act, the Court does not ordinarily order it even where such circumstances do not exist.

3.4.3 Investments by Individual Unions

Currently, the Mining Workers Union, BRAWU, BOSEUTU, BTU and Manual Workers Union have investment schemes for their respective unions built on co-operative basis. Through such co-operative investments they provide loans on flexible terms. The unions are also co-operating with other business partners to provide legal services, funeral grants, computer services, etc for its members.

However, there have been questions in some unions where elected members have sought to sit on business boards with employers and have been known to play dual roles of being defenders of workers as well accomplices to capital.

3.5 Government-trade union relations

The role of the State in Botswana is an interesting case due to its dual nature. The State has adopted the liberal capitalist democracy and welfare/developmental systems (Good, 2004). This combination of ideologies has made difficult to define the position of the State hence its relationship with the different social classes. Nevertheless, after forty years of political independence, the State has been in the process of transformation from a more welfare/developmental state to a more liberal capitalist one (Nthomang, 2005).

The relations between government and trade unions is limited to the participations of the duo in tripartite structures such as the Labour Advisory Board, the Minimum Wages Advisory Board and other such structures set up by government where the labour movement is deemed to be a stake holder. The participation of trade unions is, however, not very significant in terms of their ability to influence government decisions and/or policies particularly since their role is advisory and consequently, the government is not bound to accept any of its views or propositions in those forums.

The trade union movement is, by and large, politically neutral and has publicly not formed an alliance with any political party, including the ruling party. It thus does not explicitly support any particular party, but encourage political parties to adopt pro-labour positions. The idea as one top member of the leadership in the labour movement said is to "put the voice of labour in the political process because the issues trade unions deal with are political nature but not necessarily party politics in nature." They thus feel they should work closely with the government of the day and advocate for the implementation of policies that promote the interests of the working people.

3.6 Role of Trade Unions International Co-operation and Networking

The labour movement through the BFTU has continued to engage on several fronts on several activities that centre on international co-operation and networking. The BFTU is an active member in training workshops organized by the Southern African Trade Union Co-ordination Council (SATUCC), International Labour Organization (ILO), Southern African Network of AIDs Service Organization (SANOSO), Organization of African Trade Union Unity (OATUU), etc. However, it is disappointing to note that the BFTU have lacked the capacity to give technical and professional guidance to those that represent the BFTU, and as result the organization has had no tangible influence at the regional and international policy issues. For example, affiliate union officials that have represented the organization have not provided feedback to the Secretariat through reports because of a weak Secretariat since there are no follow-ups to these activities. Thus on international, continental and regional issues, such as globalization, WTO, EPAs, the BFTU is voiceless despite so many national issues which require its input. But because of the lack of capacity of the BFTU and the absence of political alliance with other social movements it becomes the limping partner amongst other social partners (Government and Employers).

4. TRADE UNION CHALLENGES AND STRATEGIC RESPONSES.

4.1 Internal Organizational Challenges

The labour movement continues to undergo several forms of transformational challenges in Botswana. Most of the challenges have been structural, legislative, and ideological. Below is a review of the main challenges

4.1.1 Structural/Institutional Capacity

As earlier observed elsewhere, most of these affiliates are “in-house” unions rather than sectoral or industrial. These “in-house” unions have a small membership of about 100-500, in most cases without organisational ability and strength. This in itself is a challenge as the unity of purpose has in most cases been lost and employers have exploited the low rate of unionisation against workers pursuit of solidarity and better conditions of service in a work place. In addition, most of these unions lack the capacity and resources to carry out their missions. This has in turn affected the BFTU in the execution of its functions, and has led to the general decline in union activities in the country.

The other major challenge for the BFTU over the years has been that of co-ordination of day-to-day federation activities. The BFTU has on many occasions not met their target because they have had no effective full-time person to oversee the union activities. This structural problem has had profound effects in implementing most of the strategies. In the past, this has been, to larger extent, due to the legislation that did not allow the Secretary General to take up a full time position. This situation had been compounded by lack of resources to remunerate such an officer if they left their full-time employment and seconded to BFTU. This is so because the BFTU’s financial base that depends on affiliate subscription have been on the wane due, in part, to the diminishing membership arising out retrenchments, while the on the other hand existing affiliates have also been perpetually failing to meet their financial obligations to the BFTU.

4.1.2 Fragmentation of the Trade Unions

As indicated elsewhere in this report, most of the trade unions organizations in Botswana are largely “in-house” unions whose organization ability has not been consolidated. In most cases, it is often common to find different in-house unions in one organization “competing” to recruit members. Coupled with leadership in fighting across similar workforce, most trades unions have remained either as “welfare associations” where members look to for soft loans or have been moribund altogether. This is compounded by lack of capacity of most of these trade unions to inculcate a workers ideology and spirit of solidarity.

The need by the BFTU to restructure and consolidate union structures continues to remain at the core of their activities. There have been some deliberate efforts by the BFTU of late to move towards the merging of different types of unions into bigger and stronger sectoral unions, which is expected to reduce the affiliates by over 50%, from 25 to about 9. There has also been the desire to strengthen the BFTU through regionalisation of the federation. However, a lot needs to be done in structural terms in order to make the BFTU a viable vehicle for trade union organisation in Botswana.

4.1.3 Union Consciousness and Solidarity

Clearly, the rate of unionization is extremely low in Botswana. In essence, trade unions are a vehicle that seeks to balance the organizational needs and that of the aspiration of the workers for better conditions of service. Trade unions are supposed to provide a collective voice in solidarity for the productivity of the work place. Trade Unionism leadership is a calling and requires unwavering focus, commitment and dedication. It entails personal self-sacrifice and putting others before self. There is need to have an inner belief to face confrontations, challenges and not to betray the trust that worker bestow on the leadership. This is simply absent in the labour movement in Botswana (Kalusopa, 2005).

4.1.4 Legislative Framework

As observed earlier, the legislative framework has remained one of these hindrances to effective mobilisation. The recent 2004 amendments in labour legislation now provides a framework for increase the right to participate in organising, collective bargaining though there remain several restrictions in labour rights. The changes to the Employment Act, the Trade Unions and Employers Organisation and Trade Disputes Act have brought most of the Botswana laws in line with the international conventions. Despite some of these highlights, many labour rights remain restricted and currently there is very little collective bargaining taking place (Kalusopa, 2005).

4.1.5 Trade Union Education & Training Programmes

Education and training remains one of the major vehicles that any labour movement can sustain itself. The BFTU has partly failed to build solidarity because it has no clear trade union education policy for its affiliates. Most of the education activities taking place are donor driven and not backed up by indigenous drive to create a workers ideology of struggle and social justice.

4.1.6 Information base, Linkages and Networking

The structural linkages of the labour movement are weak. For example, the networking among most affiliates through the BFTU remains elusive. The process linkages through

regionalization are absent. The linkage with marginalized workers such as the domestic and farm workers who do not have the protection of trade unions and in some instances the legislation does not exist.

In addition, a lot of materials and publications such as reports on labour and related issues are being generated every day at national, sub-regional and international levels and within BFTU. These information resources need to be systematically collected, organised, repackaged and disseminated to target users. This can only be realised if an efficient and effective information support system exists. It is not even far fetched to argue that the very survival of BFTU in particular and the labour movement in the region and beyond is dependent on the ability to use information as a strategic and operational resource. At present, this does not exist currently, the BFTU does not systematically collect information and does not even have a database for tracking or monitoring and keeping up-to-date information on the affiliates such as registration, type of union, activities, financial standing to the federations. This scenario is quite similar in its affiliate (Kalusopa, 2005).

4.2 Trade Union Strategic Responses

Trade Unions are the primary means by which worker can unite to better their lives. However, this can only happen if unions adapt to the global, regional and national challenges. The current status of the labour movement does not render that hope and direction that workers in Botswana seek. There is need to reorient the operations of the affiliates and the federation as whole if workers are to benefit from their engagement with labour collectivism and solidarity. It is thus important that the BFTU focuses on the following key ingredients:

- Revitalize and restructure the administrative framework
- Rekindle the ideals, values and culture of unionism and solidarity in the affiliate
- Enhancing advocacy through in-depth research to provide informed positions on key issues affecting the workers such as privatization, new legislation, etc so that they can engage national government effectively.
- Enhancing trade union outreach approaches in the key regions through a cycle of local education programmes to BFTU affiliates on the key themes. This will also involve the promotion of Union to Union exchange programme and the Trainer of Trainers model so as to share expertise and experience within BFTU
- Creating information linkages through the collection of data to create a BFTU database to enhance information flow among the affiliates
-

4.2.1 Revitalizing and restructure the administrative framework

This calls for the emphasis on the combination of BFTU capacity building, involvement and integration of BFTU affiliates into its formalities. It is envisaged that this will ultimately enhance the BFTU's outreach programmes to its affiliates and enrich the organization as an effective national vehicle for labour policy initiatives and activities in Botswana. In line with its broad mandate, it is imperative that the BFTU enhances its institutional capacity in terms human resources. These can assist in administrative, technical and professional support for the Secretariat. A well-oiled Secretariat will enhance the development of effective co-ordinations, information network and carry out effective educational programme especially in light of new legislation. It will also ensure that the BFTU actively gets more actively involved in the initiation and conclusion of the processes of restructuring and amalgamation. The need for a full-time Officers for the BFTU is therefore of paramount.

4.2.2 Rekindle the ideals, values and culture of unionism and solidarity in the affiliates

The central mission of the federation is to stimulate and rekindle the spirit of union organization to bring a maximum number of workers together. Many affiliates on their own may not have the resources or strength to take on a large employer. The BFTU must assume the role of overall strategic co-ordinator in uniting workers to build bargaining strength. There is need to create collective bargaining standard in order to maximize the worker's power. For example, where there multiple unions in the same industry, market or work place, BFTU should facilitate co-ordinated collective bargaining. In fact, this provided for in the current amended labour laws where two or more unions can act jointly through the establishment of a joint industrial council under section 36 of the Trades Dispute Act, 2004

4.2.3 Enhancing advocacy through in-depth research

The engagement of the full-time officers/professional will thus enable the organization to be more pro-active to strengthen policies and campaigns for the amalgamation and national integration of the affiliates. Ultimately, the BFTU will then be able to provide guidance to the affiliate trade union centres on labour issues. In this regard, the in-country part-time professional or consultant is expected, among other things, to write and assemble project proposals and reports related to the BFTU policy position and framework. Among other functions, the following will be the terms of reference for the full-time officers:

- Strengthening professional capacity in information management through the creation of a BFTU databank and maintenance of the web site through updates and dissemination of information through all relevant delivery systems;
- Strengthening professional support in terms of project proposal development as well as administrative back-up such as collating information into briefings or reports, to inform and create BFTU policy;
- Providing technical assistance by using specialist knowledge and experience to assist in the development of BFTU national labour campaigns
- Serving as a professional resource for affiliates by providing assistance in organizational assessment and strategic planning
- Any other professional or technical assistance consonant with BFTU objectives
-

4.2.4 Enhancing trade union outreach approaches through Education

For the labour movement, education and training at all levels is a critical weapon to build solidarity among the affiliates. In addition, for workers to participate fully in economic decision-making processes, they need to understand the current dynamism of government, employers, regional and global frameworks. In this regard, BFTU will help train educators from affiliates on various issues that affect them in order to build their information literacy on labour matters. BFTU should seek the assistance of organisations that specialise in popular education for developing the capacity of the affiliates. In so doing, BFTU will help raise the level of understanding of socio-economic and labour issues among affiliates and thereby enable them to participate more effectively in the decision-making processes.

The local education programmes should be in-built with exchange programmes. It will also be organised to entrench a cycle of training using the trainer of trainers model. The following will be the key activities in the training cycle:

The local education programmes should be in-built with exchange programmes. It will also be organised to entrench a cycle of training using the trainer of trainers model. The following will be the key activities in the training cycle.

4.2.5 Creating information linkages

The challenges that the labour movement faces underscore the need for the organisation to embrace the management of information for its planning, implementation and evaluation of its activities. Most trade union activities are largely knowledge-based and information intensive. The challenges of conception, initiation, implementation, monitoring and evaluation of activities in the trade unions will always require the provision of reliable, pertinent and timely information. This is so because modern organizations now recognize the need to maintain and manage information as an organizational asset. They also recognize the need for individuals in these organizations to be well versed with information literacy and information resources management. Labour organizations are therefore not an exception. The current consequences of globalization entail that as the information age matures into the knowledge age, given the advances in Information Communication Technology (ICTs), individuals will have to be relentless learners. This means to participate meaningfully in this new world order, there is need for both individuals and organizations to develop new or renewed cutting-edge skills based on information appreciation and use. Consequently, it can be acknowledged that a well-managed information delivery system at BFTU can actually facilitate problem definition, measurement and analysis, taking inventories and gainful decisions, evaluation of the plans, programmes and projects.

In addition, a lot of materials and publications such as reports on labour and related issues are being generated every day at national, sub-regional and international levels and within BFTU. These information resources need to be systematically collected, organised, repackaged and disseminated to target users. This can only be realised if an efficient and effective information support system exists. Thus, it is not even far fetched to argue that the very survival of BFTU in particular and the labour movement in the region and beyond is dependent on the ability to use information as a strategic and operational resource.

5. TRADE UNION INFLUENCE ON POLITICAL AND SOCIO-ECONOMIC DECISION MAKING.

As argued by many labour researchers/scholars Trade Unions are a result of capitalism, while at the same time they are opposition to it. Trade unions have played a pivotal role in the struggle against the social injustice of the capitalist system around the world. In Botswana, a liberal democratic peripheral State, Trade Unions have not yet developed as threatening pressure groups to the neo-liberal capitalist system in Botswana (Good 2004; Mogalakgwe, 1997). Instead, trade unions have been passive defenders of the working-class, and have been accommodated to not challenge the capitalist system. Instead of transforming the system, they just patch the imperfections of it through welfarist demands (Good 2004; Mogalakgwe, 1997). As aptly observed by Seara (2006), though legitimate their fight has been regarding the rise of wages, the improvement of working conditions and the protection of legal and socio-economic rights of workers; they have not developed as political entities as Marx envisioned nor they are apolitical either. There are union members who represent individual political interests within the unions; but in general, Trade Unions have been co-opted by the State in order to facilitate the latter's work in the 'peaceful capitalist development' of the country (Seara, 2006). It is this clear that the State in Botswana has influenced the Trade Unions economically, socially, politically, ideologically, and legislatively. This influence in tandem with other factors that have been discussed in this report, have retarded the development of a strong labor movement in the country.

The BFTU represents the collective voice of the workers of Botswana. However, after more than thirty years of existence it has not yet achieved being a representative entity of all the workers interests. Some argue that the BFTU is a 'sweetheart' organization rather than an aggressive one when pursuing the interests of workers (Friedman-Rudovsky, 2001). Its low unionization density and the absence of major improvements in the working class and the Botswana society as a whole are evidences of the BFTU ineffectiveness. Nevertheless, this report reveals that the failure of the BFTU in developing a strong labor movement in Botswana is not only due to its own internal shortcomings, but also because of more complex factors. In order to understand the ineffectiveness of the BFTU today, it is pivotal to comprehend the dual nature of the state of Botswana, and its relationship with the labor movement. It is argued that the State's adoption of Liberal Democracy together with its position as a Welfare State has delayed the progress of labour movements. The proletariat class consciousness has never fully developed due to little industrialization, and too much reliance on the State (Good 2004; Mogalakgwe, 1997).

Further, the State has managed to exert control on the labour movement in a myriad of forms. Ideologically, the State has manipulated the labor movement through a persuasive rhetoric whose emphasis is upon 'building a united nation' through 'peace and stability'. (Good 2004; Mogalakgwe, 1997). It is also argued that ideological manipulation has retarded the process of a formation of a proletariat in the lines of Marxism, and instead it has accommodated the labour movement to function within the capitalist system without challenging the core of it. It has also been often asserted that another obstacle to the advance of the labor movement has been the 'culture of obedience' practiced by Batswana (Seara, 2006). This factor has contributed to the passiveness of the labour movement in that there is an absence of the ability to challenge of higher authorities in the labour movement. Thus the labour movement has been compromising with the neo-liberal capitalist State instead of defying it.

REFEREENCES

Bank of Botswana.2006, *The Botswana Economy in 2005 and the Theme Chapter*, Bank of Botswana, Gaborone.

BIDPA.2006, *The Youth Employment Challenges in Southern Africa: Policy Responses and Programmes Targeting Young Women and Men at National Level: The Case of Botswana*, BIDPA, Gaborone.

BIDPA.1997, *Study on Poverty and Poverty Alleviation in Botswana*, Ministry of Finance and Development Planning, Gaborone.

BIDPA.2006, *Overview of the Economy during the National Development Plan 9 (NPD 9)*. Paper prepared by Monnane Monnane (Research Fellow) for the Botswana Federation of Trade Unions (BFTU) Workshop on National Economic Literacy on 23rd February, 2006 at Crystal Palace, Gaborone, Botswana

Botswana. Central Statistics Office.2007, *The 2005/2006 Labour Force Survey*, Government Printer, Gaborone

Botswana. Central Statistics Office.1998, *1995/96 Labour Force Survey*, Government Printer, Gaborone.

Botswana. Central Statistical Office.2004, *2002/2003 Household Income and Expenditure Survey*. Government Printer, Gaborone.

Botswana. Central Statistical Office.2004, *Labour Statistical 2002*, Government Printer, Gaborone.

Botswana. Central Statistical Office.2007. *The 2005/06 Labour Force*, Government Printer, Gaborone.

Botswana. Ministry of Finance and Development Planning. 2003, *Annual Economic Outlook*, Government Printer, Gaborone.

Botswana. *Ministry of Finance & Development Planning. National Development Plan 9 2003/04 – 2008/09*. Government Printer, Gaborone.

Botswana. Ministry of Finance & Development Planning.2005, *Mid Term Review of National Development Plan 9*, Government Printer, Gaborone.

Botswana. Ministry of Finance & Development Planning. 2007, *Budget Speech* Government Printer.

BFTU.2004, *Position Paper*, Gaborone: BFTU

BFTU.2004, *Constitution of the BFTU*. Gaborone: BFTU

BFTU.2006. *Position Paper on Privatization in Botswana*, Gaborone: BFTU

Cooper, D.1985, 'Unions in Botswana: comparisons with Lesotho,' *South African Labour Bulletin*, 10 (July/August 1985), p. 109

Employment Act Chapter 47:01 Government Printer, Gaborone, Botswana

Good, K.2004, *Realizing Democracy and Legitimacy in Southern Africa*. Pretoria: Africa Institute of South Africa, Pretoria.

FES.2003, *Trade Unions in Botswana: Country Report*

Friedman-Rudovsky, J.2001, *Botswana Power Corporation Workers Union: A historical analysis. Directed Independent Study Project*. Gaborone: Pitzer College.

Kalusopa, T.2005, *Towards a Consolidated and Progressive Labour Movement in Botswana*. Paper presented to the BFTU General Council in Palapye on 10th December, 2005, Gaborone: BFTU

Magalagwe, M.1997, *The State and Organized Labour in Botswana.” Liberal Democracy in emergent Capitalism* England: Ashgate Publishing.

Nthomang, K.2005, *Development Studies and Social Studies*. Gaborone: UB

Seara, M.B.2005, *Understanding the Limitations of Building and Consolidating the Botswana Federation of Trade Unions. Directed Independent Study Project*. Gaborone: Pitzer College

Trade Dispute Act, 2003. Act No. 15 of 2004 [Government Printer, Gaborone, Botswana]

Trade Unions and Employers’ Organizations. Chapter 48:01. Government Printer, Gaborone,

Trade Unions and Employers’ Organizations. (Amendment) Act, 2003 Act No. 16 of 2004 [Government Printer, Gaborone, Botswana]

APPENDICES

I. SOCIO-ECONOMIC DATA

INDICATOR	VALUE	YEAR
Population	1, 702,829	2005/06
GDP at current prices (US dollars)	\$ 9.2 billion	2007/08
GDP per capita (US dollars)	\$ 3, 800	2007
Inflation	14.5%	June, 2008
Formal Sector Employment	301,978	March, 2007
Economically active	68% (App. 1,157,924)	2005/06
Informal sector employment	68383	1999/00
Unemployment rate	17.6%	2005/06
Private Sector Employment	172, 882	March, 2007
Private & Parastatal Employment	187,588	March, 2007
Central Government Employment	88,521	March, 2007
Local Government Employment	25,869	March, 2007

II. SUMMARY OF LABOUR LEGISLATION IN BOTSWANA

Employment Act (Cap 47:01)

It sets out the basic minimum terms/conditions of employment for private sector, parastatal corporations and public employees. In particular, it outlines the duties of the parties to a contract of employment, maximum hours of work, their entitlement to various types of leave with pay, minimum wages as well as legally permissible ways of terminating employment contracts.

Trade Unions and Employers' Organizations Act (Cap 48:01)

It embodies the rules on formation and registration formalities for trade unions, amalgamation of trade unions, federations of trade unions as well as employers' organizations. It also spells out the consequences of registration of the aforementioned bodies. More importantly, it reiterates each employee's entrenched right to form and/or join trade unions and outlaws discrimination on the basis of trade union membership.

Trade Disputes Act (Cap 48:02)

Outlines the trade disputes settlement mechanism at both individual and collective level. It also encourages collective bargaining in the sense that it does create a possibility for the establishment of Joint Industrial Councils between employers/industries and trade unions recognized by such employers/industries and it also states the legal significance of collective labour agreements. More significant is the fact that it discourages strike action by failing to outline circumstances under which strike action will be deemed to be lawful.

Factories Act (Cap 44:01)

Provides for the regulation of the conditions of employment with particular regard to safety, health and welfare of persons employed in factories and for the safety and inspection of certain plant and machinery in order to ensure that workplace safety is observed at all times.

Worker's Compensation Act , Act No. 23 of 1998

Obliges employers to keep all their employees insured or for them to set aside sums of money as may be determined by the Commissioner of Labour for purposes of compensating the employees for injuries suffered or occupational diseases contracted in the course of their employment or for death resulting from such injuries or diseases.

Public Service Act (Cap 26:01)

Sets out in general terms the criteria for appointment to the public service, termination of appointments and retirements, as well as the terms and conditions of service for public officers. The Act also defines misconduct and unsatisfactory service and the appropriate penalties therefore.

III. TRADE UNIONISM IN FIGURES

Unionisation rate (% of formal sector employees)	Approximately 20%
Collective Bargaining coverage (% of formal sector employees covered by collective bargaining)	Approximately 98%
Number of Trade Union members, female (in % total)	Inclusive data but very low
Percentage (%) of women in leadership function in trade unions (in % of total leadership)	Inclusive data but very low
Number of Trade Unions	33 (2008)
Number of Trade Union Centres	1 (2008)

Number of unions affiliated to major national centre	31
Sectors that tend to have sector unions	Mining, retail and manufacturing, public service
Strikes and lock-outs (man-days lost in wage related strikes)	Not available

IV. NATIONAL TRADE UNION CENTRE

Name	Botswana Federation of Trade Unions (BFTU)
Numbers of Affiliates	31 (2008)
Membership	Approximately 20% of formal work force
Political Orientation	None (Belief in social justice)
International Trade Union Affiliation	ITU, OATU
Regional and sub-regional affiliation	SATUCC
Name of President	Mr. Japhta Radibe
Name of Secretary General	Mr. Gadzani Mhotsa

V. CURRENT REGISTERED TRADE UNIONS IN BOTSWANA

NO	NAME	NO	NAME	NO	NAME	NO	NAME
1	Air Botswana Employees Union	2	Botswana Diamond Sorters Valuers Union	3	Botswana Private Medical and Health Services Union	4	Citizen Entrepreneurial Development Agency Workers Union
5	Barclays Management Staff Union	6	Botswana Energy Workers Union	7	Botswana Railway Train Crew Union	8	Insurance Employees Union of Botswana
9	BCL Citizen Senior Staff Union	10	Botswana Hotel And Tourism Workers Union	11	Botswana Railways Amalgamated Union	12	Kents Botswana Workers Union
13	Botswana Agricultural Marketing Board Workers Union	14	Botswana Housing Corporation Staff Union	15	Botswana Savings Bank Employees Union	16	National Amalgamated Local and central Government and Parastatal Manual Workers Union
17	Botswana Bank Employees Union	18	Botswana Manufacturing and Packaging Workers Union	19	Botswana Security Services Workers Union	20	National Development Bank Employees Union
21	Botswana Beverages and Allied Workers Union	22	Botswana Meat Industries Workers Union	23	Botswana Telecommunication Employees Union	24	Non-Academic Staff Union
25	Botswana Brigade Teachers Union	26	Botswana Media Workers Union	27	Botswana Vaccine Institute Union	28	Rural Industries Promotions Workers Union
29	Botswana Bureau Of Standards Staff Union	30	Botswana Mining Workers Union	31	Botswana Wholesale Furniture and Retail Workers Union	32	University of Botswana Academic and Senior Support Staff Union
33	Botswana Commercial and General Workers Union	34	Botswana Postal Services Workers Union	35	Botswana Wholesale Retail Trade and Distributive Workers Union	36	Water Utilities Employees Union
37	Botswana Community Junior Secondary Schools Workers Union	38	Botswana Power Corporation Middle Management Staff Union	39	Central Bank Union	40	Institute of Development Management Botswana Workers Union
41	Botswana Construction and Wood Workers Union	42	Botswana Power Corporation Workers Union	43	Botswana College of Agriculture Staff Union	44	Maranyane Staff Union
45	Botswana Land Board & Local Government Union	46	Botswana Secondary School Teachers Union	47	Botswana Government Workers Union	48	Botswana Public Employees Union
49	Botswana Teachers Union	50	Trainers and Allied Workers Union				

Source: Office of the Registrar of Trade Unions (April 2008)

VI. NATIONAL AFFILIATES OF THE BFTU

NAME	SECTOR	MEMBERSHIP	NATIONAL AFFILIATION	INTERNATIONAL AFFILIATION
Air Botswana Employees Union (ABEU)	Transport	Not available	BFTU	
Botswana Commercial & General Workers Union (BCGWU)	Hotels, Wholesales and General sectors		BFTU	
Botswana Construction & Wood Workers Union (BCWWU)	Construction		BFTU	IFBWW
Botswana Railways Amalgamated Workers Union (BRAWU)	Transport		BFTU	ITF
Central Bank Union (CBU)	Financial		BFTU	
Botswana Mining Workers Union (BMWU)	Mining		BFTU	ICEM
National Development Bank Employees Union (NDBEU)	Financial		BFTU	
Botswana Bank Employees Union (BOBEU)	Financial		BFTU	
Botswana Power Corporation Workers Union (BPCWU)	Energy		BFTU	ICEM
Botswana Meat Industry Workers Union (BMIWU)	Agriculture		BFTU	
Botswana Agricultural Marketing Board Workers Union (BAMBWU)	Agriculture		BFTU	
Botswana Postal Services Workers Union (BPSWU)	Communication		BFTU	
Botswana Housing Corporation Staff Union (BHCSU)			BFTU	
Botswana Telecommunications Employees Union (BOTEU)	Communications		BFTU	UNI
Botswana Diamond Valuators & Sorters Union (BDSU)	Mining		BFTU	ICEM
Institute of Development & Management Workers Union (IDMWU)	Public Service		BFTU	

Botswana Savings Bank Employees Union (BSBU)	Financial		BFTU	
Botswana Wholesale Furniture & Retail Workers Union (BFRUWU)	Retail		BFTU	
Maranyane Staff Union (MSU)	Public Service		BFTU	
Botswana Beverages & Allied Workers Union (BBAWU)	Retail		BFTU	
Botswana Hotel Travel & Tourism Workers Union (BHTTWU)	Tourism		BFTU	
Botswana Manufacturing & Packaging Workers Union (BMPWU)	Manufacturing		BFTU	
Botswana Private Medical & Health Workers Union (BPMHWU)	Health		BFTU	

Botswana Teachers Union(BTU)	Public Service		BFTU	
Botswana Secondary Teachers Union (BOSETU)	Public Service		BFTU	
Botswana Government Workers Union (BOGOWU)	Public Service		BFTU	
Botswana Vaccine Institute Staff Union (BVISU)	Agriculture		BFTU	
Botswana Land Board and Local Authorities Workers Union (BLLAWU)	Public Service		BFTU	
Trainers & Allied Workers Union (TAWU)	Public Service		BFTU	
University of Botswana Non-Academic Staff Union (UB-NASU)	Public Service		BFTU	
University of Botswana Academic and Senior Staff Union (UBASSU)	Public Service		BFTU	

