

EMPLOYMENT (AMENDMENT) ACT, 2003

No. 14



of 2003

ARRANGEMENT OF SECTIONS

SECTIONS

1. Short title
2. Amendment of Cap. 47:01
3. Amendment of section 143 of the Act

An Act to amend the Employment Act

Date of assent: 5th August, 2003.

Date of commencement: 22nd August, 2003.

ENACTED by the Parliament of Botswana.

1. This Act may be cited as the Employment (Amendment) Act, 2003.

Short title

2. The Employment Act (hereinafter referred to as "the Act") is hereby amended by inserting, immediately after section 91 thereof, the following new section —

Amendment
of Cap.
47:01

"Employee's
claims arising
out of his
employment

91A (1) In the event of an employer's insolvency, an employee's claims arising out of his employment shall be payable out of the assets of the insolvent employer before non-privileged creditors are paid their shares.

(2) The protection referred to in subsection (1) shall extend to the following claims —

- (a) the employee's claims for wages up to three months prior to the insolvency or to the termination of employment;
- (b) the employee's claims for payment as a result of work performed during holidays within a period of twenty-four months prior to the insolvency or termination of employment;
- (c) the employee's claims for any amount due to him in respect of other types of paid absence for a period not less than three months prior to the insolvency or to the termination of employment; and
- (d) such severance benefits or other terminal benefits as the employee is entitled to."

Amendment
of section 143
of the Act

3. Section 143 of the Act is amended by substituting, therefor, the following new section —

“Establishment
of Labour
Advisory
Board

(1) There is hereby established a Board to be known as the Labour Advisory Board (in this Part referred to as “the Board”).

(2) The functions of the Board shall be to —

(a) advise the Minister on any proposed legislation, rules, codes, guidelines or model agreements relating to dispute prevention and resolution;

Cap. 48:02

(b) review dispute prevention and resolution procedures under the Trade Disputes Act and to advise the Minister thereon where necessary;

(c) advise the Minister on the qualifications, appointment, terms and conditions of appointment, and the removal of mediators and arbitrators appointed in terms of section 4 of the Trade Disputes Act; and

Cap. 48:02

(d) advise the Minister in respect of any matter on which advice or recommendations are required or permitted in terms of this Act or any other labour law.

(3) The Board shall make its own rules of procedure, including the establishment of committees to perform its functions.

(4) The provisions of the Fifth Schedule shall have effect in respect of the Board.

(5) The Minister may, by order published in the Gazette, amend the Fifth Schedule.”.

PASSED by the National Assembly this 25th day of March, 2003.

C.T. MOMPEI,
Clerk of the National Assembly.