

# View from Botswana

 By [Aadil Patel](#)

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On 16 May 2011, a total of 2934 public officers employed in essential services throughout Botswana were dismissed for failing to comply with an industrial court order.

The court declared their strike for higher wages to be unlawful and interdicted them from continuing with the strike. On 16 September, 2011, three trade unions representing the dismissed employees, together with one of their members, launched proceedings to have the dismissals reviewed and set aside. The application was successful. The matter was subsequently taken on appeal to the Court of Appeal of the Republic of Botswana.

## Appeal Court statement

In paragraph 78 of the judgment by the Botswana Appeal Court, the Court stated as follows: "In Botswana strikes are not a common occurrence. We have no 'strike season' and violence and destruction to property during industrial action is almost unknown. Generally, industrial relations are good, with mutually acceptable salary increases being sensibly negotiated from time to time, both in the private sector and the public sector.

"This is to be expected in a country that has enjoyed peace and stability for more than 45 years since independence. The public service, which is the backbone of the administration, enjoys a well-earned reputation for diligence and discipline, which is difficult to match in the region. Botswana is also a country in which the rule of law is universally respected. Court orders are to be obeyed, promptly and without debate, as every Botswana knows. Disagreement can be debated later, in an appeal. No exception is made in the case of strikers or their unions.

"Against that background, the public service general strike - the first in Botswana's history - came at an unpropitious time. Public officers had not had a rise in salary for a considerable period and the cost of living had risen steadily. But this coincided with a worldwide recession from which Botswana was not immune. Diamond sales had slumped and there were severe budgetary constraints. This made salary negotiations extremely difficult."

## ABOUT AADIL PATEL

Aadil Patel is a director and national practice head of the employment practice at Cliffe Dekker Hofmeyr. Aadil has broad experience in employment law and has acted extensively for various employers, both public and private entities. Aadil also has experience in the areas of public sector, employee benefits, administrative, constitutional and Islamic Finance law. Email him at [aadil.patel@dlacdh.com](mailto:aadil.patel@dlacdh.com)

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