



# Employment

# Overview

Minchin & Kelly (Botswana) was established in 1890 to serve the commercial and legal needs of Botswana and has successfully served this purpose for over a century.

The firm continues to provide high quality legal services to domestic clients in Botswana but has also developed into a leading provider of services to international clients wanting to invest or do business in the country.

## About Us

The firm's historical association with and presence in Botswana together with a highly skilled and internationally experienced team of lawyers allows us to provide clients with commercial, legal and business solutions to complex legal issues in a manner that is sympathetic to and workable in Botswana.

The firm's primary areas of practice include corporate and commercial, banking and finance, projects, commercial litigation, insolvency, labour law and property. Clients include financial institutions, national utility companies, global corporations, FTSE 100 and Fortune 500 companies, the Botswana government, individuals and various other medium to large companies.

As of March 2012, the firm formally became a member of DLA Piper Africa, a network of independent law firms working across Africa. DLA Piper is the largest law firm in the world with a total of 4,200 lawyers practising in more than 40 countries worldwide. Our membership of this network has given our firm access to specialised legal skills in practically every field of employment law.

## Overview

Recent developments in the area of Employment law include the introduction of the Industrial Court, and formal alternative dispute resolution forums such as Mediation and Arbitration. This has led to the growth of the Minchin & Kelly (Botswana) Employment law department both in human resources and experience.

We have extensive experience in wide-ranging employment issues relating to restructurings, redundancies, business transfers and union, policy drafting.

We advise on collective disputes, disciplinary hearings, employee benefits and incentives, occupational health and safety, and skills development.

## Our Experience

In 2005 the Industrial Court of Botswana opened its doors and we have through numerous court trials and arguments at this court contributed to the refining of employment law principles.

## Our Services

### Dispute Resolution

We represent clients at all employment-related forums including the Labour Commissioner Arbitrations, Industrial Court, High Court and the Court of Appeal.

Our expertise extends to advising and representing clients in the following disputes:

- Retrenchments
- Unfair dismissals
- Restructurings
- Industrial action
- Severance benefits
- Trade disputes
- Employer and employee relations
- Disciplinary proceedings

### Advising The Chairperson Of Disciplinary Hearings And Disciplinary Appeals

We advise the chairperson of disciplinary hearings and disciplinary appeals, and on occasion, chair hearings on behalf of clients. Our experience in chairing disciplinary hearings has made us the trusted chair of disciplinary hearings for most of our clients.

### Employment Law Advisory

We advise clients and provide opinions on a wide range of non-litigious employment law matters. Our services include but are not limited to:

- Transfer of business as a going concern
- Restraint of trade and severance pay advisory
- Collective agreements
- Custom and practice
- Contracts of employment
- Workers compensation
- Formation of trade unions
- Trade disputes

### Our experience

- Advising the trustees of a major private hospital under judicial management on the legal issues arising from the sale of the hospital as a going concern specifically in relation to the employees of the hospital.
- Advising large organisations, locally and internationally, on complex and challenging restructurings, retrenchments, disciplinary matters, transfer of undertakings, collective bargaining issues, individual labour law matters, dismissals and unfair labour practice.
- Representing management of a major retail bank on their application for recognition of their trade union.
- Advising on employment matters concerning the merging of large corporate companies.
- Drafting specialised employment agreements including restraint of trade agreements and related documents.

### Key Contacts



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Further information on DLA Piper Africa and DLA Piper can be found at [www.dlapiperafrica.com](http://www.dlapiperafrica.com).

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It is not intended to be, and should not be used as, a substitute for taking legal advice in any specific situation. Minchin & Kelly will accept no responsibility for any actions taken or not taken on the basis of this publication. This may qualify as "Lawyer Advertising" requiring notice in some jurisdictions. Prior results do not guarantee a similar outcome.

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