

QUALIFICATION SPECIFICATION						
SECTION A						
QUALIFICATION DEVELOPER		Institute for Labour and Employment Studies				
TITLE	Diploma in Labour Law				NCQF LEVEL	6
FIELD	Law & Security		SUB-FIELD		Law	
New qualification	√	Review of existing qualification				
SUB-FRAMEWORK	General Education		TVET		Higher Education	
QUALIFICATION TYPE	Certificate		Diploma	√	Bachelor	
	Bachelor Honours		Master		Doctor	
CREDIT VALUE					252	
RATIONALE AND PURPOSE OF THE QUALIFICATION						
<p>Rationale:</p> <p>Labour issues such as employee/employer disputes, wage negotiations, strikes and labour offices and Industrial Court cases are a reality in today's business world.</p> <p>Recognizing the capacity gap in the local labour and industrial relations landscape, the qualification aims to initiate and institutionalize the training, education and research activities with regards to labour issues. It aims at, among other things, reducing the high legal/litigation costs incurred by organisations including unions following their attempts to resolve labour disputes involving employees. This is because there still exist some gaps, despite the fact that there has been training by some organisations, amongst them unions, in capacity building of the workplace representatives in handling grievances.</p> <p>The gaps are rather widened by the limited knowledge of the labour laws, especially those tasked with representing their organisations or union members. Thus, there is need to enhance knowledge, skills and competences on labour laws and related matters. This is important because a deep knowledge of the various issues relating to labour law is critical to a host of labour relations issues.</p> <p>There is, therefore, an increasing need for competent and knowledgeable people to fulfil various roles in the labour sector, so as to solve labour disputes fairly with the minimum of disruption to business operations and with justice and fair treatment for all parties concerned. This qualification thus aims to develop theoretical competencies and practical skills for individuals to effectively operate in the field of Labour Law.</p> <p>This qualification, which is aligned to international trends on unionism and labour relations in the 21st century, acknowledges the fact that skills acquisition by union members is one of the most important factors to reducing labour related disputes. It is also intended to be a more synergetic one that consists of stronger theoretical and practical components particularly in the areas of mediation, arbitration, union matters and employment disputes resolution mechanisms, which have been found to be lacking among union</p>						

members. This synergy and new subject-packaging concentrations are also articulated in both the National Curriculum and Assessment Framework [NCAF] (Republic of Botswana, 2015a) and Education and Training Strategic Sector Plan [ETSSP: 2015-2020] (Republic of Botswana, 2015b).

Purpose

The development of this qualification is to build capacity for the creation of a friendly and just labour relations climate in the country. This is crucial to issues of social justice and is aimed at building capacity in the sub-field of Justice in Society. In the end, the qualification will promote some of the principles contained in the Constitution leading to a just and democratic society based on the respect for the rule of law.

The focus of this qualification is therefore to provide trainees with the necessary knowledge, skills, study and practice of Labour Law. The qualification thus offers opportunities for employment in many fields in the public and private sectors where knowledge of Labour law is a distinct advantage. This programme is designed to enable students to specialize in Labour Law.

This diploma is designed for students who endeavour to pursue a career in Labour Law and Labour Relations to practice as labour brokers, human resource practitioners, union officials and labour officials. The qualification consists of formal labour relations legislation and detailed procedural prescriptions. It will prepare students for careers in both corporate as well as private labour practice in the brokerage and union environments. The learning is applicable in both the public and private sectors. The qualification also aims to develop specific skills in communication, organisational behaviour and computing. With a continuous Work Integrated Learning (WIL) component, students will be well quipped to enter the labour market. The students will be able to provide a labour advisory service to unions, administer compensation and benefits claims, render assistance to unions, the Labour offices and private and corporate practice, apply labour practice in the Human Resource environment and participate in dispute settlement.

The qualification is aimed at cultivating diverse skills and knowledge that will enable the trainees to address labour related issues such as negotiation, arbitration, mediation in the workforce. The key aims of the qualification are:

- to provide practical-oriented training in Labour Law to people in the legal profession, the business world, trade unions and the public sector.
- to equip working professionals in the Labour Law field with the knowledge and capacities required to act as dispute resolution practitioners, including arbitrators, mediators and conciliators'. It will also be invaluable to trade union and employers' representatives in enabling them to participate more effectively in labour dispute resolution processes collective bargaining.
- to equip students with theoretical and professional knowledge and skills, and to prepare them for specialized labour law practice, further study, or application of labour law knowledge and skill.
- to produce trainees who have a systematic and coherent body of knowledge and an understanding of relevant concepts and principles; a high level of cognitive and other generic skills including problem-

solving and the practical application of principles; written and spoken communication and computer literacy; and competence in applying knowledge through basic research methods and practice.

- to provide trainees with sufficient depth of knowledge and skills for continued and lifelong personal intellectual growth, including further study.
- to provide trainees with a new set of skills enriched with effective mechanisms for the resolution of labour disputes involving union members.
- to provide suitably qualified trainees having initiative, responsibility, and the requisite ethical standards to participate in promoting the attainment of fair labour practices and the development of just labour relations.
- to provide the labour movement community with individuals who are empowered to accept their responsibility towards the realization of a just society based on a constitutional democracy and the rule of law within an international legal order.
- to develop skills, knowledge, and competencies that are grounded in an Outcomes-Based Education (OBE) programme as advocated for in the NCAF. The programme also complies with the new NCQF credits and notional hours.

ENTRY REQUIREMENTS (including access and inclusion)

To be eligible for admission to the Diploma in Labour Law, a candidate shall:

- 1.1 NCQF Level IV, Certificate IV in General Education (Botswana General Certificate of Secondary Education) or equivalent, including a pass in English language.
- 1.2 NCQF Level V, Certificate V in Law or related area from any recognised institution. obtained with a minimum classification of a credit, or an equivalent qualification.
- 1.3 Mature age entry will be provided for, conditions for which will be determined by the individual providers in accordance with relevant policies and procedures.
- 1.4 Recognition of Prior Learning (RPL) and Credit Transfer and Accumulation System (CATS) will also apply for entry into this qualification, in accordance with the relevant national and Provider-based policies.

QUALIFICATION SPECIFICATION	
SECTION B	
GRADUATE PROFILE (LEARNING OUTCOMES)	ASSESSMENT CRITERIA
1. Advise and assist unions regarding the correct application of relevant labour legislation.	1.1. Collect, collate, analyse and organise information related to labour legislation. 1.2. Apply labour legislations and judicial precedents to labour related issues. 1.3. Communicate information clearly and fluently to clients. 1.4. Use computer technology to access, process and store information.
2. Process and administer compensation and benefits.	2.1 Apply appropriate legal principles to applications for benefits and compensation. 2.2 Apply critical thinking to compensation and benefits issues. 2.3 Demonstrate knowledge of ethics and ethical standards applicable in the sector. 2.4 Behave ethically according to the applicable code of conduct in relation to responsibilities within a labour context. 2.5 The learner can act responsibly and ethically as a researcher and scholar. 2.6 The learner can understand, interpret and apply relevant conventions and guidelines applicable to research and scholarship.
3. Provide a labour advisory practice to the private and/or corporate sectors.	3.1 Identify, select and analyse information relevant to labour relations issues in the private. 3.2 Select strategies to advise and assist the different sectors on Labour Law issues. 3.3 Research and analyse labour legislation and court precedent to give correct advice to entities in the private and corporate sectors.
4. Provide a support service to the Labour office or equivalent and other collective bargaining structures.	4.1 Identify and interpret appropriate labour legislation. 4.2 Show a comprehensive and well-founded knowledge of the application of the rules, functions, powers and duties of the different collective bargaining structures. 4.3 Collect, analyse and organise information and ideas. 4.4 Convey information and ideas clearly and fluently in both written and spoken form.
5. Identify and resolve disputes within the Human Resource environment and practice.	5.1 Identify problems and create solutions to improve current labour practices. 5.2 Interact effectively with others in order to work towards a common outcome. 5.3 Engage effectively and appropriately with information and communication technologies.

QUALIFICATION STRUCTURE			SECTION C
FUNDAMENTAL COMPONENT	Title	Level	Credits
Subjects / Units / Modules /Courses	Communication and Study Skills	6	12
	Information Technology	6	12
CORE COMPONENT Subjects / Units / Modules /Courses	Introduction to Law	5	12
	Legal Research Skills	6	12
	Constitutional Law	6	12
	Employment Law 1	5	12
	Labour Law 1	5	12
	Introduction to Labour Social Security Law	5	12
	Law Obligations 1	5	12
	Labour II	6	12
	Employment Law II	6	12
	Alternative Dispute Resolution	6	12
	Labour Practice and the Courts	6	12
	Law Obligations II	6	12
	Internship	6	28
	Administrative Law	6	12
	Occupational Health & Safety Law	6	12
	Introduction to International Labour Law	6	16
	Research Essay	6	16
	TOTAL NUMBER OF CREDITS		252
ELECTIVE COMPONENT Subjects/ Units/ Modules/ Courses			
Rules of combinations, Credit distribution (where applicable):			
Credit Distribution:			
Level 5 Credits		60	
Level 6 Credits		192	
Total Number of Credits		252	

ASSESSMENT AND MODERATION ARRANGEMENTS

ASSESSMENT ARRANGEMENTS

Formative Assessment:

The outcomes of each module in the qualification are assessed through Continuous Assessments and using different relevant instruments. The instrument for assessment will include assignments, presentations, case studies and tests for each module covering all the outcomes. Formative assessment will contribute 50% to the Final grade.

Summative:

Final examination will be conducted upon completion of the individual modules. All the outcomes of the module will be assessed in the final examination. Final examination will contribute 50% to the Final grade.

A weighted aggregate score of 50% across the Continuous Assessments and a minimum 50% in the Final examination are the requirements to Pass a module.

Practical (Internship):

Practical experience is assessed through the internship module worth 12 credits. Learners will be given time for attachment with relevant industry organisations, and will be assessed through a structured format.

MODERATION ARRANGEMENTS

Internal moderation requirements

Candidates' assessment will be subjected to internal moderation procedures in accordance with relevant guiding policies and procedures. Such moderation procedures will ensure that learner achievement is fully compatible with requisite standards as regards assessment of work at this level.

External moderation requirements

Assessment outcomes will be subjected to external moderation, guided by the necessary and relevant policies and procedures. Moderation of students' achievements and the overall award of the qualification at the exit level must be based on the well-established procedures of using registered external moderators (external to the provider). The external moderators should have appropriate qualifications.

RECOGNITION OF PRIOR LEARNING (if applicable)

Recognition of Prior Learning will apply for the award of this qualification. It will be conducted according to the relevant national and provider-based policies, guidelines and procedures.

PROGRESSION PATHWAYS (LEARNING AND EMPLOYMENT)

Horizontal Articulation (related qualifications of similar level that graduates may consider)

This Qualification articulates horizontally with any law, labour or industrial relations Diploma qualification at NCQF Level 6, such as:

- Diploma in Commercial Law
- Diploma in Employment Relations
- Diploma in Labour Relations
- Diploma in Law

Vertical Articulation (qualifications to which the holder may progress to)

Learners with the Diploma in Labour Law qualification will be able to articulate vertically into the Bachelor of Laws (LLB) qualification.

QUALIFICATION AWARD AND CERTIFICATION

Minimum standards of achievement for the award of the qualification

A candidate shall be eligible for the award of the Diploma in Labour Law upon completion of a minimum of 252 credits of the courses indicated in the qualification structure.

Certification

Upon satisfying the specified requirements for completion of the qualification, a candidate will be awarded a Diploma in Labour Law qualification certificate.

REGIONAL AND INTERNATIONAL COMPARABILITY

This qualification has been internationally benchmarked and compared with other countries save for slight variations in terms of learning content that is peculiar to individual countries as Botswana Labour law is different to legislation in other countries. However, the qualification is similar in general content and outcomes to those offered elsewhere in that it deals with relevant legislation in Botswana, labour dispute processes and the application of legislation in workplace contexts. The following qualifications follow the same general format as this Diploma:

- **Vaal University of Technology: Diploma in Labour Law**
The Vaal University of Technology offers a comparable Diploma in Labour Law programmes which is intended to give the learner have a professional, vocational and sound understanding of the field of Labour Law. The entry requirement is a national senior national qualification (which is equivalent to the Botswana BGCSE) or through the RPL. For further information with regards to this programme, it can be obtained at <https://regqs.saqa.org.za/viewQualification.php?id=83646> (accessed 22 September 2020).
- **Central India Institute of Management Studies: Diploma in Labour Law**
The Central India Institute of Management offers a comparable Diploma in Labour Law programme. The Diploma full time 6 month programme. Eligibility for entry in to the programme is a standard 10+2 system of an education, which is equivalent to

Botswana's BGCSE. For further information with regards to this programme, it can be obtained at https://collegedunia.com/college/17434-central-india-institute-of-management-studies-ciims-jabalpur/courses-fees?course_id=5025

- **Oxford College: Diploma in Employment Law**

The Oxford College offers a comparable programme. Their Diploma in Employment Law is similar to that of ILES. It contains modules similar to those of the ILES Diploma in Labour Law. Eligibility for entry requires a minimum of prior learning of the Cambridge standard.

REVIEW PERIOD

The qualification will be reviewed in 5 years upon its registration.