
	BQA NCQF QUALIFICATION TEMPLATE	Document No.	DNCQF.QIDD.GD02
		Issue No.	01
		Effective Date	01.08.2022

SECTION A: QUALIFICATION DETAILS														
QUALIFICATION DEVELOPER (S)		BA ISAGO University												
TITLE	Postgraduate Diploma in Labour Law										NCQF LEVEL	8		
STRANDS (where applicable)	Not applicable													
FIELD	Law and Security			SUB-FIELD		Law			CREDIT VALUE		120			
New Qualification						✓		Legacy Qualification						
SUB-FRAMEWORK		General Education					TVET					Higher Education		✓
QUALIFICATION TYPE	Certificate	I	II	III	IV	V	Diploma		Bachelor					
	Bachelor Honours			Post Graduate Certificate			Post Graduate Diploma					✓		
Masters						Doctorate/ PhD								

RATIONALE AND PURPOSE OF THE QUALIFICATION

RATIONALE:

According to the Botswana's 2020 report by the United Nations, there are various challenges in laws governing the workplace and Labour force exists in the country. Therefore, there is an increase in demand of professionals for management, human resources and law in Botswana industries and a gap exist to train these professionals with current practices in the Labour law field. The Labour Force Survey of 2019 results

	BQA NCQF QUALIFICATION TEMPLATE	Document No.	DNCQF.QIDD.GD02
		Issue No.	01
		Effective Date	01.08.2022

show that the current total of employed population is estimated at 548,594 and the major employers being Agriculture (30.9%), Retail (14.5%), Public Administration (10.9%) and Education (7.9%). The human resources personnel need to be well-versed in different employment laws, for efficiency and effectiveness in dealing with Labour disputes resolution. Failure by institutions in complying with employment laws could result in significant financial risks for the organizations. The Industrial Court report of 2016 demonstrates that the average turnaround time for cases in the Industrial Court was 24 months. Due to backlog of Industrial matters the litigants are expected to make urgent application so that their matters can be resolved in a timely manner without following the normal court process. A lot of litigations are flocking the industrial court with various discrepancies from both public and private sector. The aggravating factors being lack of knowledge of labour laws by personnel in the industry.


PURPOSE:

The purpose of this qualification is to produce graduates with highly specialized knowledge, skills and competences to:

- Propose various forms of protection from inhuman treatment such as discrimination and unfair labour practices in the workplace.
- Provide advice in a labor relations dispute with the goal of reaching a fair and amicable resolution that satisfies the parties involved.
- Facilitate negotiation and conflict resolution through dialogue amongst various stakeholder groups such as in public sector, corporate management and human resource personnel, trade unions and employers.


ENTRY REQUIREMENTS (including access and inclusion)

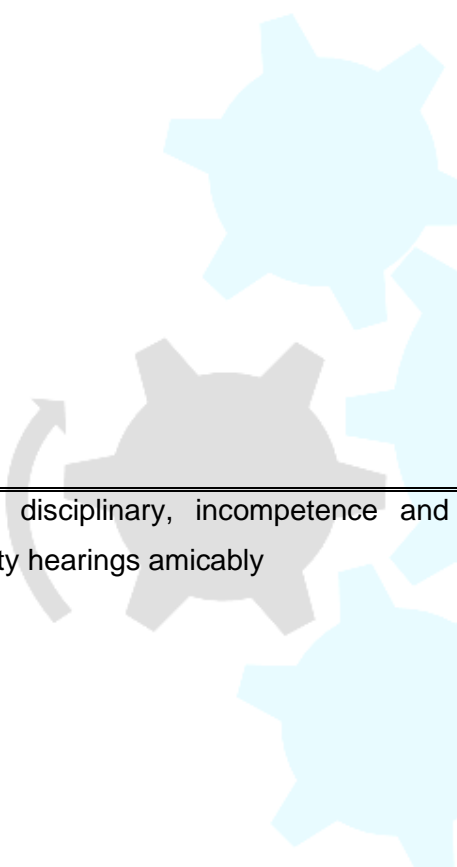
- Applicants must have at least Bachelor degree, NCQF Level 7 or equivalent.
- Candidates who do not meet the minimum academic qualifications stated above will be considered through the Recognition of Prior Learning (RPL) process which shall be administered according to the National RPL Policy. There will also be provision for Credit Accumulation Transfer to the learner in a case they are transfer in from another institution as per National Policy on CAT.


	BQA NCQF QUALIFICATION TEMPLATE	Document No.	DNCQF.QIDD.GD02
		Issue No.	01
		Effective Date	01.08.2022

--


SECTION B		QUALIFICATION SPECIFICATION	
GRADUATE PROFILE (LEARNING OUTCOMES)		ASSESSMENT CRITERIA	
1. Evaluate the global labour issues with special reference to Botswana.		1.1 Assess the provisions of the International Labour Organisation 1.2 Apply the provisions of the employment legislations of Botswana 1.3 Evaluate social programs that eliminate or prevent the unfair labour practices in the workplace 1.4 Review national programmes towards the elimination of child labour practices	
2. Apply labour laws during litigation of labour disputes.		3.1 Assess the industrial court approach towards labour issues 3.2 Interpret the Trade Disputes Act, 2003 and the provisions of the Factories Act 1979 3.3 Apply the Employment Act Chapter 47:01 in labour related cases 3.4 Evaluate the effectiveness of the Trade Union and Employers' Organisations Act Chapter 48:01 3.5 Assess the importance of the Workmen's Compensation Act 1980 in employment disputes 3.6 Evaluate the judicial procedure in the industrial court in relation to the constitution of Botswana 3.7 Resolve employment disputes in a timely manner to avoid backlog of cases	
3. Prepare a contract of employment in compliance with the provisions of the		3.1 Evaluate the technical aspects of Botswana employment and labour relations law	

	BQA NCQF QUALIFICATION TEMPLATE	Document No.	DNCQF.QIDD.GD02
		Issue No.	01
		Effective Date	01.08.2022

<p>Botswana employment legislations</p> 	<p>3.2 Analyse theories in relation to the field of employment law</p> <p>3.3 Apply the <i>essentialia</i> of contract of employment</p> <p>3.4 Assess the statutory employment protection rights such as notice, whistleblowing, parental and maternity leave</p> <p>3.5 Evaluate the emerging and contemporary issues in Botswana employment and labour relations law</p> <p>3.6 Interpret the autonomy, judgment, adaptability in employment issues</p> <p>3.7 Evaluate the process of amending employment and labour relations laws in Botswana</p>
<p>4. Conduct disciplinary, incompetence and incapacity hearings amicably</p>	<p>4.1 Design effective dispute resolution systems</p> <p>4.2 Apply the substantive and procedural laws during disciplinary hearing</p> <p>4.3 Evaluate the use of any form of mediation or arbitration as a substitute for the public judicial or administrative process available to resolve a dispute</p> <p>4.4 Analyse the arbitration procedures in collective bargaining relationships as a form of alternative dispute resolution</p>


 BOTSWANA Qualifications Authority	BQA NCQF QUALIFICATION TEMPLATE	Document No.	DNCQF.QIDD.GD02
		Issue No.	01
		Effective Date	01.08.2022

SECTION C		QUALIFICATION STRUCTURE			
COMPONENT	TITLE	Credits Per Relevant NCQF Level			Total Credits
		Level [6]	Level [7]	Level [8]	
FUNDAMENTAL COMPONENT <i>Subjects/ Courses/ Modules/Units</i>	Human Resource Management		12		12
CORE COMPONENT <i>Subjects/Courses/ Modules/Units</i>	Labour Relations Management			12	12
	Employment Law I			12	12
	Employment Law II			12	12
	Workplace Equity and Discrimination			12	12
	Dispute Resolution Management			12	12
	Human Rights Law			12	12
	Social Security Law			12	12
	Industrial Psychology			12	12
Electives	<i>Subjects/ Courses/ Modules/Units</i>	Credits Per Relevant NCQF Level			Total Credits
		Level [6]	Level [7]	Level [8]	
	Immigration Law			12	12
	Law of Persons			12	12

	BQA NCQF QUALIFICATION TEMPLATE	Document No.	DNCQF.QIDD.GD02
		Issue No.	01
		Effective Date	01.08.2022

	Laws on Women and Child Labour			12	12
--	--------------------------------	--	--	----	----

SUMMARY OF CREDIT DISTRIBUTION FOR EACH COMPONENT PER NCQF LEVEL	
TOTAL CREDITS PER NCQF LEVEL	
NCQF Level	Credit Value
Level 7	12
Level 8	108
TOTAL CREDITS	120
Rules of Combination: (Please Indicate combinations for the different constituent components of the qualification)	
<p>The credit distribution is made up of 12 credits from the fundamental component, 96 credits from the core component and 12 credits from the elective component, where candidates choose only 1 module.</p>	

	BQA NCQF QUALIFICATION TEMPLATE	Document No.	DNCQF.QIDD.GD02
		Issue No.	01
		Effective Date	01.08.2022

ASSESSMENT ARRANGEMENTS

All assessments which are leading to the award of the qualification should be based on learning outcomes and associated assessment criteria. Assessment will be conducted by Assessors who have been registered with Botswana Qualifications Authority (BQA). The assessments will be as follows:

i. Formative Assessment

The weighting of formative assessment is 60 % of the final assessment mark.

ii. Summative Assessment

The weighting of summative assessment is 40 % of the final assessment mark.

MODERATION ARRANGEMENTS

There will be provision for internal and external moderation, conducted by Moderators registered with Botswana Qualifications Authority (BQA).

RECOGNITION OF PRIOR LEARNING

Recognition of Prior Learning (RPL) will be applicable for consideration for award in this qualification.

CREDIT ACCUMULATION AND TRANSFER


Credit Accumulation Transfer (CAT) will be applicable for consideration for award in this qualification.

PROGRESSION PATHWAYS (LEARNING AND EMPLOYMENT)

Learning Pathways

Horizontal Articulation:

- Post Graduate Diploma in Personnel Management
- Post Graduate Diploma in Human Resource Management
- Post Graduate Diploma in Law
- Post Graduate Diploma in Employment Law

	BQA NCQF QUALIFICATION TEMPLATE	Document No.	DNCQF.QIDD.GD02
		Issue No.	01
		Effective Date	01.08.2022

Vertical Articulation

- Masters of Labour Laws
- Masters of Law
- Masters of Social work
- Masters of Personnel Management
- Masters in Human Resource Management

Employment Pathways


- Union official or representative.
- Labour Relations Analyst
- Human resources coordinator
- Policy analyst
- Industrial officer
- Labour Arbitrator–Court Order Mediation
- Attorneys
- Labour standards certification specialist
- International labour organization, NGO, or government agency staff
- Staff Representative
- Employee relations manager

QUALIFICATION AWARD AND CERTIFICATION

Candidates meeting the prescribed requirements will be awarded the qualification in accordance with the qualification composition rules and applicable policies. To be eligible for the award of the Postgraduate Diploma in Labour Law, candidates should have obtained a minimum of 120 credits. A certificate will be issued to learners who are awarded the qualification.

REGIONAL AND INTERNATIONAL COMPARABILITY

This qualification compares to other Postgraduate Diplomas in the legal field. The Postgraduate Diploma in Labour Law can be compared to the following qualifications offered by regional and international institutions:

	BQA NCQF QUALIFICATION TEMPLATE	Document No.	DNCQF.QIDD.GD02
		Issue No.	01
		Effective Date	01.08.2022

- Postgraduate Diploma in Labour Law- North West University
- Postgraduate Diploma: Labour Law- University of South Africa (UNISA)
- Graduate Diploma in Employment and Labor Law- University of Melbourne

The proposed Postgraduate Diploma in Labour Law shares common exit outcomes, with aforementioned qualifications in the sense that all qualifications intend to prepare graduates to engage, analyze and solve complex legal problems pertaining to labour law. There are some similarities identified on the qualification structures in terms of common modules including employment law, dispute resolution management, human rights, laws on discrimination and social security law.

The proposed qualification is pitched at NQF level 8, which is equivalent to the qualification offered by UNISA (NQF 8), Northwest University (NQF 8) and University of Melbourne (AQF 8). Furthermore, the proposed qualification carries a total credit of 120, which is similar to UNISA and Northwest University. However, this differs from the Graduate Diploma in Employment and Labor Law offered by University of Melbourne, which carries 50 credits. The proposed Post Graduate Diploma in Labour Law will run for 1 year on a full time basis, which is similar to the South African Universities. On the other hand the qualification offered by University of Melbourne will run for 6 months on a full time basis and 1 year on a part time basis.

In general, this qualification compares well with its regional and international counterparts. The only major difference is in other unique module coverage or focus.

REVIEW PERIOD

This qualification will be reviewed after 5 years upon registration.