

Case Referral to Court

Overview

This is a process where after mediation at District Labour Office, the matter is not settled, then the case is forwarded to the court by the parties for determination.

Who is eligible?

Any party who is aggrieved and their matter was not resolved at mediation level. Claims that are referred to this court under this process are unfair dismissal, leave days, severance benefit, overtime, constructive dismissal etc. as cited in terms of the Rules of the Industrial Court Rules.

How do I get this service?

In order to file this application, follow the steps below:

- Get a referral certificate in terms of Section 7(18) of the Trade Disputes Act from District Labour office
- Complete statement of case form in terms of Rule 25(1) of the Rules of Court
- Statement of case (full and detailed statement of what led to the dispute)
- Attach any necessary and relevant supporting documents to the claim (computations and letters i.e dismissal, disciplinary process and any other written communication)
- File and serve the application on the Respondent(s)
- File proof of service and wait for any response from the Respondent(s)
 - If service is through personal service the waiting period is 14 days from the date of service;
 - If the service is through registered mail, then the waiting period is 21 days from the date of postage
- Should the respondent not file any response to the claims against them within either the stipulated time under a or b above, then the matter is enrolled for a default hearing(this means that the court will only hear the applicant as the respondent has not shown any interest in the case or their silence is interpreted to mean they are conceding to owing the applicant what they are claiming)
- Should the respondent file their response, the same has to be served on the applicant and proof of such a service filed.
- Then the case become ready to be placed before the Honourable Judge for Case management.
- Application is enrolled for a hearing on a date to be decided upon by the court

The court will then hear the appeal on the date set and make its

determination.

What supporting documents are required?

- Certificate of referral from District Labour office.
- Referral form from District Labour Office.
- Failure to reach settlement form from District Labour Office.
- Referral letter to be completed upon registration at the Industrial Court.
- Statement of case form – Form.
- A full and detailed statement.
- Computation of claims confirmed by District labour Office.
- Any other relevant documents to the claim.

How long will this service take?

At the maturity of the case for enrolment, it shows that the respondent has not filed its statement of defence then, the case is set down as a Default Hearing and this normally takes about 6 months from registration to be completed.

How much does it cost?

This service is offered for free.

Where can I get more information on this Service

For more information, refer to the Industrial Court Rules or contact the office listed below

The Registrar

Industrial Court of Botswana

Private Bag BR 267

Gaborone, Botswana

Phone: (+267) 3900565

Fax: (+267) 3900567

Facebook: Industrial Court of Botswana

Opening hours: 07:30 to 12:45 and 13:45 to 16:30 Monday to Friday, except weekends and public holidays.

Additional information can also be obtained in the Rules of Court and the Trade disputes Act.