

Appeals from District Labour Office

Overview

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There are 2 types of appeal that can be lodged with the Industrial Court.

- There can be an appeal against the decision of the Mediators/ Arbitrators in terms of section 8 (13) (14) of Trade Disputes Act 2016.
- Another appeal can be against the mediators refusal for condonation of the late referral of a dispute in terms of section 7(15) of the Trade Disputes Act 2016.

Who is eligible?

For an appeal under (1) above, any aggrieved party in terms of section cited above, the said appeal can be moved only under the following reasons;

- To join a party to the arbitration proceedings.
- Concerning the jurisdiction of the Arbitrator to make an award.

For an appeal under (2) above, the aggrieved party can appeal to demonstrate to the court where the mediator misdirected him/herself in refusing the late referral of claims.

How do I get this service?

In order to file an appeal under (1) or (2) above, follow the steps below:

- Get a certificate in terms of section 7(15) of the Trade Disputes Act 2016.
- Complete and file **notice of Appeal** at the Court Registry in terms of Rule 31 of the Rules of Court.
- Attach the necessary referral certificate, transcript of the proceedings at District Labour office.
- File the transcript of the record of proceedings from District Labour Office.
- Serve the application on the Respondent(s).
- File proof of service and wait for any response from the respondent(s).
- 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?

- Form 12 – Notice of Appeal.
- Certificate of referral in terms of section 7(15) of Trade Disputes Act.
- Record of proceedings from District Labour Office encompassing the decision at mediation/arbitration level.

How long will this service take?

Once the appeal has been submitted to the Judge for enrollment, the appeal process is expected to be completed within approximately three (3) months.

How much does it cost?

There is no cost associated with this service.

Where can I obtain this service?

Industrial Court of Botswana

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

Where can I get more information on this Service

For more information, please 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 public holidays.

Additional information can also be obtained from the Rules of Court.