



**NAMIBIA UNIVERSITY  
OF SCIENCE AND TECHNOLOGY**

**FACULTY OF COMMERCE, HUMAN SCIENCES AND EDUCATION**

**DEPARTMENT OF SOCIAL SCIENCES**

<b>QUALIFICATION:</b> BACHELOR OF EMPLOYMENT AND LABOUR RELATIONS HONOURS	
<b>QUALIFICATION CODE:</b> 08 BERH	<b>LEVEL:</b> 8
<b>COURSE CODE:</b> ELL812S	<b>COURSE NAME:</b> EVIDENCE IN LABOUR LAW
<b>SESSION:</b> NOVEMBER 2023	<b>PAPER:</b> THEORY
<b>DURATION:</b> 3 HOURS	<b>MARKS:</b> 100

<b>FIRST OPPORTUNITY QUESTION PAPER</b>	
<b>EXAMINER(S)</b>	<b>MS FILOMENA HIKUMUAH</b>
<b>MODERATOR:</b>	<b>DR FELIX MUSUKUBILI</b>

<b>INSTRUCTIONS</b>
1. Answer ALL the questions.
2. Write clearly and neatly.
3. Number the answers clearly.

**PERMISSIBLE MATERIALS**

1. EXAM PAPER.
2. PEN AND PENCIL.

**THIS EXAM QUESTION PAPER CONSISTS OF 3 PAGES (Including this front page)**

### **Question One**

- 1.1 Explain the concepts of relevance and admissibility in the context of employment law. Provide examples of evidence that may be considered relevant but inadmissible. (10)
- 1.2 Discuss the factors that a court or tribunal may consider when determining whether evidence should be admitted in an employment dispute. (10)
- [20]**

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### **Question Two**

- 2.1 Discuss the challenges and considerations related to the admissibility of electronic evidence (e.g., emails, text messages, social media posts) in employment disputes. (10)
- 2.2 Explain how authenticity and relevance play a role in determining whether such evidence is admissible or not. (10)
- [20]**

### **Question Three**

- 3.1 Explain the concept of the onus of proof in unfair dismissal claims. Describe how the burden of proof shifts between the employer and the employee during the course of such claims. (10)
- 3.2 Discuss how the weight of evidence impacts the final decision in unfair dismissal disputes. (10)
- [20]**

### **Question Four**

- 4.1 Examine the key elements of employment contracts and offer letters. (10)
- 4.2 Discuss the importance of clarity and legal enforceability in such documents. Provide examples of contract clauses that are often the subject of legal disputes. (10)
- [20]**

**QUESTION FIVE FOLLOWS ON THE NEXT PAGE**

**Question Five**

- 5.1 Explain the significance of evidence in labour law disciplinary proceedings. (6)
- 5.2 Discuss the types of evidence that can be presented by both employers and employees during such proceedings. (7)
- 5.3 How does the quality and weight of evidence impact the fairness of disciplinary decisions? (7)
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- [20]**

**Total Marks [100]**