



**PAMIBIA UNIVERSITY  
OF SCIENCE AND TECHNOLOGY**

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

**DEPARTMENT OF SOCIAL SCIENCES**

<b>QUALIFICATION: BACHELOR OF EMPLOYMENT AND LABOUR RELATIONS HONOURS</b>	
<b>QUALIFICATION CODE: 08 BERH</b>	<b>LEVEL: 8</b>
<b>COURSE CODE: ELL812S</b>	<b>COURSE NAME: EVIDENCE IN LABOUR LAW</b>
<b>SESSION: JANUARY 2024</b>	<b>PAPER: THEORY</b>
<b>DURATION: 3 HOURS</b>	<b>MARKS: 100</b>

<b>SUPPLEMENTARY EXAMINATION QUESTION PAPER</b>	
<b>EXAMINER(S)</b>	<b>MS FILOMENA HIKUMUAH</b>
<b>MODERATOR:</b>	<b>DR FELIX. MUSUKUBILI</b>

<b>INSTRUCTIONS</b>	
<ol style="list-style-type: none"><li>1. Answer ALL the questions.</li><li>2. Write clearly and neatly.</li><li>3. Number the answers clearly.</li></ol>	

**PERMISSIBLE MATERIALS**

1. EXAM PAPER.
2. PEN AND PENCIL.

**THIS EXAMINATION 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 Explore the use of witness testimony in disciplinary hearings. Discuss the credibility and reliability factors that may influence the weight given to witness statements. (10)
- 2.2 How can employers assess the truthfulness of witnesses and handle conflicting testimony? (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 Discuss the types of evidence that are typically required to support disciplinary actions. (10)
- 4.2 Describe the evidentiary standards employers must meet when alleging employee misconduct. How can employers ensure that their evidence meets these standards? (10)
- [20]**

**QUESTION FIVE FOLLOWS ON THE NEXT PAGE**

### **Question Five**

Trace the historical development of labour law in Namibia from the colonial era to the post-independence period. Discuss key labour legislation and milestones that have shaped the labour landscape in the country.

**[20]**

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**Total Marks 100**