

HOW TO CONDUCT INQUIRIES/INVESTIGATIONS AND HEARINGS

The Oscar Pistorius case has brought the South African legal system and its processes under public scrutiny. Whilst the state must prove guilt beyond a reasonable doubt. An employer need only prove guilt on a balance of probability.

A chairperson must be mindful of the above when evidence is led. This means taking various admissions into account.

PART 2: Admissibility of Evidence

What is an admission? It's a statement that admits a fact.

Can silence be an admission? Yes

In **Satekge / SABC** initially, the employee admitted guilt. Later he denied the admission. It was held that the admission was formerly made and there was no need for further evidence on the issue.

For example: You believe your employee is under the influence of alcohol whilst on duty. The employee formerly admits to this when questioned. You are not required to lead any further evidence in this regard like a breathalyser test.

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