

## ADVANCED WORKSHOP: CROSS-EXAMINATION

Duration: 1 ½ days

### Objective

To equip those representing employers and employees at arbitration with skills and knowledge to effectively present a case at arbitration with the focus on cross-examination.

### Design

- **Principles of Evidence**
  - How does one weigh up evidence?
  - What does “balance of probabilities” mean?
  - Is there a higher standard where the charges are of a criminal nature?
  - What is the “evidential” burden?
  - What is “relevant” evidence?
  - When is evidence not admissible?
  - May one rely on illegally obtained evidence?
  - Admissions
  - Different forms of evidence: oral, real and documentary
  - How does one deal with machine generated and similar evidence?
  - When can the arbitrator take “judicial notice” of a fact?
  - Presumptions of law
- **Witnesses**
  - When is a witness competent to testify?
  - Can one compel someone to testify?
  - Calling witnesses
  - Refreshing the memory of witnesses
  - Impeaching the credibility of witnesses
- **Cross-examination**
  - What does one want to achieve with cross-examination?
  - Ethical considerations
  - General principles relating to preparation of cross-examination
  - How do I prepare for cross-examination?
  - Does it make a difference whether material is available or not?
  - What are the risks and pitfalls of cross-examination?
  - What do I do if the witness is honest?
  - When and how should I use “expert” evidence?
  - The importance of timing
  - Restrictions on cross-examination
  - The basic techniques in cross-examination
  - Why should I always put our witness’ version to the witness?

### Target group

HR/IR managers, line managers appearing at the CCMA or bargaining councils and union representatives.



