

Passage 23 : NUMSA -case

[23] Also, it is not as though employers cannot ameliorate the evidentiary difficulties. Quoting *Mondi Paper*^[16] and *Durban University of Technology*,^[17] here is what *Oak Valley Estates* says in this regard:

“As the High Court noted in *Mondi Paper*, ‘the production of proper proof either directly or by circumstantial evidence is not beyond the ingenuities of employers, given the modern technology that is available’ to them. Likewise, in *Durban University of Technology*, the High Court remarked that—

‘with the modern methods of access control, CCTV cameras, etc, there is ample opportunity for the applicant’s security services to be able to identify those persons who were on the campus when the violence occurred, and steps could be taken to identify them.’”^[18]