

# POLYGRAPH EVIDENCE AT THE CCMA

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Polygraph testing is often misunderstood in labour disputes, particularly when cases reach the Commission for Conciliation, Mediation and Arbitration (CCMA). This newsletter aims to clarify how polygraph evidence is viewed at the CCMA, its limitations, and how it can be used appropriately within South African labour law.

by **Jane Doe**

## What is a Polygraph Test?

A polygraph examination is a truth-verification tool that measures physiological responses—such as heart rate, respiration, and perspiration—while an individual answers a series of structured questions. The purpose is to assess the credibility of responses under controlled conditions, conducted by a qualified and accredited examiner.

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## Is Polygraph Evidence Admissible at the CCMA?

Polygraph results are not regarded as conclusive evidence at the CCMA. Commissioners consistently hold that a polygraph test cannot, on its own, be used to prove guilt or justify disciplinary action such as dismissal.

However, polygraph evidence may be admitted and considered as corroborative or supporting evidence, provided it forms part of a broader body of evidence.

In other words, polygraph results can strengthen an employer's case, but they cannot replace factual proof, proper investigation, or procedural fairness.

## When Polygraph Evidence May Be Considered Relevant

Polygraph evidence is more likely to be considered when:

- The employee gave informed, voluntary consent to the examination
- The test was conducted by a qualified, independent examiner
- The questions were directly related to the alleged misconduct
- The results are supported by additional evidence, such as:
  - Witness testimony
  - CCTV footage
  - Access logs or system records
  - Inventory or financial discrepancies
- The employer followed a fair disciplinary process

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## What the CCMA Looks At

When evaluating polygraph-related evidence, a CCMA Commissioner may consider:

- Whether the employee was forced or coerced into testing
- Whether the employee understood the purpose and consequences of the test
- Whether the employer relied solely on the polygraph result
- The overall credibility of all evidence presented
- Whether the sanction imposed was substantively and procedurally fair
- A dismissal based purely on a failed polygraph test is unlikely to be upheld.

## Best Practice for Employers

Employers considering polygraph testing should ensure that:

- Polygraph testing is used as an investigative aid, not a disciplinary shortcut
- Clear policies governing polygraph use are in place
- Employees' rights to dignity, consent, and fairness are respected
- Polygraph results are assessed alongside all other available evidence

When used correctly, polygraph testing can assist in narrowing investigations, identifying risk areas, and supporting decision-making—but it should never be treated as definitive proof.

[Read more on our website](#)

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