

## **An Overview of Reinstatement in Retrospect**

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**KEYWORDS** Unfair Labor Practice. Wrongful and Unfair Dismissal. Reinstatement. Retrospectively. Discretionary Power. Justice

**ABSTRACT** An unfairly dismissed employee has the right to approach the appropriate labor court to quash and nullify the employer's verdict of dismissal. In South Africa, one of the remedies of unfair dismissal available to the employee is reinstatement. The court, having considered overall evidence and the facts of the case, may order reinstatement forthwith or retrospectively. The court has a discretionary power to exercise reinstatement in retrospect in order to perpetrate justice for the aggrieved victim of unfair labor practice. This is usually the situation where the court exercises its discretion in favour of the employee against the employer. Consequences of unfair dismissal are devastating and painful and as such, it is against the backdrop of this, that this paper looks at the remedy of reinstatement in retrospect and its impact in restoring the employee back to the job.