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Forced Reinstatement Phenomenon: Implications in Labor Relations

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ABSTRACT Reinstatement is one of the remedies that adjudicating tribunals will order for unfair dismissal in a workplace. Usually, it is supposed to be executed immediately once it is ordered. However, there are instances where the employer or the employee will refuse or decline to adhere to the order of the competent tribunal compelling reinstatement. There are consequences for failure to effect remedy of reinstatement, which in turn will result in forced reinstatement. Against the backdrop of refusal to carry out the order, the court can force or enforce reinstatement. In this regard, reinstatement is said to be forced. This paper seeks to examine the forced reinstatement phenomenon and its implications in the workplace for both the employees and employers.