

Revisiting the Remedies of Unfair Dismissal at the Workplace

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ABSTRACT Dismissal would be considered unfair if the adjudicating institution finds that the dismissal was harsh, unjust or unreasonable and unjustifiable. An unfairly dismissed employee has statutory rights to challenge the dismissal in order to reverse the decision or to be compensated. This paper revisits statutory remedies available to an unfairly dismissed employee by examining factors that influence the adjudicating authority to exercise discretion in favour of a particular remedy when it finds that a dismissal has been unfair. The paper concludes that a verdict of unfair dismissal is a 'condition precedent' for ordering a remedy in terms of section 193 of the South African Labor Relations Act 66 of 1995, as amended.