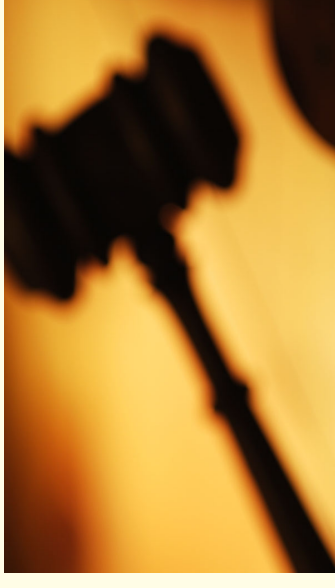


Retrospective reinstatement still unlimited



The Constitutional Court has recently handed down judgment in **Equity Aviation Services / CCMA** regarding the extent of retrospective reinstatement in unfair dismissal cases.

It held that the retrospective operation of an order for reinstatement was by no means limited to 12 months for unfair dismissals (and 24 months for automatically unfair dismissals).

Q: What does this mean for the employer?

A: Do not drag your feet at the CCMA or Labour Court because if you do the amount to be paid out in a case of retrospective reinstatement is not capped and completely at the discretion of the presiding officer.