



2016 CHAPTER 15

*Protected disclosures*

**Power to reduce compensation where disclosure not made in good faith**

**14.—**(1) Omit the words “in good faith” in the following provisions of Part 5A of the Employment Rights (Northern Ireland) Order 1996 (protected disclosures)—

- (a) paragraph (1) of Article 67C (disclosure to employer or other responsible person);
  - (b) paragraph (b) of Article 67E (disclosure to Minister of the Crown or Northern Ireland department);
  - (c) paragraph (1)(a) of Article 67F (disclosure to prescribed person).
- (2) In Article 67G of that Order (disclosure in other cases), in paragraph (1)—
- (a) omit sub-paragraph (a);
  - (b) in sub-paragraph (b), for “he” substitute “the worker”.
- (3) In Article 67H of that Order (disclosure of exceptionally serious failures), in paragraph (1)—
- (a) omit sub-paragraph (a);
  - (b) in sub-paragraph (b), for “he” substitute “the worker”.
- (4) In Article 72 of that Order (remedies), after paragraph (6) insert—
- “(6A) Where—
- (a) the complaint is made under Article 71(1A), and
  - (b) it appears to the tribunal that the protected disclosure was not made in good faith,

the tribunal may, if it considers it just and equitable in all the circumstances to do so, reduce any award it makes to the worker by no more than 25%.”.

(5) In Article 157 of that Order (compensatory award), after paragraph (6) insert—

“(6A) Where—

- (a) the reason (or principal reason) for the dismissal is that the complainant made a protected disclosure; and
- (b) it appears to the tribunal that the disclosure was not made in good faith,

the tribunal may, if it considers it just and equitable in all the circumstances to do so, reduce any award it makes to the worker by no more than 25%.”.