



Enterprise and Regulatory Reform Act 2013

2013 CHAPTER 24

PART 2

EMPLOYMENT

Protected disclosures

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

- (1) Omit the words “in good faith” in the following provisions of Part 4A of the Employment Rights Act 1996 (protected disclosures)—
 - (a) subsection (1) of section 43C (disclosure to employer or other responsible person);
 - (b) paragraph (b) of section 43E (disclosure to Minister of the Crown);
 - (c) subsection (1)(a) of section 43F (disclosure to prescribed person).
- (2) In section 43G of that Act (disclosure in other cases), in subsection (1)—
 - (a) omit paragraph (a);
 - (b) in paragraph (b), for “he” substitute “the worker”.
- (3) In section 43H of that Act (disclosure of exceptionally serious failure), in subsection (1)—
 - (a) omit paragraph (a);
 - (b) in paragraph (b), for “he” substitute “the worker”.
- (4) In section 49 of that Act (remedies for detriment suffered in employment), after subsection (6) insert—

“(6A) Where—

 - (a) the complaint is made under section 48(1A), and

Status: This is the original version (as it was originally enacted).

- (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 section 123 of that Act (compensatory award for unfair dismissal), after subsection (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 complainant by no more than 25%.”