



# House of Commons

## NOTICES OF AMENDMENTS

given on

**Tuesday 19 June 2012**

*For other Amendment(s) see the following page(s):*  
Enterprise and Regulatory Reform Bill Committee 11

### **PUBLIC BILL COMMITTEE**

## **ENTERPRISE AND REGULATORY REFORM BILL**

Norman Lamb

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Clause 17, page 12, line 21, at end insert—

- ( ) Section [*Confidentiality of negotiations before termination of employment*] does not apply to any offer made or discussions held before the commencement of that section.’.

*Confidentiality of negotiations before termination of employment*

Norman Lamb

NC2

To move the following Clause:—

‘After section 111 of the Employment Rights Act 1996 insert—

**“111A Confidentiality of negotiations before termination of employment**

- (1) In determining any matter arising on a complaint under section 111, an employment tribunal may not take account of any offer made or discussions held, before the termination of the employment in question, with a view to it being terminated on terms agreed between the employer and the employee.  
This is subject to the following provisions of this section.
- (2) Subsection (1) does not apply where, according to the complainant’s case, the circumstances are such that a provision (whenever made) contained in, or made under, this or any other Act requires the complainant to be regarded for the purposes of this Part as unfairly dismissed.

**Enterprise and Regulatory Reform Bill, *continued***

- (3) In relation to anything said or done which in the tribunal's opinion was improper, or was connected with improper behaviour, subsection (1) applies only to the extent that the tribunal considers just.
  - (4) The reference in subsection (1) to a matter arising on a complaint under section 111 includes any question as to costs, except in relation to an offer made on the basis that the right to refer to it on any such question is reserved.
  - (5) Subsection (1) does not prevent the tribunal from taking account of a determination made in any other proceedings between the employer and the employee in which account was taken of an offer or discussions of the kind mentioned in that subsection.”.
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