

# ALLEGATION OF DEFAMATION HELD TO AMOUNT TO BREACH OF LEGAL OBLIGATION

```
[et_pb_section bb_built="1" background_color="#ffffff"
fullwidth="on" custom_padding_last_edited="on|desktop"
_builder_version="3.0.99"
custom_padding_tablet="50px|0|50px|0"
transparent_background="off" padding_mobile="off"
custom_padding="|||" next_background_color="#000000"
global_module="136"] [et_pb_fullwidth_header
global_parent="136" title="Employment Law News"
_builder_version="3.0.99"
background_image="http://davidk423.sg-host.com/wp-content/uploads/2017/09/bdbf_final-stages-1-4-1.jpg"
background_layout="dark" title_font="|||||||"
subhead_font="|||||||" background_color="rgba(255, 255, 255, 0)"
button_one_text_size__hover_enabled="off"
button_one_text_size__hover="null"
button_two_text_size__hover_enabled="off"
button_two_text_size__hover="null"
button_one_text_color__hover_enabled="off"
button_one_text_color__hover="null"
button_two_text_color__hover_enabled="off"
button_two_text_color__hover="null"
button_one_border_width__hover_enabled="off"
button_one_border_width__hover="null"
button_two_border_width__hover_enabled="off"
button_two_border_width__hover="null"
button_one_border_color__hover_enabled="off"
button_one_border_color__hover="null"
button_two_border_color__hover_enabled="off"
button_two_border_color__hover="null"
button_one_border_radius__hover_enabled="off"
```

```
button_one_border_radius__hover="null"
button_two_border_radius__hover_enabled="off"
button_two_border_radius__hover="null"
button_one_letter_spacing__hover_enabled="off"
button_one_letter_spacing__hover="null"
button_two_letter_spacing__hover_enabled="off"
button_two_letter_spacing__hover="null"
button_one_bg_color__hover_enabled="off"
button_one_bg_color__hover="null"
button_two_bg_color__hover_enabled="off"
button_two_bg_color__hover="null"
/][/et_pb_section][et_pb_section          bb_built="1"
admin_label="section"
prev_background_color="#000000"][et_pb_row  admin_label="row"
background_position="top_left"    background_repeat="repeat"
background_size="initial"][et_pb_column type="3_4"][et_pb_text
use_border_color="off"           border_color="#ffffff"
border_style="solid"  _builder_version="3.17.6"]
```

## **ALLEGATION OF DEFAMATION HELD TO AMOUNT TO BREACH OF LEGAL OBLIGATION**

Mr Ibrahim worked as an interpreter for HCA International Ltd, an operator of a number of private hospitals. On 15 March 2016, he met with a senior manager to ask her to investigate rumours circulating amongst patients and their families that he was responsible for breaches of patient confidentiality. He also sent an email the same day stating that he needed to “clear his name”. The complaint was referred to HCA’s HR team and Mr Ibrahim repeated to the HR officer that he wished to clear his name and restore his reputation. The complaint was investigated and rejected.

Mr Ibrahim was subsequently dismissed and brought a claim, amongst others, for detriment having made a protected

disclosure pursuant to the Employment Rights Act 1996 (“ERA 1996”).

The Employment Appeal Tribunal (EAT) dismissed Mr Ibrahim’s appeal, but confirmed that breach of legal obligation under the ERA 1996 is broad enough to include tortious duties, including defamation. It was clear that Mr Ibrahim’s complaint of damaging false rumours about him that he had breached patient confidentiality was an allegation that he was being defamed, despite not using the precise legal terminology in his complaint.

However, Mr Ibrahim was not successful in arguing that he subjectively believed that the disclosure he was making was in the public interest and, if so, whether that belief was objectively reasonable. The issue of the Claimant’s belief was a finding of fact for the tribunal. Here, the tribunal had found that Mr Ibrahim’s concern was only that false rumours about him had been made and the effect of those rumours on him. He, therefore, did not have a subjective belief in the public interest element of his disclosure but was seeking to protect his own personal interest only.

***Ibrahim v HCA International Ltd UKEAT/0108/18***

[/et\_pb\_text][et\_pb\_column type="1\_4"][et\_pb\_sidebar orientation="right" area="sidebar-1" background\_layout="light" remove\_border="off" show\_border="on"]  
[et\_pb\_row][et\_pb\_section]