

Georgina Churchhouse successful in Court of Appeal whistleblowing case

The Court of Appeal has today handed down Judgment *in Ibrahim v HCA International Limited* [2019] EWCA Civ 2007, in which **Georgina Churchhouse** was instructed as junior counsel for the Appellant.

Lord Justice Bean with whom Lord Justice Baker and Lord Justice Dingemans concurred, allowed the appeal which concerned whether the Employment Tribunal erred in applying the public interest test set out in section 43B Employment Rights Act 1996 as developed by the Court of Appeal in *Chestertons Global Limited v Nurmohamed* [2017] EWCA Civ 979.

A copy of the Court of Appeal Judgment can be found [here](#).

A copy of the first instance decision can be found [here](#).

The Judgment is of interest in two respects. First in elucidating the operation of the public interest test in *Chesterton*, in particular the subjective element of the test. Second in the *obiter* remarks at paragraph [10] of the Judgment concerning whether section 43B(1)(b) ERA 1996 is broad enough to include an allegation that a Claimant is being defamed.

Georgina was privileged to be led by Jeremy Lewis of Littleton Chambers. The Respondent was represented by Keith Bryant QC of Outer Temple Chambers.

This is Georgina's second employment case in the Court of Appeal, having previously acted at all stages of litigation in *Santos Gomes v Higher Level Care* [2018] EWCA Civ 418, an appeal concerning whether regulation 30 of the Working Time Regulations 1998 permits, or requires by virtue of the Working Time Directive, compensation for injury to feelings.

For enquiries please contact **Tristan Whigham** (Practice Team Leader) or **Megan Pryde** (Assistant Practice Manager).