

Philip Green named in
Parliament as businessman at
centre of Britain's #MeToo
scandal may be same as
Google Boss Eric Schmidt
cover-up



Save

Sir Philip Green, the retail billionaire, was named in Parliament by Lord Hain after the peer was 'contacted by someone intimately involved in the case' CREDIT: ANDREW CROWLEY FOR THE TELEGRAPH

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S scandal.

Lord Hain, the former leader of the House of Commons, said that he felt a “duty” to reveal the name of the retail billionaire under parliamentary privilege.

He told a hushed House of Lords on Thursday afternoon: “My Lords, having been contacted by someone intimately involved in the case of a powerful businessman using non-disclosure agreements and substantial payments to conceal the truth about serious and repeated sexual harassment, racist abuse and bullying, which is compulsively continuing, I feel it’s my duty under parliamentary privilege to name Philip Green as the individual in question given that the media have been subject to an injunction preventing publication of the full details of this story which is clearly in the public interest.”

The Telegraph spent the past eight months investigating allegations of bullying, intimidation and sexual harassment made against the businessman, but on Tuesday this newspaper was prevented from revealing details of the non-disclosure deals by Sir Terence Etherton, the Master of the Rolls, the second most senior judge in England and Wales.

His intervention makes it illegal to reveal the businessman's identity or to identify the companies, as well as what he is accused of doing or how much he paid his alleged victims.

Watch: Lord Hain name Si...



In a 20-page ruling published on Tuesday, the Court of Appeal simply refers to the businessman as “ABC” and describes the allegations as amounting to “discreditable conduct”.

The interim injunction order states that in five cases “substantial payments” were made to five people as part of “settlement agreements” or NDAs.

As well as re-igniting the #MeToo debate, the gagging of The Telegraph has renewed controversy about the use of injunctions to limit British press freedom.

Unlike his alleged victims, The Telegraph has not signed any kind of NDA with the businessman. It has argued there is a clear public interest in publishing the claims, not least to alert those who might be applying to work for him.



However, the Court of Appeal has ruled against this newspaper which, like the alleged victims, now finds itself gagged.

The accused man has hired a team of at least seven lawyers and spent close to £500,000 in legal fees to persuade the Court of Appeal to injunct The Telegraph. He is being represented by Schillings, the legal firm which has also worked with Cristiano Ronaldo, Lance Armstrong and Ryan Giggs, individuals who have controversially made use of NDAs or injunctions to silence accusations of wrongdoing.

On Tuesday, in the latest twist in a legal fight which began in July, the court ruled that the confidentiality of contracts was

more important than freedom of speech. It overturned a previous High Court ruling – which can now be reported for the first time – which found that publication of the allegations would be overwhelmingly in the public interest and would significantly contribute to debate in a democratic society.



In the earlier High Court case, Justice Haddon-Cave, who is one of the country's top terror judges, concluded that “in all the circumstances, the public interest in publication outweighs any confidentiality attaching to the information”.

He believed the information – the allegations made against the businessman – to be “reasonably credible” and said their publication of the information “would be in the public interest”.

The Appeal Court judges hearing the case were Sir Terence, as Master of the Rolls, Lord Justice Underhill and Lord Justice Henderson – all of whom have a background in contract law and one also in employment law.

The Court of Appeal judgment said: “The [High Court] Judge concluded that, in all the circumstances, publication by The Telegraph of the information in question was clearly capable of significantly contributing to a debate in a democratic society and, in particular, making a contribution to a current debate of general public interest on misconduct in the workplace.”

 Telegraph front page Wednesday

The Daily Telegraph front page on Wednesday CREDIT: PHILIP TOSCANO /PA

However, the Appeal Court judges disagreed with the High Court's ruling and stressed the importance of legally-binding contracts.

The judgment said: "We entirely endorse the [High Court] Judge's statements as to the importance of freedom of political debate, the right of freedom of expression, the essential role played by the press in a democratic society ... and the important public concern about misbehaviour in the workplace as well as the legitimacy of non-disclosure agreements and other legal devices for 'gagging' disclosure by victims.

"The Judge has, however, left entirely out of account the important and legitimate role played by non-disclosure agreements in the consensual settlement of disputes, both generally but in particular in the employment field."

The ruling said that at this interim stage the judges concluded it is "likely" the businessman may establish that his right to keep these matters confidential may outweigh any public

interest, adding “there is a real prospect that publication by the Telegraph will cause immediate, substantial and possibly irreversible harm to all of the Claimants.”

The Court of Appeal has ordered that the matter proceed to a speedy trial.

In a statement after he was named in Parliament as the businessman behind an injunction against the Daily Telegraph, Sir Philip Green said: "I am not commenting on anything that has happened in court or was said in Parliament today. "To the extent that it is suggested that I have been guilty of unlawful sexual or racist behaviour, I categorically and wholly deny these allegations.

"Arcadia and I take accusations and grievances from employees very seriously and in the event that one is raised, it is thoroughly investigated.

"Arcadia employs more than 20,000 people and in common with many large businesses sometimes receives formal complaints from employees.

"In some cases these are settled with the agreement of all parties and their legal advisers. These settlements are confidential so I cannot comment further on them."

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