

Defamation vs. Disparagement Explained

May 12, 2026

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In this episode of OK at Work, Offit Kurman attorneys Sarah Sawyer and Russell Berger explain the difference between defamation and non-disparagement and why these terms often appear in business and employment agreements. They note that defamation is independently actionable without a contract and generally involves a false statement made to a third party that causes damage. Disparagement can be true or opinion-based but negative and is typically not actionable unless parties agree by contract not to disparage each other. They discuss how non-disparagement clauses, often paired with confidentiality provisions, are commonly used after disputes in employer-employee, partner, or business relationships to protect reputations and prevent harmful commentary.