

# Compliance & Risk

Volume 8, Issue 6

November/December 2019

## Headlines

- Gender pay gap widest for women in their 50s, p.16
- EY implicated in Dubai money laundering cover up, p.18
- Bar regulator warns against Twitter postings, p.20

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## Brussels to sue UK over failure to nominate new commissioner

On 14 November 2019, the European Commission announced that it would commence infringement proceedings against the UK for non-compliance with EU law over Boris Johnson's refusal to appoint a member of the next European Commission.

The infringement process could see Britain being called before the European Court of Justice.

Ursula von der Leyen, the EU Commission's incoming president, conscious that according to EU treaties the Commission's ruling college

is supposed to have one member from each EU country, has repeatedly requested Mr Johnson to propose a British member of the team.

The Prime Minister has cited customary election "purdah" as his reason for being unable to nominate a British candidate, but the Commission is anxious to demonstrate that it has done everything possible to adhere to the rules as it acts to minimise any risk that its future decisions will be subject to legal challenge.

Britain has pledged not to disrupt the EU during

its remaining time as a member in return for the grant in October 2019 of a delay to Brexit from October 31 to January 31 2020. The EU27 made it clear at the time that nominating a commissioner was one of the requirements of the delay, saying that the country had "the obligation to suggest a candidate".

The Commission has now given Britain a 22 November deadline to respond to its request for a new commissioner to be named, following which a formal decision that the

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## Judges eligible for whistleblowing protection says Supreme Court

In a landmark judgment delivered on 16 October 2019, the UK Supreme Court ruled that judges are entitled to protections afforded to whistleblowers.

In 2013, District Judge Claire Gilham raised concerns about cost-cutting in the court system, a lack of secure court-rooms and a severely increased workload placed on judges. Ms Gilham claimed that she was later subjected to bullying

by fellow judges and court staff, there was a delay in investigating her concern, and that she later suffered a mental breakdown as a result of blowing the whistle.

Ms Gilham began proceedings against the Ministry of Justice before the Employment Tribunal claiming disability discrimination because of the impact on her mental health, and she also tried to bring a whistleblowing

claim.

The MoJ argued that judges are not afforded the same legal whistleblowing protections as workers who go public with their concerns since judges are classed as "office holders" rather than workers.

Whilst agreeing that judges are not workers or Crown employees, the

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