

Compliance & Risk

Volume 4, Issue 3

May/June 2015

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- Europe mounts anti-abuse case against Google, p.19
- Payment Systems Regulator fully operational, p.19

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SFO reports guilty plea in multi-million pound corruption case

On 11 May 2015, Graham Marchment, a British national resident in the Philippines, pleaded guilty on three counts of conspiracy to corrupt contrary to s.1(1) of the UK Criminal Law Act 1977.

Marchment worked as a procurement engineer, with involvement in various projects around the globe, each valued at around £40 million.

The case concerned a conspiracy between Mr Marchment, his co-defendants, Andrew Rybak, Philip Hammond, and Ronald Saunders, and others to obtain pay-

ments in return for supplying confidential information in relation to oil and gas projects in Singapore, Russia and Egypt.

The corruption spanned four years, between 2004 and 2008, and was revealed during the course of a joint investigation by the Serious Fraud Office ('SFO') and City of London Police into the awarding of contracts in high-value infrastructure projects.

Whilst the investigation was ongoing, Marchment was living in the Philippines and refused to return to the UK to answer

SFO questions. There was no extradition treaty between the Philippines and the UK at that time, so Marchment did not stand trial with his co-defendants. He pleaded guilty following the conviction of his co-conspirators as part of the same case in 2012.

Marchment was forced to return to the UK in 2014 when his passport expired and could not be renewed due to the outstanding arrest warrant. On his return, he was arrested and charged, and was denied bail.

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EAT says 'public interest' requirement for whistleblowing is a low hurdle

In the UK case of *Chestertons Global Ltd & Another v Nurmohamed UKEAT 0335/14*, the Employment Appeal Tribunal ('EAT') has given the first guidance at appeal level as to the meaning of 'in the public interest' in the context of a whistleblowing claim.

The public interest factor was inserted into s.43B of the Employment Rights Act 1996 by the Enterprise and Regulatory Reform Act 2013. The requirement

is that a protected disclosure should be one made in the public interest - the concept being to try to curtail the possibility of an employee invoking whistleblowing protection, including the possibility of uncapped compensation in the event of a successful claim, in relation to a simple breach of his own employment contract.

In *Chestertons*, a branch director of the estate

agency complained that overstated business costs were reducing commission levels for himself and other managers in the same commission scheme. His claim for unfair dismissal and detriment suffered as a result of making protected disclosures was successful in the Employment Tribunal, but Chestertons appealed on the ground that the disclosures did

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