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Nyon, 1 June 2021

## **NUBE Malaysia complaint to the UK National Contact Point for the OECD**

Dear Mr. Chandra,

As the General Secretary of UNI Global Union, which represents 20 million members in the service sectors worldwide, I am writing to express our full support for the complaint submitted to the UK National Contact Point for the OECD by the National Union of Bank Employees (NUBE), Malaysia. NUBE is an affiliate of both UNI Global Union and our regional organization UNI APRO (Asia & Pacific).

The complaint against HSBC Malaysia asserts multiple violations of Chapter 5 of the OECD Guidelines for Multinational Enterprises (“Guidelines”), in particular: retaliation against union activists, failure to comply with the collective agreement in various respects, and the outsourcing of banking functions to non-banking entities, in violation of commitments.

In essence, the complaint focuses on six key issues which give rise to violation of the Guidelines by HSBC Malaysia:

1. Violating the agreed provision in the collective agreement article 17 (2) on not holding any disciplinary inquiries before terminating the employment contracts of the two trade union leaders for having taken part in a legitimate trade union action organized by NUBE.
2. Harassing and victimizing the trade union leaders/activists and members for having taken part in trade union actions, issuing 19 union activists with ‘show cause’ letters and warnings, denying their legitimate trade union rights.
3. Obstructing free and independent functioning of trade union activities, by preventing elected trade union officials to enter the bank premises to conduct meetings.
4. Inciting fear among employees, denying work for the union members under the pretext of COVID-19 work arrangements and forcing employees to opt for the Voluntary Separation Scheme (VSS).

5. Disrespecting the commitments given to NUBE under the 'ONE HSBC Agreement', whereby the bank must consult the trade union three months prior to any restructuring initiatives.
6. Opting out of unilateral actions under the NUBE/MCBA (Malaysian Commercial Bank's Association) collective agreement, to which HSBC is a signatory, disregarding the well-established dispute resolution mechanisms agreed as best practice in Malaysia's banking industry.

The facts above, presented in the complaint, convincingly show the disinterest of HSBC Malaysia to satisfactorily comply with international norms on trade union rights and freedoms, including the Guidelines. We urge you to complete your Initial Assessment of this case in order that your good offices can be deployed to bring about a resolution of this dispute.

We also urge you to take under consideration that this issue has wider implications that go beyond the banking sector. This is a serious attack on labor rights and the freedom of association. We are of the understanding that NUBE has tried all internal mechanisms to stop this process but was unable to find a solution with HSBC Malaysia.

To conclude, we fully support NUBE's complaint, and reiterate our position that the Employment and Industrial Relations Chapter of the Guidelines must be respected in all of its dimensions.

Yours sincerely,



Christy Hoffman  
General Secretary