

Paul Bulcke

CEO Nestle, Swiss

Rzeszów, Poland 8.09.2008

Dear Mr. President,

On September 5th, 2008 the Chairman of NZSS Solidarność Trade Unions of Alima Gerber S.A. in Poland was informed about intention of dismissal on the basis of art. 52 of Labour Code which means in disciplinary way. This is an attempt of workers intimidation and to gag the Unions. The employer is not able to counteract therefore he wants to attack the Chairman of the Solidarność whom workers trust because he fights for their rights. The Board of the Plant Solidarność Union did not agree to dismiss the Chairman who is protected by law. Our Chairman is fighting from the beginning of his activity for the better safety conditions at work, he was listening to people when they had troubles at work, and he asked for the meetings with the management, he was fighting with the injustice and the privileges for the chosen few.

The existence of the Union means that there will be conflicts between the employer and workers. If every member of Trade Union who gets into conflict was dismissed, the role of Trade Unions would be limited to supporting the management suggestions. The rule of Union activity freedom would be broken then.

Our Chairman many times exposed himself to dissatisfaction of the management. He was discovering many abnormalities and tried to change them. So he was treated by the management as the "enfant terrible" of the Union. Jacek Kotula, by his activity, was showing many times that the Labour Law is broken by low wages, exceeded noisiness, overtime work in harmful conditions (which is forbidden), discrimination in position recruitment, stress and mobbing at work. All workers were informed about the Solidarność Union activities.

The board of Directors of Alima Gerber took up the action in order to eliminate him from the workers team.

He has been persecuted many times and lately he has been discriminated against his trade unions affiliation. Let's mention only some of the prosecutions, like illegal punishment with reprimand for an inspection during night shift, making difficulties with meetings and trips in connection with Trade Unions activities, outrages of personal dignity, passing him over for promotion etc. When the number of Trade Unions members grown rapidly (50% within half a year) and the plant committee obtain II position in whole region as the most effective trade union organization, the main aim of the board of Directors became to get rid of the Unions' Chairman. It coincided with the fact of transformation into the Inter-factory committee, extending the activity to Nestle Polska SA in Warsaw and informing the board of directors that the Chairman is going to be employed by the Unions, as well as lodging the complaint to United Nations against wages discrimination and employing next temporary workers from the company related to Impel.

The employer deciding to dismiss the Chairman in spite of the double legal protection (as a member of both Trade Unions and the Workers Representative Council) breaches the binding regulations of Article 52 of Polish Labour Code. The a/m article allows to terminate

employment without notice by the employee's fault in case of serious breach of workers duties, committing a crime, when the crime is obvious or it is stated by the valid court judgment, or, he lost – by his own fault – the qualifications necessary for his working position. Serious breach of workers' duties is for instance drinking alcohol at work. In any case, the elected Trade Unions activists are - according to particular regulations – protected by the law against being dismissed. In fact, it means that the employer is not entitled to dismiss the protected trade unionist without the consent of the plant committee. There is no and there couldn't have been such consent. This law is to protect the trade unionists against repressions.

What is the man, so devoted to workers' affairs, charged of by the employee, to get rid off him? The serious objection according to the Board of Directors of Alima Gerber is the alleged encouraging one of plantation owners to negotiate the highest prices of fruit and vegetables. No comments.

We can not agree for such practice of Board of Directors. They are not only the breach of the labour law and the Union acts, but also the constitutional rights for freedom of associating at working place and handling trade unions activities confirmed by Polish Law and European Union regulations. The activities of the board of directors lead to break this person and make him give up the fight for the workers' rights.

We all take his side. We shall show our support and human solidarity with Jacek Kotula.

Dear Mr. President.

Since the moment of taking over the plant by Nestle, we expected some improvements, that somebody will listen to us. Unfortunately, it occurred the it is worse. During the whole year, nobody from Nestle did not come to talk to us. After a year, upon our determined requests the Personal Director from Warsaw meet us, although she had only half an hour for us, as she was hurrying for the return plane to Warsaw. In the end, in June, 2008 we were invited by the President of Nestle Polska SA to Warsaw for the meeting of Trade Unions from the whole of Poland. We submitted a letter with 14 problems, which we wanted to solve. Up to now we did not receive any reply in August we have written a request for a meeting to the President of Nestle Poland. We received a negative replay. On September, 1st 2008, we wrote the next registered letter asking for a meeting in Rzeszów, out of the Plant, without the management of our Company. We informed you in writing that the problems accumulate and that we have some information interesting for nestle concerning the activities of the management of our Plant. The company managers, who would like to inform on the activities against Nestle Business Principles, wanted to be present at this meeting. I can mention here for instance wasting of many, many tones of raw materials incorrectly stored in the plant warehouses (the apples were warmed up to be more sweet, in result they rotted), the wasted millions zlotys because of the Project of gruel production, which occurred to be a total failure, the machinery – old junk purchased in Gerber factory in Venezuela, mobbing , ordering the key investments to the company which owner was renting a house to the director of Alima Gerber few years ago, buying every three years a luxury SAAB limousines for the company management, whereas the normal workers earn EUR 350 per month.

The condition of this meeting was the written statement of the President of Nestle Polska SA, that the participants of the meeting shall not be prosecuted. Unfortunately, instead of the meeting with the President of Nestle Polska SA we received the written notice that the leader of workers representatives of the sole plant manufacturing Gerber baby foods in Europe shall

be dismissed. Is this the way you handle the business matters in Nestle? This is outrageous!
We are not going to allow for such treatment. We shall inform both Polish and Swiss press on
this facts.

The Inter-factory Committee

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