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Catering, Tobacco and Allied  
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TELEFAX

To: Jean-Marc Duvoisin  
Senior Vice President Human Resources  
Nestlé S.A.  
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Concerns: Situation at Nestlé Poland

Dear Mr. Duvoisin,

We have been informed by our affiliate in Poland, the Food Workers Secretariat of Solidarność, of ongoing attacks against a member of Solidarnosc and chairperson of the works committee at Alima Gerber.

Mr. Jacek Kotula has been targeted for immediate dismissal for disciplinary reasons in accordance with Art. 52 of the Polish labour code. We have seen the legal opinion submitted on behalf of the works committee rejecting the intended dismissal and condemning the frivolousness of the accusations against Mr. Kotula, based, as they were, on hearsay.

This is not the first time Nestlé management has sought to discipline him and there is growing evidence of deliberate harassment by a management keen on eliminating a dedicated trade unionist who advocates fair treatment and respect for the law. In June 2007, Mr. Kotula accompanied safety inspectors, at their request, on a factory inspection. Because he was not scheduled to work that particular shift, he was disciplined for unauthorised entry. Unable to convince management to withdraw disciplinary action, he sought redress through the regional court in Rzeszów, which, in November, ruled in his favour. Nestlé appealed. In May 2008, the appellate court upheld the initial ruling, confirming the right of trade union representatives to monitor the employer's compliance with labour legislation. The court also declared invalid the new workplace rules that Nestlé had introduced - without consultation with the works committee – restricting trade union activities and the rights of trade union representatives. Recently Mr. Kotula has sought to raise with management issues of non-compliance with labour legislation, e.g., the failure to consult with the works committee prior to the transfer of Gerber administrative staff to Nestlé Poland headquarters, discriminatory treatment of temporary workers and refusal to negotiate wages, and has uncovered discrepancies in wage scales applied in a number of Nestlé plants in Poland.

It is abundantly evident that the attempt by Alima Gerber Nestlé management to dismiss Mr. Kotula is in direct connection with his active engagement as trade union representative. I needn't remind you that this is a serious violation of ILO Conventions and the OECD Guidelines.

I call on you to ensure that Nestlé Poland management is fully aware of and respects the international labour rights standards that your company claims to uphold. I call on you to urge local management to withdraw the disciplinary dismissal against Jacek Kotula. We look forward to evidence of an end to the hostile behaviour of Alima Gerber Nestlé management and a return to normal industrial relations practices.

Yours sincerely,  
Ron Oswald  
General Secretary

cc: Alfredo Silva, Asst. Vice President, Human Resources, Zone Europe  
Miroslaw Nowicki, President, Food Workers Secretariat Solidarność  
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