UNION OF FILIPRO EMPLOYEES (UFE-DFA-KMU)

Km. 44, Niugan, Cabuyao, Laguna

An affiliate of:
Drug,Food & Allied
Workers'Federation
(DFA-KMU)

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YOUTUBE.COM : www.youtube.com/user/ufedfakmu
: nestle kills workers
MULTIPLY.COM : nestle kills workers!!! boycott all nestle products!!!

December 28, 2010

Office of the President of the Philippines
In Replying, Please Cite: RE0034122
Received On: 01/04/11 By: MRO

Mr. Peter Brabeck-Lemathe
Chairman of the Board
Nestlé S.A.

Mr. Paul Bulcke
Chief Executive Officer
Nestlé S.A.

Mr. Jean-Marc Duvoisin
Deputy Executive Vice President
Head of Human Resources and Centre Administration
Nestlé S.A.

DEPARTMENT OF LABOR AND EMPLOYMENT
Office of the Secretary
DATE : 04 JAN 2011
TIME : 3:00 pm
RECEIVED BY:

Dear Sirs:

Greetings of peace with dignity! On behalf of all the displaced workers of Nestlé Philippines Inc., Cabuyao Factory we opted in writing you to inform you about the actual situation we and our families are going through. For almost nine years since we collectively decided to assert and defend our rights against management's deliberately provocative position imposing the exclusion of our retirement benefits from the CBA negotiations despite the Supreme Court's repeated rulings with finality in 1991 and 2008.

This position blatantly defied a ruling of the Supreme Court handed down in February 1991 (and later upheld on appeal), in which the court concluded: "The Court agrees with the NLRC's [National Labor Relations Commission] findings that the Retirement Plan was a collective bargaining issue right from the start ..."

The Supreme Court again ruled on the labour dispute with finality on March 26, 2008, reaffirming the validity of its 1991 decision. It now explicitly ordered Nestlé management to return to the negotiating table to resume CBA negotiations with the union, including the issue of non-contributory retirement benefits.

Several days after the strike vote on November 22, 2001, Patricia A. Santo Tomas, then-Secretary of the Department of Labour and Employment (DoLE), granted the company's petition for a notorious "assumption of jurisdiction" order, arbitrarily placing the dispute into the hands of the

state and its apparatus of repression.

On January 16, 2002, Sto. Tomas issued a Return to Work Order; on January 18, 2002, Sto. Tomas issued a Police Deputation Order, ordering the Philippine National Police (PNP) to send in their units; and on January 28, 2002, more than 1,000 combined forces of PNP, Military and Blue Guards violently dispersed the picket line set up by the striking workers at the factory gate.

During a trip to Switzerland to the ILO Conference in June 2001, Sto. Tomas enjoyed limousine services that billed a total of 9,000 Swiss Francs courtesy of Nestle-Philippines, Inc. Documents uncovered by the UFE reveal that Nestlé paid for her chauffeur services and the Mercedes Benz for a shopping trip to Milan, Italy from Geneva from June 15 to 16, 2001.
The protracted labor-management conflict has been marked by a militarization of the factory and the violent dispersal of the workers' picket lines and protests at the factory gate and elsewhere by the police and military, measures the company has encouraged and been fully complicit with.

The Committee on Freedom of Association of the International Labour Organization, on the other hand, has noted that the presence and direct intervention of the military and the police in labour disputes has been a growing practice in the Philippines. The ILO Committee has confirmed that the military has maintained operations inside the Nestlé Cabuyao factory since 2002 until the present. (Excerpts from the minutes of the 299th Session of the governing body of the ILO)

This repression has directly or indirectly resulted in 42 strike-related deaths, including union leader Diosdado "Ka Fort" Fortuna, who was assassinated on his way home from our picket line on September 22, 2005. His predecessor, Union president Meliton Roxas, was assassinated in front of the picket line on January 20, 1989, during the workers' previous strike involving the same issue. Most of our children were forced to stop schooling; many of our workers' houses were forfeited and the rest are under forfeiture due to inability to pay the housing loans.

In view of the foregoing, may we seek your intervention for the immediate resolution of the longstanding labour dispute in Nestlé Philippines Cabuyao factory.

Sirs, we are confident that you fully support and committed to the United Nations Global Compact's (UNGC) guiding principles on human rights and labour and aim to provide an example of good human rights and labour practices throughout your business activities and adhere to the Fundamental Conventions of the International Labour Organisation as embedded to the Nestlé Corporate Business Principles.(attached are letters came from the Office of the President and Department of Labour and Employment, Republic of the Philippines)

Respectfully,

Jose Noel Alemania
Acting President

Luz Fortuna
Widow of Diosdado Fortuna

Noel Adia
Acting Vice President

Isagani Alcasabas
Treasurer

Vicente Batayon
Board Member

Reynaldo Batitis
Board Member

Teodoro Mendoza
Board Member

Rico Caringal
Board Member

Cc:

Office of the President
Malacanang Palace
Manila

Office of the Secretary
Department of Labour and Employment
Intramuros, Manila