



Shortlist 2009

Public Eye Positive Award www.publiceye.ch

**Nominated for the Public Eye Positive Award 2009
by Solidarność Pracowników, Poland:**

Jacek Kotula

Position: factory employee since 1992
president of "Solidarity" union local (180 members) since 2004
Former employer: Alima Gerber S.A.
Industry: food
CEO: Tomasz Retmianiak
Owned by: Nestlé S.A.
Workforce: 400 (2007)

In Brief

Would you mix shards of glass into your children's food? Such things can happen if food giant Nestlé takes over a run-down factory and doesn't bother to fix it up. In October 2007, Alima Gerber, a Polish subsidiary of the Nestlé Company, made headlines when broken glass was discovered in its baby food. With the summary dismissal of Jacek Kotula, president of the Solidarity local and longtime employee of Alima Gerber, the company found itself embroiled in controversy once again. Mr. Kotula fought for fair salaries and secure employment. Again and again he tried to engage in a dialogue with the company's management. After countless attempts he finally gave up and turned to the courts. In September 2008 the father of four children was summarily dismissed even though unionists in Poland enjoy the same legal protections as everyone else.

Employees Acting with Courage

Alima Gerber was acquired by Nestlé in April 2007 and in its Rzeszów plant produces mostly baby food as well as canned fruit and vegetables. After the takeover union leader Jacek Kotula sought to alert the company's new owners to some questionable practices of the local management – things like the faulty storage of raw materials, the antiquated machinery purchased from Venezuela, or the outstanding tax payments. Just when Mr. Kotula's "Solidarność" local was attracting more and more members (having grown by 50% since July 2008) the union president, who had worked at the Alima Gerber for 16 years, was fired on the spot. The reason given for the dismissal was a conversation he had had with the president of the farmers association that represents many of Alima Gerber's' suppliers. Jacek Kotula had encouraged the man to charge more money for his apples since the company was importing costlier apples from Italy. In any case, by dismissing Jacek Kotula on the spot the company violated Polish labor laws, which explicitly protect union members from being fired. Jacek Kotula had been in his bosses' sights for a while. He asked for a

140€-raise in his colleagues monthly paycheck while pointing out that workers at another Polish Nestlé plant (Winiary Kalisz Factory) were making up to 50% more for the same work. Jacek Kotula also tried to negotiate a production stress reduction agreement with his superiors but was rebuffed. He simply represented the workers' interests and looked for interlocutors in the management of Alima Gerber and Nestlé to improve their situation on the ground. If the company broke a promise or refused to negotiate he did not hesitate to call in the national work inspectors.

Consequences/Successes

Mr. Kotula's personal engagement and his sense of justice eventually forced management to start a dialog. Today, union representatives meet with the director of human resources every month and with the company CEO every other month. Salaries, too, have increased as a result of the pressure generated by Jacek Kotula. Today the company pays special allowances for children, education and Christmas. Moreover, Alima Gerber had to pay damages for unpaid overtime. To that end Jacek Kotula called in the national work inspectors, who determined, among other things, that the noise level was 17 times higher than permitted. With their help he also pushed through a provision that made it mandatory for dangerous machinery to be operated by two people always. Jacek Kotula also facilitated the re-entry of women into the job market by threatening to report company misconduct to the local media. In 2008, „his“ Solidarność“ placed second in a competition for best union local in southeastern Poland. His own career, however, faltered badly as a result of his union leadership: before his dismissal Jacek Kotula was demoted to entry level worker by the head of the administration.

Current Situation and Demands

Jacek Kotula and his union are still protesting his summary dismissal and demand real protection for union activists against illegal termination. The union president is has filed a lawsuit against Alima Gerber in the regional labor court. At the first hearing Alima Gerber offered to raise his compensation. But Jacek Kotula insists on his innocence and wants his job back. The next hearing is scheduled for January 19, 2009. Jacek Kotula still demands equal rights for temporary employees who are discriminated and receive up to 50% less pay for the same work. In 2007 management was forced to offer 75 temporary workers a permanent job. Some of them also sued the company for losses they had incurred over the previous three years. Their lawsuit is still pending as well. Meanwhile, the union is also demanding an “overtime bonus” for Saturday work.

For More Information:

- http://cia.bzzz.net/nestle_attempts_to_break_trade_unions_in_alima_gerber_in_poland
- <http://www.ethecon.org/ethecon.php?id=322>