
From: Polman, Paul <Paul.Polman@unilever.com>

Sent: Sunday, 27 December 2015 23:55

To: yuyun ismawati

Subject: Re: Champion of the Earth Award and Responsible Actions to Create a Brighter Future

Thanks once more Mrs Ismawati,

I appreciate your offer and will forward it to the right people within the company.

To stay true to my values I can not say that I know all the details but indeed it is vital that we operate in all we do within the Unilever values and principles which have made this company what it is.

The case is indeed not that simple with multiple stakeholders but we remain committed to solve it as mentioned.

Thanks again. Warm regards. Paul

T: @PaulPolman

On 19 Dec 2015, at 07:44, yuyun ismawati <yuyun@balifokus.asia> wrote:

Dear Mr. Polman,

I appreciate your response to my previous concerns. I was quite concerned at your remarks in your email dated 16 October 2015 that the “workers have gone back on some points mutually agreed upon.” Having learnt this from you, I reached out to the workers association to find out what they had to say about your allegation. They emphatically denied having reneged on “mutually agreed” points. They said they are keen to settle and have been for a long time – especially given the crippling economic situation of some of the seriously ill workers or the families of seriously ill children.

On the contrary, they said that they are unable to agree to some of the settlement pre-conditions imposed by Unilever and Hindustan Unilever as the conditions were “stifling and oppressive.” However, they were unable to elaborate due to the confidential nature of the negotiations, they said.

I am well aware of Unilever's stated policies that mandate respect and care towards all its stakeholders. That is why I am deeply disturbed by the workers' strongly worded suggestion about certain unacceptable pre-conditions.

I wanted to know if you are personally aware of the terms of the settlement. If you are and find it acceptable, then given your stated commitment to the principles of dignity and justice, I am certain that it would not be in violation of your company's core policies. If that is the case, and you are willing to elaborate on the sticking points without compromising confidentiality, I am happy to intervene in whatever little way I can to allay the fears of the workers. I and many of the other award-winners have a collegial relationship with organisations that the workers would respect.

Since the workers have suffered for long and their problem needs urgent attention, I urge you to take all steps to move the process of settlement towards a just conclusion and clean up the remaining mercury-contaminated sites thoroughly.

Sincerely,

Yuyun Ismawati

On Fri, Oct 16, 2015 at 4:00 PM, Polman, Paul <Paul.Polman@unilever.com> wrote:

Dear Mrs Ismawati,

Thank you for your email dated September 30, 2015 and for your continued interest.

I would once again like to reassure you that we are doing everything possible to address the issue. In fact, this has been our approach since this issue was first brought to our notice. It is sad that despite our best efforts we have not been able to resolve it. However, we are determined to find solutions for both the issues – settlement with our ex-workers and soil remediation at our former factory premises.

The delay in commencing soil remediation had not occurred due to us. HUL, based on soil remediation criteria set by the regulatory authority, had commenced the pre-remediation work way back in 2009. However, in 2010, HUL was asked to stop this work by the regulator because the NGOs had disputed the soil remediation standard. This approach of derailing the process through allegations has been ongoing and has not contributed in addressing the issue at hand in any manner.

It's important that we work constructively to address the issue of soil remediation and respect the recommendations given by eminent national institutions basis extensive studies. In recent months, we have been making good progress on recommencing the remediation inside the factory. We have submitted a Detailed Project Report to the Tamil Nadu Pollution Control Board who have the responsibility of deciding the soil remediation standard. As soon as this is approved

we will commence soil remediation. We need positive and constructive approach of all involved stakeholders including the activists for this process to be completed.

With regard to the settlement with our ex-workers, I wish to clarify that we are continuing to engage with the representatives of the ex-workers. However, there has to be willingness to find a solution from both sides. It is pertinent to mention that in the recent past the representatives of the workers have gone back on some of the points mutually agreed in earlier discussions and this has resulted in an impasse. We will nevertheless continue our engagement with the ex-workers and we are hopeful to resolve this issue amicably at the earliest.

Please do let me know in case you wish to have more details in this regard, I would be happy to connect you with my colleague Sanjiv Mehta, the CEO of Hindustan Unilever Limited.

Warm regards

Paul



Paul Polman, Chief Executive

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From: yuyun ismawati <yuyun@balifokus.asia>

Date: 30 September 2015 22:37:07 CEST

To: "Polman, Paul" <Paul.Polman@unilever.com>

Cc:

Subject: Re: Champion of the Earth Award and Responsible Actions to Create a Brighter Future

Dear Mr. Polman,

Thank you for your reply to our previous email. We appreciate your time and comments.

However, the understanding that I have gathered from the testimonies of the community members who have been concerned with this incident together with the reports from ex-workers in Kodaikanal and colleagues from the Tamil Nadu Alliance Against Mercury contradict many of your assertions. They state that some of your explanations seemed to be incomplete, lacking detail and based on assumptions made by parties that were not completely objective in their investigations and deliberations.

Please find in attached some explanations/counters to your statements, compiled by our colleagues from the Tamil Nadu Alliance Against Mercury and from my own sources.

My personal research on Kodaikanal found several publications and reports conducted by various agencies and researchers that shown severe impact of mercury to the communities in Kodaikanal and a high concentration of mercury in the Kodai Lake, moss and lichen in the forest areas. This really refutes your claim and support of the statement that there is no evidence of any adverse health impact.

Mercury is a well-known neurotoxin chemical that has a severe impact on human health and other living organisms, bio-accumulate, and ability to migrate far from its source in various forms. Minamata Disease is the world-known industrial pollution impact and tragedy. Due to its characteristic, as mentioned above, in October 2013, 128 countries signed and adopted the Minamata Convention on Mercury. All stakeholders agreed that the lessons learned from Minamata should not be repeated elsewhere.

Following the Minamata Convention on Mercury, a global treaty to protect human health and the environment from the adverse effects of mercury, the general public is increasingly aware of the long-term, long-range impact of mercury to human health and the environment.

We believe that the expertise is currently available that would allow your organisation to clean the mercury contaminated sites in Kodaikanal. You might want to engage with the local communities about what would be the best solution for the people there.

With your leadership and commitment to making sustainable living

commonplace, we would like to urge you to resolve the Kodaikanal case, clean up the site and the surrounding areas properly, settle the negotiation process with the ex-workers and affected communities and work with the Government of India to establish an integrated monitoring plan for Kodaikanal's environment and health measures for the Kodaikanal people.

We are also hoping that you will make time to visit the communities of Kodaikanal and listen to their stories in person.

Thank you for your kind attention.

Looking forward to hearing from you soon.

Sincerely yours,

1. Yuyun Ismawati, BaliFokus, 2009 Goldman Environmental Prize, Indonesia. yuyun@balifokus.asia
2. Olga Speranskaya, IPEN, 2011 UNEP Champion of the Earth; 2009 Goldman Environmental Prize. Russia. olga@ipen.org
3. Vandana Shiva. Navdanya. 1993 UNEP Global 500 Roll of Honour. 1993 Right Livelihood Award. India. Vandana.shiva@gmail.com
4. Rashida Bee & Champa Devi Shukla. Bhopal Gas Affected Women Stationery Workers Association, 2004 Goldman Environmental Prize. India. chingari.trust@gmail.com
5. Ramesh Agrawal, Jan Chetna Manch, 2014 Goldman Environmental Prize. India. ramesh.agrawal@gmail.com
6. Sven (Bobby) Peek, Groundwork, 1998 Goldman Environmental Prize, South Africa. bobby@groundwork.org.za
7. Desmond D'Sa, SDCEA, 2014 Goldman Environmental Prize, South Africa. desmond@sdceango.co.za
8. Hilton Kelley, Community In-power & Development Association, Texas. 2011 Goldman Environmental Prize. USA. hiltonkelley5011@gmail.com
9. Rizwana Hassan, Bangladesh Environmental Lawyers Association, 2009 Goldman Environmental Prize. Bangladesh. rizwana1968@gmail.com
10. Sunita Viswanath, Women for Afghan Women & Sadhana – Coalition of Progressive Hindus, 2015 White House Champion of Change. USA. sunita@womenforafghanwomen.org
11. Gary Cohen, Health Care Without Harm, Skoll Award for Social Entrepreneur 2006. White House Champion of Change 2013. USA. gcohen@hcwh.org

12. Von Hernandez, Greenpeace International, 2003 Goldman Environmental Prize. Philippines. vhernand@greenpeace.org
13. Phyllis Omido, Center for Justice, Governance and Environmental Action, 2015 Goldman Environmental Prize. Kenya. info@centerforjgea.com
14. Thuli B. Makama, Environmental Law Center - ELC, 2010 Goldman Environmental Prize. Swaziland. thuli.makama@gmail.com
15. Craig Williams, Kentucky Environmental Foundation, 2006 Goldman Environmental Prize, USA. craig@cwwg.org
16. Lois Marie Gibbs, Center for Health Environment and Justice, 1990 Goldman Environmental Prize. USA. lgibbs@chej.org
17. Jean Wiener, Fondation pour la Protection de la Biodiversité Marine (FoProBiM), 2015 Goldman Environmental Prize. Haiti. jeanw@foprobim.org
18. Tarcísio Feitosa da Silva, Ministry of Public, Para State, 2006 Goldman Environmental Prize, Brazil. tarcisio.xingu@gmail.com
19. Juan Pablo Orrego S., Ecosistemas & Consejo de Defensa de la Patagonia, 1997 Goldman Environmental Prize. Chile. jp.orrego@ecosistemas.cl
20. Bruno van Peteghem, Association Toxicologie Chimie, 2001 Goldman Environmental Prize, France. bvp11@yahoo.fr
21. Nat Quansah, 2000 Goldman Environment Prize. Madagascar. nat.quansah@yahoo.com
22. Heffa Schücking, Urgewald. 1994 Goldman Environmental Prize. Germany. heffa@urgewald.org
23. Maria Gunnoe, 2009 Goldman Environmental Prize, 2012 Wallenberg Medal. USA. wvhollowgirl@gmail.com
24. Steve Wilson, Journalist, 2001 Goldman Environmental Prize. USA. sgwilson904@gmail.com
25. Jonathan Deal, Global Citizens Alliance, 2014 Goldman Environmental Prize. South Africa. jonathan.deal@
26. Pablo Fajardo, 2008 Goldman Environmental Prize. 2007 CNN Hero Award. Ecuador. pafam@ecuanex.net.ec
27. Harrison Ngau Laing, 1990 Goldman Environmental Prize. Malaysia. hnlco@yahoo.com
28. Feliciano Dos Santos, Musician/activist. 2008 Goldman Environmental Prize. Mozambique. santoscalisto@gmail.com

29. Sviatoslav Zabelin, 1993 Goldman Environmental Prize. Russia.
svet@biodat.ru
30. Ikal Ang'elei. Friends of Lake Turkana. 2012 Goldman Environmental Prize. Kenya. ikalangelei@gmail.com
31. Christine Jean. 1992 Goldman Environmental Prize. France.
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32. Andrew Simmons. JEMS Progressive Community Organisation. 1994 Goldman Environmental Prize. St. Vincent and the Grenadines.
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33. Jadwiga Lopata, International Coalition to Protect the Polish Countryside. 2002 Goldman Environmental Prize. Poland.
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34. Kimberly Wasserman. Little Village Environmental Justice Organisation. 2013 Goldman Environmental Prize. USA.
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35. Ka Hsaw Wa. Earthrights International. 1999 Goldman Environmental Prize. 2009 Ramon Magsaysay Award. USA. kahsawwa@earthrights.org
36. Atherton Martin. 1998 Goldman Environmental Prize. Dominica.
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37. Cath Wallace. 1991 Goldman Environmental Prize. New Zealand.
cath.wallace10@gmail.com
38. Rudi Putra, Forum Konservasi Leuser, 2014 Goldman Environmental Prize. Indonesia. rhinoleuser@gmail.com
39. Prigi Arisandi, ECOTON. 2011 Goldman Environmental Prize. Indonesia. prigi.arisandi@gmail.com
40. Alexander Louis Peal. 2000 Goldman Environmental Prize. Liberia.
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41. Anna Giordano. Conservationist, WWF Italy. 1998 Goldman Environmental Prize. Italy. a.giordano@wwf.it
42. Ignace Schops. President EUROPARC Federation. 2008 Goldman Environmental Prize. Belgium. ignace@rlkm.be
43. Tuy Sereivathana. 2010 Goldman Environmental Prize. Cambodia.
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44. Maria E. Foronda Farro. 2003 Goldman Environmental Prize. Peru.
mforondaf@hotmail.com
45. Sandeep Pandey. ASHA. 2002 Ramon Magsaysay Award. India.
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46. Vera Mischenko, 2000 Goldman Environmental Prize. Rusia.

mischenko.vera@gmail.com

47. Michal Kravcik, 1999 Goldman Environmental Prize. Slovakia.

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48. Pisit Charnsnoh, 2002 Goldman Environmental Prize, Thailand.

yadfonfoundation@gmail.com

END

On Fri, Sep 25, 2015 at 1:03 PM, Polman, Paul

<Paul.Polman@unilever.com> wrote:

Dear Mrs Ismawati,

Many thanks for your letter about our former thermometer factory at Kodaikanal in southern India. I appreciate you getting in touch and offering me the opportunity to explain the challenges behind this matter, clarify some of the facts of the case, and to underline my personal commitment to address it.

As way of background, this matter began in 2001 when, in breach of our strict operating procedures, we sold some glass scrap containing mercury residue to a local scrap dealer. After becoming aware of the issue, we immediately shut down the factory and launched an investigation. Shortly after, we safely removed and disposed of the waste and machinery. In addition, we offered our employees work at another factory, and when they declined, we provided double the level of redundancy payment required by Indian authorities.

Since then, we believe we have acted both responsibly and transparently to address the two main issues:-

The first concerns the health of our former workers, many of whom – as you say – claim to have become unwell as a result of their work in our factory. The health and wellbeing of our employees is our top priority and the factory took several measures to ensure they were protected – such as providing safety and protective equipment, carrying out regular air quality monitoring, and ensuring employees underwent frequent health checks.

There were also separate sections in the factory for mercury-handling.

Crucially, since the factory closed, four independent expert studies into the health of our workers have all drawn the same conclusion – that there is no evidence of any adverse health impact. This includes a report from a committee of experts appointed by the Madras High Court.

We are confident in this finding because, to diagnose mercury-related illnesses, it is essential to establish the mercury exposure levels above which someone's health is likely to be impaired. The biological monitoring we carried out, coupled with clinical evaluations of our former workers, have not revealed any such exposures. In fact, we conducted urine tests on our employees every month (well above the WHO's requirement for employees working with mercury) so we have a very reliable base from which this conclusion has been drawn. This is in contrast to the 2011 Ministry of Labour report you mention, which did not seek to establish any cause-effect relationship between the ill health of the workers and their time at the factory, despite the fact that their symptoms could have occurred due to many other factors.

Nevertheless, we are wholly committed to finding a resolution to this issue, and when a group of former employees submitted a petition to the Madras High Court in 2006 asking for financial and health support, we agreed to act as proposed by the Court by seeking an out of court settlement on humanitarian grounds. This has been a complex and slow process, but we are currently having constructive talks with their representatives and are making determined efforts to settle the matter. We remain optimistic that we will do so.

The second aspect relates to the claims of environmental damage within and around our factory site. On this, we commissioned a detailed study into the potential environmental damage caused to the surrounding area, and no worrying levels of leakage or damage were found. However, a study did identify some areas within the factory premises which require soil remediation, three to be precise. After instructions from the relevant local authority, the Tamil Nadu Pollution Control Board, we started pre-remediation work in our closed factory premises more than five years ago, but this was stopped after the clean-up standard was challenged by local NGOs.

In recent months we have been making good progress on recommencing the remediation inside the factory. We have submitted a Detailed Project Report to the TNPCB who have responsibility for deciding the standard required. As soon as this is approved we will commence soil remediation work; we hope this will be soon. However, we would like to clarify that there is no single clean-up standard for mercury contamination. Some countries have established preliminary screening criteria, which are used by regulators to determine whether a site is potentially contaminated, but these screening criteria vary from country to country and are different to the standards which regulators set when remediation is required, which in accordance with international best practice, is based on a risk assessment study of the site.

We regret how long it has taken to resolve this issue but we are determined to do so – both in reaching a settlement with our workers and cleaning up the site once consent is given. This, of course, will require the commitment of everyone involved. One of the other challenges of this case has been encouraging all stakeholders to deal in the facts of the matter, rather than the misinformation and inaccurate claims often repeated by activists and the media, so once again, thank you for giving me the opportunity to clarify some of these.

Finally, there is a lot more information about this case on our website. The link to the information is here: <https://www.unilever.com/>.

Warm regards

Paul