

Registered letter

Mr Ulf Mark Schneider,
Chief Executive Officer, Nestlé, S.A.
55, Avenue Nestlé,
CH-1800 Vevey

Nyon, April 13, 2023

Subject: Final words- Food Safety Culture and Management at Nestlé

Dear Mr. Schneider,

It was through the media that on January 31, 2023 we learned that Nestlé has decided not to appeal to the Swiss Supreme Court in the lawsuit I filed in March 2011. With this decision, the rulings of the Civil Court of Appeal of the canton of Vaud of January 7, 2020 and of November 29, 2022, come into force. The Nestlé Management has henceforth been sentenced for bullying and morally harassing me. However, the case is more than that. It entails violations committed by Nestlé in the area of public health, be it food safety, employee health or whistleblowing.

In this context, it is necessary to recall and place on record the ruling of the court stating that Nestlé's Management took no adequate measures to protect me or to stop the harassment, except for a belated and biased investigation three and a half years after the harassment started; an investigation the Court found to be a "*sham*". All this, despite the seriousness of the situation and my numerous internal complaints from 2006 to 2010.

Additionally, the Court states that the members of Nestlé's Management were complicit and never sought to uncover the dysfunctional situation. Hence, they contributed to the violation of the internal regulations of the Nestlé Group and Swiss labor law.

The Court noted the "*underhand nature of the harassment*", the "*serious moral suffering*" that I endured due to the length and intensity of the bullying and harassment. The Court explicitly concluded that the actions of Nestlé's Management destroyed me professionally and socially and terminated my career, which was described as brilliant.

I note with dismay, but no surprise, that the Nestlé Management has been tactless in handling its misdeeds right up to the last act. Not only have you not had the courtesy to inform us

directly of your intention to desist from appealing, but on the substance of the case you continue to maintain your wrongful position.

Since Nestlé continues to make misleading statements in the media through an anonymous spokesperson, I feel compelled to comment on them.

To the newspaper *Le Temps*, Nestlé states that “*We sincerely hope that Ms. Motarjemi will be able to move on and get on with her life*”. A cynical statement meant to give the impression that your decision not to appeal to the Supreme Court is a gesture of goodwill and that now I can get on with my life! Even though you know perfectly well that the Nestlé Management has killed my career, damaged my health and destroyed my life. No amount of money will remedy the situation and repair the damages. If I had to resort to a civil court, it was not for money. It was only because Swiss law does not give any other options to employees who are victims of aggression from their employer in the form of harassment and mobbing.

Also, you know that Nestlé would have had little or no chance of success in the Supreme Court and that a ruling at this level would have a far greater media and judicial impact than a cantonal court ruling. Furthermore, a Supreme Court ruling on the concept of harassment would have strengthened the protection against harassment of employees, which is probably not what Nestlé is interested in.

Six years ago, on March 29, 2017, I wrote a letter to your attention (copy attached for ease of reference) recounting my ordeal at Nestlé and the outrageous explanations given by Nestlé executives, including Mr. Paul Bulcke, the current Chairman of the Nestlé Board of Directors, in Court (please see the above-mentioned letter). At the time, I hoped that as the new CEO, you would distance yourself from the misdeeds of the previous Management and be interested in learning from the past. I gave you the opportunity to recognize the harassment and end the lawsuit. Instead, you decided to follow your predecessor’s lead and pursue the legal procedure, first denying any harassment and then later denying the damage done to my life.

As a result, you extended my suffering for a further six years. Years in which, for the benefit of consumers around the world, you could have examined past mistakes, learned from them, and improved the management of employees and the safety of Nestlé products, which go hand in hand. A time that could have been used positively to strengthen preventive measures and put procedures in place to protect employees and consumers.

We could perhaps have prevented the recent Enterohemorrhagic Escherichia coli (EHEC) outbreak with Nestlé’s Buitoni pizzas in France in 2022, killing two children and making 54 others seriously ill. Similarly, if my recommendations made during the years of my service at Nestlé had been followed up, we could have prevented the 2008 melamine incident in China (300,000 infants poisoned) and South Africa, the 2009 EHEC outbreak in the United States (sickness caused in 77 people) and the death of several children by choking in France.

There should be no mistake: conceptually the food safety management system is so robust that when such incidents happen, they only illustrate a vast number of underlying shortcomings and violations in the actual practice of food safety management.

Dear Sir, let me clarify a few points regarding the statements that Nestlé makes in the media in relation to food safety management and the absurd claims that appropriate measures were taken for my protection.

First, although for 17 years *Nestlé has denied the harassment or any wrongdoing*, anyone with a grain of humanity could see the intense harassment Nestlé had put me through. The harassment and the Nestlé food safety management culture left me so disgusted that I could no longer exercise my profession. I still wonder how it is possible that your legal advisor, Mr. Rémy Wyler, the Swiss expert in labor law and professor at the University of Lausanne, Switzerland, did not recognize this intense case of bullying and moral harassment and could not advise you better. For years, in Court, he denied a case of harassment that was obvious to any other expert.

What should consumers think of Nestlé? Can a company that does not care about its loyal employees - its most valuable asset - care about the health and safety of consumers?

Second, Nestlé maintains that *it has taken appropriate steps to protect me!* Would you say that a bogus investigation three years after my first reporting, as reported in the ruling of the Court, is a proper way to handle a harassment complaint? Would you say that offering me an internal transfer to a *"thankless"* position (English translation of the French term *"ingrat"* used by the Director of Operations, Mr. José Lopez, in Court) and keeping an unscrupulous person as the Director of Quality Management is an appropriate way to protect me? Or, was it more like protecting Mr. Roland Stalder, the former Director of Quality Management, whom you now admit to being a harasser, a mobber?

Do you realize that for years you had appointed a mobber, a person with abusive behavior, as the head of a department responsible for supervising and managing the safety of Nestlé products? How can consumers trust Nestlé products when they learn of the poor human quality of the people you select and protect to oversee the quality and safety of Nestlé products and dismiss those who try to implement good food safety practices?

Do you realize that if the Nestlé Management had conducted a fair investigation into my harassment, Nestlé could have avoided 12 years of legal proceedings that have ruined my life?

Again, would you say that failing to follow up on my request for a food safety audit is a good practice? Is this the behavior of a *"responsible company"*?

With the above-mentioned statement, Nestlé also insinuates to the public that I have been uncompromising. Yet, for several years, I repeatedly and patiently reported to all levels of Management and requested an audit of my department for food safety management. I even accepted the transfer to the proposed *"thankless"* position on condition that Nestlé undertook the audit so that I could prove the ongoing mismanagement. Yet, all Nestlé did was to increase the intensity of the harassment, remove my name from the organizational chart, and conduct a bogus investigation with a predetermined outcome that finally led to my dismissal. This way, it signaled to any employee with a fantasy to blow the whistle what might

happen to them. Is this the whistleblowing system that you have put in place? And even today, you consider that you have acted correctly !!?

In Court and in public, Nestlé refers to me as “*intransigent*”. First of all, yes, regarding food safety, I have been uncompromising, as I should be, and as Nestlé's motto says, “*food safety is not negotiable!*” However, beyond the compromises I have made and the patience I have shown, on several occasions, I have approached you and your predecessors, Mr. Peter Brabeck-Letmathe and Mr. Paul Bulcke, and offered to brief you on ongoing malpractices and the reality faced by the personnel (copy of letters attached). Instead, I was met with attempts to buy my silence without recognizing any wrongdoing or making an effort to learn from my experience.

Finally, but most importantly, in the media, Nestlé claims that the *lawsuit is unrelated to food safety*. This is a big lie and a totally false view of food safety management that will serve as a textbook case for future generations of food safety professionals.

It is a lie because Nestlé officially justified my dismissal with my differences of opinion on food safety management. It is also a lie because the Court acknowledged that Nestlé had not followed up on my food safety concerns, which was a corrective measure to undertake in the context of whistleblowing. This failure is the worst that a company can do in terms of food safety management. It is also a violation of the whistleblowing procedure requested by the European Directive or OECD.

However, in my opinion, Nestlé's statement is also an illustration of a certain lack of competence in food safety management. You seem to ignore that organizational culture and retaliation against staff in the form of bullying and harassment are risk factors in food safety management and a disincentive to whistleblowing. Please note that:

- 1) Such actions create loopholes in the system, as staff will not be able to do their job or will make mistakes. In the short or long term, this can lead to incidents.
- 2) Harassment of staff creates a culture of fear. As a result, employees would be intimidated to speak up and report potential problems. As such, it is also a violation of the whistleblowing system, on which many countries around the world have legislated.
- 3) When harassment consists of obstructing the functions of personnel involved in safety management, this has a direct impact on safety. For example, blocking my instructions, sabotaging measures I was putting in place to help plants to manage food safety risks contributed to the incidents mentioned above.
- 4) More generally, the culture of fear; stifling the voice of staff under threat of transfer, harassment or dismissal; refusal to address employee grievances; dismissal of staff for their opinions; employees working under coercion; and violation of internal policies all contribute to a negative safety culture. The mere fact that an unscrupulous manager, now recognized as a harasser by the court, was left in place and I was dismissed instead says everything about Nestlé's corporate culture and ethics. The experience of all incidents shows that a negative organizational culture is conducive to safety incidents or other types of violations.

In short, despite the court ruling notifying you of Nestlé's mismanagement, you do not have the decency to respect the opinion of the Swiss justice system and assume responsibility for Nestlé's misdeeds, as if you were devoid of any humanity and ethical values. So, the problem is not just what Nestlé has done over the years, but the fact that you continue to defend this despicable management and actions. *To err is human, to persist in error is evil.*

In the long run, Nestlé would be best served by a Management Policy aimed at maintaining the public's confidence in Nestlé products. I would be glad to discuss with you means of maintaining and improving Nestlé food safety management, should you be interested.

Yours sincerely,

Yasmine Motarjemi
Former Senior Scientist, World Health Organization
Former Corporate Food Safety Manager, Nestlé
Former Assistant Vice President, Nestlé

Enclosures

Copy of a letter to Chairman and former CEO, Mr. Peter Brabeck-Letmathe, September 2010
<https://www.rts.ch/info/3989665.html/BINARY/Mr%20CEO.pdf>

Copy of Letter dated March 29, 2017 to Mr. Ulf Mark Schneider, <https://global-geneva.com/nestle-whistleblower-letter-to-company-ceo-ulf-mark-schneider/>

Article in Le Temps. Conflit entre Nestlé et Yasmine Motarjemi : la multinationale renonce à faire recours. January 31, 2023. <https://www.letemps.ch/economie/conflit-entre-nestle-yasmine-motarjemi-multinationale-renonce-faire-recours>