



16th FEBRUARY 2021

UNILEVER GROUP REPLY TO REQUEST FOR COMMENT ON PRESS REPORTS ON VIOLENCE COMMITTED AGAINST OUR EMPLOYEES DURING THE NATIONAL BREAKDOWN IN LAW AND ORDER AFTER THE 2007 KENYAN ELECTIONS

We fully stand by the response that we posted in July 2018 when these questions were first raised on the Business and Human Rights Resource Centre¹ website and we'll cooperate fully with the United Nations Working Group On Human Rights And Transnational Corporations and the UN Special Rapporteur On Extreme Poverty and Human Rights if they wish to further investigate the allegations.

23rd JULY 2018

**UNILEVER GROUP REPLY TO CORE POST ("UNILEVER: TIME FOR REAL LEADERSHIP ON HUMAN RIGHTS")
REFERRING TO KENYA TEA WORKERS**

Unilever stands by the commitments made in our Human Rights Policy Statement [here](#), including to the UN Guiding Principles, and we strongly reject any allegation that we did not respect these in the case of the tea workers affected by the nationwide breakdown of law and order that occurred in Kenya in 2007.

An international commission of enquiry set up by the Kenyan Government concluded the scale and ferocity of the attacks was not foreseeable. The English Court of Appeal judgment noted: *"The judge held that the damage suffered by the appellants was not foreseeable by either UTKL or Unilever. Further, in relation to Unilever, the judge held that it would not be fair, just and reasonable to impose a duty of care, since the duty alleged required, in effect, that Unilever should act as a surrogate police force to maintain law and order, whereas Unilever had been entitled to rely on the Kenyan authorities to do that"*. The Court of Appeal also unanimously concluded that the Claimants were *"nowhere near being able to show that they have a good arguable claim against Unilever"* and dismissed the Claimants' appeal. The full judgement is available [here](#).

Following the unfortunate events of 2007, Unilever provided significant support to those employees impacted. On return to Unilever, employees whose possessions had been looted were provided with replacement items, including furniture, bedding and clothing, TVs, mobile phones and cows (or cash to purchase these items). Anyone unable to undertake their previous role was retrained to take up a different job and medical support and counselling were freely available. Overall, 93% of those affected returned to work at Unilever.

Unilever also donated US\$1million in cash and Unilever products through the World Food Programme to help the people of Kenya affected by the 2007 post-election events. A further \$500,000 was provided specifically to help our employees and their families who had suffered because of the violence. Every Unilever Tea Kenya employee was also provided with compensation in kind to offset the impact of loss of earnings during the instability.

In view of the Claimants' concerns about publicity related to this case, we continue to believe that drawing attention to the case via public letters, articles or social media and any ensuing press coverage is regrettable. We hope that all involved will respect the Claimants concerns in the future.

Unilever will continue to provide support to its employees and the local community and we remain fully committed to building a sustainable tea business in Kenya and addressing any Human Rights issues that emerge.

¹ The Supreme Court of the United Kingdom refused permission for a final appeal in July 2019 stating that *"the refusal of permission to appeal will not cause injustice"*.