

## Kodaikanal mercury poisoning: HUL, ex-staff sign settlement

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The Hindu

Hindustan Unilever's clinical thermometer factory in Kodaikanal hills. The factory was shut down in 2001 by the Tamil Nadu Pollution Control Board after revelations that the company leaked mercury into Pambar Shola Forest Reserve for 17 years. Photo: G. Karthikeyan

*HUL was facing a 'class action litigation' moved by former workers of its thermometer factory who were allegedly exposed to toxic mercury vapour.*

Hindustan Unilever Limited (HUL) has finally entered into a settlement to provide “undisclosed” ex-gratia amount to the victims consisting of future health care benefits.

The company was facing a ‘class action litigation’ moved by the former workers of its thermometer factory at Kodaikanal who were allegedly **exposed to toxic mercury vapour** during their employment.

Claiming the settlement as historical, the association’s counsel R. Vaigai said, “This is the first ever class action litigation moved by industrial workers against occupational health exposure.”

Highlighting the significance of the case, she said, “We have approached the court through a writ petition invoking Article 21, seeking the Central and the State governments to protect the life and personal liberty of the workers. We have not moved a plea for compensation/damages.”

A similar class action moved by the employees for damages before the High Court of London since the company is headquartered in United Kingdom will also be withdrawn in view of the settlement, Vaigai added.

According to a joint statement issued by the HUL and the employees association, the settlement has been entered into on humanitarian considerations to put an end to the long-standing matter pending before the court for several years, in view of the suggestion of the Madras High Court.

“We have worked hard over many years to address this and find the right solution for our former workers. We, alongside all involved, are glad to see an outcome to this long-standing case. The wellbeing of our employees and the communities in which we operate has and will always remain paramount. This agreement demonstrates our commitment to this,” Dev Bajpai, Executive Director – Legal and Corporate Affairs said.

# STRUGGLE MEETS SUCCESS

HUL to make "undisclosed" ex-gratia payments to victims

**2001** The Tamil Nadu Pollution Control Board shuts down the **HUL thermometer factory** after sale of mercury-contaminated glass to scrap dealers was detected

**2003** Large amounts of **mercury scrap** sent back to the U.S.

**2006** Ex-employees move Madras HC

**2011** A committee constituted by Ministry of Labour concludes there was **prima facie evidence** of mercury-related ailments among workers



*Apart from jeopardising lives of people, contamination from the factory threatened the area's fragile ecology.*

**2015** Unilever CEO Paul Polman says he is determined to solve the issue after international focus following a **rap song**

## Former employees happy

Former employees of Hindustan Unilever Ltd (HUL) thermometer factory have welcomed the settlement reached between Pond's HLL Ex-Mercury Employees Welfare Association and HUL that has put an end to the long-standing issue. Association president S.A. Mahendra Babu welcomed the action taken by HUL, bringing the negotiations to a satisfactory closure. "We are pleased with all the terms of the agreement which will help ensure the long-term health and well-being of the factory's former workers. We now consider this issue to be fully resolved and have no more grievances against the company in this regard," he said.

The company has also agreed to provide ex-gratia payments to 511 former workers/association members and their families towards livelihood enhancement projects and skill enhancement programmes. The former employees confirmed this as a full and final settlement of all their claims and demands. They will withdraw the petition they had filed in February 2006 in the Madras High Court. HUL too will withdraw all cases filed in the Madras High Court, he added. A similar class action suit moved by the employees for damages before the High Court of London since the company is headquartered in United Kingdom will also be withdrawn, Ms. R. Vaigai, counsel for the employees' association, said. HUL Legal and Corporate Affairs Executive Director Dev Bajpai stated that the company was glad that the issue has been resolved. "The well-being of our employees and the communities in which we operate has and will always remain paramount," he added. The petition was filed by employees more than four years after HUL had made a final settlement in November 2001.

## Timeline:

- 2001** TNPCB shuts down the HUL thermometer factory after sale of mercury contaminated glass to scrap dealers is detected. Health study of workers done
- 2003** Large amount of mercury scrap sent back to the U.S.
- 2006** Ex-employees move Madras High Court against Unilever. Health effects such as miscarriages, kidney and nervous system damages, mental disability in children etc. stated
- 2011** Committee constituted by Ministry of Labour concludes there was prima facie evidence of mercury-related ailments in workers
- 2015** Unilever CEO Paul Polman says he is determined to solve the issue after international focus **following rap song**.

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