

Our policy on:

Fair Treatment

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This policy applies to...

UK Colleagues on or Aligned to Sainsbury's Terms and Conditions

In a nutshell

The company promotes a culture of fair treatment and we will not tolerate bullying, harassment, sexual harassment, victimisation, discrimination or any other treatment towards individuals or groups which is less favourable or has a negative impact on the way they feel at work. We have a set procedure to make sure that any complaints are dealt with in an appropriate way but also to enable us to put steps in place to prevent incidents reoccurring.

Other relevant policies and information

Line Manager Guide to Fair Treatment (Sainsbury's UK)	Line Managers should read this Policy in conjunction with the Line Manager Guide to Fair Treatment
Inclusion Policy	Find out more about our approach to inclusivity in the workplace
Guide to Discrimination, Bullying, Harassment, Sexual Harassment and Victimisation	More information about the various types of discrimination and harassment
Accessibility	You can find a PDF version of this document in the attachments section. By clicking the PDF version of this policy, it will allow you to download, print, or use the read-aloud function if you wish.

Attachments

Fair Treatment Policy - Sainsbury's UK (PDF)

Key points

- How to deal with and resolve issues at work informally and the support available from your manager in order to do so
- The formal process that can be followed to deal with complaints and what your manager will do to resolve it
- The principles that apply to this policy in order to help us promote a culture of fair treatment

Fair Treatment principles

Our Inclusion Policy outlines our approach to promoting a fair and equal workplace. We will not tolerate bullying, sexual harassment, discrimination, harassment and victimisation of any kind. This section outlines our principles when dealing with complaints at work.

1. Zero tolerance to discrimination bullying, harassment, sexual harassment, and victimisation

For more information please see our Guide to Discrimination, Bullying, Harassment, Sexual Harassment and victimisation available on Our Sainsbury's. This guide provides more detail on what we mean by these types of behaviours and what is not acceptable behaviour.

We take allegations of discrimination, bullying, harassment, sexual harassment and victimisation extremely seriously. If you are affected by or are aware of any incidents of this nature, speak to your manager as soon as possible. We will do all we can to stop this behaviour. As we take any allegations seriously, if a manager reviews the allegation and feels that it is a form of discrimination, bullying, harassment, sexual harassment or victimisation, they will automatically use the formal fair treatment process.

2. Confidentiality

So far as is possible we will only share information with people who are involved in resolving the complaint. If your complaint is about another colleague, we'll need to inform them so that we can help resolve the situation.

3. Supportive process

We encourage colleagues to raise any issues that are concerning them. You won't get in trouble for doing this or for being a witness for someone else who has raised a complaint. We take it very seriously if anyone victimises a colleague for complaining or being a complaint witness and we may take disciplinary action against them.

4. Appropriate channel

Whilst the fair treatment process is in place to support dealing with complaints, there are other channels that may be more appropriate for the issue you are raising to make sure it is dealt with in the right way.

Appeals against disciplinary decisions, dismissals and redundancies must be dealt with via the appeal process as explained in the Disciplinary and Appeal policy.

Collective complaints raised by Trade Union or colleague representatives should be resolved through consultation or an agreed process. If a number of colleagues raise a complaint together, we might suggest that they elect one person to pursue the complaint on their behalf.

5. Genuine complaints

We expect that complaints are made in good faith, but if we find this is not the case, we will take it very seriously. An example of this is disingenuous complaints raised to divert attention from another issue e.g. a disciplinary investigation. Cases such as this could lead to **disciplinary action**.

6. Whistleblowing

Colleagues can report wrongdoing in confidence using RightLine which is an independent and audited service. The free phone number (0800 085 2099) and website are available for all colleagues, contractors and suppliers who work for us in any capacity. For more information on types of situations that would be considered wrong doing, please refer to the Reporting Wrongdoing - Whistleblowing Policy.

7. External advice

Any colleague who feels they are being bullied or harassed and would like confidential advice can call a free helpline for advice at any time. It's run by an external company called Validium and is independent of the company. Freephone 0800 027 7777 or 0330 123 9653

What is a Fair Treatment concern?

It is a concern, problem, or complaint about how you have been treated at work. This could be in relation to bullying, harassment, sexual harassment, discrimination, victimisation or any other treatment towards you or another colleague or group of colleagues that is less favourable or has a negative impact on the way you feel at work. A Fair Treatment may also be known as a grievance.

For us to handle any complaint appropriately when raising a complaint, you will need to let us know how you feel you have been treated unfairly and also how you feel the issue may be resolved.

If you disagree with a practice, policy or decision, this would not be subject to this policy. You may be asked to use the appeal process where this is available, or you may be asked to provide more detail about how you feel you have been treated unfairly for the complaint to be progressed further as a fair treatment complaint.

Wherever possible you should try and raise complaints by discussing them with your Line Manager locally, informally and as soon as possible.

Collective and individual grievances

If you are a Food Retail colleague and a member of a Union and wish to raise an individual or collective grievance please refer to your National Agreement.

There may be different approaches available dependant on which Union you are a member of and the relevant National agreement that is applied regarding individual and collective grievances. Please refer to your National agreement for more details. A fair treatment complaint may be applied where there is an issue regarding the application of a policy and a collective/individual grievance may be regarding the actual policy itself (depending on the relevant union agreement applied).

For other areas that are collectively bargained please refer to your National agreement or Local agreement for the collective grievance processes.

What if my complaint is about my line manager?

If you feel you can't raise your complaint with your line manager, you should raise it with their line manager or another member of the management team. You may also email your complaint to ER.Support@Sainsburys.co.uk

Resolving issues at work informally

We expect all our colleagues to be part of making the company a great place to work. As part of this, it is everyone's responsibility to create an open and honest environment where issues can be dealt with as soon as they arise. Often the best way to do so is informally and therefore in most cases we will try to resolve your complaint informally first. The guidance below provides steps that can be taken to do so.

Resolving minor issues yourself	<p>Sometimes small issues at work can more effectively be resolved without the need for other people to become involved. We encourage colleagues to take steps to resolve an issue themselves, where it is appropriate and they feel confident to do so. For example, if you experience an issue with another colleague then consider whether it is something that could be resolved by speaking directly with the colleague themselves. A private face to face discussion in a polite and positive way may be all that is needed to address the issue.</p> <p>If you are unsure about how to approach this type of discussion then you should speak to your manager who will be able to provide support on steps to make sure the conversation is effective.</p>
Talk to a manager	<p>Of course not all issues can be resolved following the approach above, so if this is not appropriate or not successful for the type of concern you have then you should talk to your manager.</p> <p>Before meeting with the manager to whom you have raised the complaint, think about how you would like the issue to be resolved and what steps you think could be taken to make this happen.</p> <p>The manager will look into the issue that you have raised. They will do what they can to sort the problem out quickly and explain to you the steps that are being taken.</p>

Conciliation meeting

If your complaint is about another colleague, it can be helpful to have an informal conciliation meeting with them. This means that you and the colleague have the opportunity to discuss the situation with a manager present. The manager will act as an independent third party and encourage you both to explain your side of the situation in order to come to a resolution. Sometimes, if the complaint is about someone's behaviour, the person may not even realise the effect they've been having. Talking it through in an open and honest way can help them to recognise the problem. Together, you can agree ways of working to prevent future issues occurring. This type of meeting will only take place if you both agree to it as it requires a positive and proactive approach in order to be successful.

Outcome

The aim of the informal route is to resolve your complaint quickly and constructively. The manager dealing with the complaint will meet with you to discuss what they believe can be done to resolve the problem and check that you are comfortable with this approach before putting any agreed actions into place. Sometimes a conciliation meeting or the mediation process may be suggested by the manager (see above). In most cases, we hope that the agreed approach should resolve the issue. However, if things don't improve then you should let the manager know. There may be other informal options available, or they may decide to start the formal process.

Mediation

Another approach to resolve an issue which your Line Manager can discuss with you is Mediation. Mediation is a voluntary and confidential structured process in which a neutral third party (the mediator) intervenes in an impartial way to help two or more people in a dispute attempt to reach an agreement. Any agreement comes from those in dispute and not from the mediator. The mediator will do this by encouraging and facilitating an open and honest conversation between the parties, so that both sides have a greater understanding and empathy of the other person's position. The mediator will not take sides and will not judge whether anyone was right or wrong in the past, rather focuses on reaching an agreement about the future working relationship. This is different from conciliation, as it is a more in depth and detailed process, using a formal methodology which requires a trained mediator. It would usually be used for more complex issues and may be appropriate at any stage in the process, both informal and formal.

Formal approach

We have a formal approach for dealing with complaints in situations where the informal approach does not successfully resolve it. In exceptional cases, it may be appropriate to go straight to the formal stage. This would be the case where the manager reviews your allegation and feels it to be a case of discrimination, harassment, sexual harassment, victimisation or other types of complaints very serious in nature or where the informal approach would not be appropriate.

Referral to formal process

If, after informal attempts have been made to resolve a complaint, a resolution has not been reached then a manager may refer the complaint to a formal process.

If the manager has reviewed the case and believes that there is evidence to suggest matters still need to be resolved, the case will be referred to a fair treatment hearing.

Sometimes, a manager may decide that trying to resolve the complaint informally won't be appropriate. If this is the case your manager will always discuss this with you first before starting the formal process.

Do I have to put my Fair Treatment complaint in writing?

You can raise Fair Treatment complaints either verbally or in writing to the appropriate manager, whichever feels more comfortable. However it is raised, the most important thing is understanding the complaint in order to assess the most appropriate approach to resolve it. If a complaint is raised in writing it doesn't mean it will automatically be dealt with formally, this will be based on the nature of the complaint. Likewise, if you choose to raise your complaint verbally it can still be escalated formally, which may involve putting some things in writing to help support any investigation.

Fair Treatment process summary

Some Food Logistics Depots that are covered by a collective agreement have additional steps in their process. Please see appendix 1 for additional details of the process required for these locations

Step 1. Understanding your complaint and possible resolution	In order to assess the nature of the complaint, the manager dealing with it will need to understand your complaint in more detail. This may involve meeting with you to discuss it or asking you to write it down, or provide more details. It is really important when completing this step to be specific about facts related to the complaint, for example, times and dates of incidents or witnesses. This will enable the issues you raise to be investigated properly. You should also be clear about how you feel you have been treated unfairly and how the matter can be resolved.
Step 2. Attend a formal complaint meeting	You will be invited to attend a meeting to discuss your complaint as soon as possible. This will be held by an appropriate manager and you can have a work colleague or a trade union representative come along with you to this meeting. Where appropriate it may be the same manager in the informal and formal stage. Prior to the meeting, the manager will investigate the issues that you have raised. They may also decide to adjourn after meeting with you, if they need to gather any further information based on what you have discussed.
Step 3. Adjournment	When the manager has all of the information to make a decision they will ask you and/or your representative if you/they have anything to add, and then will adjourn the meeting. It is this time the manager will use to make their decision.
Step 4. Outcome	In some cases, the manager hearing the complaint will give you their conclusion at the end of this meeting. If they need more time to think it over, or gather more evidence, they will do all they can to give you their written conclusion within seven days of the meeting. The outcome letter will detail the manager's decision (if the complaint is upheld or not upheld), what action the manager intends to take to resolve the fair treatment complaint and the appeals process. In exceptional circumstances there may be occasions where the manager may need to meet with you to discuss the outcome. If the manager does not find sufficient evidence to support the complaint, they will advise you of the reasons why. We aim to process each individual stage of the complaints resolution procedure within 14 days.

Your representative

You can take a representative to the meeting to support you. Your representative can be a colleague (who works at any of the companies within the Sainsbury's business) of any level or a trade union representative. If you're under 18 or have a disability you can bring a parent, guardian or support worker. If you have a hearing impairment and require an interpreter – such as a sign language interpreter, lipspeaker, speech to text reporter, sign language translator or interpreter for Deafblind people - then you can bring the interpreter and this would be in addition to the representative. However, they must be NRCPD (The National Registers of Communication Professionals working with Deaf and Deafblind People) registered. The NRCPD check interpreters against the national minimum safe practice standards to make sure they are properly qualified and competent to do the job needed. Your line manager can book an NRCPD registered interpreter through the website www.nrcpd.org.uk and the cost of this will be paid for either by the government's Access to Work scheme or by us.

Your representative can help you prepare for the meeting and we'll give them a reasonable amount of paid time away from work (if they are a colleague). It's your responsibility to make sure your representative has all the relevant information and documentation in advance of your meeting.

During the meeting they'll support you. They can speak on your behalf and present your case but where you're asked a direct question you should answer this yourself. They're allowed to see the statements and documents involved in the process and can ask for the meeting to be adjourned if they think it's necessary.

For more information refer to the Role of a Representative guide on Our Sainsbury's.

Appeal

If you're not happy with the outcome of the complaint, you can appeal in writing within seven days of receiving the conclusion. You should email your appeal to ER.Support@Sainsburys.co.uk. You should state that you want to appeal and explain why you're unhappy with the conclusion. It's really important that you state your reasons for appeal to allow the manager to fully prepare for the meeting. If your appeal letter does not provide your grounds or reasons for appeal, the appeal manager may ask you to provide more information within 7 days, if this is not provided, in exceptional circumstances your case may be closed, for Food Logistics non C-graded colleagues, please see your local agreement. An appeal meeting will be heard by someone with at least the same seniority as the manager who held the fair treatment meeting who has not previously been involved in the case. It will lead to one of the following next steps:

If no new information is raised in your appeal:

- The manager will carry out a review of the existing information before considering your appeal
- The conclusion of your appeal will then be communicated in writing. There may be occasions where the manager may need to meet with you to discuss the outcome.

If new information is raised in your appeal letter:

- You'll be invited to a meeting in the same way as the initial complaints meeting. You'll have the opportunity to explain why you are appealing and provide your evidence.
- The conclusion of your appeal will then be communicated to you at the end of the meeting if possible. If new evidence is produced which needs to be further investigated, the appeal manager will do so within seven days, or they'll tell you why it's taking longer and let you know when you'll have a conclusion. The outcome will then be communicated in writing. There may be occasions where the manager may need to meet with you to discuss the outcome.

Attendance at meetings

It is your responsibility to attend all meetings and it is in your interests to do so in order to provide the manager with the facts. Failure to do so without good reason or repeatedly failing to attend may result in meetings taking place and a decision being made in your absence.

Raising an issue about unacceptable behaviour

Please refer to our guide to discrimination, bullying, harassment, sexual harassment and victimisation for full detail on what may be considered unacceptable behaviour which can include discrimination, bullying, harassment, sexual harassment and victimisation. If you think you may be in one of these situations, you can raise the issue, using the principles and steps outlined in this policy specifically:

- discuss with your line or another appropriate manager, verbally or in writing – whichever feels more comfortable
- email to **ER.Support@Sainsburys.co.uk**

Raising complaints related to sexual harassment can feel particularly distressing or daunting. Sexual harassment, of any kind is not acceptable and we want any colleague who feels they may have been the recipient of, or witnessed sexual harassment, at any level, to be able to speak up and raise this as an issue.

If you feel unable to raise it yourself, you could confide in a trusted colleague, friend or family member to support you, or raise it on your behalf.

However you choose to do it, the most important thing is that if you are in this situation, you feel that you can tell us, so that it can be dealt with appropriately and as quickly as possible. Sainsbury's will take any complaints seriously, they will be dealt with sensitively and always using our formal process, using the steps outlined in this policy.

Your line manager, or the manager hearing the complaint will also be able to discuss any additional support you may need during and after the process.

If you have tried to raise the issue, but you feel that it has not been taken seriously please do one of the following:

- escalate to a more senior manager
- email **ER.Support@Sainsburys.co.uk**
- report it in confidence using RightLine which is an independent and audited service for Sainsbury's. The free phone number (0800 085 2099) and website are available for all colleagues, contractors and suppliers who work for Sainsbury's in any capacity.

Location of meetings

Where appropriate any meetings throughout the process may be attended digitally or via telephone rather than face-to-face. This may be more common for roles where remote working is normal working practice. For roles where this is not the case, digital / telephone attendance may be an alternative where face-to-face is not possible, reasonable or to prevent unnecessary delays due to availability of attendees, or where mutually agreed.

Disclosure of records

Colleagues can request a copy of notes or documents containing personal information about them. Notes taken from meetings may be provided to a colleague as evidence of any allegations made in the event of disciplinary proceedings. However, any personal information relating to other colleagues may not be disclosed.

Fair Treatments and the disciplinary process

Where a fair treatment is raised during a disciplinary process the disciplinary process may be temporarily suspended to deal with the complaint if it is unrelated. However, where the fair treatment and disciplinary cases are related it may be appropriate to deal with both issues concurrently and the fair treatment outcome will be given in the Disciplinary.

Further advice and help

If you have more questions about this policy, please contact Ask HR on 0800 015 30 30.

APPENDIX 1: Fair Treatment stages and timescales for Food Logistics Depots covered by local agreements

The below table shows the stages and timescales for the Fair Treatment process in Basingstoke, Haydock Transport, Rye Park Warehouse and Waltham Point depots. The below is the process to follow. Please refer to the local agreements for further information if required.

Depot and Role	Process	
Basingstoke – Warehouse, Clerical and C-grade	Raising a complaint	When a colleague has a grievance regarding their treatment or regarding their interpretation of the terms and conditions of employment they may raise it under the Fair Treatment procedure. The prime aim of this procedure is for the colleague to settle a grievance as near as possible to the point of origin and the colleague seeking redress should first discuss the grievance with their immediate manager.
	Stage 1	If satisfaction is not obtained: The colleague shall make a request in writing for an interview with the immediate manager giving details of the grievance
	Stage 2	The Manager will arrange to interview the colleague as quickly as possible. The colleague will be notified of the arrangements for the interview, at which he/she may be accompanied by a Union representative or colleague. Following the interview, the colleague will be advised of the result in writing. In cases where a failure to agree occurs with the immediate manager, then the grievance may be progressed to the next level of management
	Appeal	Failing settlement of the grievance the colleague may remit the matter to the appropriate Trade Union Official for further discussion with Management outside of the site, which will be the final level of appeal

Depot and Role	Process	
• Rye Park - Warehouse Colleagues	Raising a complaint	Conciliation meeting
	Stage 1	First formal resolution hearing
	Stage 2	Second formal resolution hearing
	Appeal	Appeal

Depot and Role	Process	The procedures are designed to deal with individual complaints about, for example, the application of policy to an individual or the behaviour of a colleague.
Waltham Point - Warehouse Colleague	Stage 1	Informal resolution by internal conciliation. It is often more effective to resolve complaints informally. The line manager is responsible for conciliation between two or more individuals in an attempt to resolve their differences informally. Whilst the Company will encourage the resolution of complaints through internal conciliation, an employee always has the right to submit a formal complaint.
	Stage 2	First formal resolution hearing. The company recognises that there are occasions when informal conciliation fails and a more formal approach is needed.
	Stage 3	The second formal resolution hearing is chaired by the appropriate line manager. As above, if the individual is not satisfied with the outcome of their formal complaint at the first formal hearing.
	Stage 4	Appeal. If an individual is still not satisfied with the outcome of their formal complaint, s/he may appeal. Any appeal will be based on written evidence. The appeal panel may call witnesses, including the complainant when they consider their presence will help reach the right decision.
		Each stage of the Complaints Resolution Procedures will happen within 14 consecutive days of notification by the individual, unless relevant colleagues are on holiday, absent due to illness, or relevant information is not immediately available.
Depot and Role	Process	
<ul style="list-style-type: none"> Basingstoke Waltham Point Transport Colleague	Raising a complaint	When a colleague has a grievance regarding their treatment or regarding their interpretation of the terms and conditions of employment they may raise it under the Fair Treatment procedure. The prime aim of this procedure is for the colleague to settle a grievance as near as possible to the point of origin and the colleague seeking redress should first discuss the grievance with their immediate manager.
	Stage 1	If satisfaction is not obtained: First, the matter should be raised in writing with the Transport Department. A C5 Shift Manager will hear the grievance within the driver's next 10 working shifts. <i>If the matter cannot be resolved refer to stage 2.</i>
	Stage 2	Within the Driver's next 10 working shifts, the grievance or dispute should now be heard by a C6 Manager. <i>If the matter cannot be resolved refer to Stage 3.</i>
	Stage 3	The matter will be referred to the depot's General Manager for a hearing to take place within the Driver's next 10 working shifts. <i>If the matter can still not be resolved, refer to Stage 4.</i>

	Stage 4	The Regional Operations Manager and the Union District Officer should now hear the matter. This meeting should take place within 14 days. <i>If the matter cannot be resolved at this stage, refer to Stage 5.</i>
	Stage 5	ACAS or an Industrial Tribunal refers to the grievance or dispute for reconciliation with the National Union Official and the Regional Director.
	If there are insufficient reasons for not adhering to the set timescales the Company may declare the grievance or dispute void or the driver may have the grievance or dispute proceed automatically to the next stage of this procedure.	

Depot and Role	Process	
Haydock - Transport Colleague	Raising a complaint	It is good practice to respond to grievances raised by colleagues in writing to ensure that any such responses are on record.
	Attending formal meeting Stage 1	A colleague who wishes to pursue a concern, through the Grievance Procedure, should raise the issue in writing to his immediate manager. The manager will respond in writing.
	Stage 2	If the colleague is not satisfied with the manager's response, the colleague may submit an appeal to the next level of Management.
	Stage 3	If the colleague is still not satisfied with the response, the colleague may refer the matter to the Contract Manager, for further consideration in conjunction with the Full Time Officer or colleague representative. Stage 3 is the end of the grievance procedure.
		A record should be kept detailing the main issues discussed and the conclusions reached. The record should be prepared by the Manager. The colleague concerned will be invited to comment on it and sign it as an accurate record of the matters discussed. The record will be retained in the colleague's file.

Depot and Role	Process	
Haydock -	Raising a Complaint	Colleague submits a fair treatment in writing using the existing fair treatment form.

Warehouse Colleague		Each Stage of the Fair Treatment will be heard at the appropriate level considering what or who the complaint is against.
		Each Stage should be heard within 14 days wherever possible.
	Stage 1	Conciliation Meeting
	Stage 2	First formal resolution hearing
	Stage 3	Second formal resolution hearing
	Stage 4	Appeal