



## Sainsbury's manager dismissed for ignoring inappropriate email

The Court of Appeal has ruled that Sainsbury's was within its rights to summarily dismiss a regional manager who failed to correct an inappropriate email from his HR business partner.

The email from the HR BP was sent to the regional manager and to his direct reports, and suggested to them that they should just get their "most enthusiastic colleagues" to complete a staff survey (and not worry about anyone else).

The survey is something Sainsbury's takes very seriously and the integrity of the results is considered paramount within the organisation.

The regional manager saw the email go out, but failed to take any steps to correct the suggestion that only the "most enthusiastic colleagues" should be asked to provide feedback. He did not deliberately fail to deal with the HR BP, but just didn't get to it. As matters unfolded, the survey was responded to by more individuals anyway, so the email from the HR BP had no impact on the results at all.

The High Court judge who originally heard the case took the view that the manager's actions constituted gross misconduct. It did not matter that (1) he did not send the offending email himself, (2) he did not authorise its contents, (3) he did not deliberately fail to deal with the problem (but just inadvertently neglected to follow-up), or (4) there was no real damage to the business at the end of the day. It also did not matter that he had otherwise enjoyed 26 years of employment at the supermarket. In the judge's view, the regional manager was sufficiently senior that his failure to respond to the HR BP's email could only have damaged, irreparably, the trust and confidence Sainsbury's had in him.

On appeal, the three judges in the Court of Appeal agreed with the first judge and rejected the manager's appeal.