

Personal Details

Name	Peter Still
Role	Warehouse Operative
Location	Livingston
Start Date with Company	29th November 2004
Service	1 Year
Start Date in Role	29th November 2004
Any Previous Roles with the Company	None
Team Manager	Bruce Balderston
DCLT Member	John Gilchrist

Simpson Medical Group
Bathgate Primary Care Centre, Whitburn Road, Bathgate, EH48 2SS

Partners: Dr J Thomson, Dr A McNutt, Dr D Hay, Dr R Holden, Dr C Hayward
Phone: 01506 654444 Fax: 01506 635931

28th September 2005

To Whom It May Concern

Re: Peter Still 107 Falside Crescent Bathgate
D.O.B. 13/6/69

This is to confirm I am the normal Medical Practitioner of this gentleman who had lumbar spondylosis diagnosed on x-ray in 1996. He does have recurring low back problems secondary to this and certainly should be careful when lifting heavy weights. I would be grateful if consideration could be taken of this in his current employment.

Yours faithfully

Julie Thomson

Dr Julie Thomson
MB., ChB., MRCGP

(62)

RETURN TO WORK MEETING

3 What does this absence mean ?

Not on procedure 1st occasion & <5%	No Action
Not on procedure and 2nd occasion or 5%	Refer to your line manager
On stage 1 or 2 and 1st occasion & <5%	No Action
On stage 1 and 2nd occasion or >5%	Move up to Stage 2
On stage 2 and 2nd occasion or >5%	Refer to GM * for Stage 3
On stage 3 and 1st occasion	Refer to GM *

This is your first occasion of absence within the last six months, a further occasion of absence within six months of the date of this absence will result in you moving onto stage 1, or Stage 3 if within first 9 months of employment

This is your second occasion of absence within a six month period or your absence has hit 5%, I need to refer you to my Manager (DCLT) who will discuss your absence further and may place you onto procedure

This is your first occasion of absence whilst on procedure, one further occasion within your monitoring period will result in you moving up to the next stage

This is your second occasion of absence or your absence has hit 5%, whilst on Stage 1 of the procedure, I need to refer you to the next stage of the procedure

This is your second occasion of absence or your absence has hit 5%, whilst on Stage 2 of the procedure, your absence has not improved therefore I will be referring you to the General Manager for a Stage 3 meeting

You are on Stage 3 of the procedure, you have had a further occasion of absence, I will be referring you to the General Manager for an absence review meeting where your sick pay & failure to attend work regularly will be discussed

*This will be the dismissing officer on some sites

4 Next steps

	Who	By When
PETER PHONED 3/11/05 TO SAY HE WOULD BE IN FOR HIS SHIFT ON SATURDAY 5/11/05	Brodie	

I confirm that the above information is correct. I understand that it is my responsibility to attend work on a regular basis and in line with my terms of employment. I also understand that providing false information can constitute a gross misconduct offence

Managers Name MAUREEN KAYE	Team member Print PETER SITHI
Date 5/11/05	Team member sign Peter SITHI
Stage 3 Sick Pay	<input checked="" type="radio"/> Paid or Unpaid circle as appropriate

HAS HAD PROBLEM SINCE 1996 - ONGOING!
ALSO SEE ATTACHED LETTER.

RP XXX

NOTIFICATION OF ABSENCE

About notification

ALL NOTIFICATION ABSENCE CALLS MUST BE TAKEN BY A MANAGER

Employee Name PETER STILL
Clock/Man number 17A173A

Department/ Shift/ Crew
THUR-MON W/HOUSE

Notification Date & Time 31/10/5 0900

How Notified
PHONE CALL

Notified by
PETER STILL

If the employee was unable to call in themselves please complete the box below

Reason why employee couldn't ring in themselves N/A
Ask that the individual rings in personally

About the absence

Day, date and rostered shift of first day of absence MON 7.30-3.30-31.10.05

file
back

Reason for absence DEPRESSION - DUE TO BEING PULLED UP BY A MANAGER FOR SIGNING ONTO AN INDIRECT EMP - PROBLEMS WITH AIC RATE, SIGNED ONTO EMP SHOW IT WOULD BE INVESTIGATED
Expected date of return ?

PLEASE MAKE THE INDIVIDUAL AWARE OF THE FOLLOWING POINTS AS APPLICABLE AND TICK THE BOX TO CONFIRM

- Please continue to keep us informed of your progress
- Please take reasonable steps to aid your fast recovery
- You are required to get a doctors certificate for absences of 8 calendar days or more

Do you have a number we can contact you on?
HOME

Date Doctors note received
Dates valid from To

Is the individual within procedure? NO YES

Which stage? (Please circle) Stage 1 Stage 2 Stage 3

Is this the 1st occasion & absence is less than 5% in the last 6 calendar months/ within the monitoring period? YES NO

THE INDIVIDUAL MAY NEED TO BE REFERRED UP A LEVEL DEPENDANT ON THE NATURE OF THIS ABSENCE

Refer?

Accidents in the workplace

Is the absence related to an accident at work?
No

Was the accident reported (RP555/RP161)?
N/A

Next Steps

Is this absence covered by Company sick pay?
YES

Call Taken by (please print)
JASON SMITH

Form completed by (please print)
R. TONER

RETURNING TO WORK Read through the whole form before the meeting

RP XXX

1 Please ensure that this section is completed before the individual starts their normal duties and that you have the notification form attached for reference

Employee Name **PETER STILL**
 Clock/Man number **179173A**

Department/ Shift/ Crew
VM TRUES-MON

Date individual returned to work
Sat 5/11/5 13.30

Line Manager Name (please print)
S. BALOERSTONE

Date and time of first day of absence
31/10/5 07.30

Number of working days lost this occasion = **3**
 Absence % for the last 6 months = **23%**
(don't include occasions that previously took the individual into procedure)

Notification date
31/10/5

Was the notification process followed? YES NO
 Failure to follow procedure must be investigated

Are you fit to return to work? YES NO
 I am fit to return to work
 Employee sign **Peter Still**

Does the individual need to be referred? YES NO
(If the individual is being referred your line manager will conduct the RTWI and will need to agree the time)
 RTWI Appointment time **1.15pm** With **PM/ML**

PREPARATION

The following information/ documents must be prepared in readiness for the return to work meeting, without this information it is unlikely that a thorough meeting can take place.
 - Notification form - Attendance record - Have any key briefings been missed?

RETURN TO WORK MEETING

2 Absence Details

Our first priority is the welfare of our staff, we need to understand the reason for the absence and ensure we can do what we can to support the individual.

Make a note of all next steps with clear timelines
 Include, where applicable, the name of the illness or a brief description of symptoms

SORE BACK FOR 2 WEEKS PRIOR TO THIS ABSENCE. TAKE AMARILPIUM, FOR THE PAIN. HAS HAD ONGOING BACK PROBLEM SINCE 1996 - CRUMBLING OF SPINE - SMALL FRAGMENT COME LOOSE AND GET TRAPPED IN NEARBY AROUND LOWER BACK/BUTTLE. THIS CAUSED INFLAMMATION AND PAIN. WHEN THIS HAPPENS PETER HAS TO TAKE PAINKILLERS. PETER CAN'T GET A DOCTOR APPT - WILL GO ON TUE 8/11/5.

Did you consult a doctor? Yes or No

Is this likely to cause further absence? Yes or No

What steps are you taking to prevent further absences? **HAS TRIED PAINKILLERS BUT NOT BEING THE PART.**

Is there anything we can do to assist you? **PICK UP NEW PAINKILLER PRODUCT WHICH HE HAS A RE OCCURRENCE OF THE A PROBLEM.**

PETER STILL INTERVIEW 7 / 11 2005

21.12 - 21.30

J.Gilchrist T.McGrorty
P.Still Declined representation

J.G - Ok Peter we are here to discuss your 3 day absence and i must stress this is only a preliminary interview,do you with representation ?

P.S - No.

J.G - When you were off was it depression?.

P.S - I have a trapped nerve in my back and problems with sciatica.

J.G - R.Panton has done your BTW and you have also sat down with M.Kane.

P.S - Yes.

J.G - So have you had a ongoing problem which dates back to 1996 .

P.S - Yes.

J.G - looking at you health questionnaire you have not stated any ongoing issues or concerns with your health.

P.S - I was ok for 2 years and no problems with my previous employment.

J.G - Do you not think it would have been prudent to declare this due to the nature of the work.

P.S - It was ok though.

J.G - Have you ever left or been dismissed in the past due to this (back problem).

P.S - No it has not been a problem in the past ,it has not been a problem for the past 6 years its just flared up.

J.G - Once again i think this should have been declared Peter.

P.S - Yes I know.

J.G - Do you understand the the circumstances around stage 3 and what could happen because of this absence.

P.S - Yes,I went to the doctor to get painkillers.

J.G - So do you think this could happen again ?.

P.S - I am taking my pain killers and it seems to be ok for now.

J.G - If we asked for your medical reports would you be ok with that?.

P.S - Yes ok.

J.G - As we have a duty of care to you we need to ensure further exposure is not harming you.

J.G - Given your absence i need to escalate this to another member of the DCLT team ,the dismissing officer who will further investigate this absence further.

J.G - Anything you would like to add Peter ?.

P.S - No.

Before my dismissal
in Nov 2005, what Shift Managers
John Pickett said

SHORT-TERM PERSISTENT ABSENCE CHECKLIST

Use this checklist to deal with short-term, persistent absence
Tick each box to show you have considered each item

This procedure relates to actions short of dismissal. Considerations for dismissal are provided in the supplementary section at the end

1. Investigation

- Establish the general nature and pattern of the absence.
- Make a detailed list of all the relevant information.
- Collect together and analyse any documentary evidence.
- Examine the employee's personnel file to gain an overall picture.
- Compile the factual evidence to support the view that the level of absence is having an adverse effect on business efficiency.

2. Preliminary Interview

- Ensure you have up to date medical evidence and recommendations.
- Call the employee to a private office and, in the presence of another member of management (who should take notes), tell the employee that this is a preliminary investigation into his/her poor attendance record giving a brief overview of what will be discussed.
- Stress this is not a disciplinary hearing, but offer the opportunity of representation
- Check if the employee agrees with the medical opinion and if not in what ways they believe it is wrong.
- Put the facts to the employee, go through any documentary evidence and invite comments.
- Obtain confirmation from the employee of what they believe they are capable of doing and what parts of their existing role they are not capable of doing.
- Consider if there are any suitable alternative roles the employee could undertake with their existing medical problem, if so, find out if they would consider undertaking those roles.
- Could any adjustments be made to the employee working arrangements to help them with their medical problem (change of hours, removal of certain tasks).

- Establish whether there is a single underlying medical problem.
- If there is a single underlying problem, ask the employee for permission to obtain a medical report (Note: not required where the bouts of ill health are unrelated).
- w/n* If the employee refuses permission, inform the employee that the matter will now be given consideration on the facts available.
- ?* If the employee does agree to a medical report, make the necessary arrangements.
- Ask the employee to read the notes taken at the meeting and sign or initial each page to confirm they are an accurate record of what has been said.

3. Examining the Evidence

- Re-examine the evidence in the light of the employee's response and the medical report, where applicable.
- If the nature of the ill health problem fits the statutory definition of disability take specialist advice.
- Re-confirm the view that the level of absence is adversely affecting the business.

4. Arranging the formal hearing

- Ensure wherever possible the employee has at least 24 hours notice that they will be attending a disciplinary hearing.
- The disciplinary hearing should not follow on immediately from an investigatory meeting. Ensure the employee has had time to take advice and prepare fully for the hearing.
- Ensure the procedures are followed in full.
- Res wanted* Call the employee into a private office in the presence of another member of staff who should take notes.
- Inform the employee that his/~~her~~ attendance does not meet the required standard and the matter will now proceed to a formal hearing; if a live warning is still on record, point this out.
- Confirm the date, time and place of the hearing.
- Tell the employee exactly what the nature of the absence record is and provide a summary of the evidence which will be produced.

- Inform the employee of his/her right to representation and, if required, identify who the employee wants as his/her representative.

5. Conducting the interview

- NA Ensure you have up to date medical evidence and recommendations.

- Start by explaining the purpose of the interview.

- Introduce all those present and their part in the proceedings.

- Check that the employee is fully fit and able to take part in the interview so there can be no allegations that the employee was suffering from the effects of medication or was unwell, and did not really understand what was going on.

- Outline the format the interview will take.

- Stress that the employee will be given every opportunity to state his/her case, challenge evidence and explain any mitigating circumstances.

- Inform the employee of the absence record, go through the record in detail, explain how the records have been compiled and point out the adverse impacts on the business.

- NA Check if the employee agrees with the medical opinion and if not in what ways they believe it is wrong.

- NA Go through the details of the medical report where one has been obtained.

- I Obtain confirmation from the employee of what they believe they are capable of doing and what parts of their existing role they are not capable of doing.

- NA Consider if there are any suitable alternative roles the employee could undertake with their existing medical problem, if so, find out if they would consider undertaking those roles.

- NA Could any adjustments be made to the employee working arrangements to help them with their medical problem (change of hours, removal of certain tasks).

STAGE 3

- Recap on any previous "live" disciplinary warnings pointing out the consequences of failing to achieve the required standards.

- Ask the employee to state his/her case, allowing him/her to comment on all the evidence and put forward any explanations.

Ask as many questions as necessary to be certain that the employee's position is totally understood, and in particular, probe for any mitigating circumstances and any indications that the employee may improve his ~~her~~ attendance record.

NA Discuss any reasonable adjustments that could be made in cases of disability to improve the situation.

Summarise the key points of the employee's case so there is no misunderstanding on the basis upon which the decision will be made.

Ask the employee to read the notes taken at the meeting and sign or initial each page to confirm they are an accurate record of what has been said.

6. Making a decision

Come to a clear view about the facts.

Has the employee failed to meet the required standards of attendance essential for the proper performance of the job and are there facts to prove an adverse impact on the business.

Was the employee quite clear about the consequences of failing to meet the required standards?

Consider the appropriate level of response in the light of the poor absence record based on company procedures and past dealings with absence,

Stage 3

Where previous warnings have been given, consider whether sufficient time has been allowed for an improvement in attendance.

Consider the employee's length of service, age and previous record.

Consider any mitigating circumstances put forward, eg personal problems, domestic problems, work problems.

NA Consider the nature of any disability and any reasonable adjustments that could be made to working arrangements/conditions which may improve attendance

NA Having weighed up all the above, decide whether disciplinary action is the appropriate remedy or alternative work or reasonable adjustments could remedy the situation.

7. Informing the Employee

- Reconvene the meeting and clearly inform the employee of the decision.
- NA Where disciplinary action is the penalty, explain exactly what improvement is expected and over what timescale, together with the consequences of failing to meet the required standard.
- Stress that the authenticity of the absences are not in question, but the persistent pattern of poor health indicates a lack of capability for the job which is adversely affecting the business.
- NR Where suitable alternative work is available, discuss this with the employee and seek to reach mutual agreement with him/her to accept the alternative job.
- NR If the employee indicates that he/she is not prepared to accept, caution that the only alternative may be further disciplinary action if attendance does not improve.
- Confirm the details in writing.
- Place all relevant documentation in the employee's personal file.

Dismissal

Where dismissal is being considered the following additional points must be considered:

Have previous warnings been given?

Has alternative work, or have reasonable adjustments for a disabled worker, been considered?

Has the adverse impact on the business reached an intolerable level?

Are you finally entitled to say enough is enough?

Is the decision to dismiss within the band of reasonable responses from a reasonable employer?

05 Peter Hill, Steve Mills, Allana Gough.

- i Peter, I'm Steve Mills, dismissing Officer. My job today is to go through your absence whilst on stage 3.

Allana will take notes

Do you want a rep or colleague, Are you aware of the seriousness of this, you could be dismissed - ps Yeah, I don't want a rep.

Put on stage 3 22 May 05. Bill did your meeting

Unfortunately you've been off 1 time

Any underlying reason absences been short.

I spoke to Adrian pulled muscle & asked to work in chill.

Adrian said I had to work in produce. Came back spoke to

Steve. Gave first time know about stage 3.

Went to Deonway in room with ppl small room like this & got bug which made me be off.

I then was struggling with my shift daughter got diabetes so I was always tired. Moved back here from Deonway

I got ^{cervical} spondularis fragment of bone shifting & I have to take amitriptoline, makes me tired.

n You were here @ live for 6 mths, picking in chill?

s + Produce no problems then.

n Bk you came here how long ago did you have problems with ~~bag~~ back.

s 5 yrs. Got it firstly digging loads then it went away. Gets worst with age though.

m Dr what they saying?

s Surgeon says just have to live life as you have been 10yrs ago.

R.S.

You didn't put that on your health questionnaire when you started with us
Didn't bother me then, so I didn't think it mattered.

1 So you were using actual shovel not a machine then

Yeah

1 When you said you didn't know about Stage 3, when did you start

1 Jan 04

n. Atlanta when did we implement new procedure AG OCT 04

1 Steve Caves advised you though about Stage 3.

Meeting reconvened 12:05

n. Sorry for the delay

Can I ask that the original reason for absence was depression.

1 asked Andrea that she was going to change it she said that when I came back on the job. It was my back.

2 OK I need to manage the process as best as I can & consistently

Is there anything else you want to say

I want to come to work, I've never had a disciplinary, I have just got mortgage

2 Do you feel you're able to do this job fully

Yes.

A.S.

✓
Your review initially was good. But you're not getting your rate now

People pick what they want. It's hard to get rate. No excuses

Took opportunity to check condition on internet. No cure
do you swim etc

Went to chiropractor sometime

One more thing you've taken all your holidays already & still had
no absences that's a concern

I need to have a break & consider my decision

↩

Meeting Adjourned 12:20pm

" Reconvened 12:40pm

I'll explain my decision, were not questioning the authenticity
of your absence. The business can't accept your level of
absence any longer, there's doubt whether you are able to
do this type of work with your health problem.

I'll go through the form - Steve read the form

cannot see any way, grey area why I can't follow the procedure.
If you wish to appeal you need to do so in 5 days to A. Leitch

↩

RECORD OF CONTRACTUAL DISMISSAL

~~CAPABILITY ISSUES~~ ~~Have~~

Following your ~~misconduct / lack of performance~~* which ~~has~~ occurred on more than one occasion the Company has carefully considered your position. Having taken full account of your comments at the Disciplinary Meeting held on 11/11/05 you are advised that you are contractually dismissed in accordance with the Grievance and Disciplinary procedures. Your latest ~~misconduct / lack of performance~~ is detailed below:

~~YOUR ABSENCE FROM 31/10/05 TO 4/11/05~~
~~WHILST YOU WERE ON STAGE 3 OF THE~~
~~COMPANY'S STA PROCEDURE~~

If you wish to appeal against this contractual dismissal you should refer to the Grievance and Disciplinary Procedures which explain the opportunities available.

THIS CONTRACTUAL DISMISSAL CARRIED OUT BY:

NAME: STEVE MILLS

ACTING AS: Dismissing Officer

DISTRIBUTION CENTRE: LIVINGSTON

SIGNATURE: [Signature] DATE: 11/11/05

THIS CONTRACTUAL DISMISSAL IS ACKNOWLEDGED BY:

EMPLOYEE DETAILS

NAME: PETER STILL

JOB TITLE: WAREHOUSE OPERATIVE

DISTRIBUTION CENTRE: LIVINGSTON

* SIGNATURE: [Signature] DATE: 11/11/05

EMPLOYEE REPRESENTATIVE

NAME: NONE PRESENT DATE: _____

* Delete as necessary

APPEAL FORM

The number of appeals is dependent upon the level of disciplinary action taken.

In the case of a verbal warning only one level of appeal is applicable whereas for written and final written warnings, disciplinary suspension and dismissals two levels of appeal are available.

State below the reasons for the appeal and pass this to the Personnel and Training Manager within 5 days of the disciplinary action being taken or with a second appeal within 10 days of the first appeal being heard.

Your surname:

STILL

Your first name:

Peter

Reasons for appeal include:

- The penalty was too harsh
- The penalty was inconsistent with previous action taken in a similar case
- The investigation was not complete
- The hearing did not give me an opportunity to reasonable explain my behaviour/actions
- New evidence should be considered

Please explain:

explained in my letter addressed to Paul Stone on 11th Nov. I've asked my manager Bruce L. for help and explained I was on strike I ~~was~~ it was agreed that I would get 2 days plus 3 days pro-rata and if that had happened I don't think I would be in the position I'm in now

Your signature:

Peter Still

Date: 15/11/05

Distribution
file

One copy for the employee

Second copy for the

(15)

PS/tm

17th November 2005

Mr Peter Still
107 Falside Crescent
Bathgate
EH48 2DS

Dear Peter

You are required to attend an appeal hearing with myself and Allison Leitch, Personnel & Training Manager on Monday, 21st November 2005 at 4.00 pm. The venue will be the Livingston Distribution Centre.

A copy of your appeal form is attached.

You are entitled to have a representative with you who can be either:

- a person who is employed by the union as an official;
- another union official who is certified by a union as having received training in acting as a worker's companion at disciplinary and grievance procedures;
- a fellow Tesco employee.

If you would like a representative, please advise us as to who will be accompanying you prior to the meeting.

The representative is:

- chosen by the employee and is one of the above;
- permitted to address the hearing;
- permitted to confer with the employee during the hearing.

If you are unable to attend the meeting, please contact Allison Leitch immediately to discuss an alternative date/time. Her telephone number is 01506 771100.

In the meantime, if you have any queries, please don't hesitate to speak to Allison.

Yours sincerely

For and on behalf of

TESCO STORES LIMITED

Paul Stone
General Manager

Appeal Meeting Notes 21/11/05 at 4.15pm

Present: Paul Stone (GM), Allison Leitch (PTM & Notes) and Peter Still (Whse Op)

P Stone I will outline why we are here, it is to hear an appeal against Dismissal, are you okay to go ahead without a Rep here?

P Still I phoned the chap from Aberdeen but he's not available.

P Stone Do you want a Rep?

P Still No, on Stage 3, I didn't know much about it I was at Deansway they said I was going to be monitored and I didn't get any meetings. I brought in a letter to Bruce from my GP to get in the Chill he asked me to see the Shift Manager I didn't want to take time off I had just got a mortgage for buying my Gran's house. The Shift Manager said I could have 2 weeks in the chill and then I needed to fill in a form and after one month I had pains in my legs, the bone broken off the GP gave me the letter. I told him I had got a mortgage and used my savings and I did that using my life savings so I can't afford to lose this job. First time I saw him was last Friday. I said I only had 3 weeks to go on the Stage and wasn't wanting to be off as I had too much to lose and that was the last I saw him. When I was off I explained to her and she wouldn't give me a line, as I had not been off for one week. I don't want to take the tablets anothptolene I have on repeat prescription but don't want to take them. Then I was told I'd get a disciplinary, J Gilchrist went on about me not putting it in my application form I had worked on cable TV and 14hr days with no problem if a problem would put notice in. I took this job as my daughter is 8 and I wanted to work better hrs 40 rather than 80 hrs with travel and cable went bust. That's about it.

P Stone I have a few questions, so you started with us about 1 year ago?

P Still Yes, November.

P Stone Then you were put on Stage 3 after 2 occasions of absence in your 1st six months.

P Still That was the last I saw him, I pulled a muscle in my chest and asked to go in the Chill but the Manager said if not fit you need to go home. When I returned from holidays S Caves explained it to me and if off again I would get put on it. I went to Deansway for training and I felt sick and I didn't want to pass it on to others but in to office felt sick if in a factory would have stayed. Davy Millar told me to go see a Manager, I went to see Tony MacDonald and he told me if I went home I would go on a Stage then I came back and heard nothing for 2 months when the guy and woman came up. I continued up there till one month ago I was tied all the time with the back shifts and asked Tony for a shift swap he said he will need to go back to Livingston and I said that's what I need to do.

P Stone We are not disputing your reasons for absence as we are not disputing your reasons for absence and empathise with that. You have had the 2 occasions of absence to put you on a Stage. The delay in the Stage 3 meeting taking place is not to your detriment as we have backdated the date going on Stage 3, so it hasn't made a difference tot where you are on the Stage.

You seem not to understand the Stage 3 but if I can read out the Stage 3 paperwork (*Paul reads this out to Peter*).

The procedure changed and we stopped holding review meetings for anyone on a Stage.

We are saying you have been off too many times in our procedures.

On the last absence you had 2 reasons for absence.

P Still I phoned in and asked Jason to put me through to the Shift Manager, Maureen Kane it was pains in my back not depression but I said my girlfriend had been off with that so may be picked up wrong.

P Stone So you were not depressed, I want to clear that up.

P Still No.

P Stone If I can have a break to consider my decision and I will then let you know, would you like to have a seat outside?

Adjourned 4.35pm

Reconvene 4.45pm

P Stone Thank you for the opportunity for the break, quite unusual we talk to someone in this situation without a Rep or Area Organiser are you sure you are okay with it?

P Still Yes.

P Stone So we moved you to Deansway and you had an absence you asked is to consider moving you back we did that and you have an absence, so I see you have had 2 absences to go on Stage 3 then one further absence on Stage 3?

P Still I just didn't understand it.

P Stone I struggle as the form you signed tells you that it is very serious?

P Still I understand it now.

P Stone Absence is a problem for the business and hence why we have a stringent S&A policy and I see we have followed the process and policy and we are correct. I can't overturn the decision to dismiss you, so I am upholding the decision. I need to offer you the right to appeal to my boss, Mr Jim Hoggan in 5 working days.

I sympathise with your position but have to give you my decision.

Meeting closed 4.50pm

Peb5 Stu

TESCO

Livingston Distribution Centre
Caputhall Road
Deans Industrial Estate
Livingston
West Lothian
EH54 8AS
Telephone: 01506 771100
Facsimile: 01506 771143

Mr Peter Still
107 Falside Crescent
Bathgate
EH48 2DS

24 November 2005

Dear Peter

Appeal against dismissal

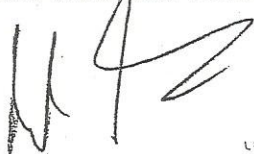
I write further to our meeting on Monday 21 November 2005 where you declined union representation, and where Allison Leitch your Personnel and Training Manager was also present

At this meeting, we discussed the matter of you having an absence from 31/10/05 to 4/11/05 whilst you were on stage 3 of the company sickness and absence procedure. You explained you believed the decision to dismiss you was too harsh.

Having listened to your points today and reviewed your case, my decision is to uphold the original decision to dismiss you warning in accordance with the Company's Disciplinary Procedures. I explained during our meeting that I felt the validity of your absences were not in question but the number of occasions of absence were unacceptable within the company sickness and absence procedure.

You seemed to accept my decision in our meeting, however if you are unhappy with my decision you may appeal to the next stage by contacting completing an appeal form and returning it to Allison Leitch within 5 days of receiving this letter.

Yours sincerely
for and on behalf of
TESCO STORES LTD



Paul Stone
General Manager

29.11.05

Dear Peter

Please complete the appeal form ASAP
& return to Personnel, to enable your
appeal to be heard.

Regards

Maria Stangor

TESCO

Livingston Distribution Centre,
Caputhall Road,
Deans Industrial Estate,
Livingston,
West Lothian,
EH54 8AS.
Telephone: 01506 771100
Facsimile: 01506 771143

with compliments



Tesco Distribution Limited
Eldon Wall Industrial Estate
Crick
Northamptonshire
NN6 7SE

Tel: 01788 207170
Fax: 01788 207135

13 January 2006

Private & Confidential

Mr P Still
107 Falside Crescent
Bathgate
West Lothian
EH48 2DS

Dear Mr Still

APPEAL HEARING

I write to inform you that your appeal to be heard on Friday, 20th January 2006, at 10.30 hrs. Your Area Organiser Willie Keeley, will meet with you at 10.00 hrs prior to this meeting.

The appeal will be held with Jim Hoggan, Distribution Director and Jo-Anne Ratcliffe, Personnel Manager for Fresh Food Stream and Willie Keeley.

Your hearing will be held at Livingston Distribution Centre. Please confirm that you are able to attend this hearing by contacting Allison Leitch, Personnel Manager at Livingston DC.

Yours sincerely
For and on behalf of
TESCO STORES LIMITED

MICHELE GRIFFITHS
HR ADMINISTRATOR
GROCERY, FRESH & NON FOOD

22/2/06 Peter Hill, Joanne Kitching, Bill Kealey, Alana Gray

10:55 a

1. Start by apologising for the time delay.

Bill here & Alana ^{to take} notes

2 parts to your appeal - 1st one your letter re you having back pain & requesting some lighter duties.

2nd you didn't understand the seriousness of sit.

At the last meeting conf you had had letters re the policy & I can't accept that you hadn't been made aware of policy & seriousness.

When I spoke to Bruce re lighter duties, I have decided to reinstate you to the Co. You will be reinstated & still be on stage 3. You need to understand how important that is. Secondly our back issue I'd like you to consent for us to get a medical report to understand fully your problem. Bill do you want a

Adjourned 11:00am

Recommend 11:05

I'd like to say Thanks for giving us a 2nd chance.

I'm glad you recognise the seriousness of the situation, we can't just allow ppl not to come to work. As long as you fulfill your contract & come to work well fulfill our contract with you.

I'll write to confirm everything. You're a ~~Sun~~ ^{Thurs - Monday} worker. Alana will check if any reason why you can't start tomorrow she'll let you know if tomorrow or Friday you start back.

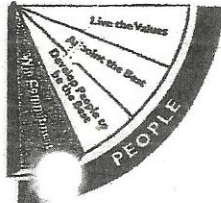
Peter's happy to consent ^{to you getting a} medical report from his GP.

^{& get you a form.}

Good, Alana will do this swiftly. Is there anything else you want to make me aware of now re your back.

No, no back pain since I left here.

Good you'll be reinstated from when you were dismissed. Hope this is the correct decision & wish you well in your position. Peter Hill



Supporting the business to look after our people
so they can look after our customers
Tesco OHS

MEDICAL REPORT CONSENT FORM

Before completing this form PLEASE READ THE REVERSE SIDE which contains important information concerning your rights under the Access to Medical Report Act.

Name: Peter All Date of Birth: 13/6/69

Address: 107 Faliside Crescent
Bathgate
West Lothian, EH48 2BS

Employee Number: 17917319

Location (Office/DC/Store name): Livingston DC.

I HEREBY CONSENT TO A MEDICAL REPORT BEING SUPPLIED BY:

Doctor's Name: DR JULIE THOMPSON

Address: BATHGATE HEALTH CENTRE
WHITBURN RD,
BATHGATE.

Telephone No: 0506-654444

In Confidence to: Jenny Thompson (Tesco Occupational Health Advisor)

At the following address: Tesco DISTRIBUTION CENTRE
Dyburgh Industrial Est
Baird Ave
Dundee
DD1 9NF

I understand that any clinical detail will be treated in professional confidence by the Occupational Health Service but advice based on it may be given to Tesco management

I have read the summary overleaf of the Access to Medical Reports Act and understand my rights under the Act. The option I have chosen is: (*Delete as appropriate)

- A * I do not consent to a report being supplied.
- B * I consent to a report being supplied, and require access before it is released. I understand that I have 21 days to make arrangements to see the report with my Doctor.
- C** * I consent to a report being supplied and do not require access before it is released.

A copy of this consent shall be valid as the original.

Signed: Peter All

Date: 10/3/06



Tesco Stores Ltd,
Baird Avenue
Dryburgh Industrial Estate
Dundee
DD2 3TN

Direct Line: 01382 822490
Fax Number: 01382 815935

Ref: JMT/cs
Dictated: 16/3/2006
Typed: 16/3/2006

Dr Julie Thompson
Bathgate Health Centre
Whitburn Road
Bathgate

Dear Dr Thompson

**Re: Peter Still, Date of Birth: 13.6.69
107 Falside Crescent, Bathgate**

Peter is employed by Tesco Stores Ltd as a Warehouse Operative working full-time 37 hours/week at our Livingston Distribution Centre. I have enclosed the job description, which applies to this employee.

Following continued concern regarding Peter's health and fitness for work, he has been referred to me. A Regional Personnel Manager has referred Peter to me. I understand that the depot dismissed Peter last year due to his absence level. The Regional Personnel Manager overturned this on appeal and Peter is now back working within the depot. I believe that you had requested light duties for Peter due to his back problem. I would welcome your advice as to what adjustments the depot could make to meet your requirements. I believe that Peter has undergone retraining in manual handling.

In order that I can provide the most appropriate management advice, I would be grateful for your opinion on the following:

- a) Diagnosis
- b) Medical history related to current health problems
- c) Investigations completed with results
- d) Current or pending treatment and investigations
- e) Prognosis - short and long term
- f) The main physical or psychological impairment related to their diagnosis that is preventing Peter from working

Please find enclosed a signed Consent Form.

Please enclose a separate invoice for any reasonable costs you have incurred in preparation of the report, which I will settle upon receipt.

Thank you for your help and I look forward to hearing from you soon.

Yours sincerely,

Jenny Thompson R.G.N., OHNC.
Regional Occupational Health Advisor

(5)

Simpson Medical Group

Bathgate Primary Care Centre, Whitburn Road, Bathgate, EH48 2SS

~ ~ ~

Partners: Dr J Thomson, Dr A McNutt, Dr D Hay, Dr R Holden, Dr C Hayward
Phone: 01506 654444 Fax: 01506 635931

21st March 2006

Jenny Thompson
Regional Occupational Health Advisor
Tesco Stores Ltd
Baird Avenue
Dryburgh Industrial Estate
Dundee
DD2 3TN

Dear Ms Thompson

Re: Peter Still 107 Falside Crescent Bathgate
D.O.B. 13/6/69

Please find enclosed a report on Peter Still. I take this opportunity to give you a note of our fee for this of £70.50.

Yours sincerely

Dr Deirdre Hay
MB., ChB., MRCP

Simpson Medical Group
Bathgate Primary Care Centre, Whitburn Road, Bathgate, EH48 2SS

Partners: Dr J Thomson, Dr A McNutt, Dr D Hay, Dr R Holden, Dr C Hayward
Phone: 01506 654444 Fax: 01506 635931

21st March 2006

Jenny Thompson
Regional Occupational Health Advisor
Tesco Stores Ltd
Baird Avenue
Dryburgh Industrial Estate
Dundee
DD2 3TN

Dear Ms Thompson

Re: Peter Still 107 Falside Crescent Bathgate
D.O.B. 13/6/69

Please find enclosed a report on Peter Still.

The diagnosis of his problem is that he suffers from a spondylolisthesis. This came to light in 1996 after a fall in which he hurt his back. He was sent for an x-ray at the time and this showed a Grade 2 listhesis at the lumbo-sacral junction. Since this time Peter has suffered on and off with recurring back pain and he finds that lifting heavy weights aggravates the situation. His investigations initially involved an x-ray of his back and following that a CT scan which showed that there was no significant degree of stenosis or disc prolapse. He currently is taking no medication for his back problem and is not awaiting physiotherapy. He has been referred in the past for physiotherapy both to St John's and the Health Centre.

As to the prognosis, in both the long and short term I suspect Peter's back will give him problems from time to time and as time passes the problems are likely to become more of an arthritic nature. I do not envisage him every being completely free of back problems. With regard to physical and psychological impairment, it would seem clear that if there are no light duties available in your warehouse then Peter is at risk of further flare ups of back problems.

Throughout his attendance at the Surgery there has been an element of depression in his health and I'm sure that this contributes to the way in which he approaches life. He has been given treatment in the past with anti-depressants but has not maintained any treatment.

64

I hope this information is what you are looking for and I would be happy to answer further questions should you have them.

Yours sincerely

Dr Deirdre Hay
MB., ChB., MRCGP

(65)

Simpson Medical Group

Bathgate Primary Care Centre, Whitburn Road, Bathgate, EH48 2SS

Partners: Dr J Thomson, Dr A McNutt, Dr D Hay, Dr R Holden, Dr C Hayward
Phone: 01506 654444 Fax: 01506 635931

28th September 2005

To Whom It May Concern

Re: Peter St!! 107 Falside Crescent Bathgate
D.O.B. 13/6/69

This is to confirm I am the normal Medical Practitioner of this gentleman who had lumbar spondylosis diagnosed on x-ray in 1996. He does have recurring low back problems secondary to this and certainly should be careful when lifting heavy weights. I would be grateful if consideration could be taken of ~~this~~ in his current employment.

Yours faithfully

Julie Thomson

Dr Julie Thomson
MB., ChB., MRCGP

(62)

(9)

444
Le
POL REP

RECORD OF INFORMAL DISCUSSION

Employees name: PETER SIM

Managers name: MAUREEN KANE

Date issue raised: ~~1/4/07~~ 27/3/07 Date of meeting: 1/4/07

~~(27/3/07)~~ 1 (4 OTHER OLS)
 Brief description of issue: FAILURE TO COMPLY WITH A REMEDIATION MANAGEMENT REP - PETER HAS BEEN SPONS TO ON 4 OCCASIONS WITH NEED WITH RECORD TO NOT WEAR ANY OF HIS UNIFORM PPE.

Actions agreed:

Next step	By whom	By when
<u>MUST COME TO WORK ON MONDAY 2/4/07 WEAR ALL OF CLOTHING PPE. WORKING</u>	<u>MR PS</u>	<u>now</u>
<u>FAILURE TO DO SO WILL RESULT IN A DISCIPLINARY INVESTIGATION</u>		<u>1</u>

Solutions/Outcomes

PETER HAS BLATANTLY DISOBEYED SEVERAL MANAGEMENT REP AND MUST NOW TOE THE LINE AND WEAR HIS TOW POINT GEAR

We have agreed that:

Please tick:

A decision has been made to resolve the problem	<input checked="" type="checkbox"/>
The issue will be referred to stage 1 of the grievance procedure	<input type="checkbox"/>

Once a decision has been reached the completed form should be given to the employee and a copy may be placed on their file if requested.

Meeting document for performance

13 2007 ket²_w

LOGGED
4/5/07
TM

RECORD OF ~~THE~~ FORMAL DISCUSSION

Employee's name: PETER STILL

Manager's name: TOMMY FULTON

Date issue raised: 3/5/07

Date of meeting: 3/5/07

Brief description of issue: FAILURE TO ACHIEVE MINIMUM PICK
RATE OF 85% OVER THE LAST 4 WEEKS

Actions agreed:

Next step	By whom	By when
MUST ACHIEVE THE MINIMUM RATE OF 85% ON ASSEMBLY BY WK 12 (2 WKS)	P. STILL	WK 12

Solutions/Outcomes

PETER HAS AGREED TO ENDEAVOUR TO ACHIEVE MINIMUM OF
85% ON GOING

We have agreed that:

Please tick:

A decision has been made to resolve the problem	<input type="checkbox"/>
The issue will be referred to stage 1 of the grievance procedure	<input type="checkbox"/>

Once a decision has been reached the completed form should be given to the employee and a copy may be placed on their file if requested.

J. Fulton 3/5/07
Peter 3/5/07

Disciplinary investigation with Peter Still regarding
non conformance to managerial requests to wear
company issued uniform.

Peter has been spoken to on numerous occasions
regarding his failure to wear his company issued
work uniform. Several managers have addressed this
issue with Peter to no avail as Peter has
consistently refused to comply with company
policy.

Present - P Still

DATE - 9/6/07.

D Kerray

K Lockburn

Time - 13:40

REP G. GRAY

DK - Peter, do you understand the reason
explained to you for this disciplinary
investigation?

2: YES

X - Do you have any explanation as to why
you haven't complied with requests to wear
uniform?

S I DON'T THINK YOU SHOULD BE TALKING
THIS UP AS YOU SPOKE TO ME
YESTERDAY

[Signature]

RECORD OF VERBAL WARNING

1/1 2007
LITTED
19/6/07
TM

Following your misconduct / ~~lack of performance~~* the Company has carefully considered your position. Having taken full account of your comments at the Disciplinary Meeting held on 18 June 2007 you are advised that you have been issued with a verbal warning in accordance with the Grievance and Disciplinary procedures. The misconduct / ~~lack of performance~~ is detailed below:

No. 1 CONFIRMANCE WITH RECORDS TO WAREHOUSE COMPANY WORKERS WHICH HAS BEEN SUPPLIED.

This will remain on your record until 13 6 AUGUST 2007

If you wish to appeal against this verbal warning you should refer to the Grievance and Disciplinary Procedures which explain the opportunities available.

THIS VERBAL WARNING IS ISSUED BY:

NAME: ALEX GACHAGAN

JOB TITLE: WAREHOUSE TEAM MANAGER

DISTRIBUTION CENTRE: LIVINGSTON

SIGNATURE: A. Gachagan DATE: 18/6/07

THIS VERBAL WARNING IS ACKNOWLEDGED BY:

EMPLOYEE DETAILS

NAME: PETER STILL

JOB TITLE: WAREHOUSE OPERATIVE

DISTRIBUTION CENTRE: LIVINGSTON

SIGNATURE: Peter Still DATE: 18/6/07

EMPLOYEE REPRESENTATIVE

NAME: GAVIN GRAY DATE: 18/6/07

* Delete as necessary

BO : PETER, I WILL READ OUT THE STATEMENT
SCOTT ROBERTSON MADE.
(BRUCE DOING THIS)

PS : I DONT AGREE WITH THAT, SOME OF THATS YES

BS : I WILL ALSO READ OUT THE WITNESS
STATEMENT I HAVE.
(BRUCE DOING THIS)

JS : THAT CONTRADICTS SOME OF WHAT SCOTT SAID.
I NEVER SAID ANYTHING WRONG OR DIRECTLY TO
SCOTT.

I DONT KNOW WHAT ELSE I CAN SAY, IF HE
WANTS ME TO APOLOGISE, I WILL

JS : BUT I THOUGHT YOU DIDN'T SAY ANYTHING WRONG!

PS : I HAVENT.

JS : SO WHY ARE YOU WILLING TO APOLOGISE TO HIM
I WOULDN'T APOLOGISE TO ANYONE IF I HADN'T
SAID ANYTHING WRONG.

PS : BUT I JUST WANT TO GET THIS FINISHED.

BS : OK, PETER, I HAVE OTHER THINGS TO DISCUSS.

BS : JOYCE BAUIDGE (CANTEEN WORKER) HAS MADE A
COMPLAINT ABOUT THE WAY YOU SPOKE TO HER
THIS MORNING (13-10-06).
(BRUCE READ OUT JOYCE'S STATEMENT) Peter

PS : THATS NO RIGHT

BB : GIVE ME YOUR REACTION TO SOME OF THE POINTS

① "CHEAPER IN FUCKING GREISS"

PS : I DIDN'T SWEAR, BUT I DID SAY IT WAS
CHEAPER IN GREISS.

② " THAT FUCKING MUFFIN WAS ROTTEN, YOUR NO
GETTING THE TOP "

PS : AGAIN I DIDN'T SWEAR, BUT IS AID IT WAS
HARD, NEVER SAID ANYTHINS ABOUT THE TOP.

③ " YOUR JUST LIKE THE FUCKIN AWD YIN "

PS : CANT REMEMBER SAYING THAT

④ " SHUT IT , YOU FUCKIN CESTIT "

P : DIDN'T SAY THAT , CANT REMEMBER SAYING
ANYTHINS LIKE THAT, MAY HAVE TOLD HER TO
SHUT UP AND NO SPEAK TO ME LIKE THAT.

IS : CAN I ASK WHO THE " AWD YIN " IS, IS IT
ANNETTE?

PS : AYE, JEKYLL & HIDE.

BB : DID ANYONE WITNESS THIS GOING ON?

PS : NO I DONT THINK SO

Rob Hill

CONT

BB : ONE OF ~~THE~~ OTHER CANTEN STAFF SAID
THEY HEARD BOTH OF YOU SHOUTING AT EACH
OTHER

PS : AYE, WE WERE, SHE'S A^{FUCKIN} PARANOID SKITZO.

BB : SEE, THERE YOU GO AGAIN, CALLING HER
NAMES, YOU CANT SPEAK ABOUT PEOPLE
LIKE THAT.

I : BUT SHE WAS SCARING ME.

BS : WHAT, YOU TELLING ME YOU WERE INTIMIDATED
BY JOYCE.

PS : AYE.

BB : PETER I AM GOING TO CONCLUDE THIS
MEETING UNLESS YOU HAVE ANYTHING ELSE
TO ADD

P : NO.

BB : I AM GOING TO PASS ALL THESE NOTES TO
THE DISMISSING OFFICER, AS I BELIEVE THIS TO
BE OF A VERY SERIOUS NATURE.

PS : WHAT DOES THAT MEAN.

BB : I DONT KNOW, THAT WILL BE UP TO THE
DISMISSING OFFICER

Robert

MEETING CONCLUDED

11-05 AM

RECORD OF DISCIPLINARY HEARING FOR PETER STILL ON Friday 13th Oct. 2006
CONDUCTED BY ANDY PURDEN.

PRESENT:- ANDY PURDEN
SEIRA MUIR
PETER STILL
SCOTT PHILLIPS

AP - OPENED THE MEETING AND EXPLAINED THAT THIS WAS
A DISCIPLINARY HEARING & SEIRA WAS HERE TO TAKE
NOTES.

- OUTLINED THE 1ST INCIDENT INVOLVING SCOTT ROBERTSON
REFERENCE VERBAL ABUSE & ALSO EXPLAINED THAT
THERE WAS A SECOND INCIDENT WHICH WE WILL
COME BACK TO.

- IT HAS BEEN ALLEGED THAT YOU HAVE USED
GUL & ABUSIVE LANGUAGE AND AGGRESSIVE BODY
LANGUAGE TOWARDS SCOTT ROBERTSON

- CAN YOU EXPLAIN TO ME WHAT WAS THE BUILD
UP TO THIS EVENT?

P.S. - I APPROACHED SCOTT TO ASK ABOUT MY PICNIC PARTY
THAT MAUREEN KANE HAD PULLED ME UP FOR. SCOTT
REACTION WAS JUST TO LAUGH AND WALK AWAY. I
COULD NOT BELIEVE WHAT HE DID AND 'I JUST
'SAID WHAT I SAID'

P - I AM TAKING THAT YOU SAW RED AT THIS AND ALLEGEDLY
SAID THE FOLLOWING

IE. ASSHOLE, FAT BASTARD, USELESS SHOP STEWARD ETC. WHICH
WAS CARRIED OUT IN AN AGGRESSIVE MANNER IS THIS CORRECT

S. - YES

P. Still

S. Phillips

P - ARE YOU AWARE OF THE IMPLICATION OF BREACHING SOMEONE'S DIGNITY AT WORK. AP PROCEEDED TO READ OUT TESCO POLICY AND WERE YOU AWARE OF THE POLICY.

S - YES & AM

P - SORRY TO INTERRUPT BUT WHO IS SCOTT ROBERTSON?

P - WAREHOUSE UNION REP.

P - SOMETIMES DIGNITY AT WORK CAN BE CONSIDERED IN DIFFERENT WAYS.

P - NOT ON THIS OCCASION AS PETER HAS ADMITTED THAT HE SEEN RED AND SAID WHAT HE SAID.

- THE SECOND INCIDENT TODAY WITH A MEMBER OF THE CATERING STAFF (JOYCE) WHERE VERBAL ABUSE WAS GIVEN WHICH ADDS TO THE ISSUE OF YOUR CONDUCT.

S - I NEVER SAID THAT MUCH TO HER

P.S.P. - COULD THIS BE BECAUSE THEY HAVE LOST THE CONTRACT.

P - THIS DOES NOT COME INTO IT AS IT DOES GIVE ANYONE THE RIGHT TO BREACH SOMEBODY'S DIGNITY AT WORK. HAVE HAD PREVIOUS DISCUSSION WITH YOU REFERENCE ANOTHER MEMBER OF STAFF AT WHICH TIME YOU STATED THAT YOU WOULD WORK ON YOUR TONE

YOU SHOULD NOT HAVE DONE WHAT YOU DID & THE REPS ARE THERE IN AN ADVISORY CAPACITY AND ARE CURRENTLY SUPPORTING THE T & C PROCESS.

P - YOU HAVE TO UNDERSTAND THAT THERE IS A LOT OF SWEARING & YOU DON'T APPRECIATE WHAT IT CAN BE LIKE. PEOPLE HAVE SAID THEY DON'T LIKE PETER

ROBERTSON

AP

MY OPINION IS THAT IT WAS AN ISOLATED INCIDENT. EVENT. BUT
I DO APOLOGISE IT COMES UNDER DIGNITY AT WORK

JP - COMPANY PROCEDURE / POLICY IS CLEAR ON WHAT IS NOT
ACCEPTABLE BEHAVIOUR.

WHEN YOU SEE RED YOU REACT THE WAY YOU HAVE DONE
AND PROCEDURE STIPULATES THE UNACCEPTABLE BEHAVIOUR

- YOU KNOW THAT REDS CAN BE TARGETED AT TIMES

JP - TAKING INTO ACCOUNT ALL THE ABOVE I NEED TO
REVIEW AND DECIDE MY DECISION.

MEETING ADJOURNED 14.25

" RECONVENED 14.40

JP - TAKING EVERYTHING INTO ACCOUNT AND THAT HAVE
ADMITTED THAT YOU SAW RED.

THIS IS A DIGNITY AT WORK ISSUE.

I COULD TAKE A STERN APPROACH BUT YOUR HONESTY HELPED
I HAVE DECIDED TO ISSUE YOU WITH A FINAL WRITTEN
WARNING. I ALSO NEED TO POINT OUT THAT THIS IS
NOT THE FIRST OCCASION.

AM READ OUT WRITTEN WARNING + APOLOGISE

MEETING CLOSED 14.46

Richard


RECORD OF FINAL WRITTEN WARNING

Following your misconduct / ~~lack of performance~~ the Company has carefully considered your position. Having taken full account of your comments at the Disciplinary Meeting held on 13/10/06 you are advised that you have been issued with a final written warning in accordance with the Grievance and Disciplinary procedures. The misconduct / ~~lack of performance~~ is detailed below:

Conducting yourself in a manner that beset the Company.
Disrupt at work fellow. IE: verbal Abuse another
MEMBER OF STAFF

This will remain on your record until 13th April 07.

If you wish to appeal against this final written warning you should refer to the Grievance and Disciplinary Procedures which explain the opportunities available.

THIS FINAL WRITTEN WARNING IS ISSUED BY:

NAME: Paul Lane

JOB TITLE: Shift Manager

DISTRIBUTION CENTRE: Livingston

SIGNATURE: [Signature]

DATE: 13/10/06

THIS FINAL WRITTEN WARNING IS ACKNOWLEDGED BY:

EMPLOYEE DETAILS

NAME: Peter Still

JOB TITLE: Warehouse off

DISTRIBUTION CENTRE: Livingston

SIGNATURE: [Signature]

DATE 13/10/06

EMPLOYEE REPRESENTATIVE

NAME: Scott Phillips

DATE 13/10/06

* Delete as necessary

DISCIPLINARY INVESTIGATION
FOR PETER SULL

PRESENT: C. McLELLAN, T. LINDSEY, P. SULL, M. KIRKWOOD.

DATE: 30/8/07

TIME: 11.35

2 M: Peter you are here for your conduct in the canteen, this is a disciplinary investigation.

P: OK.

1 M: You asked for a witness and MK is here to represent you

2 M: Cont your mind back to Monday to what happened

S: Got a meal, sat down, very tough, took it back, asked for money back she was cheeky, asked what was wrong, looked for manager, couldn't find her, I said I would come back, on my way away the boy started piping up I asked what it had to do with him I went away and she said I called her a fat cow and I wever.

1 M: They said you were aggressive, shouting and swearing

S: I wever

1 M: I have 3 statements *PK*

PRESENT

PRINT	SIGN
JOHN GILCHRIST	<i>John Gilchrist</i>
DONS KERRAY	<i>Dons Kerray</i>
Peter Still	<i>Peter Still</i>
DARREN GRAY	<i>Darren Gray</i>

UNION PRESENT

YES NO

WITNESS
PRESENT

REASON FOR MEETING/TITLE

DISCIPLINARY HEARING REGARDING CONDUCT

MEETING COMMENCED @ 1100

JG - welcomed everyone to the meeting and advised PS that this was a disciplinary meeting regarding his conduct in the canteen relating to the way he swore and acted towards them.

PS - OK

JG - Tell me in your own words what happened?

PS - About ten to 2. Asked for a meal. girl said there was a pie there, so got a pie beans potatoes and tried to eat it. spoke to cleaner told him it was inedible. Took it back and asked for manager for money back. Told me she was unavailable and I said I would get her later.

JG - Read piece of statement that inferred that Peter called her a fat cow

PS - I never called her a fat cow

JG - They claim you swore and you were aggressive

PS - I wasn't, I asked the big boy what it had to do with him - have 3 witnesses

SIGNED

P.S.

JG - Did you tell Grant this

PS - I didn't know at the time. Mark Kirkwood suggested I find some witnesses and I went down and found Michael Carr and another guy that are willing to make a statement.

JG - I have 3 statements here. Read out first statement to PS.

PS - Not true

JG - Read out second statement -

PS - I never slammed plate. Asked her to get manager. I never swore once.

JG - Read 3rd statement.

JG - why would they fabricate the story

PS - I have history with them regarding their attitude to me before.

JG - I believe you have been disciplined before for conduct

PS - NO

JG - asked DK to clarify.

DK - Clarified that a previous warning had been given for conduct.

JG - I have 3 statements saying your conduct was out of order

PS - One statement is anonymous, how can that count? Could I go and get people to make up statements

JG - These statements are similar and I must decide what would be the reason for fabricating this.

PS

RESENT

PRINT	SIGN

UNION PRESENT

YES

NO

REASON FOR MEETING/TITLE

MEETING COMMENCED @

JG - So are you denying it.

PS - I only said to guy what it had to do with him.

JG - So you weren't sharing?

PS - No

JG - were you up into the guys personal space?

PS - No, I was a good bit away from him. What is personal space.

JG - Described what was meant by personal space.

PS - Never done it.

JG - So the people who are willing to give statements have you spoke to them?

PS - Yes

JG - Did you ask them what they saw

PS - I am not going to get them to lie for me.

SIGNED

PS

JG - Do you say that you haven't asked them what they saw? Obviously these statements are going to be favourable to you?

PS - Don't know, I just asked them. & they saw me in canteen.

JG - OK, we will get statements from Michael Carr and the other person before a decision is made.

I need to determine the situation and why 3 people would make statements against you that were untrue.

PS - it may have come across the wrong way

JG - The info on the statements are clearly hard to mis-construct. Do you think they are making it up to get you in trouble?

PS - Don't know

JG - Asked PS to name the people that would make a statement

PS - Michael Carr, Gordon Cooper and possibly George Colquhoun.

JG - we will get statements from these people and then I will be able to make my decision.

I will adjourn and reconvene when the new statements have been taken.

meeting adjourned 1138.

PS

13/09/07

Disciplinary Hearing.

Present J Gilchrist
S Bannerman

P Still
M Kirkwood

Start: 1410
Finish:

JG Re-convene disc meeting from 30/8.
There was an allegation from canteen lady that Peter was aggressive & swore.
Do you want to read the notes & statements

1' Yes

JG we will vacate the room whilst you get up to speed

~~JK~~ Did G Cooper make a statement

JG No.

~~JK~~JG M Carr's statement is pretty vague, he said Peter was indifferent.

1K It does not say he was shouting.

JG You deny being aggressive & never swore

3 Yes

JG I have got those statements that I need to consider.
Is there anything you want to say before I adjourn

87.

MK I just think that peter's brashness has been misconstrued as abusive

JG Adjourned to consider

JG I have decided to issue you with a Final Written Warning. Your behaviour was totally unacceptable, and against the Dignity at work policy.

Jr:- Read through record of Final Written Warning. Asked both to sign

f.g

My training record

TRAINING RECORD CARD

notary after reinstalled Feb 2008

17917319

Name: PETER STILL

Date of Joining:

29/11/14

Job Title: Warehouse Operative

Date of Training	Description	Date next Refresher due	Trainee Signature	Trainer Name	Trainer Signature
29/11/14	Company Induction		Pete Still	R. PANTON	R. P. T.
30/11/04	Departmental Induction		Pete Still	S. Donnelly	S. Donnelly
9/11/14	Health & Safety Briefing		Pete Still	R. PANTON	R. P. T.
29/11/04	Fire Training		Pete Still	S. Donnelly	S. Donnelly
29/11/04	Manual Handling		Pete Still	S. Donnelly	S. Donnelly
9/11/14	Ammonia Release Assembly & Evacuation		Pete Still	R. PANTON	R. P. T.
30/11/04	Staktec PDS-1 Pallet Stacker		Pete Still	S. Donnelly	S. Donnelly
29/11/04	Pick by Line Order Assembly		Pete Still	S. Donnelly	S. Donnelly
29/11/04	DCAMS Questionnaire & Validation		Pete Still	S. Donnelly	S. Donnelly
1:05:05	PERMIT TO OPERATE GROUP A M.H.E.			R. DUFFY	R. Duffy
"	M.H.E. MULTI-CHOICE QUESTIONNAIRES			"	"
"	M.H.E. PRACTICAL TEST MARKING SHEET			"	"
"	GENERAL INDUCTION D/WAY X DOCK.			"	"
"	FAMILIARISATION ER20, EG20, EG2000.			D. MILLER	D. Miller
6:05:05	SCISSOR LIFT VALIDATION			"	"
"	VALIDATION FOR BAY DOORS + DOCK LEVELERS			"	"
7:05:05	FIRE TRAINING VALIDATION.			"	"
7:05:05	TWIN SEMI-PALLET VALIDATION.			"	"
"	VALIDATION FOR TIPPING A TRUCK + FILLING IN VATS			"	"
7:05:05	VALIDATION FOR LOADING EMPTY CAGES.			M. HIGHER	M. Higher

SUPPORTING ATTENDANCE

STAGE TWO CONFIRMATION

Issued to (employee name) P. STILL Based at (Site) LIVINGSTON

Clock/employee number 17917319 Department/shift/crew W/HOUSE FREIGHT

Names and positions of anyone else present.

S. GILCHRIST
S. PROBLE

27-10-07

I would like to confirm that since being placed on stage one of monitoring on(Date) your level of attendance has not improved.

During the last rolling 26 weeks you have failed to attend on the following occasions and although the reasons for this failure are understood, your absence continues to give the company reason for concern.

Your current absence percentage is and you have been absent on the following occasions:

Date of first day of absence	No. of rostered shifts	Days of the week							Reason
		S	M	Tu	We	Th	Fr	SA	
23-12-07	6	S	M			Th	Fr		CAR ACCIDENT
		S							
		S							
		S							
		S							
		S							
		S							

Your failure to attend regularly challenges our ability to deliver on time to shops and compromises our ability to provide full shelves for our customers.

This confirmation requires you to take steps to improve your attendance levels to meet your contractual obligations. You have confirmed that there are no reasons why you will not be able to improve your level of attendance and you will be making every effort to do so.

Failure to improve the situation will result in you being placed on the final stage of the Monitoring process at which point further absences will put your continued employment at risk.

Having discussed the reasons for your non attendance the company is committed to helping you improve. Your monitoring period is 6 months, which expires on 3-07-08 at which point, if your absence levels are acceptable you will be removed from the monitoring process.

Please ensure you talk to me if the current situation changes or you do not understand anything contained with this confirmation.

For and on behalf of Tesco

Sign [Signature] Print name PAUL GILCHRIST Position SHIFT MANAGER

I acknowledge receipt of this stage 2 placement

Sign [Signature] Print name PEER STILL Position W/HOUSE FREIGHT